

A Judicial Failure : The Conviction of Susan Neill-Fraser. Proving Innocence. *A Law unto itself*.



**Sue Neill-Fraser and Bob Chappell**  
(image downloaded from '*Shadow of Doubt*' /Eve Ash, 2013)

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## CHRONOLOGY

**Some of the Evidence and other material concerning the disappearance of Bob Chappell and the conviction (for his murder) of his partner, Susan Neill-Fraser; and concerning the subsequent 10 year struggle for her exoneration and eventual release from prison. These matters are presented in a chronological order.**

*In 2009, Bob Chappell disappeared from a yacht moored off Sandy Bay in Hobart, on the 26<sup>th</sup> or 27<sup>th</sup> of January, of that year. The yacht, which he and his partner Susan (Sue) Neill-Fraser jointly owned, was called the 'Four Winds'. Sue Neill-Fraser was subsequently charged with having murdered him, and in 2010 she was found guilty of his murder and sentenced to 26 years in jail. On appeal in 2011, this was reduced to 23 years, however her appeal against her conviction was dismissed, and a subsequent application for leave to appeal to the High Court of Australia was not granted. Following changes to Tasmania's Criminal Code Act (1924), she has again sought to appeal against her conviction, on the grounds that there is now fresh and compelling evidence which would show that a substantial miscarriage of justice had occurred. The case that was made against her at trial was circumstantial, i.e., there was no witness to the supposed murder, no admission of guilt. Bob Chappell's body has never been found. Neither has there ever been any type of weapon found, nor even any evidence to indicate the existence of a weapon. **The motive (i.e. financial gain) advanced by the prosecution lacked weight.** Susan Neill-Fraser's has from the outset continued to assert her innocence.*

*What follows is a record drawn largely from the evidence that was presented at her trial. Where conflicting evidence was given at trial, it is presented side by side, in columns.*

*It is not the intent in this document to argue a case, or to seek to arrive at a conclusion as to the hows and the whys behind the disappearance of Bob Chappell, on the Australia Day long weekend in 2009.*

*It is intended in this document to collect and to present – as if it were true - whatever information presently exists on the public record and - importantly – to present the information from the public domain in an integrated chronological sequence. What did various witnesses give? What documents are publicly available? There is an amount of material which is not available to the public and likewise, not available for use in this chronology.*

*It must be stressed that every sentence in the following text must be read – not as a collection of 'all the facts', but as an incomplete collage of information – possibly true, yet possibly false. Much of it was given in evidence, drawn from various sources and, for example, given in evidence at trial, read into the record at trial, present in the sentencing remarks, mentioned in other sources such as the Coronial Report and in parts drawn - where available elsewhere - from excerpts originating in witness statements and other documents (such as the Police Investigation Log) which are referred to in, and directly quoted from, documents such as are available publicly on the B<sup>E</sup>tt<sup>E</sup>r Consulting website. Some information is drawn from other archival sources, for example, meteorological, tidal and river-flow data. Newspapers containing direct quotes of what witness said in court, notes of some who attended the 2<sup>nd</sup> Appeal Leave Application hearings – these are all*

*there 'in the mix'. So, what is contained is 'possibly true, possibly false. Neither can the sequence of all matters contained in the chronology be relied on as being in all cases accurate. For example, some matters mentioned at trial were not able to be assigned to a particular date and time. Some effort has been made to weave them into a logically sequential narrative, but various information may well appear in the text out of true chronological order...*

Robert (Bob) Chappell was born in the United Kingdom, during WWII, in 1943. Sue Neill-Fraser was born in 1954, also in the U.K. She had come to Australia while still an infant: In Edinburgh, in the late 50s, she and her brother Patrick had had a German nanny, Emmi, who emigrated with them when Sue's mother left Scotland and returned to Australia. After Sue finished her schooling, she went back to the U.K. While she was there she obtained a British Horse Society Instructor Certificate, and on her return to Australia, worked with horses till she set up a riding school in Bagdad, Tasmania in 1975. She operated this riding school till about 1989, about the time that she met Bob Chappell.

It was through the riding school that SNF met and became friends with Maria Hanson, her neighbour at Bagdad. Subsequently, in 1988, SNF and her husband Brett Meeker were divorced, and in 1989-90, Sue met Bob Chappell at the Talaria ski lodge, Ben Lomond. Around this time she began a business association with Bob Martyn, and while she was working part-time, she and Bob Martyn developed a property in Brighton, on the Jordan River, that development entailed a subdivision in 26 lots. In the next year (1990-91), Maria Hanson began a relationship with Phillip Triffett and Sue met Triffett while she was living at Moat House, Bagdad in 1991-2 – this was when Sue and Bob had just begun their own relationship. During September 1991, SNF and Bob 'got together seriously', i.e. Sue moved from Bagdad into Bob's house at Allison St, West Hobart.



**The Roberts 28? from Shadow of Doubt?**

Sue also owned a yacht, a 'Roberts 28' sloop which was kept both at Kettering ... Northwest Bay and the marina at Oyster Cove. She had owned it jointly with her mother and her husband, Brett Meeker, and upon their divorce, she took Brett's share in exchange for the family car. In the mid 90s, Sue got a full-time job, but when that meant that she would be going to a conference, Bob didn't like it very much, so she gave up the job and Bob gave her an allowance to stay home. Somewhere in those years, when using a winch on the boat, she had injured her wrist, such that a piece of bone could get detached and she usually would wrap it, particularly when at the farm.

In 1995, Phillip Triffett became involved in a dispute with a person by the name of Cogan, on the Eastern Shore around his property. This resulted in Triffett being shot and, after coming out of hospital, Sue and Bob took him in at Allison St, to convalesce and be looked after. Late in the following year, 1996, [according to Triffett at the trial, but rejected by Sue], he was working on a fuel blockage in the motor of Sue's boat (at Electrona or down Margate way) and Sue asked him to help her throw her brother Patrick overboard, weighted down with a tool box and then to sink the sloop by opening up the bilge pump. The motive for this was said by Triffett to be the elimination of her brother from a share in Sue's mother's estate. Sue Neill-Fraser's mother was still alive at the time. Triffett also claimed in his statement and at the trial, that not long after her suggestion of enlisting him to help murder her brother, that in early 1997, Sue Neill-Fraser – according to Triffett - had then asked him, at the Allison St home, to help get rid of Bob, by taking him out to the boat, wrapping him in chicken wire, weighing him down with a tool box and pushing him overboard. [At trial, Sue Neill-Fraser gave evidence that these claims were “*absolutely untrue*”].

## **2Dec1997: A camping trip to Murdunna:**

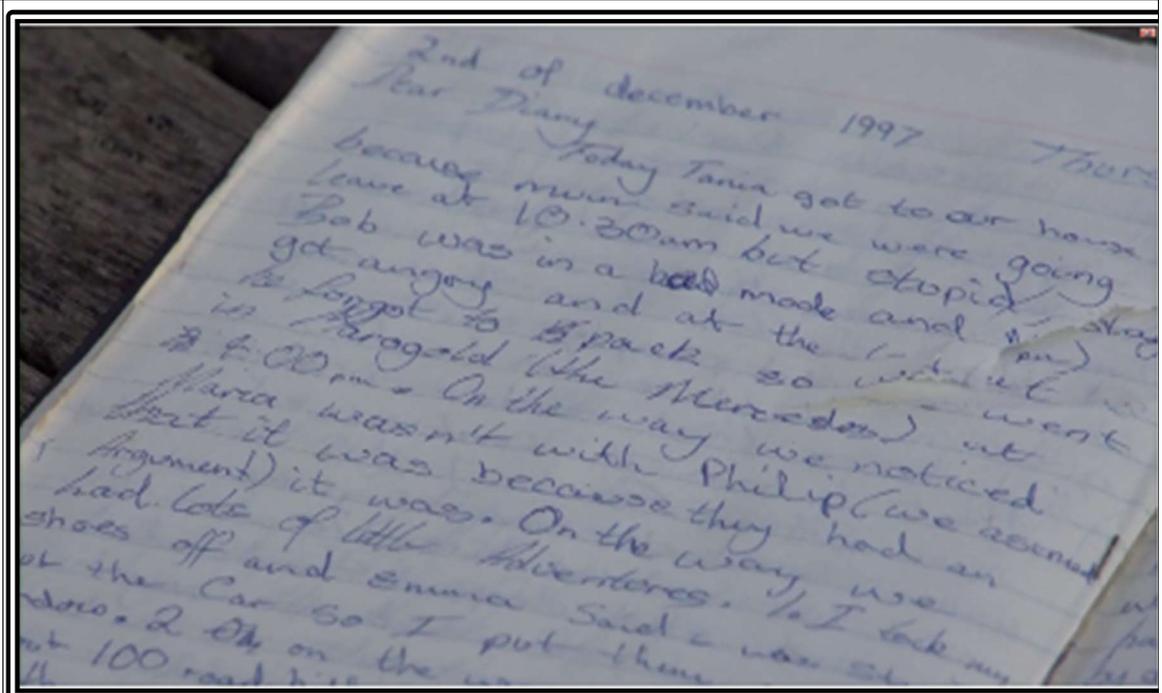
Around Christmas time, 1996 or 1997, Sue and Bob, Maria Hanson and Phillip Triffett went on a camping trip to Murdunna. Maria Hanson, in a statement to police, was to claim that Sue and Phillip had travelled to Murdunna together, and after the trial, Inspector Powell claimed that during that trip SNF and Triffett had further discussed a murder plan. However, Sarah, Emma and two other girls had been driven to Murdunna by Sue.

### **An old recovered diary of Sarah's (one of SNF's daughters) records that:**

*2nd of december 1997 Thurs  
Dear Diary  
Today Tania got to our house  
because mum said we were going [to]  
leave at 10:30am but stupid [?]  
Bob was in a bad mode and  
got angry and at the last [?]  
he forgot to ~~B~~ pack so [we] went  
in Marogold (the Mercedes) at  
4.00pm. On the way we noticed  
Maria wasn't with Philip (we asumed*

*“I ended up travelling to Murdunna with Bob in his VW combi, and we presumed Phillip and Sue must have travelled to Murdunna together without telling us” [Maria Hanson]*

that it was because they had an Argument) it was. On the way, we had lots of little Adventures. /o I took my shoes off and Emma Said I was stinkin out the Car so I put them out the windows. 2 Om on the way we saw 100 road kills. 3 When we got to shop We spent all our money 3\$ 2 1.25 liter botels of [?] halves with Tania [?] got Sprite



Pic: from *Shadow of Doubt* / Eve Ash. 2013.

The catalyst for the ending of the friendship came with Maria Hanson telling Sue Neill-Fraser that they (she and Triffett) had been stockpiling weapons and guns, that Triffett had burned down her (Hanson's) house for the insurance, had shot someone some years before and might threaten her or her daughters if SNF went to the police over these matters.

Triffett, on the other hand, claimed that he told Hanson about SNF's suggestion of killing Bob and that they didn't stay at Murdunna because things were 'really odd'. He stated in court that he (at Allison St) brought the matter up in front of Bob, that Sue accused him of lying and that she asked him to leave – and that that had ended their friendship.

Many years ago (“*it would have been in 1997*”), according to Maria Hanson's daughter, Triffett hit Hanson in the head with a power saw and left her unconscious in the bush. Returning to consciousness, she crawled out to the road, was found and an ambulance called. The following day, Hanson (in a police van) arrived and took her daughter to a safe house. A restraining order was taken out against Triffett, who, Hanson's daughter claimed, had a 'hit list', which included Sue Neill-Fraser. The Hansons went into hiding for a couple of weeks and upon the daughter telling Sue of this, Sue informed her that she had written a letter asking if anything should happen to Bob, herself or the

family, that Triffett be investigated. This letter Sue eventually took to Bellerive Police station, in 2001. A woman [later interviewed by Eve Ash] disclosed that both Bob Chappell (and Sue) had told her that their lives were threatened by Triffett and Hanson. Sue's daughters later learnt of this and that there was such a letter with a lawyer. Phillip Triffett was aware of the existence of this letter.

#### **2002:**

In 2002, a Hobart woman, Barbara Zochling received radiation treatment from Bob Chappell at RHH.

Mr Kimber, a lawyer, prepared a will for Bob Chappell. This will was superceded in Oct 2004, 5 years prior to Bob's disappearance. The new will stated that if Sue survived him that she would inherit his material possessions like the house and car, and the balance of the estate was to go to meet all expenses and debt and be divided 50% to Sue, forty per cent to his three children and ten percent to his sister. Sue later informed his daughter Kate about this and said that she thought it was fair, estimating that Kate and her two siblings' share each in such a scenario would be between \$100,000 and \$200,000 each.

#### **2004:**

In 2002, Barbara Zochling received a 2<sup>nd</sup> radiation treatment from Bob Chappell at ...

#### **Buying a new yacht:**

**2007:** Three years later, in 2007, both of Sue Neill-Fraser's daughters married. Sue and Bob started looking for a new yacht. They'd already driven to Darwin some 3 or so years before, looked at a few boats there, then driven across and down the east coast, looking. On returning, or at about this time, Sue joined the Royal Hobart Yacht Club (RHYC), where her mum and grandmother had been members. She and Bob then looked around Tasmanian marinas, though without success.

**Aug 2007:** Jeff Rowe took photos of the interior of the FW to list it for advertising. [CT uses the date: Aug 2070]

**11Nov2007:** Paul Rowe bought the *Southern Wright*. the previous owner had given it a Japanese name [as Wroe said the name in court, it sounded like: *IRUTA* (which he said meant 'healthy' in Japanese) this has been rendered elsewhere (by court observers?) as 'Eureka'] but he changed it back. Wroe told the (*Leave for 2<sup>nd</sup> appeal Application*) 2017 Court that he lived on the *Southern Wright* from this date till Oct2010.

#### **2008:**

**Jan2008:** Paul Wroe [i.e. *Southern Wright*] went to Constitution Dock for about a year. Wroe said he was there from January 2008 and was not there on 27th January 2009. During this year he was convicted of operating the boat while intoxicated. Mr Wroe said that the tiller had snapped, that the water police [had come?]. Gleeson [read: Wroe?] was drinking. [Wroe told the (*Leave for 2<sup>nd</sup> appeal Application*) 2017 Court that He acknowledged that he had operated his boat under the influence of alcohol and was charged with being intoxicated while in charge of a vessel. He said that he was charged with having an unregistered vessel, not having a licence and with "entering a prohibited s/place" [i.e. inaudible... 'place' or 'space'?] ]

That year (2008) SNF called into Stephen Shield's brokerage [in the Chandlery] regularly, **they** talked about yachts that were for sale for 12 months prior to Australia Day 2009. **She** came into the brokery on approximately 10 occasions and he had showed two likely yachts to her and Bob Chappell..

**23Apr2008:** Paul Wroe [**Wroe told the (*Leave for 2<sup>nd</sup> appeal Application*) 2017 that he**] ... met ... Gleeson at Knopwood's hotel. At the time Gleeson was living in his yellow XF Ford Falcon and cooking on a "*Gas Mate*" gas stove, in or near to car.. He visited him a couple of times a week and said they were both alcoholics. Wroe said: "*not chronic but I was an alcoholic for sure*". At the time, Wroe was usually moored at Constitution Dock. Gleeson was "*put onto the boat with him by another operative working for the Federal Police on another case.*" That's how Gleeson knew him. [**A number of times Mr Percy attempted to steer Gleeson away from his claim of connections with Federal Police.**]

They (Sue and Bob) went in search again.

Taking the ferry across to Melbourne, they drove up the East Coast, with a list of various boats at 30-40 marinas which online brokers had thought were suitable. They were away for 6-8 weeks. Sue saw the Four Winds (FW) advertised on the internet, and she rang Yvette Rowe, whose husband Jeff was the broker for the yacht. Yvette showed them the FW. It was moored at Scarborough, somewhat less than 50 kms NNE of Brisbane, and was under tarps. There was a dinghy that went with it, it had been bought in the year before the sale, by the previous owners, so that they could go to Morecambe Bay. They negotiated a first contract of sale (5Sept2008) subject to a full mechanical inspection survey of the hull and boat; and on Jeff Rowe's recommendation they contacted a diesel mechanic, Jim McKinnon, who they commissioned to conduct a mechanical survey/inspection of the boat.

**30Sept2008:** The body of Peter Irwin, Hobart businessman and sailing identity, was found in the water near the boat *Zereba*, on which he was living. It was at the Derwent Sailing Squadron, adjacent to the RYCT. Police at first treated the death as suspicious, due to a trail of blood and an injury to the deceased, but later Dtv. Inspector Peter Powell ruled out any suspicious circumstances. [**see in *Index of Persons: Irwin, Peter***]

**October2008:** early in the month, Bob and Sue met Paul Stevenson to arrange a sea trial of the boat. After, Bob and Sue drove in their station wagon to Melbourne, leaving the FW in Qld. They took the ferry across to Devonport and from there drove back to Hobart.

Back in Hobart, Sue contacted all the previous owners of the FW, including George Partos and asking him about the boat's history. Partos, over three years or so, had performed restoration/renovation work on it. In this time, SNF also contacted the original builder of the boat. They rang a Robbie Rheiner who had done a survey of the boat. Through Jeff Rowe, the FW's broker, they bought Rheiner's still-current survey. Jim McKinnon sent Sue his report by post or by email, and estimating that the repair work needed would be around eight thousand dollars. On the basis of this, he was asked to commence work on the FW, which he did.

They renegotiated the FW's price, down to \$210,000, then down another \$7,000 (due to the need for repairs). Of this final figure of \$203,000, Sue and Bob put a \$21,000 deposit on the FW, then paid \$91,160 each. Between then and Dec 28, the FW would cost them another just over \$40,000 for a variety of matters: mooring/marina payments, electrician, diesel mechanic (McKinnon), fuel, fuel cleaning, equipment/parts and delivery crew (Peter Stevenson and David Casson).

**SNF:** The final figure for McKinnon's repair work was not the budgeted \$7000 (the discount in the sale price), but amounted to \$12,588.45c. [see below at: 11Oct2010.]

**Goodfellow:** They (Sue and Bob) told him they had had to spend about twenty thousand dollars getting the motor serviced and into order in Queensland before the delivery voyage started.

With the yacht's broker, Jeff Rowe, Sue/Bob had various discussions and obtained some relevant 'contacts' from him, both before and after the sale. These discussions included an apparent break-in. Jim McKinnon, the mechanic was uncomfortable with the fact that he thought someone was gaining entry to the boat out-of-hours, or when it was locked. This had begun from the 2<sup>nd</sup> day of his working on the boat and he told Jeff Rowe about it two or three times. McKinnon was also getting annoyed by a woman, another boat broker (who had missed out on the sale) who would come to the FW and criticise it. Sue rang this woman, to find out what had been said and was told they were stupid not to have replaced the motor, rather than repairing it. On the matter of someone entering the FW, McKinnon spoke to the broker, and to the owner of the marina, telling him that someone had been changing the ropes on the boom cover over the FW. He then rang Sue and told her about those concerns, including the tools being moved. He also told SNF that his radio had gone missing and that the yacht's broker had a key to the FW, but denied having it. Sue expressed concern that someone had been entering the vessel and said she hoped it had not been involved in the drug trade. She gave her agreement to the boat being moved to another location, and it was moved the next day. Due to these concerns, (the boat being entered after hours and the other broker on the marina being quite derogatory about McKinnon's involvement on the boat, the FW was moved (approx 2km.) from the Scarborough marina to a new marina at Newport, (approximately 45 kms NNE of Brisbane.)

However, the work being done by McKinnon began to blow out and to delay their departure for Hobart. Sue had rung Jim McKinnon to tell him the dates that they would be coming up (that was three weeks on) and he told her that would be okay, that the exhaust would be done by then. A fortnight later, a week before their booking, she rang/texted him again – possibly mid November by then – to confirm/remind him that they were coming. McKinnon called back and said that it wouldn't be ready and that they didn't know what they were doing. Despite that Sue and Bob then flew back up to Queensland. After the move to the Newport Marina, McKinnon and Rowe had learned that there had been an electrician on board the FW while it had been at the Scarborough marina (Chris Geddes) and later had told Sue about it. Because of the blow-out in the work, Sue Neill-Fraser contacted and met the electrician Chris Geddes on board the FW at the Newport marina. He seemed to be familiar with the boat, and Sue asked him had he been on the FW before, at Scarborough. He said that he had, and that Jim McKinnon had asked him about that.

**November 2008:** On arrival back in Queensland, (Nov2008) Sue and Bob lived in a caravan park for at least a week, and then moved onto the FW for a week and a half or two weeks, prior to departing for Hobart.

**6Dec2008** A woman known as 'Trixie', had apparently been living in a vehicle at Short Beach, Sandy Bay prior to this date, On this date she attended a family wedding in New Zealand (this apparently confirmed by TasPol). It seems that she had left her vehicle near the Sandy Bay rowing sheds while she was in NZ and the vehicle was thought [by TasPol and/or the Rowing Club/...?] to have been abandoned. **On 11Dec 2008, she was listed as a possible missing person.** [source unknown – my possible transcription error?] 'Trixie' was posted as a possible missing person on 11Jan2009 and on that day it was confirmed that she was in New Zealand, having attended a family wedding on 6Dec2008 and as of 11Jan2009, staying there with family. *“She returned to Hobart in Mar2009 and was spoken to by police who established there was no link or connection to Mr Chappell or any other relevant person of interest and it was confirmed she was in New Zealand at any relevant time”.* [it had been 'speculated' (by persons u/k to me) that she had been associated with Stephen Gleeson and Adam Yaxley and had left for NZ soon after Australia Day.] [CORONER HAY RIID 20140117]

**Early Dec2008:** While on the FW, in early December they [Sue and Bob] met David Casson who would be one of the two-man 'delivery team'. He gave them instruction on the FW's skin fittings (things that extrude through the hull of a vessel, such as seacocks). They did two 'shakedown cruises' - Casson, one of the two delivery crew, was involved with the second cruise - before leaving for Hobart. This included hoisting and testing the sails, testing the sheets (ropes) and went up the mast to check everything. SNF had a discussion with David Casson and Jim Stevenson about putting self-furling sails and winches onto the roof of the FW and Bob had a conversation with a rigger called Andy about one of the sails that had a self-tracking boom. With Peter Stevenson, they also did a safety audit on the FW: Stevenson noticed a large red chemical extinguisher near the entrance to the little laundry, and removed it from its brackets in order to check it's catch.

SNF contacted Alan Goodfellow (Goodfellow/Taylor Bros. Hobart) before Christmas, to do work on her boat.

### **Bringing the Four Winds to Hobart:**

They departed from the Newport Marina on Sun7Dec2008. On board were Sue Neill-Fraser, Bob Chappell, Peter Stevenson and David Casson. The channel inside the islands off Brisbane was silted up, so they had to double back to the north around Moreton Is. Coming round the top of Moreton Bay, the seas were quite rough. SNF and Bob became seasick, she was laying on the deck, being ill and Bob developed a nosebleed which lasted not more than an hour, then stopped. Because of the fairly severe weather and Bob and Sue's discomfort, Stevenson put about, to get shelter behind the island at a little bay on the north coast of Moreton Is., called 'Yellow Patch'. Bob, recovered and then cooked the lunch.

**8Dec2008:** After overnighting at Yellow Patch, they continued early the next morning (8Dec2008), heading for the Gold Coast (about 80 nautical miles to the south).

8Dec2008 **10:30 a.m:** Klaus and Maria Haeussler, sailing on their ketch 'Ludus Amoris' arrived at (Sandy Bay) Hobart: *“...we tied up at the fuel station of the Royal Yacht Club of Tasmania. We were allowed to stay here because the marina was too crowded. Many super yachts*

lay at the club in order to prepare for the Sydney-Hobart race...” [ see: <Haeussler,> in <Index of Persons> ]

<b>Neill-Fraser:</b> However, Bob again experienced nose bleeding. Near Southport, Bob's nose began to drip again, but stopped and he was able to walk around down below. Then the motor failed just before the slipway.	<b>Stevenson:</b> Bob's nose began to bleed again, quite severely, requiring him to bleed into a towel. They continued on to Southport (next to the Gold Coast). They got most of the way, then, near Southport, the motor wouldn't start.
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The motor's filters had '*Black Death*' trouble – they were clogged by an oyster fungus that can get into diesel fuel, then clogs the fuel filters and thus, prevents the diesel fuel getting through to the motor.

<b>Neill-Fraser:</b> The FW was towed in by the Coast Guard.	<b>Casson:</b> The FW was towed in by Air Sea Rescue.
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They were towed into Southport Yacht Club that afternoon. The ship's log showed that the ETA (estimated time of arrival) at Seaway Tower, Southport, was 4pm 8Dec2009. That night they did laundry and the four of them had dinner at the Southport Yacht Club.

#### **10Dec2008:**

The next day (10Dec2008) they spoke to a 'fuel doctor', but he said that due to a funeral (on the next day, the 11<sup>th</sup>) it would be two days before he could come. The day after arriving in Southport (10Dec2008), Bob was working in the engine room and when picking up a can of oil (an extra can), had another nosebleed – a 'quick drip' – but was sneezing everywhere. He had a yellow or an orange torch with him which was later left in the engine room for some time. After discussion with Jim Stevenson, it was arranged for Bob to see a GP that night. Bob did some other work during the day: he also worked on the solar panel, which was between the top of the davit at the stern of the boat. Due to a serious smell in the boat (like a sewerage smell) Casson and Stevenson (Sue was there) took up the panels in the saloon area and pilot house. Bob and Sue spent some time looking in sections in the forward area where the head (the toilet) was located. Nothing was found, no was any contraband, drugs or guns found. Not all the screws were put back into the floor panels, they were placed in a plastic container in the 'washing room come tool room'.

The doctor didn't seem to think it was serious, put some wadding on it, and Bob and Sue returned to the boat. Despite the packing, it was in Stevenson's opinion, still bleeding. Bob was lying down on his back in the saloon area, they gave him some ice packs, he seemed comfortable and eventually went to sleep. He slept on the starboard couch in the saloon and in the cockpit that night. But it bled/dripped again two or three times during the night.

#### **11Dec2008:**

##### **Bob Chappell in hospital:**

The next morning, around 7:30-8:00 am, (11Dec2008), they went to another doctor – a friend of Jim Stevenson's, who referred him to a

specialist [Dr Wilson] who placed him in Southport's Allamanda Private Hospital. Bob's blood was mainly in the cockpit area, there was some in the engine room and some in the Pilothouse – they cleaned it up as they saw it. Sue visited Bob three times on the 11<sup>th</sup> and 12<sup>th</sup>. She brought him his pipe and books first, then to see how he was and on the final visit, to discuss whether to keep going. They made arrangements for Bob to have a private room and once in the air conditioning of the hospital and having stopped taking aspirin Bob was increasingly cheerful. On her third visit to Bob in the Allamanda Hospital at Southport, Sue and Bob discussed delaying/continuing taking the boat south. Bob suggested that Sue, Casson and Stevenson would continue on without him, and that he would rejoin the FW at Sydney. They agreed on this.

11Dec2008: Stephen Gleeson spoke to Dective Puurand. He told him that Rowe [sic] had gone through a three hundred and forty thousand dollar bank account and that Wroe was planning to do a runner to New Zealand. Gleeson also suggested to police that apart from the murder [of Bob Chappell], Wroe had committed two others: a man drowned off DSS and another person drowned off Constitution Dock. [at the same A2A hearing, 30Oct2017, Gleeson said that Wroe and Chris Goss (for whose bashing Gleeson was then in prison) had killed a tenant upstairs in Queen St, Sandy Bay, called Garry.]

**12Dec2008:** Sue returned to the boat from her last (12Dec2008) visit to Bob at the hospital.

<p><b>SNF:</b> When she got back to the FW, the crew were still pumping the fuel through a centrifuge in order to clean it. Stevenson and Casson were happy to continue on to Sydney with Sue while Bob stayed in the hospital at Southport</p>	<p><b>Casson:</b> assumed that it was Bob who had made the decision not to join the trip [from Southport]. Bob was supposed to fly to Sydney and rejoin them for the trip to Eden and then across the Tasman to Tasmania.</p>	<p><b>Stevenson:</b> Stevenson suggested that Sue could remain in Southport with Bob and that he and Casson would take the FW on and pick up Sue and Bob at a later stage. She chose to proceed with them when they left port.</p>
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When they'd finished pumping the fuel through the centrifuge, they left Southport at 6:30 pm. But the problems weren't over. They experienced problems with the autopilot of the FW and so made an unscheduled stop at Yamba, which is between Southport and Port Macquarie, in order to fix the problems. Sue on the journey from Southport to Sydney was in contact with Bob, he would ring her on her mobile from the hospital in Southport. From Yamba (13Dec?), they headed for Sydney, but had further problems with fungus in the fuel...

<p><b>Stevenson:</b> The FW was towed to the working platform by the Coast Guard.</p>	<p><b>Casson:</b> The FW was pulled to the wharf by Air Sea Rescue.</p>
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They had originally planned to overnight at Port Macquarie, not at Yamba, but had had to change the plan. With the FW refuelled at Port Macquarie (14Dec?), they set out for Sydney. After leaving Port Macquarie, Stevenson got upset with Sue's making comments which were

not helping with the process. It was then on this Port Macquarie-Sydney leg of the journey that Casson and Stevenson decided that it was best not to have Bob rejoin the FW at Sydney; Stevenson said that he didn't want to have the responsibility of having Bob have another bleeding episode and needing medical attention while they were in Bass Strait. Sue still wanted Bob to rejoin the FW at Sydney and canvassed his being able to be on board for the Sydney to Eden leg, at least - Eden being the last stopping point before crossing the Tasman Sea/Bass Strait. However, while not outright refusing, they did not agree to this. Bob, though disappointed at not being able to rejoin, booked an airline ticket to fly home and rang Sue to tell her.

16Dec2008: Dr Roger Wilson who was the ear nose and throat surgeon based in Southport, Queensland who had admitted Bob Chappell to the Allamanda Hospital, sent a letter to Dr John Isles [a Sandy Bay G.P.]. Bob was out of hospital [16Dec2008] by the time the FW was in Sydney. Yet Stevenson wasn't prepared to have him rejoin the boat. They overnighted in the harbour. While there, they refuelled and bought a new radio, sheets (rope), vitalings and extra filters for the 'Black Death' problem.



Pic: *Sue Neill-Fraser, on Four Winds, in Sydney Harbour.* (Source of image unknown to author).

<p><b>Sue:</b> Following problems with Stevenson's behaviour when drinking, Sue spoke to David Casson when they were in Sydney. Casson placated her.</p>	<p><b>Casson:</b> In Sydney, Sue raised with Casson the question of Stevenson's drinking</p>	<p><b>Stevenson:</b> Following Stevenson becoming upset about Sue commenting in regard to the FW's problems, he asked her to 'let them get on with the job', at which Sue got upset and later spoke to Casson about his (Stevenson's) attitude.</p>
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Out of hospital by now, Bob flew to Hobart on the 16Dec2008. He then telephoned his daughter Kate, telling her about the nosebleeds, the hospital, that he'd flown back and that Sue was coming with the crew on the FW. The FW departed for Eden, and before reaching Hobart, they had troubles with a loose alternator, then with the regulator. To locate the source of a burning smell, Stevenson removed a panel from the back of the switchboard.

On the way into Eden, the three of them, Neill-Fraser, Casson and Stevenson were sitting in the cockpit, chatting. The men spoke about their own relationship problems and Sue said that the first five years of hers and Bob's relationship had been hell and that she'd left him a couple of times.

At Eden, with Sue's agreement, Stevenson, via the radio, invited other yachties onto the FW for an impromptu BBQ. Quite a lot of wine was drunk. During the BBQ, in the saloon, Stevenson made a loud disparaging remark about Bob, to the effect that Sue was the sailor, and that Bob was not really interested. That remark irritated Sue.

<p><b>SNF:</b> In response to Stevenson's remark at that impromptu BBQ, one of the guest yachties asked Sue what she'd do if she were 'landed' with the boat, meaning (from the point of view of his question) that she was going to leave Bob and go sailing on her own. Sue answered that in such a situation she guessed she'd have to buy him out or something.</p>	<p><b>Casson:</b> Sue did not make any comment about Bob's share of the boat or the money side of the boat. Casson recalled that something was said about SNF buying out Bob's share of the boat, but could not recall the context.</p>
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### **The Four Winds reaches Tasmania:**

The three of them spent two nights at Eden, before departing for Tasmania. They experienced problems with the boat's electrical system and auto pilot while crossing Bass Strait, and when going down the East coast, there were problems with a smell which after having pulled up various flooring, was discovered to be from a break at the top of a seal on the black water (i.e. toilet waste) storage tank. An alarm for the two bilge pumps would activate without water actually being in the bilge – they needed a new pump to stop it going off, so they isolated/deactivated one of the pumps; of the two pumps, one was considered a 'backup'. They stopped at Triabunna. When in (mobile) phone range, Bob rang her everyday almost. Sue told him about the various problems, but not about buying the extra filters (vis à vis the

'black death'). She had planned to tell him when he rejoined the FW in Sydney.

After Triabunna, they passed around Maria Island, and Tasman Island and entered Storm Bay. On Betsey Island (in Storm Bay, south of South Arm) Grant Maddock saw the Four Winds for the first time, as it approached the Derwent. Bob rang Sue twice while the FW was in Storm Bay. Due to arriving later than they'd thought, they agreed for Bob not to come out immediately, but to come down the next morning. As they came up the river, it was raining, windy and cold. It was very dark and they got onto the wrong mooring, which dragged. They then found the correct mooring.

<b>SNF:</b> It was maybe ten/eleven at night when they got onto the correct mooring.	<b>Stevenson:</b> [Q from Counsel: I think the 24 <sup>th</sup> it arrived about 11:00 p.m. or thereabouts?] A: I believe so.	<b>Tim Chappell:</b> thought the FW arrived on Christmas Eve (24th)
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About 8-8:30 the next morning Peter Stevenson took the dinghy in and picked up Bob from the Marieville Esplanade beach. Bob asked him how it was that the trip had taken so long and Stevenson told him that he'd written up a ship's log and also a Notice to Owners, which Bob could have a look at. They went out to the FW.

<b>SNF:</b> On coming aboard, Sue was holding some clothes. They didn't embrace in front of the others, but hugged later, down in the saloon.	<b>Stevenson:</b> Bob got up on the FW in front of him and went to approach Sue, she stood back and ignored him. He had not noticed any signs of affection between them while together on the boat.
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Sue and Bob chatted about the trip, Sue filling Bob in on the details, the problems experienced. After several hours, Stevenson and Casson left the FW. Sue and Bob helped them get their luggage ashore and then to Sue and Bob's home where they showered before their return trip. They were then driven to the airport by Bob and Sue and flew out.

<b>SNF:</b> It was Christmas Eve when Stevenson and Casson flew out.	<b>SNF:</b> The crew flew back the day before the Christmas Eve (she thought).
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**25Dec2008:** Bob and SNF had Christmas Day with their family, at their Allison St home. Tim Chappell (Bob's son) visited for two hours. Bob's friend was there, Sue's friend Rhoda was there, Sue's daughters and their partners were there as well Sue's mother. During the day Sue got a text message from Peter Stevenson "*to you all, hope you have a good day, Pete*" to which Sue Neill-Fraser replied: "*We are, thanks. Merry Christmas*".

**26Dec2008:** On Boxing Day both (extended) families (including Tim, his wife and their children) went out and visited the FW at its mooring. There was also Tim's sister Kate, his mother-in-law, Emma and Sarah and their husbands and a child. It took two or three trips to get them to the boat.

**SNF:** Sue at one stage told Bob to slow down, because he was getting the children wet.

**Kate Chappell:** She criticised Bob for the way he was driving the dinghy through the waves out towards the boat. .

They had lunch on the boat. Sue said how fantastic the trip down was and Kate Chappell was a little concerned as to how she'd settle back into Allison Street with her father.

[**Kate Chappell said it this way:** *“The other – [thing] - about that day was that Sue was speaking about how fantastic her sail down was and how she could just keep going and didn't want to stop. I was a little bit concerned how Sue would settle back in Allison Street with dad, it was more a sense that she'd being living a humdrum life and had this big adventure. I spoke to dad briefly and he told me he was continuing his work and work – stay for another year to complete the work.”*]

[CT 26] **TIM CHAPPELL** (from supplementary proof filed by Ellis 20100920)

[**Tim Chappell referring to that or his other visit to the FW:** *“She wanted to go on long distance voyages and my father had far more modest plans for it. She had driven the process by which it was bought; my father was uncomfortable with its size.”*]

At the end of December, Sue contacted Norton Makepeace, a marine electrician, in relation to the electrical problems on the FW. By **28Dec2008**, Sue had paid approximately \$124,000 for the FW and associated costs, and Bob had paid approximately \$120,000.

**29Dec2008:** **Paul Wroe's** boat [*Southern Wright had been*] blown ashore [on **29Dec2008**] and that there was a newspaper article on the boat [see *“Ragged Rescue” The Mercury, 30Dec2008*]. When shown an article from the *Mercury* when he was blown ashore he said that he used a green kayak most because his dinghy was too cumbersome.

**30Dec2008:** Article about Paul Wroe's boat being blown ashore published in *The Mercury* (see below)



Paul Wroe: 'Ragged Rescue' (The Mercury, 30Dec2008):

*“WHILE some boaties were coping with the Sydney to Hobart race conditions, others had more domestic issues to tackle. A small yacht ran aground at Lindisfarne Bay yesterday, just off the Lindisfarne Rowing Club. Residents watched in sympathy as a man in a dinghy worked to release the yacht. Wind was gusting up to 41km/h yesterday in Hobart, the stiff breeze adding to the task. No serious damage was reported.*

**Prior to Australia Day**, Paul Wroe had asked Stephen Shield to sell his boat *Southern Wright* for him. According to Shield, Wroe had his boat “on the Derwent Sailing Squadron slipway on the hardstand”. When Shield looked at it [at a later date?], the boat was OK on the outside. The exterior of the boat looked “quite tidy” [A156 27-28]. Given that it was difficult to sell a boat that was on a mooring, Shield had asked

him where prospective buyers could come and look at the yacht – he’d “*clearly overstayed his welcome*” at the DSS. Wroe had said he could take it to the Derwent Lane jetty. Shield told him he couldn’t keep it there, as it was a public jetty, and in any case that it could get pretty rough off and alongside that jetty. Wroe had said that if he didn’t keep it at that jetty, then he’d go out on the mooring. When he climbed up, the inside of the boat was disgusting and smelly, **and had** fire damage. It was too dirty to interest him. He said it was “*before January 2009. Yep. I can’t tell you exactly what month*”. **He (Shield)** wouldn't sell it for him.

[Shield’s placing of Wroe’s boat on the slipway is problematic: He told the court that it had fire damage inside it when he inspected it at the DSS.] The above photo shows Wroe’s boat in the water on 29Dec2008 – not ‘up on the hard’ at least on that day.]

**Prior to Australia Day (2009: Shield has made a number of statements, apparently. See** where he says that in early 2009 Wroe had told him that he was going off the slip), whereas [see photo: 29&30Dec2008] his boat was already not on the slip then.

Stephen Shields swore an affidavit **19Jun2017 (Mon):** . In it he said (concerning when Wroe’s boat was slipped) “*At this time I cannot recall whether this was before or after Bob Chappell's disappearance*”

<b>Conroy:</b> The computer at Allison St was used to search for Galapagos Islands, Panama Canal and the Marquesas Islands.	<b>SNF:</b> She and Bob had looked at that route across the Pacific and they or perhaps just Bob had looked for Marquesas and for 'US yachts for sale'.
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## 2009

January 2009:

Gary Smith, proprietor of *Marineline* (ships chandlery, Napoleon St, Battery Point, Hobart) had seen the *Four Winds* on its moorings when going out to race, in his boat, the *Fork in the Road*. [He had thus seen the *Four Winds* presumably at times since its arrival on Christmas Eve, 2008 and late January 2009, when Bob Chappell had disappeared from it.] It “... *looked like a twin masted cruising sailing yacht*.”. Shown a diagram (Exhibit 9) which had a red dot apparently indicating the position of the *Four Winds* as being beyond the outer lines of the other boats, Smith said he would have thought that it was probably “*in a little bit further than that, just a little bit*.” [see similar image in the entry for 26Jan2009]

Vass [30/10/17] did not remember anything about the year 2009

Vass was homeless then [**still was in 2017 when giving evidence**] and would go from one shelter to another.

She knew Sam Devine in 2009 – he was round about 15 years of age. She would not see him very often. He lived then in the northern suburbs. She did not mix with older men and did not know Stephen Gleeson, Paul Wroe or Adam Yaxley.

2009? **In a private email chain the following was disclosed:** “...reliable witnesses have told me there was a group stealing from yachts at the time. I know the address where they kept all the stolen stuff off the yachts in Lutana..” and “Meaghan referred to an old guy. But she also knew Paul Wroe (perhaps not by name) because she was in his company (not with him but in a group) at the Shamrock Hotel from time to time where they drank on occasions around 2009- 2010. ”

2009?

Stephen Gleeson was “*beautifying the area there*” and some young boys [teens: 14-15-16 year olds] helped him out “*in the gardens*” [at Short Beach, presumably.] He thanked them for it – they asked if he could buy alcohol for them. He declined, but took them to MacDonaldis for a milkshake.

**??Jan2009:**

Brent Thomas Brocklehurst, hairdresser since the mid 1980s, was living at 1 Stanley St, Sandy Bay. He’d been there about 15 years. His business was in Sandy Bay. His next door neighbour, at conjoined cottage, No. 3, was Simon, who was about 48 then – Brocklehurst was about 38 then.

Just after the boat arrived, Wroe was invited onto the 'Four Winds' for a house-warming.

Paul Wroe was living on his boat the *Southern Wright* in 2009. He normally stayed in Sandy Bay where he had 2 moorings: one down off DSS, and paying Pam Genders \$25.00 per week for [the other] mooring. [This might actually have been when he first bought the *Southern Wright*, before moving to Constitution Dock, staying there a year (according to Gleeson) before getting kicked out for not paying rent and returning – to Sandy Bay?]

Stephen Shield did not know where Pam Genders mooring was, and did not know when asked whether it was down “*at the southern end of the map [...] near the casino*”.

Wroe wanted to moor his boat at the nice jetty opposite Robert Clifford's house at the bottom of Derwent Lane, but he (Mr Shield?) told him he couldn't so he (Wroe) said he'd go on a mooring. [Robert Clifford: 'Bob Clifford', founder of INCAT.] Mr Shield located Wroe's mooring near to that of the Four Winds, between Derwent Lane and a bit north of the Four Winds. Mr Shield said Wroe was scruffy, smelly, of untidy appearance and had bad breath. He recalled that he had been banned from drinking at the Derwent Sailing Squadron and the Royal Tasmanian Yacht Club. [Royal Yacht Club of Tasmania] [According to Mr Shield] Wroe's boat was on the slip [at the DSS?], before Australia Day. Grant Maddock's evidence (1Nov2017) suggested that the Southern Wright had been on the Genders mooring (26Jan2009) but was gone the next day. Wroe told the court (1Nov2017) that he had used his inheritance from his Mum to purchase the vessel, for which he paid Pam Gender \$25 and had another mooring [as well]. Wroe [agreed that he] had a tendency to violence when drinking and agreed he was more than likely drinking on Australia Day 2009. [Court 1Nov2017?] though he said he didn't accept that he still had the same tendency to violence either in 2009 or now after he had been drinking. Wroe [1Nov2017, evidence to court] had never met the Doc (Bob) or his wife and that he “*Never at all*” went on t. boat [the Four Winds, though Gleeson told the court that Wroe had been invited on FW and that Wroe, referring to

Bob Chappell, had said that he'd like to rip his teeth out with (g)old pliers].

**??Jan2009:**

Stephen Gleeson was living in a yellow Ford sedan, in the car park outside the Sandy Bay Rowing Club shed, on the side away from the RYCT. He owned a gas cooker to cook his sausages. he had been employed by ASIO and was also giving information to Federal Police about organised crime in Hobart. The car was in the car park, on the [east] side of the rowing club. He was “on the drink” [and using the] BBQ “pretty well every day”. He knew a man named Paul Wroe, who lived on a yacht called the “Southern Wright”. Earlier on it had been called the “Eureka”.

??Jan2009: [Wroe] who was living on a boat off Battery Point, [according to Gleeson] told Gleeson that Mr Chappell was “a condescending old c\*\*\*” and that he would “like to rip his teeth out with a pair of gold pliers”. [note: this version 'gold pliers', rather than another media version 'gold teeth' accords with a vague memory of mine, however my notes do not record either version. One further version that renders it as 'old pliers'] Wroe denied he had said of Bob Chappell, “He had it coming to him; I've had the last laugh”. He told the (Leave for 2<sup>nd</sup> appeal Application) 2017 Court that “I've told you that I've never been on the 4W at all” and He said: “I've never met the Doctor and I've never met his wife” and said that he intended to sue Gleeson for defamation. This defamation threat was by (Wroe) an earlier witness who had -described him to the court as a “serial killer”. Wroe also told the court that that he didn't see homeless kids and that he didn't know Meaghan Vass. Gleeson, he said, would come to the Southern Wright for a drink. [how did Gleeson get out to the Southern Wright? By 'borrowing a dinghy'? - see 16-19Jan2009 entry re Stephen Catchpool's stolen-then-returned dinghy]

**??Jan2009:** In January of 2009, MV was living at the Annie Kenney Womens Shelter, Montrose, or at Mara House, to which police were called over her (and others') behaviour.

In early January 2009, SNF contacted Alan Goodfellow, a shipwright from Taylor Bros. to arrange to meet. They had spoken before Christmas about doing some maintenance on the FW and so they now arranged to meet at the RHYC on 14Jan2009. Sue and Bob accessed a number of boat-for-sale websites to compare prices on what they'd paid for the FW.

**6Jan2009:** Bob picked up Norton Makepeace from the jetty to take him to the FW, to work on the alternator. He met Sue on board and started to try and find out what had caused the alternator to overheat. He decided that he would have to call in a 240 volt electrician (he himself was a 12 V and 24 Volt electrician).

**7Jan2009:** Phillip Triffett was raided by police 7Jan2009 and interviewed for the possession of ammunition, a stolen router and a set of stairs. Forty fives items were seized by police, including 7 chainsaws, grinders, planers, sanders, battery chargers, generators, routers, circular saws. The ammunition (1,080 rounds) was found in a crate hidden in a fuel tank. During the interview, Triffett stated about the property, about the MDF stairs that he got them from his nephew, Brian Triffett. He stated that he'd only had them for six months and stated he didn't ask any question and he didn't want to know the answer. About one of the other items he stated that he'd bought it at Sorell Market

twelve to twenty four months before from a bloke who sold tools. Triffett signed a bail document, and was bailed at 2:50pm on the 7th of January 2009 on charges described as *“unlawful possession and possess ammunition when not the holder of the appropriate firearm licence – to appear in court on the 10th of February.”*

Around 7Jan2009 SNF and Bob had a 'lively discussion'/row/terrible row about the time he could devote on the FW and his need to bond with it.

**8Jan2009:**The next day 8Jan2009 Sue told Jeffrey Rowe by phone that she and Bob had separated - “she was just tired of having to do everything”. Norton Makepeace rang back to arrange for the electrical work and for the FW to be brought into the marina on Fri16Jan2009.

**10Jan2009:** On the 10Jan2009, Sue and Bob discovered that the boat had been accessed, the back hatch was swinging open, floor hatches pulled up, the water pump and valve covers taken up, an electrical panel unscrewed, a cupboard door open, cushions unzipped, mattresses flicked up and the washboard left up. She noted this in her diary with the following entry: *“Bob and I out to fix mizzen – boat has been accessed – electrical panel unscrewed – floor hatches lifted – water pump and valve covers taken up. !!! = get in sniffer dogs. Took sail off for repairs – might leave main until later. Tied down sail with straps.”*. The entry was made in two pens, possibly as Sue was walking about on the boat. There were 6 diary entries in SNF's diary for the 10Jan2009. SNF and Bob discussed the breakin, but as nothing was taken or damaged, they did not report it to police. They also discussed getting sniffer dogs onto FW, Bob wanted to wait a week or so till they got the boat up onto 'the hard'. SNF rang the Hobart Police number to enquire about the cost of getting sniffer dogs onto the FW, she was told it will cost nothing.

**11Jan2009:** The woman known as ‘Trixie’, who had apparently been living in a vehicle at Short Beach, Sandy Bay the previous year (Nov-Dec2008), had attended a family wedding in New Zealand on 6Dec2008 (this apparently confirmed by TasPol). Having left her vehicle near the Sandy Bay rowing sheds while she was in NZ and the vehicle having been thought [by TasPol and/or the Rowing Club/...?] to have been abandoned, on 11Dec2008 she was listed as a possible missing person. [source unknown – possible transcription error?] 'Trixie' was posted as a possible missing person on 11Jan2009 and on that day it was confirmed that she was in New Zealand, having attended a family wedding on 6Dec2008 and as of 11Jan2009, was staying there with family. *“She returned to Hobart in Mar2009 and was spoken to by police who established there was no link or connection to Mr Chappell or any other relevant person of interest and it was confirmed she was in New Zealand at any relevant time”*. [it had been 'speculated' (by persons u/k to me) that she had been associated with Stephen Gleeson and Adam Yaxley and had left for NZ soon after Australia Day.] [CORONER HAY RIID 20140117]

**14Jan2009:** On 14Jan2009, SNF Alan phoned Goodfellow, they were having trouble with the FW and Sue and Bob couldn't get it to RHYC as arranged earlier. So they met Goodfellow at the Battery Point slipyard and went out to the FW from there. Goodfellow was accompanied by Nathan Krakowiak, and Bob was at the tiller of the dinghy. While on the boat Bob noticed a small oil leak from the motor. One or both of the men from Taylor Bros. saw it too. One of Sue's daughters was present on the FW and was introduced to the men. While on the FW, they were joined by David Harris, a work associate. They fixed the steering and Goodfellow steered the FW to the yacht Club where the

maintenance work would be done.

While the FW was at the marina, Tim Chappel and his family made a second visit to it, a social occasion, the kids had a play and they had a couple of wines. Tim felt uncomfortable on the boat, feeling that there was tension between Sue and Bob. During the course of their work on the FW at the marina, Krakowiak took a number of photos, out of personal interest. While working on the boat, SNF was sometimes there, going through bits and pieces. She asked him about an area where the flooring was up, and while he did discuss the general function of gate-valves and the seacocks with her, he didn't assist with the area where the flooring was missing. He did not notice any fire extinguishers on the boat though he may have seen a small one on the portside of the wheelhouse. He did not notice a large fire extinguisher in the corner near the laundry. [Photos appear to show that he'd overlooked one under the stairs, but that there was not one in the corner near the laundry.]

**16-19Jan2009:** Some 7-10 days before Australia Day (26Jan2009) Stephen Catchpool, then of Marine Terrace–Napoleon Street, Battery Point, had his 8'6" fibreglass, motorised *Purdon* dinghy that he kept on his property, on the beach; taken without his permission. It was gone about 24 hours. and [was] found on the beach at White [Park?]. He had not reported it missing to the police.

Catchpool was aware of people living in cars: a lady in a Land Cruiser, a male (40-45) in a yellow (Ford?) and a third older male who he noticed visiting him every few days. [i.e., visiting the male in the yellow Ford] Mr Catchpool said that he thought the lady was in her mid-50s and had a gas-cooker. He had no conversation with any of them and said he saw no homeless people [The male in the yellow Ford would seem to be Stephen Gleeson who gave evidence to that effect the day before. Gleeson (living in the Ford) and the lady (living in the Land Cruiser) were apparently homeless] Catchpool never knew Sue Neill-Fraser.

#### **GLEESON'S VISITOR:**

Mr Catchpool was shown a photo at court on 31Oct2017, and asked if the man in the photo could be Gleeson's older friend who would visit him every few days. Catchpool said it could be him ... the age ... the moustache, [illegible note]: gamest looking. Catchpol said the man in the photo could be the visitor who would arrive in boats – once in a blue dinghy which he was rowing, called *Dr Who* and another time in a 30' sloop which ran aground. [Paul Wroe 1Nov2017 told the court that *Dr Who* was his tender]

c.16Jan2009: While the FW was still at the marina, around 16Jan2009, SNF left Bob on board at the marina pontoon, while she went to Bunnings. Before leaving the FW, she unhooked the dinghy from the back of the boat because it was being crushed between the yacht and the pontoon and tied it where she also tied it on 26Jan2009. From there she went to the car near the childrens playground and drove to Bunnings via the Brooker Highway. She was wearing beige cargos, white joggers, maybe a large sunhat ... folded back with a large brim. She entered the store and went past the checkouts towards the paints, then up and down the aisles, into timber section, slip mats, past the paints.

**16Jan2009:** On that Fri16Jan2009, Norton Makepeace, the marine electrician went to the FW at about 11:00 am and met a 240 V electrician Jamie and his father, also an electrician. They inspected the wiring, removing a number of panels to do so. They didn't fully rescrew the panels after inspecting, on the basis that Sue and Bob, after discussing the job, and being given a quote, were keen and agreed to go ahead.

**17Jan2009** ↔ 20Jan2009? **at night:** Stephen Catchpool, then of Napoleon St, Battery Point, had his white, eight-foot-six Purdon dinghy taken from the driveway of his house. His house was at the very bottom of the hill, close to the walk-bridge over where the *Sandy Bay Rivulet* enters the *Derwent River* at the northern end of *Short Beach*. Catchpool wasn't sure of the date, but later told police [27Jan2009] that he thought it was some 7-10 days prior to speaking to them [**thus my placing this entry at 17-20Jan.**].



**Photo (2015):** Short Beach- end of Marievile Esplanade where Catchpool (2009) found his dinghy <https://tasmanianbeaches.net/tag/short-beach/>  
**18Jan2009 ↔ 21Jan2009?:**

Stephen Catchpool saw his dinghy on the beach, some 50 metres away. He imagined it was the day after it had been taken, and agreed that it

may have been gone for twenty four hours or so. It was not damaged and they hadn't notified police. He didn't row the dinghy, he used an outboard motor (which was not kept on it) and he sometimes put the mast in it to sail it without/rather than putting the outboard motor on the back. [How did whoever had taken it propel it?]

At the time, Catchpool and his wife, Jane Austin, had been aware of two homeless people, a woman (mid 50s) living in a land cruiser and a man (40-45) living in a yellow Ford and another (older) man who would come and visit him from time to time. Catchpool thought that the woman might have had a little gas cooker. Catchpool had a telescope and had [apparently] observed the males with it. The visitor was gaunt looking and had a moustache. The visitor arrived at least twice in boats – once in a blue (about eight foot) dinghy called *Dr Who* (not an inflatable, propelled by rowing) and once in a (probably 30 foot) sloop which ran aground. Catchpool was shown a black and white photo of a sloop that had run aground and he said that it was similar to that which he'd seen run aground in Sandy Bay, but that he did not think that the location of the sloop in the photo was Sandy Bay. [this suggests that Wroe, who had run aground at Lindisfarne (29Dec2008) had on another occasion at Sandy Bay, while visiting Gleeson, run aground again. Catchpool did not know their names. The dinghy in which Wroe is seen in the Lindisfarne Mercury photo [see: 30Dec2008] is white (its name appears to be *Doctor Who* and it is not a blue dinghy. ). Southern Wright itself in that photo has a white hull, its deck is light blue and the inner wall around the deck are dark blue]

18Jan2009: On Sun18Jan2009, Sue invited Kate Chappell and her family for afternoon tea on the FW, at the marina where it was still docked. The same day, the house computer, which had four user accounts on it, had its passwords for each account changed. The accounts were for Sue, Bob, Guest and Guest 2.

**19Jan2009** (Monday): There was a problem when trying to take the FW from the marina back to its mooring. SNF rang Makepeace the electrician, to place the proposed electrical work in abeyance, pending obtaining legal advice on the survey which they'd purchased. The issue was whether to get a bigger alternator, or simplify the electrical system, and partially rewire the motor. That week SNF registered the EPIRB (**Emergency Position Indicating Radio Beacon**) with AMSA via the internet and Bob mounted it.

**20Jan2009** (Tuesday): Bob ordered books from the State Library of Tasmania (these were never collected). That day his sister Ann (Caroline) Sanchez arrived for the sixth of her regular visits. Sue picked her up from the airport in their blue/grey Ford station wagon.

Sanchez stayed with them at the Allison St home. There was no one else staying there.

**22Jan2009** (tentative date): A couple of days later Sue, Bob and Sanchez had dinner with Sue's girls ...

22Jan 2008 (on or just before this date): The Haeusslers, who had arrived at the RYCT on 8Dec2008, had hired a car and had been touring the state and visiting friends, arrived back in Hobart and were present at the marina when a violent windstorm struck. [see: Haeussler in *Index of Persons*]

**23Jan2009** (Friday): and then on the Friday (23Jan2009) they went to Tim Chappell's home for dinner. Two days later, Sun25Jan2009,

### **'Late January' 2009:**

Gary Smith, proprietor of *Marineline* (ships chandlery, Napoleon St, Battery Point, Hobart): Over several days (coming down Queen St and turning right [into Marieville Esplanade] to go to the RYCT, he saw , “*where the Hutchins Rowing shed and the scout hall is*”, an old type of motorised inflatable boat, seemingly tied up to the rocks [at a point next to where Stephen Gleeson’s yellow car would park] and he thought, “*Why would you tie a plastic membrane inflatable boat up against sharp rocks with oysters?*” and having seen it over several days thought that someone wasn’t looking after their boat, the sea breeze coming in there and it banging up there against the rocks. Smith said that its position (compared to the words ‘Sandy Bay’ on the map image [Exhibit 9?]) was probably in line with the letter ‘D’ in ‘Sandy’.] He had been in a vehicle when his attention had been caught by it, him thinking that it banging up against the sharp, bluestone rocks meant that it had either come off a boat or that [if it had been left there by someone, ] someone had been “*pretty irresponsible*”. He saw it at least three times on different days, it must have been in the afternoon, because a sea breeze was coming in. From his business (then in Argyle St) he’d come down to Sandy Bay from work. [He may have been on the road in Marieville Esplanade when he saw the inflatable boat.] It was some 100-70 metres from him in his vehicle. It looked old, not new, because “*once they get old, they fade and they show marks and that on them.*” He could recollect that it was a light grey. He wasn’t close enough to see if it had any markings on it. “*It looked like – it was tied to a rock, there was a rope and it was banging in the rocks*”. He thought that “*someone’s inflatable’s not going to stay blown up very long*”. He couldn’t say whether he’d seen it on Australia Day [2009]. They wouldn’t have been working on that day, though he might have gone up to the business, he probably would have gone down to his yacht [at RYCT; on Aust. Day] though he couldn’t say that it was on this day that he saw the dinghy. He had seen the dinghy around three times over several days in January, before the incident on the *Four Winds*. The dinghy was old, i.e. it did not look like a new inflatable. He had earlier [not to the court] said that it was ‘*scruffy*’, ‘shabby’ and agreeing to this, he called it ‘*faded*’. Its outboard motor was facing the road and its bow facing towards where the sea breeze was coming from. At 60-70 metres from it, though driving slowly, he was not in a position to see if it had any signs on it [i.e. ‘QUICKSILVER’].

[source: *Shadow of Doubt* 48m:15s...]:

After the weekend, Bob returned to work – it was a few days before his sister Ann would arrive to visit them from interstate. During this period, in the days leading up to Australia Day, a local businessman, Gary Smith, saw a “scruffy looking grey” dinghy “rubber ducky” - “it was just a grey one” sitting along the rocks on “quite a few days, as if someone was using it and leaving it there, and then coming back for it”. [These are the rocks where the FW dinghy was found on the morning of 27Jan2009]

### **Australia Day Eve – the trip to Adventure Bay (Bruny Island).**

**25Jan2009** (Sunday): Bob, Sue and Ann Sanchez left Allison St at around 7:30 in the morning. They were going to take the FW to Adventure Bay, on South Bruny Island. The white with blue+grey stripes dinghy was on the trailer, and they drove to Sandy Bay.

[\*\*\*Barbara Zochling, having walked quite early in the morning – between 7:30 a.m. and 8:00 a.m. - from her home near the Casino, and having bought some bread and an ice-cream on the way, sat on the middle seat on Short Beach. When she was just about to go, she heard some loud talking. She saw Bob Chappell (who was known to her from having met him in the radiation part of the Hobart Hospital) and behind him a woman, who had blonde, ash, shoulder-length hair. This woman that she saw was definitely not Sue Neill-Fraser. (\*\*\*)see

below the entry for the following day, 26Jan).]

25Jan2009: They didn't get away till about 10:30 a.m. and were under motor for the trip there and back.

Paul Wroe [Court: 1Nov2017 said he] Saw FW 25Jan17 going down river towards Bruny Island. Didn't see it come back. It was the first time he'd seen it. [another note of Wroe's evidence has it that he saw the FW for the first time on Australia Day (26Jan2009), in which case, it must be asked, where was he exactly, to have seen the Four Winds on that day? In any case, I'm left wondering why it was that Wroe in saying that the FW going down river, said that *it was going towards Bruny Island* and that he did not see it come back]

While at Adventure Bay, there was a problem with the anchor winch. Bob was upset/grumpy for about five minutes, he didn't want to get down into the anchor chain locker and said something to the effect of ' *Oh, I wonder how much more this is going to cost*' or ' *I wonder what else is going to...*'. Bob's sister Ann, because she'd worked for *Wormald*, was aware of the dangers of fire, and looked to see if there was an extinguisher on board. She found a small one under the stairs, in a central position, and looked no further. They got back from Adventure Bay late afternoon, at 6:00pm.

<b>Sanchez:</b> They left the dinghy [25Jan2009] overnight in the Short Beach area and returned home to Allison St, had dinner and remained there for the night.	<b>CCTV footage</b> et al.: next morning [26Jan2009] the station wagon, trailer & dinghy were at Sandy Bay near the Coles/Shell Service Station.
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### Australia Day 2009 - morning.

**Paul** Wroe said that on 26 January 2009, he was in the Sandy Bay area, on his boat and sleeping there in his bunk.

Meaghan Vass had been to Sandy Bay, but not on Australia Day [she said this to Percy QC] and could not remember what happened on Australia Day

26Jan2009 (Monday morning)\*\*\*

~~Barbara Zochling, having walked quite early in the morning between 7:30 a.m. and 8:00 a.m. from her home near the Casino, and having bought some bread and an ice cream on the way, sat on the middle seat on Short Beach. When she was just about to go, she heard some loud talking. She saw Bob Chappell (who was known to her from having met him in the radiation part of the Hobart Hospital) and behind him a woman, who had blonde, ash, shoulder-length hair. This woman that she saw was definitely not Sue Neill Fraser.~~

\*\*\*[During SNF's trial, Barbara Zochling (now dec.) gave evidence on Mon27Sept2010. After Zochling gave her evidence, she remained in the court precincts. She identified Ann Sanchez as the woman she had seen 'arguing' with Bob. Ann Sanchez, on reflection, later recalled that she had been at the beach with Bob the day before. Mrs Zochling, at Short Beach in Jan 2009, had first assumed that the woman she had seen with Bob was his wife/partner, not knowing that the woman was actually his sister Ann, and only realised that there was something

wrong with the identification of the woman as Sue, once she'd seen her picture on television. It was for this reason that she then attempted to contact DPP Ellis, because she felt that she, contrary to previous expectations, could no longer identify Sue Neill-Fraser as the woman who had been arguing with Bob Chappell on the beach that Australia Day morning. In my view, it is clear that Barbara Zochling (now deceased) had actually seen Bob and the blondie-ash woman *on the day before* Australia Day (i.e. on the morning of the 25Jan2009. This day was a Sunday, the Sunday of the Australia Day long-weekend. Australia Day itself was on the Monday. Bob, Sue *and* Ann Sanchez *did* go to the FW at 7:30 on the 25Jan2009 (at the time of day fitting with the evidence given by Zochling). Clearly, Zochling had the 'wrong day'.

After giving her evidence, Barbara Zochling waited outside the court. At the next adjournment, while standing outside the Court, she spoke to a member of the family and pointed to Ann Sanchez as the woman she saw arguing with Bob. Much later, Sanchez in a conversation with a family friend, said that she had been arguing with Bob on the beach the day before (i.e. the Sunday the 25th), because Bob had wanted to return home for something and she had wanted to get going for Bruny Island. (\*\*see above: the entry for the previous day, 25Jan).]

**26Jan2009** (Monday): At this time, in Jan2009, a homeless girl (MV):

<p><b>MV:</b> was living at the Annie Kenney Womens Shelter, Montrose</p> <p>30Oct17: could not remember where she was living in 2009, could not remember Aust Day 2009;. accepted she was living at Mara House.</p>	<p><b>MV:</b> living at Stainforth Court, Lenah Valley</p>	<p><b>Sinnitt:</b> MV was probably living at Mara House, 19 Forster St Newtown, during 26, 27 &amp; 28 Jan.</p> <p>30Oct17: did not come home to Mara House on night of 26Jan2009, was with Sam Devine.</p>
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26Jan2009: During this Mon26Jan2009 Australia Day, Richard King had two more phone calls during the day with Bob's (unwell) daughter, Claire Chappell (he'd previously been having a series of phone conversations with her which had been taking up to a couple of hours a day. Also on that day the Sandy Bay Regatta [[at Long Beach, 2kms away at Lower Sandy Bay](#)] was taking place. The SBRC had 24-25 members 'on the water'. From Marine Terrace-Napoleon St, Mr Catchpool said that it was a busy day at Sandy Bay on Australia Day. In the first call to Richard King from Claire Chappell that Australia Day, she was in a state of paranoid terror and it took several minutes for King to calm her to the point where she could take some valium tablets.

26Jan2009: Bob got up between **7:00-7:30 a.m.** He made a cup of tea for SNF to have in bed and went to the workshop below the house. His sister Ann saw him in the kitchen, and went back to bed with a coffee. SNF told her that she was going with Bob to work on the boat and that she would return for Sanchez around 11-11:30 to take her to lunch at the Yacht Club (where Sanchez hadn't been before. Bob was wanting to check out an oil leak (rocker box/head gasket) that had been noticed previously.



The vessel **furthest to the right**, is/is nearest to the FW mooring. (image from Shadow of Doubt / Eve Ash.)

26Jan2009: Sue and Bob left Allison St to go to the FW AT **8:30 a.m. or 9:00 a.m.** In the station wagon they were towing a trailer and a dinghy on it. They parked the car near the toilet block at Short Beach, with the trailer on. Sue checked the dinghy fuel and Bob filled it up, spilling some, for which she snapped at him, for not looking while he was pouring. SNF got some fresh water and irrigated the dinghy with it.

26Jan2009: [**Gleeson**] got checked out by an AVO officer. Two police officers drove past and waved. He waved back. He said that [...]

an ASIO operative called and ordered him to stay there all day and watch for corrupt police and ['draw out'] Rebel bikkies.

26Jan2009: Wroe (to the Court, 1Nov2017) said that the first time he had seen the yacht was on Australia Day. [compare this to my above entry, where Wroe (from my notes) said the first time he saw FW was on 25Jan2009 – see 25Jan2009 entry above]

26Jan2009: Between **10 and 10:30** Sue and Bob had tea and cake on the yacht.

26Jan2009: Brent Brocklehurst, hairdresser in Sandy Bay, did not open his shop on this (Australia Day) Monday holiday.

26Jan2009: Elsewhere, and unconnected to Sue and Bob, somewhere between **10:30 and 11:00 a.m.** on that Australia Day, Jane Powell, with her husband and their two girls, left the Sandy Bay marina for a boat trip to Geilston Bay and then over to Bellerive.

26Jan2009: On the Four Winds, Sue spent an hour or two cleaning up in the chart table, and removing paint tins from the washing machine, where they'd been stowed during the crossing of Bass Strait in rough weather. She and Bob during the morning discussed whether later in the day she'd stay on board. While she was onboard with Bob, another person unconnected with them, Christopher Liaubon, got a phone invitation (about **11:00 a.m.**) from friend to go to Sorrell Market. He declined the invitation because it was an absolutely beautiful day and he wanted to go sailing in his canoe.

26Jan2009:

<b>SNF (1<sup>st</sup> statement):</b> left the FW at <b>11:00</b> to go and pick Ann Sanchez up for lunch at the SBYC.	<b>SNF (2<sup>nd</sup> statement):</b> left the FW at 11:00 -11:30 to go and pick Ann Sanchez up for lunch at the SBYC. She left her mobile phone with Bob, who did not have a personal mobile phone.	<b>SNF (at trial):</b> rejected the first statement time, saying that being unsure, she wouldn't have given an exact time. Also she corrected her second statement, saying that it was on <i>her 2<sup>nd</sup> time</i> on the FW (in the afternoon) that she left the mobile with Bob.	<b>Rodney Howard:</b> a water taxi operator, was taking passengers past the FW (around 11:15 a.m. ), and saw a <i>white</i> 8-10' dinghy lashed to the stern of the Four Winds.
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Sue, leaving the FW, tied the dinghy up to the poles on Marieville Esplanade and went home to Allison St and had a shower. At this stage or after taking Sanchez to lunch, she took the trailer off the station wagon.

By this time, between 11:30 and 12:00 noon, Christopher Liaubon has arrived at Short Beach between 11:30-12:00 noon and saw a '*white, light grey ... small inflatable Zodiac*' dinghy on Short Beach. It was tied to the 7<sup>th</sup> pole on the beach (9=high tide mark), on the sand of short Beach. And at about midday, a member of the SBRC, Tim Farmer, who was returning from the Sandy Bay Regatta at Lower Sandy

Bay aka 'Long Beach', saw a dinghy tied to the posts at Short Beach.



Sue Neill-Fraser, having showered, went with Sanchez to the Royal (RHYC) but proper lunches were not available, so they had pie & drinks. After the meal, which took between perhaps an hour or half an hour, Sue and Ann Sanchez took photos of each other on the outside of the Yacht club, near the marina.



Ann Sanchez – pic by SN-F

### **Australia Day 2009 - afternoon.**

26Jan2009: Richard King got a second call from Claire Chappell that day. On the phone to him, she was terrified: her brother Tim Chappell was at her door and she would not let him in. King did not think she was terrified of him, but of something connected to him.

Richard King, concerned about the phone call, rang the landline for Allison St. He wanted to talk to Bob so that he could get Tim Chappell's phone number and speak to him about Claire. There was no answer.

Elsewhere, on that Australia Day 2009, the homeless girl, MV requested of her refuge that she could stay out overnight for a sleepover.

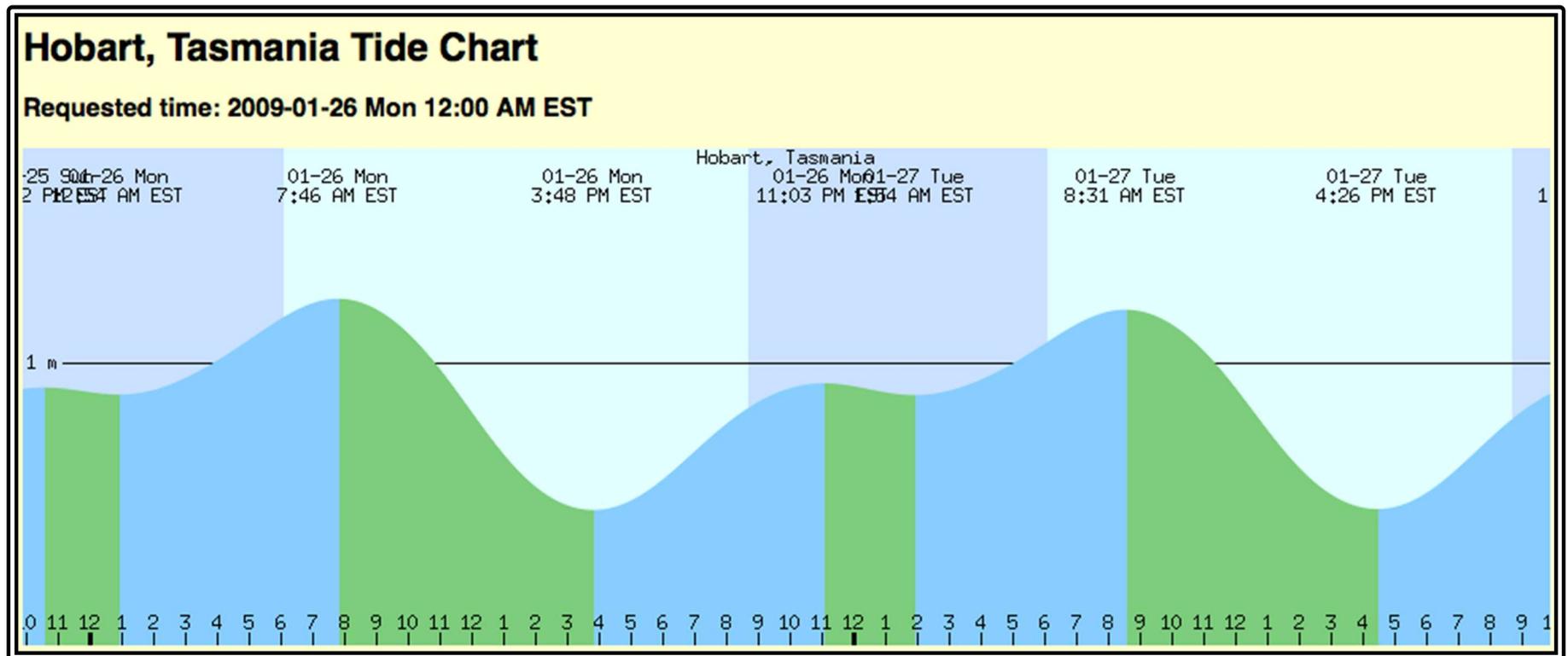
**Sanchez:** she and Sue arrived back at Allison St between 12:30 p.m. and 12:50 p.m.

**SNF:** she drove Ann Sanchez back to Alison St at about 1:00 a.m.  
[*parapraxis* or an apparent police officer's transcription error?  
Should read 1:00 p.m.?]

26Jan2009: **1:04 p.m.** (afternoon): Sue rang the Bunnings store.

26Jan2009: **1:30 p.m.** (about this time): Jane Powell, with her family, started to head back from Bellerive in their yacht *Spare Time*. “because it started to get a bit rough.” [CT: 434 31]

26Jan2009: **1:30 p.m.** (about the same time): SNF left Allison St in the station wagon – the trailer having been taken off either after the lunch, or before it. She was intending to go to Bunnings, and headed that way along Hill St, headed down to the hill towards K&D [corner of Murray and Melville Streets]. On the way she got a mobile call from (her daughter) Sarah and pulled over to speak. Then she noticed how strong the wind was blowing and thought she'd better go back, that the dinghy might be getting driven ashore. So she returned to Marieville Parade, did a blockie (due to congestion) and parked probably a block back from her mum's - between King and Marsden Sts, near the toilet block.



[ <http://tides.mobilegeographics.com/locations/2564.html?y=2009&m=1&d=26> ]

The tide had turned. Sue was having trouble getting the dinghy into the water, the outboard motor was catching in the sand. Christopher Liaubon, returning from his kayaking, helped her lift the dinghy to free the leg (of the outboard motor). It was choppy and there was a wind blowing. She saw her car over on the other side of the street, of Marieville Esplanade, when looking back as the young man helped her with

the dinghy. Having helped her, Liaubon drove home and as he left, having driven up King Street, Quayle St and then into Napoleon St, for a couple of seconds saw the boat, 2-3 metres from the shore, on the water, making its way out into the wind. It's direction of travel was not discernible.

26Jan2009 – afternoon:

<p>SNF (1<sup>st</sup> statement): she returned to the FW around 1:00 p.m.</p>	<p><b>Liaubon:</b> the wind forced him to quit about an hour – or an hour and a half – after going out on the water. [that is, between 12:30 p.m. - 1:30 p.m. He had gone out at between 11:30 a.m. and 12:00 noon.]</p>	<p><b>Liaubon:</b> according to his microwave oven, it was two thirty when after returning home, unloading the canoe, washing it, the wetsuit and the booties etc, showering off in the outside bathroom then entering his home, in his estimation he had left the beach at around 2:00 p.m.</p>	<p><b>Powell:</b> Near Battery Point, Jane Powell saw a woman going out in a dinghy. It was windy and choppy. On the Spare Time itself, they were The woman she saw was a dark blond/light brown haired lady, in her late forties or early fifties, and in a white wet weather jacket. The dinghy was 'light grey', with a black outboard. By later checking the time when she herself got back to shore, Powell estimated that it was around 2:00 p.m. when she'd seen the woman in the dinghy.</p>
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26Jan2009 – afternoon:

	<p><b>SNF:</b> returning to the FW, tied on to the starboard (leeward) side. Bob was working in the engine room and working on the anchor winch motor. The saloon steps were out and the engine room door open (to facilitate entry into the engine room). The steps were in the saloon somewhere. Sue removed the paint tins from the laundry and returned them to the forepeak. There were tools in the laundry – it was also a workshop.</p> <p>Bob came out of the engine room. He had a little mirror with him and he was quite pleased. He said that he had found the engine leak, and that it was only tiny. They had fruit cake and tea for afternoon tea. Bob told SNF that he was progressing with the wiring issue, and wanted to stay on the boat overnight. They discussed whether she too would stay on the FW or not. Bob said that he might not go to work the next day. But then when SNF was going around to the laundry, he snapped at her '<i>leave me to get on with this</i>'. Sue told Bob that she would go back, and said to call her when he wanted to come back (ashore). She left her</p>
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SNF: left the FW at approximately 2:00 p.m.

mobile phone with him. She also told him that she'd leave the dinghy at the yacht club. She'd only been on the FW for an hour at the most.

26Jan2009 – afternoon: Sue at the RYCT, tied the dinghy to a ladder on the Rowing Club side of the marina, due to the wind. There were other people about and other boats tied up at the marina. There was a girl with dark hair standing on the walkway, a guy on a slipway walking across and people wandering around. Since Bob was staying on the boat overnight, she left the dinghy there where it would be safe.



Bunnings CCTV 26Jan2009 4:00 p.m. (from footage on *Shadow of Doubt*) [date (magnified) seems to be: 2009 01 2? 6:09:41]  
 26Jan2009 – afternoon:

SNF (2<sup>nd</sup> statement - 28Jan2009): *From towing \* it up I went to Bunnings Hardware on the Brooker and then came home. Ann was not home by then as it was getting late, Ann had gone to Bruny*

SNF (material gathering - 5Feb2009): *Walked to wagon parked near toilet block, five minutes. Ladder 1615 car 1620, route to Bunnings Moonah via Brooker along Marieville to Sandy Bay. No*

SNF (at trial): *walked back to Allison St, leaving the car parked on the other side of Marieville Esplanade, opposite the beach, between King and Marsden Sts. "I cannot remember what I did after I left the boat that afternoon, but I think I just walked*

<p><i>Island for the night, she was being picked up after 4:00pm, I am sure when I got home it was starting to get dark. I stayed out at Bunnings for a long time, I did not buy anything but browsed. I drove our Ford Falcon wagon.</i></p> <p><i>[*a possible trial transcript typographical error ... read 'tying' ?]</i></p>	<p><i>trailer on, took it off earlier at lunch. Left Bob onboard going to stay.</i></p> <p><i>Turned right past the checkouts toward the paint – [CT 1257] - went up and down the aisles, left into the timber section, slip mats, past the paints, should be on footage, out the same way.</i></p> <p><i>No headlights on to drive from Bunnings to home.</i></p> <p><i>Didn't stop anywhere on the way back from Bunnings.</i></p>	<p><i>up the hill because I did it the whole time, thinking 'well I'll get some exercise' and it wasn't until I got that strange phone call at night and was worried about Claire that, that I thought 'Well I'd better get the car'. In fact when the radio room rang the next morning, the police rang, I thought it was about Claire. I thought she'd harmed herself. To this day I can't be sure I didn't go out to Bunnings."</i></p>
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26Jan2009 – afternoon:

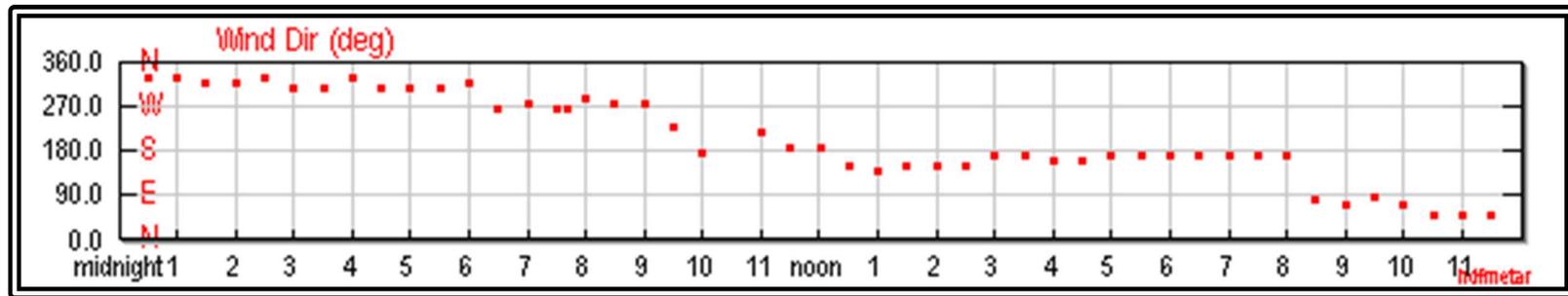
<p><b>SNF</b> (2<sup>nd</sup> statement – 28Jan2009): Ann Sanchez was due to be picked up after 4 p.m.</p>	<p><b>Sanchez</b> (at trial): was due to be picked up to go to Bruny Island at 3:30 p.m. She was picked up at around that time.</p>
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<p>26Jan2009 – afternoon: At <b>3:50 p.m.</b>, the homeless girl, MV [Meaghan Vass], left Mara House for a sleepover at a unit in Mt Nelson.</p>	<p>[Vass told the court (30Oct2017)] about a night (the date inaudible, if it was mentioned) when she had been absent.</p> <p>[Absent from where I could not tell – perhaps it was <b>that</b> night when she supposedly had the sleepover at Mt Nelson]. She said that she had wanted to stay out at <b>Sam Devine's</b> place. The evidence of S. A. Sinnit [CT 754 31] is that Vass wanted to stay at a friend's place (a female?): <i>And was the name of the occupant of that address given to you as well?...The Christian name only.</i></p> <p><u>Her</u> <i>Christian – right [...]</i> [Was the person at whose place Vass wanted to stay, a female? Is the name 'Sam Devine' a woman's name, i.e. 'Samantha Devine'?]</p> <p>Vass “<i>didn't come home to Mara House on the night of the 26th of January because [she] wanted to stay out at Sam [Devine]'s place that night</i>”</p>
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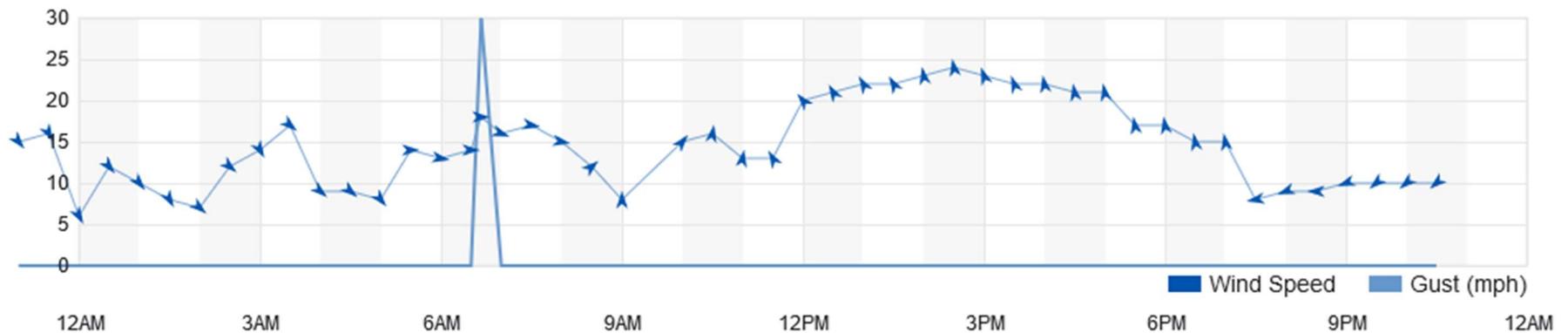
26Jan2009 – afternoon: Meaghan Vass was absent from her accommodation for several days ... “*several days of absence and never returning to that accommodation...*” Sam Devine was “*roundabout*” 15 years old in 2009. She [Vass] didn't mix with older men. She didn't

know Wroe, Yaxley or Gleeson [aka the 'homeless men']. She did not then live in Sandy Bay “*Would have been after, I think*”, had never been on yachts and did not know how to sink them. [these last four sentences from her evidence 30Oct2017] [Yaxley was approximately 27 years old at the time (Wroe, Court 1Nov2017) ]

26Jan2009 – afternoon: At **3:55 p.m.**, Paul Conde, who was with Anne and Tom Clarke, saw a “*large dark grey rubber dinghy*” secured hard up alongside the midship, portside of the FW. The FW itself was aligned SE, its stern facing the shore. [accords with wind observations and tidal chart?]



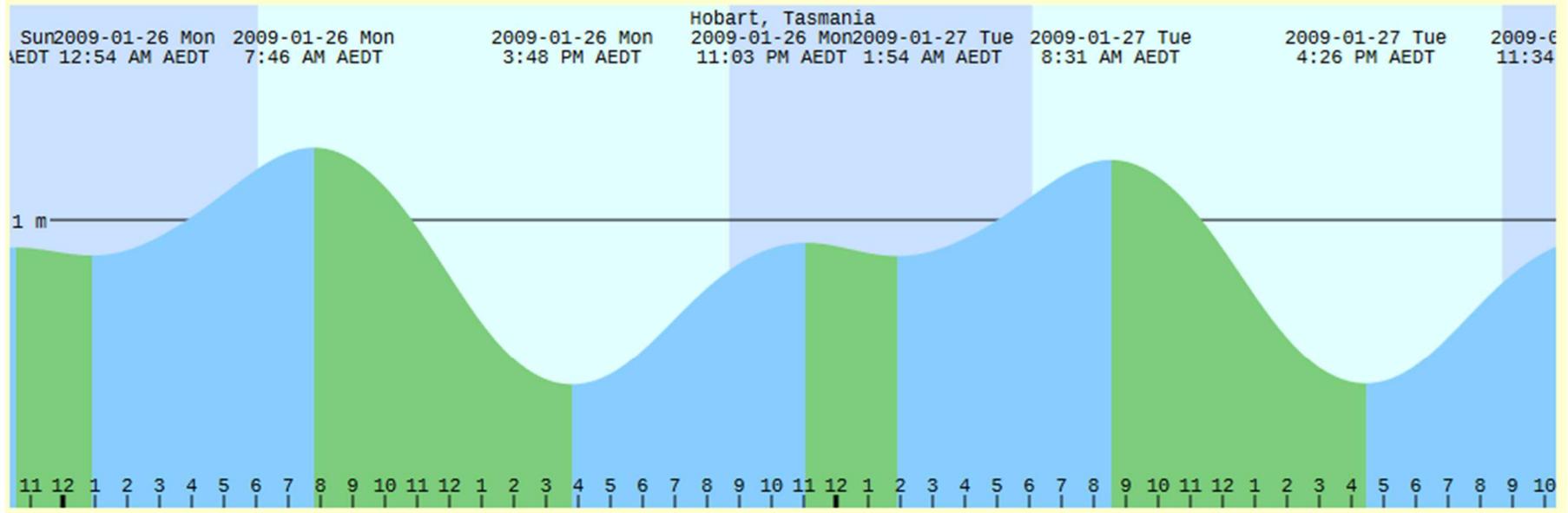
Weather Underground: Hobart Wind Direction Chart for 26Jan2009: <https://tinyurl.com/yattopec> [c. pre 2017?] [Australian Eastern Standard Time]



Weather Underground: Hobart Wind Direction Chart for 26Jan2009: <https://tinyurl.com/yattopec> [current, i.e. 2020] [Australian Eastern Daylight Time]

## Hobart, Tasmania Tide Chart

Requested time: 2009-01-26 Mon 12:00 AM AEDT



<https://tides.mobilegeographics.com/locations/3319.html?y=2009&m=1&d=26>

26Jan2009: **4:30 p.m.** – afternoon: Peter Lorraine was on his regular walk from 1 Collins St to the jetty at the end of Derwent Lane, and then loop back along the roads. On the way, he had looked at a property at Salamanca Mews at about 4:30 p.m. and then continued on to the jetty at Derwent Lane. At a neighboring wooden jetty, there was a very big silver commercial catamaran. [504 26]

26Jan2009: **5:00 p.m.** – afternoon: Around 5:00 p.m. Lorraine went to the end of the jetty and sat on the bollard. He watched an old man on the deck of a boat which was being tossed around in the waves. It had a small dinghy tied to its stern. It was about 80 m. in a direct line off the end of the jetty. [The FW was apparently not the vessel that Lorraine had observed. The FW itself was some 320m distant, at an angle to the jetty, not directly off from it.] The boat that he watched was “*almost immediately out from the jetty*” and Lorraine said that it “*...was pitching very badly.*” He could hardly see the small dinghy at the back of the yacht because of the weather. He hadn't been able to see if the dinghy had a motor and [31Oct2017] didn't think that he would have had any detail as to its colour as the water was so turbulent it was difficult to make anything out in any detail. The dinghy was almost sinking, but he was not certain if it had a motor on it or not. It reminded him of “cockle” dinghies in England where he was born and he thought it was inadequate and would have been difficult for the person on the boat to get off. He only saw one person on board and said he had the appearance of an old seafarer wearing old clothes.

[D.S. Conroy had testified at trial that Lorraine had spoken about the dinghy he'd seen being “*whitish cream to yellow*” but that by a “*complete oversight*” he (Conroy) hadn't included it in the written statement and neither had he mentioned it to Mr Ellis when he did realise that it had been left out. [CT 914 25]].



Recent [2019] image (above) available on Google Street view at: <https://tinyurl.com/wez6quo> and <https://tinyurl.com/wnm96a> etc. On the left, the jetty from which Peter Lorraine had watched an elderly man engaged in some tasks: *“appeared elderly, reasonably tall, a little bit stopped, but as I say he was bending over and pottering around the back, moving around reasonably slowly. He just looked like an old seafarer.”*[CT 503 16 19]. Lorraine had gone down to the end of the jetty and had been watching this ‘old seafarer’ mooching about on the rear deck. Lorraine personally estimated the boat as being at eighty metres distance from him. [CT 508 6] He told the trial court [CT: 508 33-37] that *“if you took a straight line from the jetty straight out then the stern of the boat was more or less facing me although on occasions because of the pitching and the tossing of the boat I could also see occasionally the bowline, so the front line of the boat.”*. I ‘conject’ that the vessel that Lorraine saw was in the vicinity of the **white vessel** seen in the image [above] **beyond the end of the jetty**. To

the right of this image [taken some 10 years after Bob Chappell's disappearance] one can see a jetty with 'pointy' bollards in from which is a corrugated iron fence and a white catamaran. I think that this is Bob Clifford's and that this is where (10 or so years before) Mr Lorraine saw a *'very big silver commercial catamaran on that second – the thing – the other jetty, the wooden jetty'* [CT 505 25-27]

The *Four Winds* [as far as I understand its position and I can't at the moment locate a reference for its position] was some **300m or so and out on an angle to the right from that jetty**. From the image supplied by me above, three dark/dark blue hulled yachts can be seen in the top right of the image. **The one most distant** seems to me to be in the position that I associate with that of the then *Four Winds* mooring.

Mr Lorraine [disclosed that *"there was a dinghy on the beach but the waves had sunk the dinghy so it was – would've been very difficult to make anything out in detail."*] [these words are challenging. They come within Lorraine's references to a dinghy tethered to the stern of the 'old seafarer's' yacht and that yacht dinghy possibly being creamy white/yellow. Please refer to the entry for 30Dec2008 and view the image below it. I note that within Lorraine's evidence [CT 503 32, 507 33 ...] he recollected then agreed that the vessel had two masts (Wroe's was a single mast.) [At CT 510 6-35] Lorraine says he couldn't tell if the dinghy tied to the stern of the yacht was an inflatable or made from aluminium or wood. He agreed that it was somewhat dark in colour and said that it was *"very small"*. Questioned again as to the colour, he hedged at agreeing on it being 'very dark', and preferred to simply agree that it was dark. [At CT 511 6] Lorraine said that he had not seen an outboard motor on the dinghy.

At a preliminary hearing [11Jul2010] or perhaps during an interview [30 or 31Jan2009] Lorraine (about this yacht) is quoted [CT 512 1, 8, 120-16]:

**A** *It sort of looked a woody -*

**Q** *Did it appear to be painted or varnished?*

**A** *I think it may have been, like looking at it, because the wood would have been attractive, so from recollection it looked like there may have been some wood on the boat just making it look older, but I would've thought the hull was painted.*

[Dtv Sergeant Conroy said at trial that (while taking the 31Jan2009 statement from Lorraine?) he was told by Mr Lorraine that the old seafarer's dingy was creamy white/yellow but did not record that description in his notes. - CT 914 17-31. If the 'old seafarer' - seen at about 5:00 p.m. 26Jan 2009 – was Bob Chappell, then it means that was Bob Chappell was alive and pottering about one hour after Paul Conde and others had seen the large, dark grey dinghy alongside the *Four Winds* at 3:55p.m. that afternoon. 'What is a motorised Zodiac? *"Look I – it's a long time ago and I can't be completely certain of what I said to the officer and it was a phone call, it was exploratory, I think I answered some questions, they asked me some things and then they asked me to come in to the police station. So I don't physically recall the actual detail of that phone conversation because from my perspective it was purely a general enquiry to see if I could assist."*]



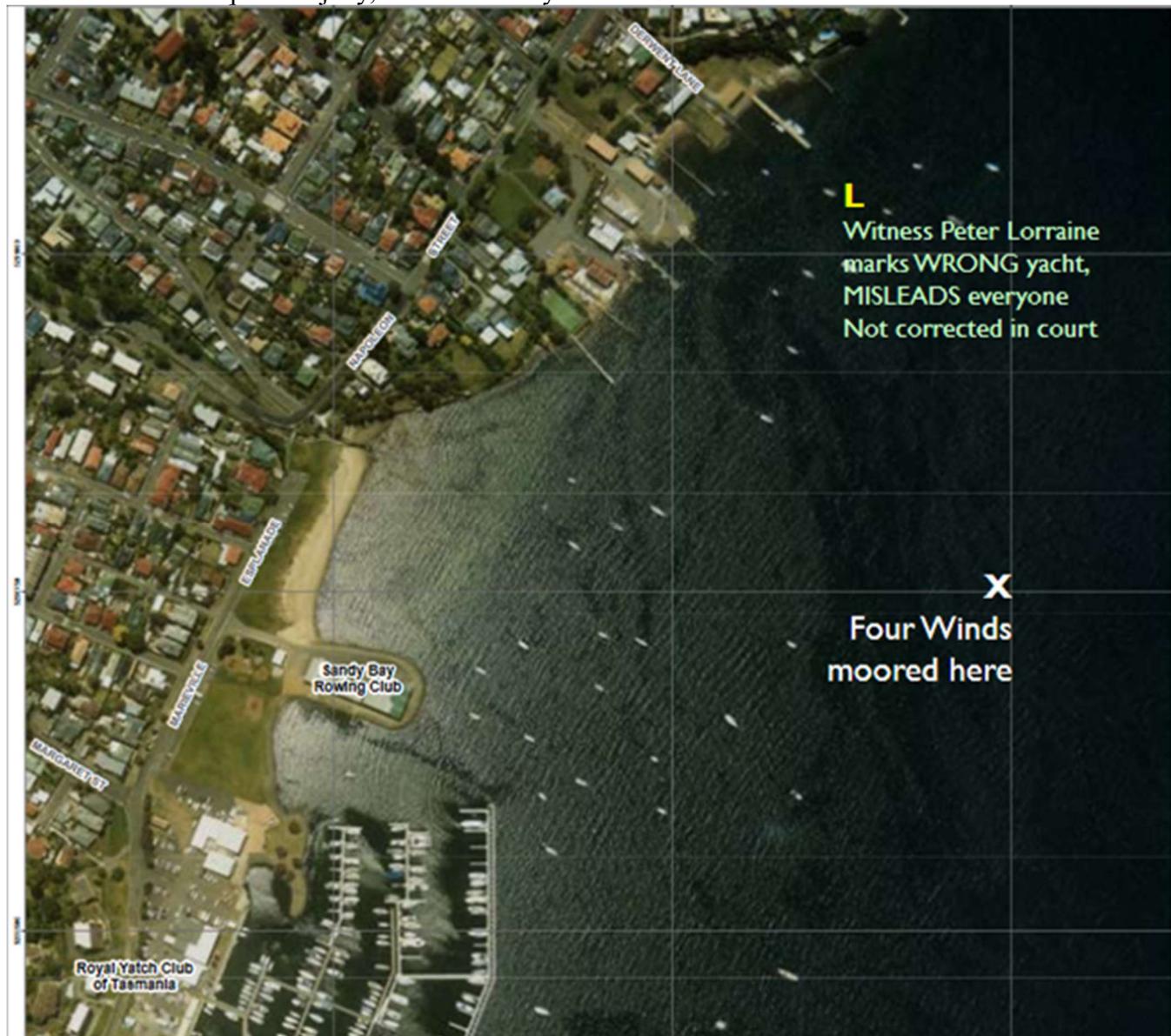
Image from 9 News via : 60 Minutes: New testimony could overturn Sue Neill-Fraser murder conviction

<https://jukeboxdev.pulsefmtas.com.au/news/60-minutes-new-testimony-could-overturn-sue-neill-fraser-murder-conviction/>

This is the *Four Winds* at its mooring off Short Beach, Sandy Bay. Behind and just above its cabin can be seen the Battery Point hill. Just in line with its stern can be seen a dark oblong building, with a white/silver i.e. non-dark roof. It is the (Clifford?) House at 2B Derwent Lane. The Derwent Lane jetty is out of view, to the right of the Clifford House and obscured by the *Four Winds* cabin – probably about in a line directly behind where the mizzen mast can be seen.

It can be seen that *Four Winds* is moored at some distance from the shore. Using ‘The List’ map service and measurement tool, *Four Winds*

is seen to be at least 300m from the tip of the jetty, and more likely at some 320 m from it.



Pic: Eve Ash - <https://clant.org.au/wp-content/uploads/the-bali-conference/2015/Ash.pdf>  
[this image possibly taken after the marina was extended northwards]

**L** = the position of unidentified vessel - as marked in court by Peter Lorraine - as he observed the old seafarer on it ... some 80m away. [The jetty is c. 56 metres in length and in my view, the vessel seen by Lorraine was moored perhaps a tad above and to the right (NE) of the **L**.  
 26Jan2009 – **afternoon**: “*P36*” (aka the 'Unidentified Witness') was sailing as a guest on a yacht which came within about 50 metres of the FW and she viewed it through her binoculars. They were motoring from the direction of the Casino, in a north-easterly direction, passing around the outside of the moored boats. “*Attached to the stern at the port side about four or five feet of rope but floating a short distance from it was a grey inflatable dinghy. The dinghy was tightly inflated and it was a large mid-grey dinghy and I did not notice an outboard motor on it.*” Another guest the boat remarked that the yacht seemed low in the water.

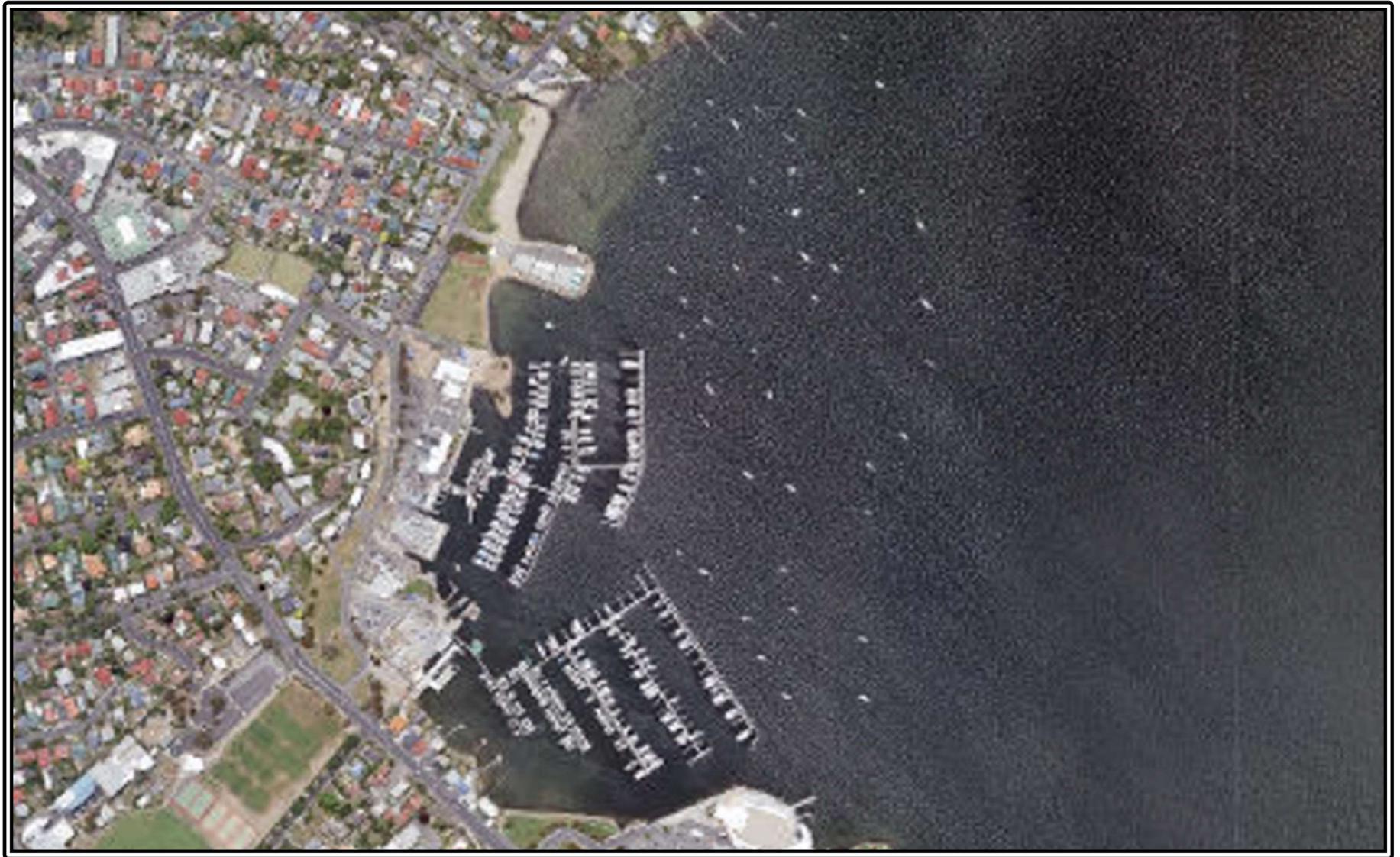
26Jan2009: **5:30 p.m.** – afternoon: On his way back Peter Lorraine went to the Salamanca Fruit Market at around 5:30 p.m. [922 15: 5:25 p.m.]

26Jan2009 – **afternoon**: Jill Ikin, at the Wrest Point Casino, had a clear view of the Four Winds. She said that the wind swung the FW around so that the stern came around and she could see a dinghy that looked to her like it was:

a “ <i>silver colour</i> ”	a “ <i>normal grey unpainted aluminium colour</i> ”
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... dinghy which was tethered to the starboard side, right up in tight against the hull. She thought it was an aluminium dinghy because of its shape. [At what time Ikin saw the boat and dinghy is not known by me: from the wind chart (above) it seems that there was no change in wind direction till about 8:00 p.m. that evening (40 mins before sunset. It is possible that the incoming tide which began around 4:00 p.m. may have influenced the alignment of the FW] From Ikin's viewing position, the dinghy was:

D.I. Powell: “ <i>800 metres away</i> ”	Coroner: “ <i>at some distance</i> ”	Etter “ <i>600 metres plus</i> ”
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Wrest Point bottom centre, FW was on an outer mooring (near top of pic.) N-NNE of the casino.

Image (date unknown) from The LIST: <http://maps.thelist.tas.gov.au/listmap/app/list/map>

[The alignment of the vessels at moorings is to the SE, their starboard sides 'visible' from the casino.  
Distance from casino to FW's apparent mooring: approximately 650m (using the LIST ruler tool.).]

Contrast the above image with the following [<https://beachsafe.org.au/beach/tas/hobart/battery-point/short-beach> ] perhaps showing the extent of the marina as in 2009, before the extensions. [ see: 2003, 2008 and 22July2013]



RYCT and its marina, prior to extensions. [<https://beachsafe.org.au/beach/tas/hobart/battery-point/short-beach> ]

26Jan2009 – afternoon: Kim Cartright took some photos from Dog Beach, in the “very late afternoon” or “early evening”. The photos, taken from the northern end of Dog Beach, were of the yachts and of her dogs with the yachts in the background.

**Australia Day 2009 - evening.**

**26Jan2009 – evening:** Paul Wroe did not see Stephen Gleeson on the evening of 26Jan09 [**Wroe's evidence in court: 31Oct2017**]

Au Ming Hong returned to his home around 6:00 p.m. in Australia Day. (cnr Marieville + Margaret) He did not see a red jacket on his fence. [**Sometime that afternoon/evening 26Jan2009, the FW was sabotaged: a seacock was opened and a pipe hose cut. The possible times (conceded at trial) were perhaps between 5:00 p.m. and midnight, though Fred Barrett in his report had arrived at times between 7:00 and 10:00 p.m.**]

<p>26Jan2009: Vass at trial was asked: Q: [CT 631 15] <i>“And you say you have never been on board the yacht depicted in that photograph known as the Four Winds?”</i> A: <i>“No”</i>. [<b>What was she saying 'No' to?</b>]</p>	<p>26Jan2009: Vass was on the yacht with others on the night of Mr Chappell’s disappearance. [<b>according to 2<sup>nd</sup> Appeal media references, her 27Apr2017 statement included this sentence: “I was on the Four Winds yacht and I was with people.”</b>]</p>	<p>26Jan2009: Vass was not on the Four Winds on Australia Day, 2009. <i>“I was threatened to be put in the boot of the car over that statement,”</i> she said. <i>“I was too f**king scared. It is not true. I was made to sign it out of fear.”</i> <i>“This is just something that Karen Keefe has made up.”</i> [ <a href="http://www.abc.net.au/news/2017-10-30/susan-neill-fraser-last-ditch-appeal-bob-chappell/9098224">http://www.abc.net.au/news/2017-10-30/susan-neill-fraser-last-ditch-appeal-bob-chappell/9098224</a> ]</p>
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<p>26Jan2009: Vass said she was on the Four Winds, with un-named people. Neill-Fraser was not there. [Stat Dec: 27Apr2017]</p>	<p>Vass said (30Oct2017) she was never on the Four Winds, was never on it on Australia Day. [2A2: P29, L34–36]</p>
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Vass, in statements and in evidence to court, has given various contradictory accounts of the evening of 26Jan2009. Here is more:

<p>[16Jan2017]: Colin McLaren's first direct contact with Ms Vass was on 16 January 2017. That contact was by way of a conversation between Ms Vass and him over his mobile telephone. In his affidavit, he reports the verbatim conversation [of which Brett J notes that McLaren gave evidence that he made contemporary notes of the conversation] as follows:</p> <p>"<b>Meaghan:</b> We were there on the yacht partying. I can't remember but I have to think about it, Paul and Sam and me. There was a fight on the other yacht.</p> <p><b>McLaren:</b> <i>Four Winds?</i></p> <p><b>Meaghan:</b> <i>The old guy's yacht, next to Paul's.</i></p> <p><b>McLaren:</b> <i>How'd you get onto the Four Winds?</i></p> <p><b>Meaghan:</b> <i>I can't swim, I didn't swim. We got a dinghy.</i></p> <p><b>McLaren:</b> <i>What happened next on board?</i></p> <p><b>Meaghan:</b> <i>A fight. Fuck. I saw it but I fucked off. Took off.</i></p> <p><b>McLaren:</b> <i>How?</i></p> <p><b>Meaghan:</b> <i>In the dinghy, fucked off.</i></p> <p><b>McLaren:</b> <i>What happened to Paul and Sam?</i></p> <p><b>Meaghan:</b> <i>Don't know. They went back to Paul's yacht. I took off."</i> [ <a href="http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&amp;synonyms=0&amp;query=neill-fraser">http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&amp;synonyms=0&amp;query=neill-fraser</a> ]</p>	<p>She knew Sam Devine, was not with him on night of 26Jan2009, did not know Adam Yaxley, Stephen Blessing or Paul Wroe.</p> <p>[Vass signed a statement [27Apr2017, which was read in court, in sections by Mr Percy, 30Oct17 Vass repudiated most of the statement, saying she had signed it out of fear of Karen Keefe putting her 'in a car boot'.]:</p> <p><i>I'm making this statement on [off] my own free will on the understanding this statement will be used for the purpose of an indemnity application made on behalf. [...] I further understand there is no guarantee as to the success of that application – [...]</i></p> <p><i>The contents of this statement constitutes the evidence which I would be prepared to give in the event that I'm called as a witness in any further proceedings in relation to this matter. [...]</i></p> <p><i>My name is Meaghan Vass. I'm 23 years old. [...] In 2010 I was told that my DNA was found on the Four Winds yacht off Sandy Bay Hobart. [...] I was there with people I will not name. I am scared. I do not want to give any details except that I was on the yacht.</i></p> <p>[some of the apparent statement reread again to Vass by Percy]</p> <p><i>I was on the Four Winds yacht on the night of Australia Day 2009. [...] I was there with people I will not name. [...] I am scared. [...] I do not want to give any details except that I was on the yacht. [...] The lady Sue Neill-Fraser was not on the yacht. [...] I have never met her, I do not know her, I just know she is in prison. [...] And I have thoughts about her every day for the past eight years. [...] Nobody understands my [...] grief– [...] I do not want to say anymore I want to be left alone.</i></p>
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26Jan2009: Some time before 7 p.m. or later / before 7-7:30 p.m., Stuart Russell, Michael ? and a 14-15 year old girl did "come out of

*nowhere on a dinghy*” to Short Beach. There they met Simon Pargiter who was walking his dog. [That part of Short Beach is also referred to as 'Dog Beach' and dogs are permitted off-leash there.] He had not set eyes on them before. Pargiter and the trio then walked along Marieville Esplanade and turned into Margaret St. [The red-brick house on this corner has a low brick fence on both its Marieville Esp. and Margaret St frontages. According to its occupant, Au Ming Hong, who had not seen a red jacket on the fence when he arrived home earlier, around 6 p.m., he found it on that fence the next morning. It was later identified as containing DNA from several contributors, the major profile being that of Sue Neill-Fraser. See the 'Red Jacket' entries at 26Jan2009: 10a.m., 10:30a.m. and the Witness/Acronyms list towards the end of this document.]

26Jan2009: **7:00pm** (Monday) was, according to the report of Fred Barrett, a naval architect, the earliest (approximate) time that the seacock had been opened and the pipe hose cut, resulting in the FW taking water. [he estimated that from the seacock being opened and the pipe hose cut, it would have taken 9-12 hours for the FW to fill to the level that it had and that – working backwards – he established the approximate earliest time that the FW began to fill. Barrett's filling model was based on both entry points being opened at the same time. He admitted the possibility that the time period for the FW to fill to that level could possibly have been 7-14 hours ... which would have extended the earliest start time to approximately 5:00 p.m. 26Jan2009.]

26Jan2009:

Simon Pargiter and his dog, with the two men and the teenage girl took a short cut through the Bowling Club [at the point where Margaret St turns left]

At 7:00 p.m. or later	about 7.00 to 7.30 pm
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Brent Brocklehurst, of Stanley St, Sandy Bay, saw his neighbour, Simon Pargeter [Pargiter?], returning through the Bowling Club with his dog, two men and a young, 14-15 year old girl. One of them, he said [2017] was *"intimidating"*. Pargeter [Pargiter?] told Brocklehurst he had come across the trio, that they had *"come out of nowhere on a dinghy"*.

[The Melbourne Age report of Brocklehurst's 2017 evidence:

Mr Brocklehurst could not be sure, but believes the girl he saw the night Mr Chappell vanished was Ms Vass, who was 15 at the time. He is more certain that one of the men was with was Stuart Russell, who committed an unrelated murder [see: Williams, Brett (PDF File, 370.1 KB) ] two years later. [Woman made statement 'out of fear' Age, The/Sunday Age (Melbourne, Australia) (Published as Age, The (Melbourne, Australia)) - October 31, 2017  
Author/Byline: Nino Bucci

In the 2017 court Mr Brocklehurst, when shown some pictures/photos, pointed out two of them and put his initials next to one of them. He also told the court that a person by the name of Brett (inaudible) who had moved in with Pargeter [Pargiter?], had died there.]

The girl was a *"plain jane"* with straight dark hair in a bob and shoulder length; she had no shoes.

Brocklehurst heard them go to Simon's place. It sounded as if they were getting drunk. His partner asked them to quieten down. They went on til about midnight. "It wasn't quite dark".(when Pargiter came up the street) Stuart Russell stayed with Pargiter for about 6 months. Brocklehurst saw the girl and the other man called Michael a couple of times later, and saw Michael without the girl several times.

26Jan2009: **7:45-8:30 p.m.** (between these times): A person living in Napoleon St saw a Zodiac [rubber dinghy] leaving the area of the

yacht. *“It had an outboard motor propelling it and the rear of it was sitting well into the water. There was only one person on the Zodiac, a male, stocky/solid build, late 40’s to early 50’s, weatherbeaten sailor type look, short reddish brown hair, but not close shaven. The hair was possibly a bit wavy and was fairly thick.*

*The male was wearing a collared white short sleeve shirt with no obvious pattern or emblem. He was sitting in the rear left hand side of the zodiac steering the outboard with his right hand. It didn’t look like there was anything on the boat at all.*

*It was travelling at an average speed and I last saw it about half way between the sinking yacht (this morning) and the DSS.”*

[The Napoleon St resident seems to have been the person who photographed the sinking yacht the next morning 27Jan2009 8:08 a.m. : Jane Austin. - see: **Austin, Jane** – and whose husband gave evidence at the 2nd appeal application 31Oct2017 - see: [Catchpool, Stephen](#)]

## 26Jan2009 evening-night: – Home alone

26Jan2009: **8:30 p.m.**: A man [**one of the homeless men**] was seen by a police informant near the toilets on the Marieville Esplanade.[*perhaps the informant was 'Mr X'?*] [I am not able to locate a reference for this piece of information – 12Oct2018]

A *Purdon Dinghy* may have been “involved in the disappearance of the Doctor off Four Winds.” [source: **Coronial Findings:** [http://www.magistratescourt.tas.gov.au/about\\_us/coroners/coronialfindings/c/chappell,\\_robert\\_adrian\\_-\\_2014\\_tascd\\_04](http://www.magistratescourt.tas.gov.au/about_us/coroners/coronialfindings/c/chappell,_robert_adrian_-_2014_tascd_04): This source, Coroner Hay reported that an informant, 'Mr X' wrote to TasPol on 20Mar2013 “with one asserted piece of information relating to a dinghy being sold or having been sold by police. Without providing any information to lay any foundation or basis, he stated in his letter that “*I believe the Purdon Dinghy being sold by Steve may be involved in the disappearance of the Doctor off Four Winds.*”

not sure how I've come to insert the name 'Rowe', cannot find it in my various notes, it may be incorrect, I note that possibly the correct name might possibly be Stephen Catchpool, though the Coroner's report]

a dinghy being sold or having been sold by police.

hat was later (see 20Mar2013) being sold by someone called Steve, who was said by Mr X to **Rowe** ,

26Jan2009: That evening SN-F stayed alone at home (Allison St). She was home quite a while before ringing her daughter Emma:

<b>SNF:</b> She made two phone calls. “I don't know what time I rang.” 1. to her daughter Emma, and	<b>Prosecution:</b> SNF rang Emma before 8:30 p.m.	<b>Prosecution:</b> 9:17 p.m: a landline call (c.14 mins) was made from 7 Allison St to the landline of SNF's daughter, Emma Mills.
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2. then a second call, to her mother.		9:31 p.m: SNF telephoned her mum's number; the call lasted 5 mins.  9:36 p.m: the call to SNF's mother ended.
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26Jan2009 (evening): Sue Neill-Fraser also received a phone call from Richard King, who was unknown to her. He was a friend of / counsellor to Bob's daughter Claire who was mentally unwell.

26Jan2009: **10:00 p.m.** was latest approximate time that the boat had been sabotaged – according to Fred Barrett's report on the filling rate of FW for Tas Pol: 9-12 hours from discovery time (i.e. c.7:00a.m.27Jan2009). [Barrett had conceded at trial that the filling rate could possible have been 7-14 hours, which made it possible that the water could have begun entering the boat as late as 12 midnight, 26Jan2009.]

26Jan2009: 10:00 p.m.: Gleeson having kept on drinking during the day and having gone into town for a meal at the Food Van, calling into a couple of pubs on his way, returned to his van [at Short Beach] at about 10:00 p.m.

Gleeson was drunk, slept the night, did not see anything.	He was almost asleep [when] 2 young people (a young woman about 14 or 15 years of age and a young bloke – Adam Yaxley who had a unit in Sandy Bay [came to the van] and banged on the door.
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They wanted to heat up some food. The girl was about 15-16, she didn't look like a real street person, she was maybe from a good home *“wanting to do what she likes”*. He'd seen her before, with 2 other young blokes there, over a period of months. [In court in 2017, Gleeson was shown two photos and identified Adam [Yaxley?] and a young girl. He didn't know her name. They had come with a bag of canned food, however Gleeson did the sausages rather than the cans,] He opened a bottle of wine and said he couldn't pour a glass for the girl because she was too young; she said, *“I don't like the stuff anyway”*. He poured Adam a white wine. [According to the Mercury 30Oct2017 'Dramatic opening scenes on opening day of Sue Neill-fraser murder...'he later identified on an ID board as Ms Vass, and said that the man who visited him on Australia Day was telling him they planned to rob yachts in the area. - the Mercury's wording of Gleeson's ID of Vass is clumsy. We on the public benches could not see the person who he identified.] Adam had a frying pan and said he'd got it from [a/the?] bin at yacht club. Said Gleeson [to the court in 2017]: *“I think they were talking about knocking stuff off a yacht”*. He thought the girl looked like she came from a good home. The cooking + eating finished about 11:30 p.m. or so. Gleeson did not see Paul Wroe (whom he had known for about 10 months or so beforehand) that night.

26Jan2009 (evening):

<b>King</b> (at trial): called the Allison St number at around 9:30 p.m. and spoke to SNF.	<b>King</b> (again at trial): called the Allison St number at about 10:05 p.m. and spoke to SNF.
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Richard King had rung the Allison St landline because he wanted to get Tim Chappell's phone number from Bob. Bob was not there, Sue told King that he was on the boat and so he talked to Sue. He wanted to let Tim know that Claire Chappell couldn't cope with Tim visiting her.

26Jan2009 (evening):

<b>SNF</b> (at trial): King told her that Claire had been speaking about committing suicide.	<b>King</b> (at trial): did not indicate to SNF that Claire was suicidal ... he did not believe she was.
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King said that Claire had been having fantasies that 'Bob would come to harm on the yacht' He told SNF three times *“Please understand I would never go out to your yacht without permission”*. SNF replied *“Well it’s not an issue because the yacht’s moored hundreds of metres offshore”* King told her that if Claire tried to get access to the boat, she (SNF) should prevent it and that Claire knew he had some boating experience and could probably get out to the yacht.

26Jan2009: 10:30 p.m. (evening): The call ended at about this time.

<b>SNF</b> (at trial): After the last phone call from Richard King, SNF, unnerved, read a book in the kitchen, then eventually went to bed.	<b>SNF</b> (at trial): got up off the bed, having lain down on it fully clothed, thinks she'd dozed off while reading.
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26Jan2009 (evening): Meanwhile, Richard King had rung Tim Chappell and had spoken to him...

<b>King</b> : ...for 20 minutes – half an hour.	<b>Tim Chappell</b> : King rang him <i>“very late that evening”</i> , at about 10:30 p.m. for <i>“at least an hour”</i>
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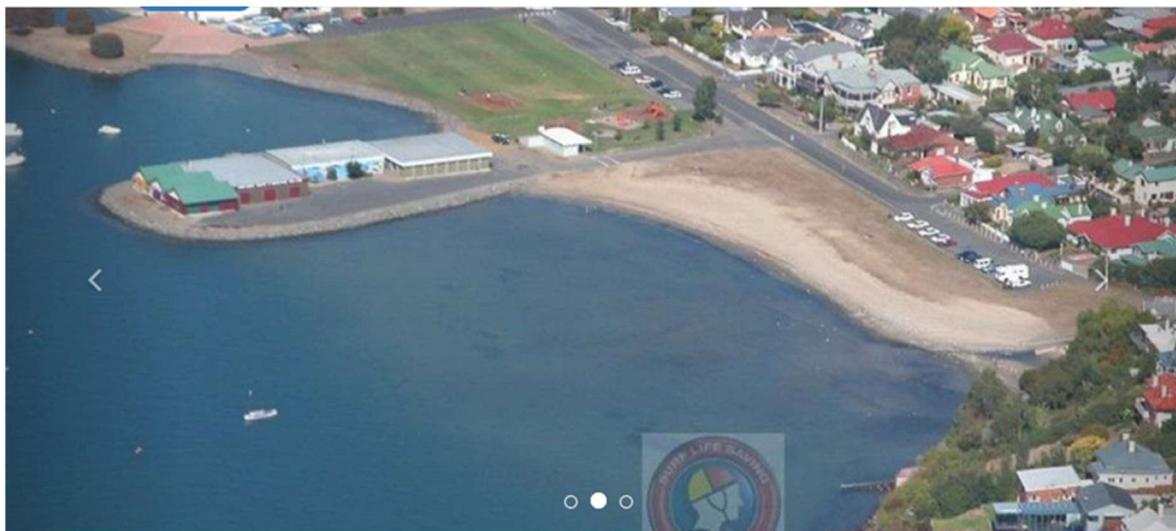
26Jan2009 (evening): Richard King told Tim Chappell that he has also phoned SNF. King then told him that Claire's intention was to steal the FW, sail away on it, in order to save Bob Chappell. [Thus, according to both witnesses, the call would have ended between 10:50 p.m. and 11:30 p.m.]

SNF was worried about Claire and thought 'Well, I'd better get the car'.

<b>SNF</b> (28Feb2009 statement): <i>“I stayed at home alone that night”</i> .	<b>SNF</b> (4Mar2009 interview): <i>Did you leave your house at all that night?</i> She said – <i>No.</i>	<b>Sanchez</b> (at trial): In two phone calls, SNF told her: (8 <sup>th</sup> or 10 <sup>th</sup> Mar2009) that (i) <i>She drove down to Marieville Esplanade and</i>	<b>Ogilvie</b> (at trial): in the preview interview conversation, SNF told her (13 <sup>th</sup> Mar2009) that, worried about Richard King's phone call about	<b>SNF</b> (at trial): She woke up, the phone call had made her nervous. She walked down to Marieville Esplanade.
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	<p>They said –  <i>You stayed home the whole night?</i>  She said –  <i>Yes.</i>  They said –  <i>Would anyone else have used your car?</i>  She said –  <i>I don't think so.</i></p>	<p><i>drove back.</i></p> <p>Then on (23<sup>rd</sup> Mar2009) SNF told her that:  (ii) <i>She drove down and walked back from Marieville Esplanade.</i></p>	<p>Claire Chappell's being suicidal and perhaps going down to the boat, she (SNF) drove down that night, saw homeless people with fires down at Sandy Bay, didn't see anything going on on the yacht so she drove home.</p>	
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SNF walked down Molle St, down Byron St and perhaps then into Sandy Bay Road and perhaps then into Queen St. She was wearing her navy blue jacket. Nearing Marieville Esplanade, she discovered she had the wrong bunch of keys in her pocket (she had the farm keys) and so returned to the house, got the car keys and walked back down. She went to the car first and drove it (past two or three houses), then turned and nosed the car into the SBRC shed area, so that its headlights shone out. She was hoping to see the yacht, to see if there was any activity. But she couldn't see anything at all, everything was absolutely pitch black. [there being a new moon that night, there was no moonlight; and weather observations record that the sky was overcast with cloud]



Pic: Rowing Club shed - light blue wall -showing 'alcove' before it was later extended .  
<https://beachsafe.org.au/beach/tas/hobart/battery-point/short-beach>

<p>SNF saw a couple/two or three 'homeless people' standing around a fire pot or something: she assumed it was Steve, who used to help them get the dinghy off and a friend of his. She stayed in the car for a few minutes, and because of their presence she did not drive down to the end of the spit. She then drove home and parked the car on the street, outside the house, not in the user-unfriendly driveway. She then went to bed. She was not in the FW dinghy that night and did not go back to where it was tied up at the RYCT.</p>	<p>[Gleeson also claimed that on the night of the murder] a young man and a teenage girl had talked to him about breaking into yachts.</p>	<p>Gleeson: The cooking + eating finished about 11:30 p.m. or so. He didn't see Paul Wroe (whom he had known for about 10 months or so beforehand) that [26Jan2009] night.</p>
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26Jan2009 (evening) continued:

<p>SN-F has disclosed that there were two cars on the spit that night, when she walked down, collected her station wagon, drove it, pulling into the 'spit' (that built-up arm out into the river, with the scouts, the rowing club and now, these days (2020) some of the RYCT canoes at the end):</p> <p>'... there was a yellow car (Gleeson's) and a grey, short-wheeled base Land Rover but she has no idea who owned it.</p> <p>She turned her car into the area of the spit, but didn't get out and walk to the end because of the homeless people around the fire.</p> <p>[personal communication from second person]</p>	<p>They were further along and over to where they usually congregated in their – oh, they've got an old 4WD and a yellow car and – <b>didn't see the cars, it was too dark</b>, but I could see the light and I could see the outline of a couple of people. [CT 1171 10-14]</p>
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Sue ... saw a yellow car (Gleeson's) and a grey, short wheeled-base Land Rover down along the spit that night.  
other source says 4WD was owned by a woman

**Gleeson** seemed to say that his car was on the spit, on the northern side (i.e. not on the casino side) of the rowing club sheds, and on the shed-side of the spit's driveway, i.e. not by the rocks where the dedicated angle-park spots are, up there opposite the rowing club shed, but on the *right side of that drive*, i.e. **at/in** the alcove that used to be there.

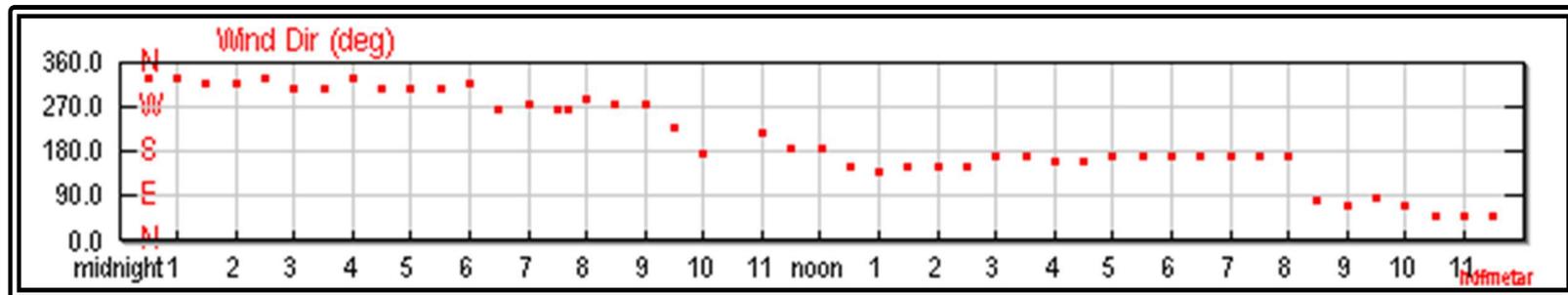
**Gleeson** said he cooked sausages there, on a camp stove, on that night.

**Another source** says she had often seen coals, i.e. remains of fires [down there on the spit?]

**Hughes** said he did not remember seeing any cars or people on the spit that night.]

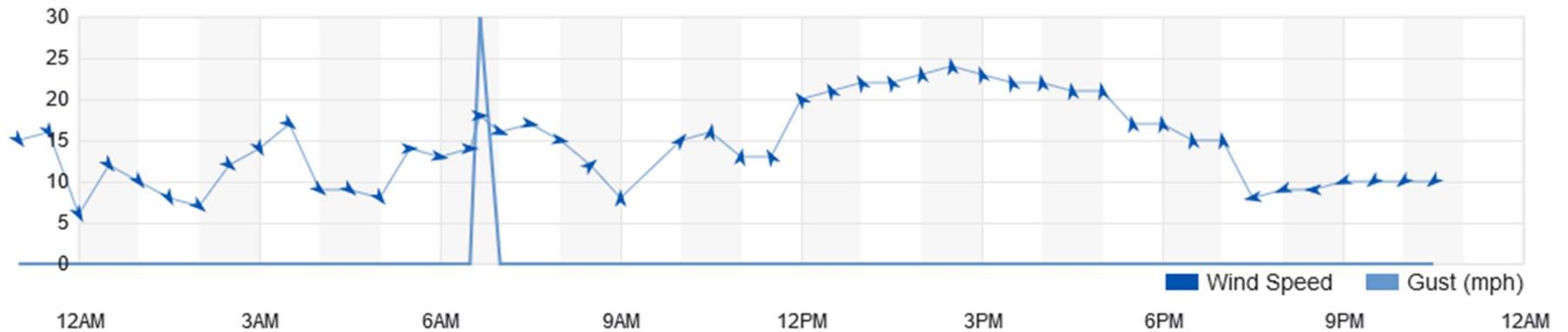
**Sue** said that it was too dark to see the homeless people's vehicles [1171 10-14](circa 65-70m distant). *"They were further along and over to where they usually congregated in their – oh, they've got an old 4WD and a yellow car and – didn't see the cars, it was too dark, but I could see the light and I could see the outline of a couple of people."*

26Jan2009 The homeless girl, MV was listed as a resident at Mara House, but did not stay there that night. Meaghan Vass was absent from her accommodation for several days ... *"several days of absence and never returning to that accommodation..."*



Hobart Wind Direction Chart for 26Jan2009 [Australian Eastern **Standard** Time] / Weather Underground

<https://tinyurl.com/yattopec> [produced c. pre 2017?]



Hobart Wind Direction Chart for 26Jan2009 [Australian Eastern Daylight Time] / Weather Underground  
<https://www.wunderground.com/history/daily/au/hobart/YMHB/date/2009-1-26> [produced: Sept 2020]

[It should be noted that the two charts above appear to begin and end one hour before midnight. In effect, they reflect the ‘artificial’ daylight savings times (AEDT) as adjusted forward annually by one hour from the first Sunday in October ... for six months till AEST resumes in April of each year.]

26Jan2009 (late evening): Between **11:30 p.m.** and 12:00 midnight, John Hughes, who was at the SBRC, noticed a dinghy some 50 metres offshore, coming from towards the yacht club and going NE out from that area.

<p><b>Hughes</b> (anonymous phone call <a href="#">c.29Jan2009</a>): Det. Insp. Powell claimed on 'Shadow of Doubt' that '<i>John Hughes initially said he'd seen a woman between 11:30 and 12 going out in a dinghy [...]</i>'.          [Peter Powell: in 'Shadow of Doubt' / Eve Ash at 39:15] and also:  <i>'Hughes when he first rang up police said that 'the dinghy was</i></p>	<p><b>Powell</b> (re Hughes statement 10Mar2009): Det. Insp. Powell claimed on 'Shadow of Doubt' that '<i>John Hughes [...] later he changed his evidence ... in his statement he said it was the outline of what he thought was a female and he may have even recanted a little bit at trial</i>'.          [Peter Powell: in 'Shadow of Doubt' / Eve Ash at 39:15]</p>	<p><b>Hughes</b> (at trial): thought "<i>the person had the outline of a woman</i>" but he "<i>Couldn't be definite</i>". The person (CT 381-382) was sitting towards the back, not on either the LHS or RHS of the dinghy, presumably on a seat or on the floor of the dinghy.          He could not tell the colour of the dinghy, but said that it was a rubber inflatable, between 3 and 5 metres in length. The dinghy</p>	<p><b>SNF</b>: She was not in the FW dinghy that night and did not go back to it, where it was tied up at the RYCT.  <i>Author Robin Bowles (personal email communication 12Apr2020) writes about Hughes' differing accounts: I know abt the first one from Sue, as follows: He rang in anonymously from a phone box. Police traced box to SB foreshore. Said he'd seen</i></p>
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<p><i>heading towards Battery Point [...]</i>.  <i>Author Robin Bowles (personal email communication 12Apr2020) writes about Hughes' differing accounts: I know abt the first one from Sue, as follows: He rang in anonymously from a phone box. Police traced box to SB foreshore. Said he'd seen someone rowing out to the boat while he was having his drink etc in car</i></p>		<p>passed into the group of yachts that were moored off Marieville Esplanade and disappeared from view.  'Hughes at trial said <i>[...] it was heading North east towards the eastern shore</i>'.</p>	<p><i>someone rowing out to the boat while he was having his drink etc in car...</i></p>
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Author Robin Bowles (personal email communication 12Apr2020) writes about Hughes' differing accounts:

*My history of this account was gleaned as follows:*

*Hughes gave THREE versions of that night to police.*

*I know abt the first one from Sue, as follows:*

*He rang in anonymously from a phone box. Police traced box to SB foreshore. Said he'd seen someone rowing out to the boat while he was having his drink etc in car. Police told her abt this and challenged her. That's when, instead of KEEPING QUIET! She said couldn't have been me, no rollocks, etc.*

*Police advertised, begged 'witness', any witnesses, but esp him, to come forward.*

*He did. Made first official statement In which I think he either confirmed he was the anonymous phone box caller or police referred to it. they usually put name, occupation and then write 'I have previously made a statement on this matter and now wish to add something' or words to that effect. That's how they keep track of a series of 'further and better particulars' emerging over the course of massaging the evidence. He was equivocal abt rowing and sex of person in dinghy in that First statement.*

*Later made Second official statement, now with motor and female person in dinghy. This, of course, is the one used in the trial. Jury had no knowledge of previous two versions.*

*Sarah sent me all the statements which is how I know all this. And how I got his name, ph no and address. lives in SB. I tried to interview him, but he wouldn't talk. Did get his brother one Monday evening, doing his relief babysitting of Mum and he did talk a bit. That is in my book. Hope this helps clarify. I might be able to find the statements, but not until end of May. Big project on just now.*

Grant Maddock got back late at night to his mooring. His boat Apache, was due East of the Northern **end** of the marina. The winds were quite strong that night and he would have been rowing **[i.e. with two hands, as opposed to sculling], and might have been returning from**

shopping at Woolies [Woolworths Sandy Bay in 2018 is open from 7 a.m. to midnight, seven days a week ... in 2009 ...?] Grant Maddock was generally inclined to skull around that time because he had a fractured arm, but in a strong breeze he usually rowed.

He returned to his mooring after dark. Late at night, around midnight, he noticed lights from another vessel hovering around moorings. He rowed over in his dinghy to see if he could help as it was unusual for people to come in so late. He then rowed alongside the boat. The owner, Mr Brettingham-Moore, said he was okay and didn't need help. He accompanied the boat for a way past the marina, then returned. It was windy at this time and he didn't notice any other activity.

To Brent Brocklehurst, of Stanley St, Sandy Bay, it sounded as if they [Pargeter [Pargiter?] and the trio from the dinghy] were getting drunk. His partner asked them to quieten down. They went on til about midnight.

## 27Jan2009 - morning

Paul Wroe (said that [that] next morning he) was questioned by Detectives at the DSS.

27Jan2009: (late evening 26Jan/early morning 27Jan): A woman heard a “*distressed mature male voice*” late on Australia Day between 11:00 p.m. and 1:30 a.m. There was a very distraught and sobbing woman picked up by a taxi from the RYCT btn. 11:00 p.m. and 2:00 a.m.

27Jan2009: **00:25 a.m.** (Tuesday a.m., i.e. after midnight): The vehicle was said by police to be similar similar to a Ford wagon; Police did not attempt to identify the vehicle.

*Commonwealth Bank at 185 Sandy Bay Road had an external security camera which captured footage of Sandy Bay Road on the 26<sup>th</sup> and 27<sup>th</sup> January 2009. From that footage police printed a still photograph from the time of 0025 hours on the 27<sup>th</sup> January 2009.*

[The footage shows the date - time was 1/27/2009 12.20.00 AM - [Image from: 'Shadow of Doubt' / Eve Ash at 40:54]]



<INSERT PHOTO: CAPTION : IS THIS A BLUE/GREY FORD STATION WAGON?>

27Jan2009: **3:08 a.m.**: No one else was in the Allison St house but SNF. At 03:08 a.m., a call was made to 'Star ten hatch' from the Allison St landline.

## Derwent Lane jetty here



Pic: Eve Ash - <https://clant.org.au/wp-content/uploads/the-bali-conference/2015/Ash.pdf>

**27Jan2009: Pre-dawn – early morning - sunrise**

27Jan2009 (5:32 a.m.): ['Civil Twilight' began at 5:32 a.m. that 27Jan2009 morning. The skies were partly cloudy, trending to 'haze'. The wind had been from the N-NE from sunset the previous day]

27Jan2009: **5:40 a.m.** (Tuesday): Tim Farmer arrived at the rowing club with his daughter for the morning rowing training. He was the first of the club members to arrive. He noticed a dinghy nudging onto the rocks [that form part of the spit on which the SBRC buildings sit].

The painter was inside the “small” dingy and he tied the dingy to the rocks with the painter. The outboard was in a raised position.

27Jan2009: **Dinghy next to Stephen Gleeson’s car:** *An informed source wrote [Mar2020] “I am not convinced that Gleeson was not involved. The dinghy was right next to his car.. ”*

27Jan2009: **5:45 a.m.** (the 'start-time' for rowers), Daryl Balding, the coach of the SBRC, arrived. Mr Farmer told him he had found an inflatable dinghy floating off Errol Flynn Beach, which is the beach between the end of Marieville Esplanade and the rowing club. Mr Balding saw that the dinghy was tied to rocks beside the rowing club and that it was grey with dark blue trim and had an outboard motor attached to the back. 'Just before six', Farmer, Balding and the rowers went out on the water. They stuck close to the shore, not near to the FW.

27Jan2009: **6:05 a.m.** The sunrise was at 6:05 that 27Jan2009 morning.

Just before <b>7:00 a.m.</b> , Richard Herron, in a (SBRC) rowing club runabout saw a sinking yacht and at 7:00 a.m. drew up alongside John McMillan (off Battery Point) who was in a workboat on the water. Herron told McMillan about the sinking boat and asked him to ring the police. But McMillan didn't have a number for the police, so he rang the Hobart Port Control and notified them. Port Control then asked McMillan to go to the yacht and see if there was anybody on board.	' <i>Getting on towards seven</i> ' Daryl Balding was returning to the SBRC, this time wider out from the shore, and noticed a sinking boat. There were no boats or dingies with it.	Tim Farmer ' <i>round about seven</i> ' they [ <b>he, Balding and the rowers</b> ] were returning and saw a boat, down by bow, obviously taking in water.
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Constable Craig Jackman, of the Police Marine and Rescue Services, received a call about the sinking vessel and with Constable Kriss Lawler, who had been recalled to duty, proceeded to the Hobart slipway, to board the police vessel *Observer* and to make their way to Battery Point.

Meanwhile McMillan had reached the FW, and had called out, but had no got any response to his calls. He did not board the sinking vessel, but returned to the public wharf, to go to the workshop, get some pumps and return to the FW.

27Jan2009: “**6:30, seven o’clock in the morning**” ... Eddie Hidding turned up to work at the Chandlery at his regular time “*and there was a lot of activity around the area. And there was some policemen around the front of my shop and I asked what was going on and they*

*pointed over to a boat that was partially sunk. And that was when I heard there was something happening.”*

27Jan2009: **7:00 a.m.**, Also at this time, Constable Stephen Stockdale had been tasked with attending Marieville Esplanade, in relation to a sinking yacht. He went there with Constable Shane Etherington.

27Jan2009: **7:04 a.m.?**: '*Between 07:30-08:00 a.m.*' SNF got up and tried to ring Bob. There was no answer. Sue was not troubled by that – she went and headed for the shower. [*This 07:30-08:00 a.m. time given by SNF does not seem to be correct, given that police called her at 7:11 a.m. to tell her about the sinking yacht. Also, DPP Ellis told the court that SNF had rung the mobile phone which was at the FW at 7:05 a.m. The Appeal Court (para 51, put the time at 7:04 a.m.)*]

27Jan2009: **7:10 a.m.** Constable Stephen Stockdale, tasked with attending Marieville Esplanade, in relation to a sinking yacht arrived there with Constable Shane Etherington at around 7:10 a.m.

27Jan2009: **7:11 a.m.** Tasmania Police called the landline at 7 Allison St in West Hobart and spoke with SNF. At first she thought the call was about Claire. SNF thought that Claire must have harmed herself. However, told about the FW sinking, she said she'd go down there and did so immediately. SNF could not [*neither hope to nor adequately*] explain the confusion in her mind about that day.

Balding, Farmer and the rowers, returning wider from the shore than when they begun the rower training, noticed the sinking boat. They were getting the mobile phone out, to ring the police, but noticed the police on the shore, and so they proceeded in. Once onshore, following some discussion, Balding took Constable Stockdale out to the FW in the motor boat they'd used for the rowing training. They pulled up on the starboard side. From this time till 1:30am 30Jan, at least 21 people (not including FFST personnel) boarded the FW. Constable Stockdale went on board and looked around, then looked into the wheelhouse.

He saw a knife on the floor and some blood on the three steps. He also saw a mobile phone, which he took possession of. [he did not record its location] The knife [when later examined by forensics(?)] had the impression of a shoe (belonging to a Marine Police officer) on it.

-image reproduced from Bill Rowlings article in Tasmanian Times [<https://tinyurl.com/y76ewocg>]





**Blood on bottom step (Image copied from *Shadow of Doubt* / Eve Ash, at 6:28)**

Stepping into the FW, Stockdale could see further up, that water was engulfing the yacht. He went down into the cabin area. He came back out and asked Balding to come on board and have a look in the forward cabin area to see if the person was there (it was wet below and Balding had gumboots). Mr Balding, on boarding the FW, was asked by police “to avoid a couple of spots of blood on the steps” He saw the blood on the steps. In the cabin, he saw the ignition key, and turned it on, to see if there was any power, because he couldn't hear the bilge pumps working. An indicator light told him that there was power, and he then turned the switch off again. He found that the water inside was too deep to proceed forward. On the wall at the back, he saw the switches for the bilge pump set to the automatically-on position. Because they couldn't walk in the water, he and Constable Stockdale opened the [deck] hatches to see if anyone was on board. They saw no one. Balding noticed that the gateway at the stern was unlatched.

When SNF got down to Marieville Esplanade, she saw the FW low in the water, its bow almost under, and she spoke to the uniformed officers. She asked them: “*Where's Bob ... where is he? My partner's on the boat*”. The officers radioed or rang and it became a “*little bit fuzzy after that.*”

27Jan2009: **7:25 a.m.** Still on the FW, Stockdale had radioed for Marine Police to come and help. Constables Jackman and Lawler arrived at 7:25 a.m. , on the police vessel *Observer*. Jackman stayed on the *Observer*, in case there was need for quick action if the FW, to which *Observer* was tied, went down. Constable Stockdale was on board when Lawler came onto the FW to check. The spots of **blood** observed by Stockdale on the steps inside the yacht, had water from the Marine Police fall onto them as the Marine Police tried to step over them. At Stockdale's request, Lawler moved the steps with the **blood** on them. The knife [**when later examined by forensics(?)**] **had the impression of a shoe (belonging to a Marine Police officer) on it.**

27Jan2009: **7:45 a.m.** Constable Ashley Kent attended work that morning in North Hobart and was informed to attend to a vessel sinking in Sandy Bay with Constable Cunningham.

27Jan2009: **7:50 a.m.** that Tue27Jan2009, Detective Mark Wilby (working with Constable Plunkett) got called to Marieville Esplanade,

27Jan2009: **8:00 a.m.** On arrival, Dtv Wilby liaised with Sgt. Andrew Sulman. Police Constable Plunkett saw a partially submerged yacht and a small grey dinghy. Detective Wilby chatted with SNF for about 20mins before going to the FW. She told him that she had (unsuccessfully) telephoned Bob on mobile at about 7:05 that morning. Wilby told SNF that the FW would be treated as a crime scene.

27Jan2009: **8:00 a.m.** Sergeant John Pratt began work at Hobart Police Marine & Rescue Services and shortly after, having been made aware of a sinking vessel (the FW), he travelled on the police boat *Freycinet* with Constable Round to the FW, off Short Beach.

27Jan2009: **8:00 a.m.** Having been called to attend the Hobart Domain Slip, Constables Ben Cunningham and Ashley Kent went there and prepared a diesel powered pump for transport to Sandy Bay.

27Jan2009: **8:08 a.m.** Jane Austin, of Battery point, saw a boat apparently sinking and took a photo of it. The vessel had been immersed to approximately 200 mm over the wheelhouse floor and the vessel had been down at the head. Attending police had described the water in the saloon area as approximately “*waist deep*”). It appears that it was she the previous evening [see: 7:45-8:30 p.m. 26Jan2009] who saw the 'Weatherbeaten Man' in a Zodiac dinghy coming from the vicinity of the FW and she last saw it “*about half way between the sinking yacht ([that] morning) and the DSS*”. Her husband [Catchpool, Stephen] saw it too. He contacted the police that day. [**A detective came round and took a statement from his wife. See: 27Jan2009 6:45 p.m.**]

27Jan2009: Stephen Catchpool and his wife, Jane Austin, (living then in Napoleon Street, Battery Point) upon waking, saw a boat lying low in the water and a lot of police activity. His wife took photos of the scene. She observed the boat from the top floor of their “small white” three storey house at the very bottom of the Napoleon Street hill. He was familiar with the boat to the extent that he would have recognised it.

27Jan2009 – during the day, Jane Austin and her husband Stephen Catchpool contacted the police who came to their premises and spoke to them. Catchpool did not make a statement (his wife did) but apparently told them of his **white**, eight foot six Purdon dinghy having been moved from its normal position seven to ten days earlier. [This would nominally be the period Sat17Jan2009 to Tue20Jan2009 - ] It was normally kept on the driveway of a [his?] house and was taken one night. He had seen it on the beach (some 50 metres away) at the foot of Napoleon St [i.e. close to his house] perhaps it was on the next day that he saw it. It was not damaged and they hadn’t notified police. He didn’t row the dinghy, its outboard motor was not kept on it and he sometimes put the mast in it to sail it without/rather than putting the outboard motor on the back.

At the time, Catchpool had been aware of two homeless people, a woman (mid 50s) living in a land cruiser and a man (40-45) living in a yellow Ford and another (older) man who would come and visit him from time to time. Catchpool thought that the woman might have had a little gas cooker. Catchpool had a telescope and had observed the males with it. The visitor was gaunt looking and had a moustache. The visitor arrived at least twice in boats – once in a **blue** (about eight foot) dinghy called *Dr Who* (not an inflatable, propelled by rowing) and once in a (probably 30 foot) sloop which ran aground. Catchpool was shown a black and white photo of a sloop that had run aground and he said that it was similar to that which he’d seen run aground in Sandy Bay, but that he did not think that the location of the sloop in the photo was Sandy Bay. [this suggests that Wroe had run aground at Lindisfarne (29Dec2008) and on another occasion at Sandy Bay, while visiting Gleeson. Catchpool did not know their names. The dinghy in which Wroe is seen in the Lindisfarne Mercury photo is white. Southern Wright itself in that photo has a white hull, its deck is light blue and the inner wall around the deck are dark blue ]



... the *Four Winds* being pumped out. [image reproduced from *Shadow of Doubt* at 29:42]

27Jan2009: **8:15 a.m.** At around 8:15 a.m., Jackman took the *Observer* back to the Hobart slipyard where the pump was loaded onto the *Observer*. Two members of the Tasmanian Fire Service with another pump were also there. They all boarded the *Observer* and went to Sandy Bay where the *Four Winds*, on the mooring, was partially sunk. Accessing one of the bow hatches, they got the pumps working.

Some personnel from Aqua Scuba arrived with their pumps so they

McMillan, on his return, had found the Marine Police on board. He

had three pumps going in tandem.

put one pump down the forward hatch and started pumping.

With his pump now in operation, McMillan, who had not entered the wheelhouse of the FW, left the vessel – he had work to go to.

SNF sat in the back of a police car. Constable Etherington asked her a great deal of questions. [\[Here follows a summary of Const. Etherington's account in court of their conversation\]](#):

*that she and her husband were the owners of the yacht that was sinking. Throughout the conversation she told Etherington that she had seen him earlier the previous day in the afternoon, on board the boat. She observed the dinghy, which was just on the shore, a grey and blue dinghy, like a small skip, that was just wading unattached and said it belonged to the Four Winds.*

*She described Mr Chappell as her husband. He had been wearing brown shoes, cream shorts, a shirt and a watch.. She did state that he had a watch on. He was in quite poor health, she later explained that he'd suffered from severe nosebleeds in the past and mainly when he was coming down from Queensland, bringing the yacht from Queensland. She attributed a massive nosebleed up there to a massive overdose of Aspro, resulting in him being hospitalised in Queensland.*

*She said that he had been a little upset about her continuing on, that she was quite an accomplished sailor. Her husband had been making some repairs to the electrics and to the motor. Also he was making some repairs in relation to some panels that had apparently been loosed by unknown persons. She stated that she believed the boat may have been boarded two to three days prior to Mr Chappell being on the boat. She explained that she believed that a yacht similar to that was used to smuggle drugs from other countries and brought to Australia and the drugs were stashed in these similar panels and that she believed that that's may be what had happened to her boat. She asked him or the Tasmanian Police Department if they could get their police dogs and have the dogs sniff the boat.*

During that conversation in the back of the police car, PC Etherington had asked her: [“Did Bob have any enemies, has anything unusual happened?”](#) So she told him of the 'breakins'. He seemed to think that it was very important and asked her over and over again about what had happened. Etherington made notes in notebook about crepe strapping around SN-F's wrist & a cut or a bandaid on her thumb. She told him how she'd cut it, but Etherington did not note it down. She also said that her fingerprint might be on a torch on the boat.

27Jan2009 **8:31 a.m.** / 8:50 a.m: two varying times given for the predicted High tide that morning:

Mobilegeographics.com:

2009-01-27 Tue 8:31 AM EST 1.25 meters High Tide

Un-named Source (see link):

2009	Tide	Clock	Interval	Level m
27-Jan	High	8:50am	7:19	1.31

After pumping for about an hour, Lawler found a pipe to the toilet that appeared to be cut.

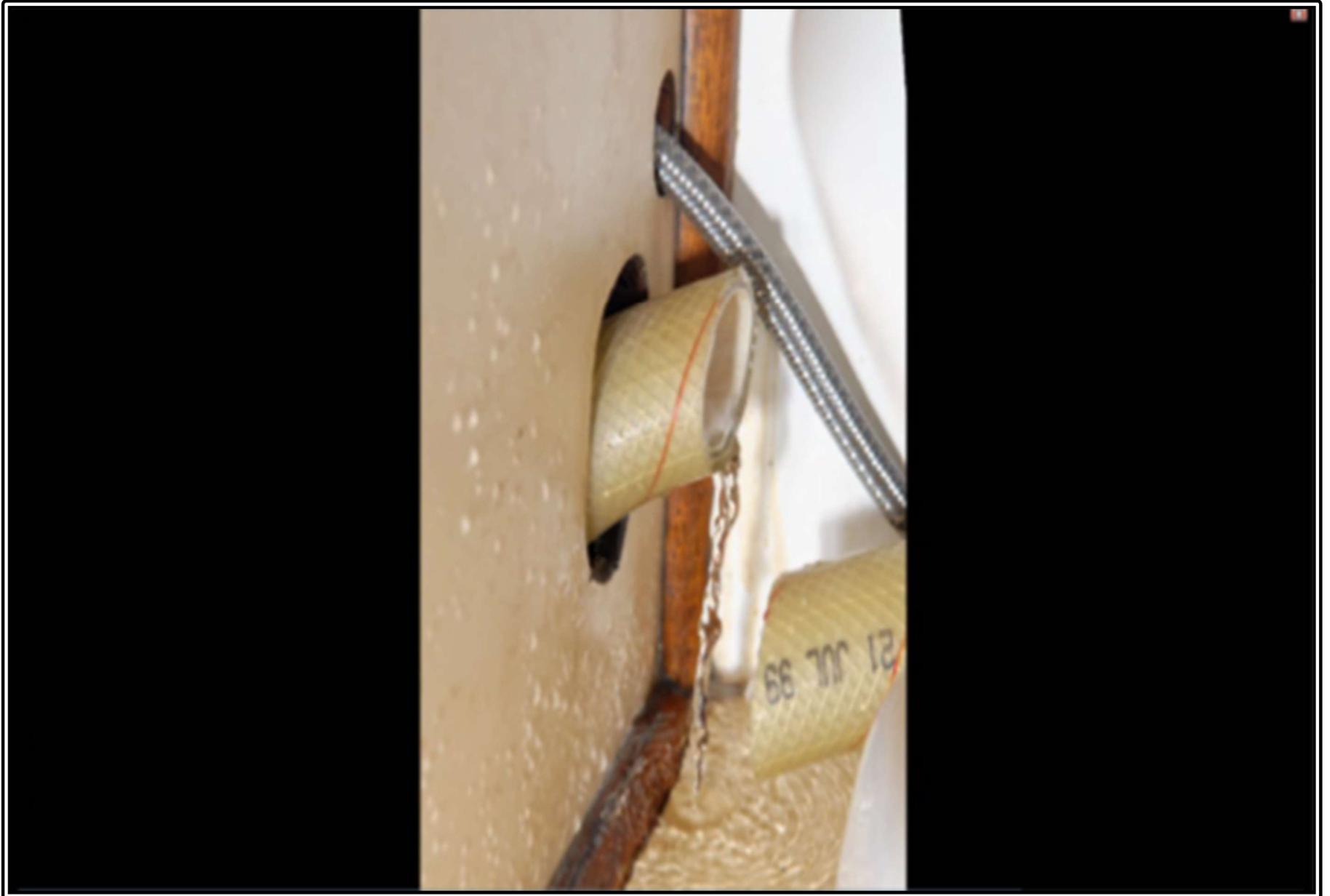


IMAGE OF CUT TOILET PIPE 20090127 Angle of cut to toilet pipe and closeness to wall suggests done with left hand? [Image in 'Shadow of Doubt' / Eve Ash at 4:02]

Shortly after, Cunningham found an open ball valve seacock under the floor, near the bow, which he shut off. Lawler said at trial:

*“I was present when Constable Cunningham located another seacock which was opened allowing sea water to flow freely into the vessel. The valve was located under the floor in a compartment adjacent to the previously mentioned toilet door. The hatch to that compartment had been lifted most likely by water whilst the vessel was flooded. Attached to that valve was a short length of rubber hose which had been cut. The cut did not appear to have been freshly made. The valve and hose appeared to be no longer in use. I’m of the opinion it was likely part of an old plumbing system that’s no longer required, possibly a toilet or similar.”*

SNF's daughter Emma arrived, with her partner Jeremy, and Sofia and SNF's granddaughter. Sarah (SNF's other daughter) also arrived.

[When the other family members arrived, Sue was seen standing with them, her hands folded before her. She was holding a black clutch purse in front of her. 60 Minutes filmed her, and the others at the beach that morning. As well as the clutch purse, she seemed to be possibly holding another dark item below the purse (e.g. a car lock remote?) On her left thumb was perhaps a piece of string, thick enough to create a shadow line next to it, crossways over her thumb. It could even have been the raised edge of a bandaid. Under the left sleeve of the top that she was wearing, appeared to be some material visible below her right hand which was over her left wrist (visible in the spaces between her thumb, middlefinger and forefinger) which could have been a loose bandage (as it seems to hang off her wrist) or could be the shirt sleeve cuff, held closely while the billowing sleeve doubles over it.

[Image of Doc: in 'Shadow of Doubt' / Eve Ash at 56:18]

27Jan2009 **before 9:00 a.m.**?: Eddy Robert Hidding, the manager of the Sandy Bay Chandlery [between the marina and the rowing club sheds] arrived for work and found a lot of activity in the area: police were at the front of the shop, a yacht was sinking. He knew the Four Winds and its location – it was a new addition to the area. He didn't know Susan Neill-Fraser or Bob Chappell, though they had bought a fender off him during the period [since its arrival]. Hidding knew Paul Wroe, who was a client over a 12 month period.

[according to Hidding] Wroe was *“Short in stature, a bit rough round the edges”*, but pleasant, he always paid and was no problem to them. Wroe slept on his yacht and would row from his boat to the little beach. Wroe's boat (he didn't know its name [it was: *Southern Wright*, but not painted on]) was directly out from the sailing club and south of the *Four Winds*, about a kilometre apart. [other evidence (Wroe: 31Nov2017 et al., ) suggests that on 26Jan2009 Wroe's boat may have been at Pam Genders' mooring]

[Q: was *Ludus Amoris* moored/anchored close to the Genders' mooring?] Hidding had never heard of break-ins [in that area/on the boats in that area]. He said that he had no knowledge of homeless people having been in the area, had never seen a homeless girl, no broken bottles.and had no rubbish or other problems around his business. [According to Hidding 31Oct2017] Wroe's yacht was always on the same mooring and it was a solid dinghy that Wroe rowed and sometime a kayak also. [Hidding] knew a Mr Maddock who had a solid dinghy and a dog.

27Jan2009 perhaps **9:00 a.m.** : it was daylight, [perhaps] 9:00 a.m. and [men who arrived in a] fire truck asked [Gleeson] to move his car. They saw the Four Winds sinking. [Someone called] **Pete Fraser** arrived.

Tim Chappell (Bob Chappell's son) was walking to work, he got a message – the police radio room had rung his wife's mobile – he returned the call and he was put through to an officer at Marieville Esplanade. Following the call, he detoured and walked down to Marieville Esplanade.

Tim Chappell arrived a little later after Emma, Jeremy etc.	Tim Chappell arrived at Marieville Esplanade soon after 9:00 a.m.	Tim Chappell went down to Marieville Esplanade with his wife at about 9:00 a.m.
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Tim Chappell saw the FW dinghy floating free and bobbing around near the rocks near the rowing club. The painter was inside the boat, – “ <i>certainly not put away neatly</i> ”.	[at 5:40 Mr Farmer had tied the dinghy to the rocks and at 5:45 a.m. Mr Balding had seen it tied to the rocks.]
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SNF told Tim Chappell about the previous night's phone call from Richard King. He said '*Oh my God, I got one too*'. He became quite agitated, so SNF decided not to tell him of going down to Marieville Esplanade during the night lest it might further alarm him, to suggest that she thought Claire might have gone down.

SNF: “ <i>I told him about the phone call and he was very very upset. He was more upset than I've ever seen him, and he went off immediately to talk to Claire..</i> ”.	Tim Chappell: “ <i>I wasn't upset in that sort of way at all. I was obviously stressed and confused, I was not upset.</i> ”
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He was “*nervous and tense*”, appeared upset, and was “*turning quite suddenly one way and then the other*”. Tim Chappell also said to SNF: “*I wonder if Claire could be involved*” and/or “*I wonder or I hope Clare's not involved*” and he asked her if she'd ever met Richard King or spoken to him before [that phone call] ... she hadn't.

“*Early in the morning ... mid - mid morning*”, Kim Eiszele, a Mercury photographer, attended Marieville Esplanade and took photos of people who were unknown to her.

### **The family went to a cafe.**

To avoid the media, the family [not including Sarah, who was at work and out of contact] went to a cafe in King St, for a short while. Tim Chappell tried to ring his sister Kate (on Bruny Island) but could not get through, so he left her a text message.

He then left them, to go and see his sister Claire, and to tell her what had happened.

c.11:00 – 11:30: Tim Chappell went to tell his sister Claire, probably about two hours after arriving.

When he came back, he said *'There's no way Claire could be involved she broke down and she was very upset'*.

On the *Freycinet's* arrival at the FW,, Sergeant Pratt spoke with the police officers already on board and was made aware of the possibility that a male person could be missing from the yacht. He and Constable Round conducted a grid search on the *Freycinet*, of the area south of the FW as far as Nutgrove Beach, past the Casino (approximately two nautical miles in length and to the East, about one and a half nautical miles in width. They saw nothing out of the ordinary.

27Jan2009: **9:50 a.m.** Klaus Haeussler, a German yachtsman left Hobart on his two-masted yacht 'Ludus Amoris' [it is conjectured that it was he whom Peter Lorraine had seen 80 metres off the Derwent Lane jetty, at 5:00 p.m. the day before.]

[see: <http://www.betterconsult.com.au/blog/technical-competence-in-the-sue-neill-fraser-case-and-yet-another-possible-lead-not-followed-up/>.]

[ <https://play.google.com/books/reader?id=PcC9CwAAQBAJ&hl=en&pg=GBS.PA269> ]



Above: *Police Forensics Services Officer photographing Four Winds Dinghy (image: newsapi.com.au)*

27Jan2009: **10:00 a.m.** Having been asked (at about 10:00 a.m.) to attend Marieville Esplanade, Constable Melanie Redburn from Police Forensic Services Hobart went Marieville Esplanade.



*Photo from the Australian Missing Persons Register: <http://www.australianmissingpersonsregister.com/BobChappell.htm>*

## A red sailing jacket was found on a fence...

27Jan2009: **10:30 a.m.** James Millar was returning from walking and exercising his dogs at Marieville Esplanade. He found a red sailing jacket on a fence. At the time, SNF and the family group were having a coffee away from the media.

Millar saw on the corner of Marieville Esplanade and Margaret St, a red sailing jacket draped over the brick boundary fence of a house named Carmarita. The jacket was “*sort of not folded, but it was just draped about this wide over the fence.*” He did not touch it, but returned to where the group of police were by the rowing sheds and told one of the officers about it.

Au Ming Hong, a student living in the Carmarita house behind the fence, saw the jacket rolled up like a ball, sitting on top of the fence. He picked it up and put it back on the fence and went back inside.

Five minutes later, having accompanied James Millar back to the jacket, Constable Plunkett came to Au Ming Hong's door holding the jacket.

Au Ming Hong, a student living in the Carmarita house behind the fence, saw the jacket “*just rolled up [...] rolled up [...] like a ball or something*” sitting on top of the fence. He picked it up and put it back on the fence and went back inside.

Millar saw on the corner of Marieville Esplanade and Margaret St, a red sailing jacket draped over the brick boundary fence of a house named Carmarita. The jacket was “*sort of not folded, but it was just draped about this wide over the fence.*” He did not touch it, but returned to where the group of police were by the rowing sheds and told one of the officers about it.

Five minutes after Au Ming Hong had gone back inside the house, Constable Plunkett, having accompanied James Millar back to the jacket, came to Au Ming Hong's door holding the jacket.

Plunkett spoke to Au Ming Hong, to ensure that it wasn't his and to see if he'd seen it before. Mr Hong replied that it wasn't there the night before but couldn't be sure of the time. Millar then left and returned home. Using gloves, Plunkett searched the jacket for identification and found only a two dollar coin in one of the front pockets. Returning from Carmarita, Plunkett carried the red jacket open and bunched up and placed it on a brown paper bag “*laying down like a jacket, open jacket*” in Sgt Sulman's car boot.

[There was no blood detected on the jacket, though a 'long, dark, hair', which was not tested, was found on the outside of the jacket, some other hairs – possibly animal – which were also found on the jacket, were not tested. There was a “*Mixed DNA profile on the jacket, “at least 3 contributors, male and female DNA present” on the jacket. “The component of the major profile appearing to come from a single individual matched the DNA profile of Susan Blyth NEILL-FRASER (1 in 100 million)”. [...] “Timothy Edward CHAPPELL and Robert CHAPPELL not excluded as possible contributors (random person 1 in 2)”.*]

## The family see the Red Jacket

<b>Plunkett:</b> SNF returned to Marieville Esplanade from going ' <i>home for a cup of tea</i> '	<b>SNF &amp; T. Chappell:</b> To avoid the media, the family went to a cafe in King St, for a short while.
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Upon their return, the red jacket was shown to SNF after it was shown to other family members, then SNF..

<b>Jeremy Mills:</b> He was shown a red jacket in the boot of a police car and said that it looked like Sue's. He stated " <i>Sue came over and looked at the jacket and said that it was not hers</i> ".	<b>Sarah Mills:</b> didn't recognise it and picked it up to look at it. A policeman told her to put it down.	<b>Emma Meeker-Fraser:</b> Emma told Sue that she thought that maybe it was from the boat.	<b>SNF:</b> Tim Chappell heard the police ask if the jacket was ' <i>hers or dads</i> ' (sic). Sue said it definitely wasn't./	<b>Tim Chappell:</b> hadn't seen the jacket before. Said Sue came over and looked at the jacket and said it wasn't hers.
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[About the jacket, Sue was to say at the trial: "*The trouble is if you talk about something enough it becomes a memory and I don't – I can't say that I remember it terribly well.*" There are also the police accounts, and a further piece from SNF]:

<b>Etherington:</b> When shown the jacket in the boot, SNF said it wasn't hers, hadn't ever seen it before.	<b>Plunkett:</b> SNF " <i>glanced at the jacket and said that it was not hers.</i> "	<b>Sulman:</b> SNF said that the jacket was not from the FW. 18Mar2009: Constable Sulman made a statement which included that SNF was shown the jacket and " <i>she said it was not from the yacht</i> ". At court, Sulman stated that Sue had just " <i>glanced</i> " at the jacket and wasn't given the opportunity to pick it up. Sulman confirmed that she <u>never</u> said " <i>It's not mine</i> ".	<b>SNF:</b> outside the boot, was shown the red jacket for a few seconds. She didn't think she said anything, she thought she shook her head. She did not recognise the red jacket as one of hers.
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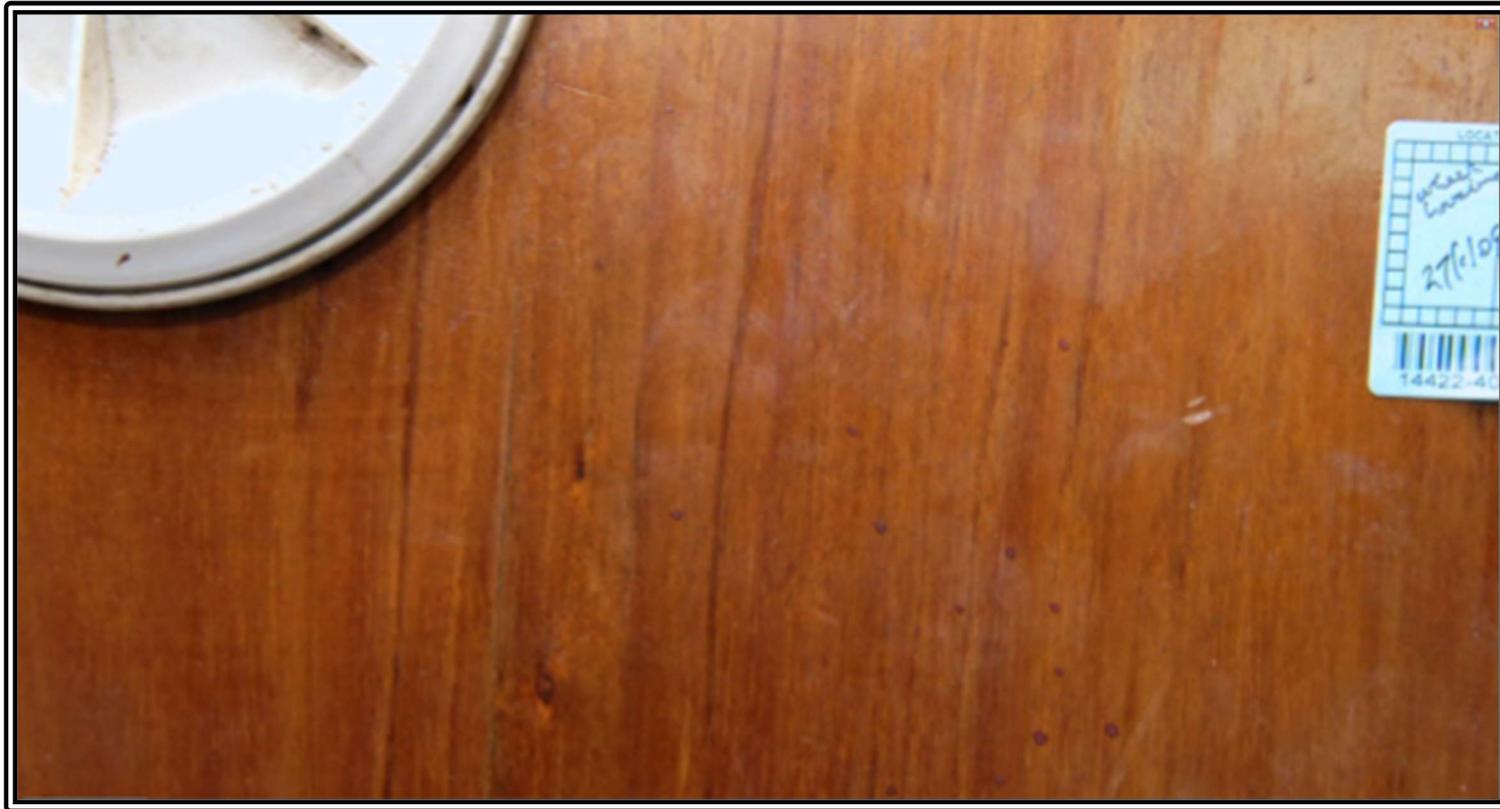
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The jacket in Sgt. Sulman's boot was later given to Constable Elphinstone.[Etherington?]

*The person known as a Gleeson was spoken to by police officers during the morning of the 27 January. He stated he was and had been asleep in his motor vehicle at any relevant time and had no information to objectively assist in what may have occurred at or around the time of the disappearance. There is no other objective evidence available to suggest that he may not be telling the truth. It is apparent that Gleeson had lived in his car at the Sandy Bay Rowing Sheds site for some time and was known to be a heavy consumer of alcohol. He had associates known as Yaxley (aka Little) and Wroe who were also spoken to by police and who were also heavy consumers of alcohol. [ Magistrates Court : 2014 TASCDC 04- CHAPPELL, Robert Adrian ]*

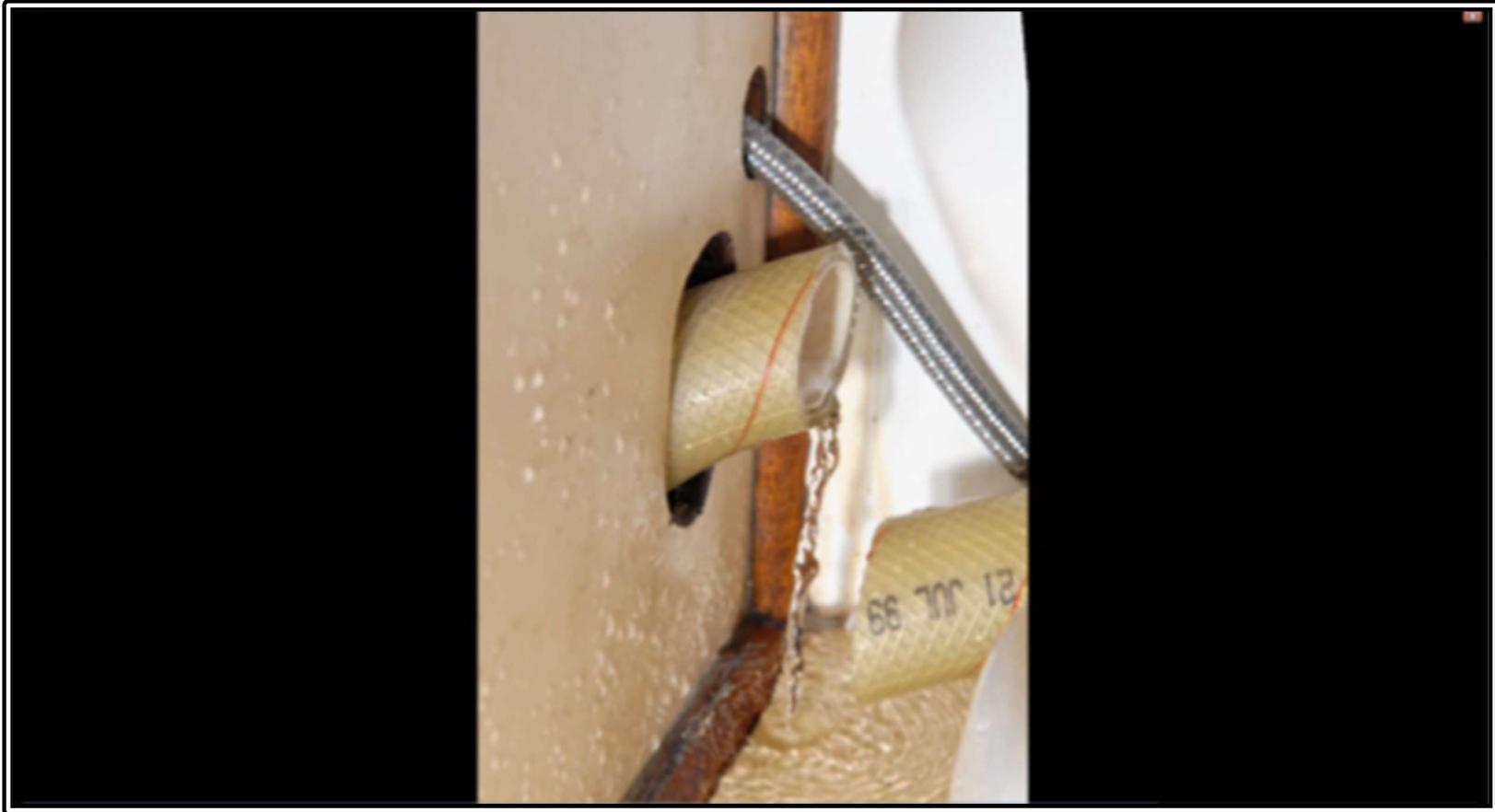
### **1<sup>st</sup> Forensics on the Four Winds: (at Marieville Esp. mooring) - 27 Jan (morning)**

On arrival at Marieville Esplanade, Constable Redburn spoke to attending police, and then to Marine Police and accompanied them out on a tender to the FW. She took with her a camera and a fingerprint kit to examine the boat. She took some photos from the Marine Boat as it was circling the FW. Once on board, Det. Wilby moved onto the police vessel while she conducted her forensic examination.



### **Red stains in the wheelhouse - image from Shadow of Doubt**

During the examination, Constable Redburn collected the knife found on the floor of the yacht, a torch with some reddish stains on it; took photos of the FW, collected 22 swabs, and conducted a fingerprint search in the wheelhouse. Constable Redburn was accompanied by other police officers who conducted fingerprint examinations in the other parts of the boat. The torch had a 'spatter' pattern on it. Constable Redburn did not closely examine the frayed/cut rope(s) from the winch to the hatch. She spoke to Cons. Lawler regarding the function of a panel in the wheelhouse – the control panel – near which were red stains and took various photos, including photos of the position of the switches in the control panel and in another area – the saloon - of a rope hanging from an external hatch in the ceiling. That rope was connected to a winch on the deck near the mast. There was a second rope on the deck, leading to a coil in the vicinity of the first. She did not examine the rope hanging through the hatch – it had not been mentioned to her as being an area of interest.



### from Shadow of doubt

She also saw and photographed in the forward area, on the left hand side of the toilet, a cut pipe with water flowing continuously from it. She took two swabs from the stairs and kept them overnight. On her return to shore that she was shown the (FW's) Quicksilver dinghy. 27Jan2009: **late morning.** In the late morning of 27Jan2009, Grant Maddock was visiting a friend in the corner of Constitution Dock. The friend regularly moored there. A mutual friend, whose name he did not remember, came to the boat and commented that a boat had been found sinking at its mooring and something was happening with it and it was going to be towed around to Constitution Dock, to outside Constitution Dock.

27Jan2009: Before midday, SNF and Tim Chappell [**and the other family members?**] went to 7 Allison St.

Kate Chappell was on Bruny when at about midday or two o'clock she (and Ann Sanchez) were told that Bob Chappell was missing.

27Jan2009: **11:50 a.m.** Constable Stockdale attended the Allison St home. He took the following (dictated) statement from SNF:

## **27 Jan 27 2009: SNF 1<sup>st</sup> Statement**

1 <sup>st</sup> statement:	27Jan2009	11:50am...	Allison St	Stockdale	
2 <sup>nd</sup> statement:	28Jan 2009	11:00am...	Allison St	Conroy	
1 <sup>st</sup> material gathering:	5Feb2009	11:50am	Allison St	Sinnitt&Milazzo	
1 <sup>st</sup> interview/statement:	4Mar2009		Police Station	Conroy/Puurand	1 <sup>st</sup> videoed interview – not under caution.
2 <sup>nd</sup> interview:	5May2009		Hobart Police Stn.	Conroy, Powell et al.c	2 <sup>nd</sup> videoed interview - under caution

[CT 1224] Such of SN-F's first statement to police 'P44' *as was read* by DPP Ellis to the Court.

*“I have been in a de facto relationship with Robert Adrian Chappell for seventeen to eighteen years. He lives at the same address as me, 7 Allison Street, West Hobart. In my opinion, we have a steady healthy relationship with no major problems. We have no children together but I have two of my own and Robert has three children. We do not have any financial problems, although Robert sometimes believes we do. We’ve been searching for a yacht for two years.*

*“We bought the yacht in September 2008 for two hundred and three thousand dollars from a couple named Steve and Geraldine in Scarborough. Initially the boat was out of commission and so we organised for some mechanical work to be completed before it was sailed down to Tasmania. After approximately two and a half months we decided the yacht was ready to sail and all the mechanical problems had been fixed. [an apparent variant of the last sentence was also read to the court by Ellis and follows here]: We decided that all mechanical problems had been fixed except for the electrical problems.*

*“We organised a professional crew to assist us sailing the yacht, the two males that came down with Robert and I were David Casson and Peter Stevenson. We left on the 7<sup>th</sup> December and eventually made it to Hobart on 23<sup>rd</sup> December 2008. We had a number of problems with the yacht including electrical problems and a number of other issues that were not located till we started our journey. When we arrived in Hobart we moored our boat off Marieville Esplanade, Sandy Bay, where the boat was located today.*

*“We’ve used the boat a few times and we’ve had continued problems which we are in the process of fixing. As far as I was aware there was still a number of problems with the yacht which included the fresh water pump tripping, the circuit*

*breaker intermittently, the anchor also had some problems. As far as I'm aware and to the best of my knowledge, there were no problems with the sea cock or the bilge pump. Robert and I were always checking these areas for problems. As far as I was aware there were still a number of problems with the yacht which included the fresh water pump tripping.*

*“On Sunday, the 25<sup>th</sup> January 2009 at approximately 9:00 a.m. Robert, myself and his sister, Anne, used the boat to travel to Adventure Bay. [corrected by SN-F at trial to “about 10:30” - 1229 6] There were problems with the anchor but nothing we weren't aware of. We returned at approximately 5:00pm and did not go back to the boat until approximately 9:00am the following day, the 26<sup>th</sup>.*

*“At 9:00am we went back to the boat to do some work on it. I left the yacht via the rubber dinghy at 11:00am while Robert stayed on the yacht. I returned to Allison Street, had a shower and some lunch. I then returned to the yacht at approximately 1:00pm. I left the boat at approximately 2:00pm as Robert wanted to stay on the boat so he could work through the systems by himself. It was at that time that I saw Robert last. He did not look acutely unwell and I did not notice anything abnormal. The boat was in the same condition as before. I did not notice any blood (indistinct word) firearms on the boat when I left. The boat had no leaks and was in sound condition.*

*“I left the yacht via the rubber dinghy and I left it next to the Royal Yacht Club which is on the opposite side of the rowing club. I believe that I tied the dinghy up adequately and it's never come undone before. I don't believe that it would come undone by itself. Robert was a good swimmer and if he fell in he would have no trouble getting to safety. Robert has no enemies that I'm aware of, I don't think anybody would want to hurt him. The boat is insured with Club Marine and it is owned by both of us.*

*“Robert would never sink the boat on purpose. I would also like to add that approximately thirteen days ago Robert and I went to the yacht and discovered that someone had been on it that shouldn't have. I noticed that the chart table had been accessed. The fresh water pump cover had been opened and the electrical switchboard had been opened. There had definitely been someone in there. Nothing was stolen. Exactly the same thing happened in Queensland when someone had been in the boat. There was no sign of forced entry but there was a hatch partially opened, which is where they probably entered from.”*

27Jan2009: At Allison St, SNF was in quite a distraught state. Sarah, her daughter, had some diazapan (valium) and gave some to her mother. SNF during the interview had not been willing in front of Tim Chappell to bring up to the policeman taking her statement her having gone down to Marieville Esplanade that night. She said subsequently of her having hidden that fact:

“The police officer asked me 'Did you go out last night?' and I thought 'Oh, no!' because if I say yes I'm going to have to say I came down because I was so worried about Clare. And there has been a history of family denial about her mental condition for many years. I mean, they accept it now, but they certainly didn't then, and I didn't want to get my head bitten off by Tim, by saying 'Well look, I thought your sister might suicide and so I walked down in the middle of the night', in front of a police officer. and it was as simple as that and so much has been made out of it.” [Tim Chappell was present when SN-F was questioned]  
[SN-F: in 'Shadow of Doubt' / Eve Ash at 34:43]

27Jan2009: While taking the statement from SNF, Constable Stockdale had noticed a bandaid on her left thumb and had asked her to show it to him. She peeled off the bandaid and revealed a one to two centimetre cut on her left thumb. She'd done it recently and was also holding her arm slightly. In relation to the statement that he was taking, Stockdale did not make a note in the statement or elsewhere of the cut or of her holding her arm slightly.

27Jan2009: That same day a complaint (a 'bluey') was taken out against Philip Triffett by a Police Officer. It was in relation to the raid on his home which had occurred on 7Jan2009. [The complaint was filed at the Magistrates Court 2 days later on 29Jan2009.]

#### 27Jan2009 – afternoon

On the 27 of January 2009, James Kerr was employed by the Mercury Newspaper as a photographer and took a series of photographs.

Responding to a police call for information which he saw on TV, Mr Lorraine rang the police and spoke with Detective Sinnitt. It was a very exploratory conversation due to the TV [news item/police request] not being definite. [the notes that Sinnitt took were not disclosed to the defence before the trial] Of that conversation, Lorraine said he rang to say “*look, I'm not sure whether what I've seen is relevant or not and they then asked a series of questions, because I couldn't quite work out where they were talking about the boat being*”. [At the A2A, Lorraine did not agree that he would have told Sinnitt that the dinghy on the back of the boat that he had seen was either yellow or white, saying he “*wouldn't have been able to see that amount of detail.*” Sinnitt had taken notes of the phone call which included the words:

*Noticed very small something like fibreglass tender dinghy tied to back.*[Lorraine agreed would have said something along those lines]

*Almost sinking.*[Lorraine agreed he said it to Sinnitt]

*It had no motor on it.* [Lorraine didn't recall saying that to Sinnitt]

*Dinghy definitely not Zodiac!* [Lorraine didn't recall being that specific, said that on the day, he couldn't make out the detail of the dinghy]

At about midday DS Conroy was advised of the sinking yacht and of someone being missing.	D.I. Powell's office was notified about the sinking yacht at about lunchtime.
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27Jan2009 (afternoon): Between midday and 2:00 p.m. Ann Sanchez and Kate Chappell – both on Bruny Island, received the news of Bob

Chappell's disappearance and of the attempted yacht-sinking.

27Jan2009 (afternoon): *The Freycinet* returned to the FW, and Constable Lawler showed Sgt. Pratt on board. A dive team (Consts. Williams and Russell) arrived and Sgt Pratt supervised from the surface a dive search below the FW, using its mooring block to be a centre for a circular search, which diameter was 75-100 metres, thus encompassing the FW's changes of position due to 'tidal wind'.

<p><b>Const Kent:</b> c. 12:20-12:30 p.m. a diving platform arrived at the FW and Constables Kent and Williams dived under/around the FW and commenced a circular arc search around the vicinity of the vessel.</p>	<p><b>Sgt. Pratt:</b> On the surface, supervised Constables Williams and Russell as they dived and performed the circular underwater search.</p>
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27Jan2009 **1:00 p.m.** (afternoon): At 13:00 p.m. Const. Stockdale, having taken SNF's 1<sup>st</sup> statement, left Allison St. [**Stockdale in his own stat. dec. (containing his own observations of that day) did not mention the cut on SNF's thumb. He later explained this omission, telling the court his focus was a 'missing person' investigation.**]

“*Later on during the day*”, John McMillan returned to the FFW to pick up the pump that he'd got going through the forward hatch. The water had been pumped out of the FW by that time.

### Four Winds towed to Constitution Dock

<p><b>Sgt Pratt:</b> at the request of CIB, with the police vessel Freycinet, “<i>we towed it to the Hobart Ports</i>”.</p>	<p><b>Constable Jackman:</b> “<i>later that day we took the Four Winds under tow, towed it back to King's Pier where it was made fast against the Constitution Dock wall.</i>”</p>
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[https://www.abc.net.au/reslib/200901/r333760\\_1509415.jpg](https://www.abc.net.au/reslib/200901/r333760_1509415.jpg)

The FW was then guarded at Constitution Dock by Constable Plunkett.

27Jan2009: **2:00 p.m.** At about 2:00 p.m. Inspector Powell asked D.S. Conroy to go to Constitution Dock to look into the “*circumstances of that vessel having sunk*”.

### **EPIRB found**

27Jan2009 **2:00 p.m.** - 2:30 p.m (Tuesday): The EPIRB from the FW was found by Mr Robert Page **between 2:00 p.m. and 2:30 p.m.** at the Maning Reserve beach, south of the Casino, along by Sandy Bay Road.

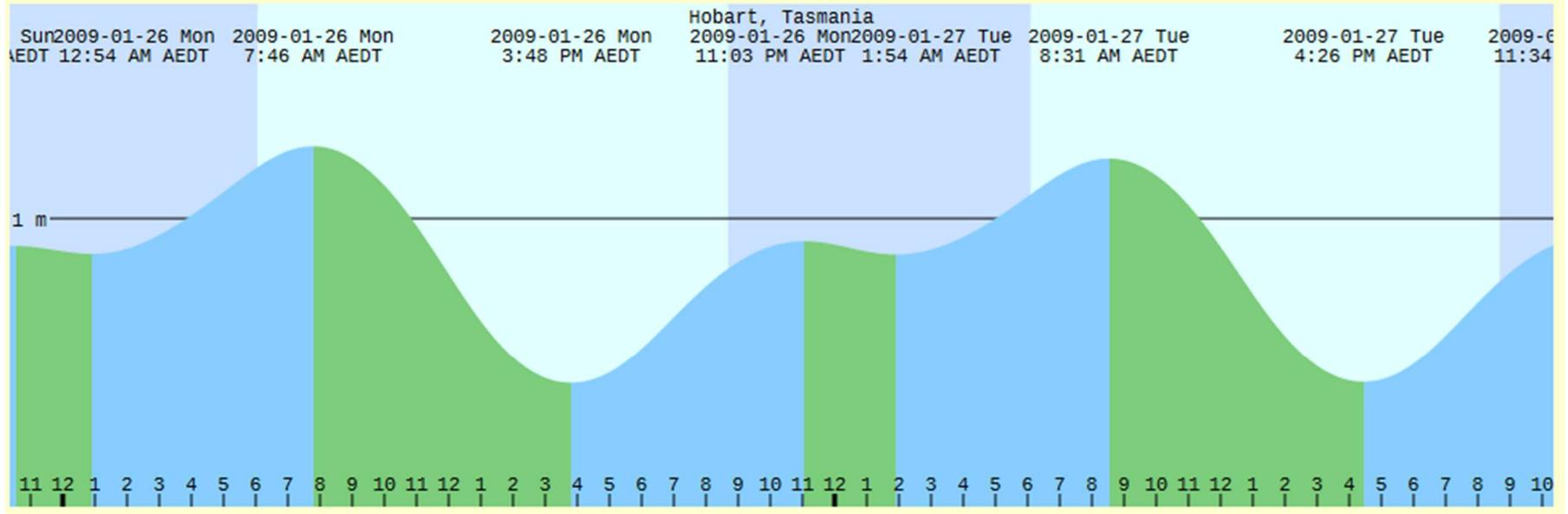
[Mr Robert Page, who had found the EPIRB, kept it with him, then subsequently handed it in at the Glenorchy Police Station. It was two days after it was found that Dtv. Conroy was notified that it had been handed in. Page's fingerprints were identified from the EPIRB. Analysis also showed that the upper part the EPIRB contained a *mixed DNA profile, at least three contributors, male DNA present, inconclusive – female DNA?* Subsequent DNA analysis revealed that Neill-Fraser, Bob Chappell and Tim Chappell were excluded as the 'contributors' of that unknown DNA. The EPIRB was said to have been washed up on the rocks of Maning Beach. The height of the tide on that 27Jan2009 morning was:

Mobilegeographics.com:  
2009-01-27 Tue 8:31 AM EST 1.25 meters High Tide

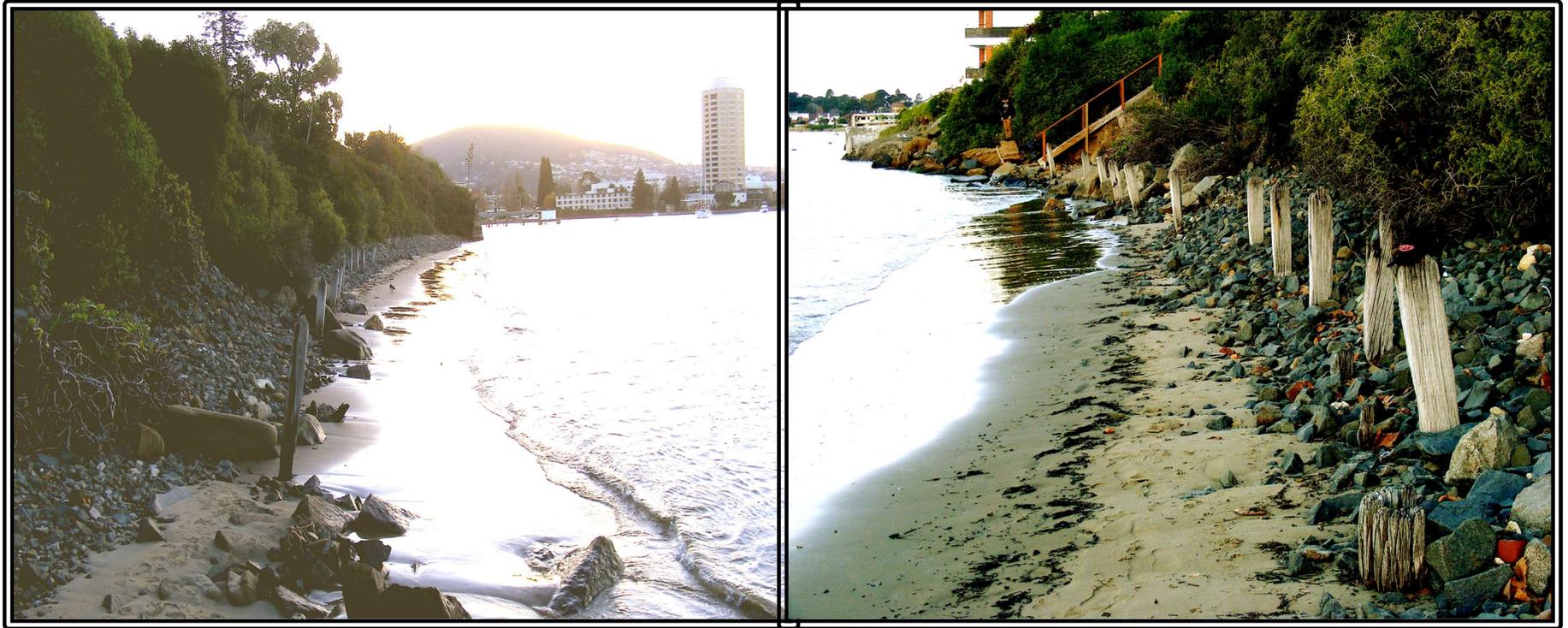
Un-named Source (see link):  
2009 Tide Clock Interval Level m  
27-Jan High 8:50am 7:19 1.31

## Hobart, Tasmania Tide Chart

Requested time: 2009-01-26 Mon 12:00 AM AEDT



<https://tides.mobilegeographics.com/locations/3319.html?y=2009&m=1&d=26>



Maning Reserve beach where the EPIRB was found.

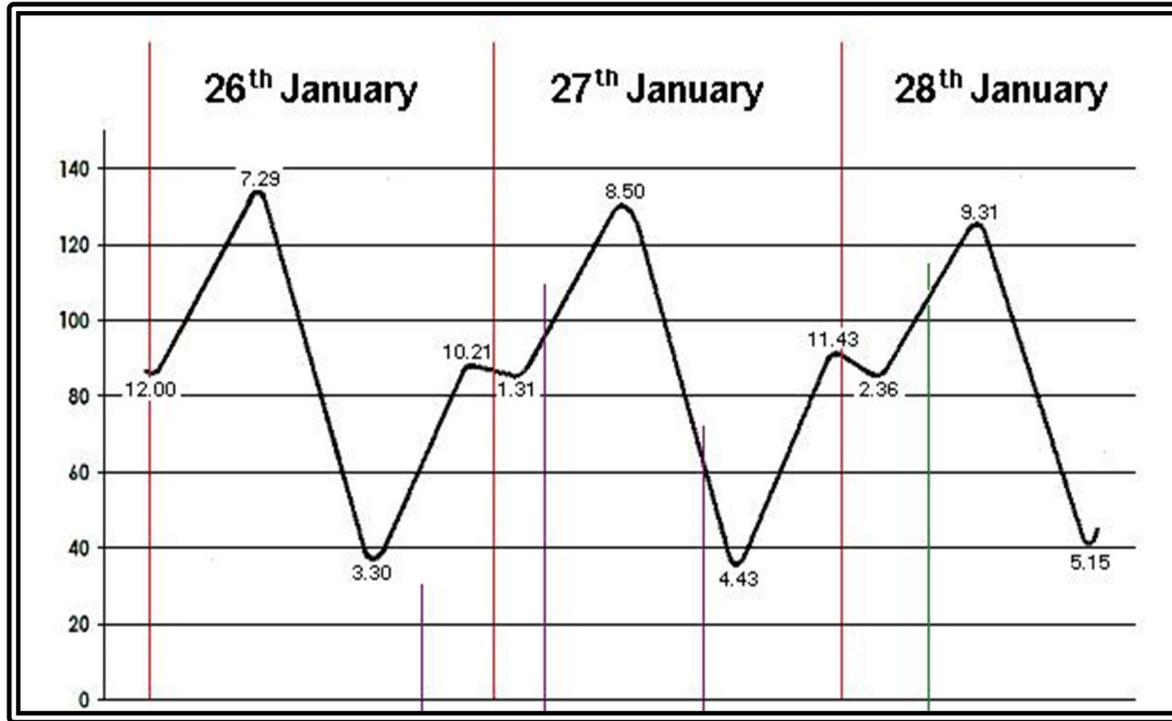
[These two photos, taken on 4Jun2017 from each end of the beach, show the extent of a 1.31 metre tide (same as at 8:50 a.m. 27Jan2009) onto the Maning Reserve beach. The line of seaweed visible in the foreground of the RHS photo, is from the previous (higher) tide, also not reaching the rocks] See:

<https://tides.mobilegeographics.com/locations/3319.html?y=2009&m=1&d=27> for graph/data and source of the data (below):

Hobart, Tasmania

42.8833° S, 147.3333° E

2009-01-27	Tue	1:54	AM	AEDT	0.85 meters	Low Tide
2009-01-27	Tue	6:05	AM	AEDT	Sunrise	
2009-01-27	Tue	6:39	AM	AEDT	Moonrise	
2009-01-27	Tue	8:31	AM	AEDT	1.25 meters	High Tide
2009-01-27	Tue	4:26	PM	AEDT	0.31 meters	Low Tide
2009-01-27	Tue	8:40	PM	AEDT	Sunset	
2009-01-27	Tue	9:03	PM	AEDT	Moonset	



[Tidal Chart courtesy of unknown person at <http://www.glinds-diversions.com/snf/index.html>  
 Latest working web address: [ <http://glinds-diversions.com/sue/index.html> ]

27Jan2009 **2:50 p.m.** It took D.S. Conroy a while to gather equipment before going to the Constitution dock at approximately 2:50 p.m. He was accompanied by Detective Constable Melissa Milazzo. It was Conroy's first sighting of the FW. At the dock, Detective Wilby and Police Constable Plunkett were in attendance. A Marine Officer was also briefly present when Conroy arrived in a vehicle and told Conroy that they didn't have the capacity to store that vessel at the Police Marine area.

Previous to that, Conroy had been given SNF's statement by P.C. Stockdale 'at the door'.

Conroy spoke firstly to Dtv. Wilby and then eventually asked that the family of the owners of the yacht come to the dock, to point out *“anything that might have been out of the ordinary”*.

Previous to that, Conroy had been given SNF's statement by P.C. Stockdale 'at the door'.

Conroy spoke firstly to Dtv. Wilby and then eventually asked that the family of the owners of the yacht come to the dock, to point out *“anything that might have been out of the ordinary”*.

Conroy then went on board with Dtv. Wilby who directed him down into the boat itself, pointing out the wheelhouse stairs (with some blood on the steps) which had been moved to the left, the cut (and still leaking) pipe beside the toilet valve in the front of the vessel and the spot under the floor in the corridor where the valve had been interfered with. D.S. Conroy was on the FW with Dtv. Wilby for 'less than 10 mins' before getting off to wait for SNF and family to arrive.

Conroy was then provided at the door with the statement made by SNF. [see above: 1<sup>st</sup> statement: 27Jan2009 11:50am...Allison St Stockdale]

Conroy then went on board with Dtv. Wilby who directed him down into the boat itself, pointing out the wheelhouse stairs (with some blood on the steps) which had been moved to the left, the cut (and still leaking) pipe beside the toilet valve in the front of the vessel and the spot under the floor in the corridor where the valve had been interfered with. D.S. Conroy was on the FW with Dtv. Wilby for 'less than 10 mins' before getting off to wait for SNF and family to arrive.

Conroy was then provided at the door with the statement made by SNF. [see above: 1<sup>st</sup> statement: 27Jan2009 11:50am...Allison St Stockdale]

'From her home on the Derwent River, 'opposite Sandy Bay' a woman (who had a telescope at her house) made the following observation: *"I just saw something white, I just couldn't work out what it might have been ... just floated past and by the time it got to about the beach area there, the weather changed and it disappeared. So I contacted the police and they went to the beach. They didn't see anything, but they were a bit late. It could possibly have been a sail, if it was it was certainly not one that was open. It would have been folded."* [There was a change in wind direction at 3:00 p.m. that 27Jan2009, from the overnight and morning northerlies to south-easterlies]

### **Maddock, Constitution Dock, Four Winds, Conroy & SNF:**

When the *Four Winds* was removed [27Jan2009] to the low loading dock, just outside Constitution Dock, Maddock happened to be present and had a conversation with a police (a sergeant he thought ... a Sgt Conroy). He told him of a/some photo/s which had just been taken, with *Four Winds* in the background. He asked the sgt. whether he wanted them and Sgt. Conroy said Maddock could email them through, which he subsequently did. Maddock believed the photo was date stamped the 25<sup>th</sup> or 26<sup>th</sup> of January 2009.

In the late morning of 27Jan2009, Grant Maddock was visiting a friend in the corner of Constitution Dock. The friend regularly moored there. A mutual friend, whose name he did not remember, came to the boat and commented that a boat had been found sinking at its mooring and something was happening with it and it was going to be towed around to Constitution Dock, to outside Constitution Dock. Maddock and the friend that he was visiting, when they became aware that the vessel had been brought alongside, went over to see what was happening. They viewed the boat. Susan Neill-Fraser and her daughters were being led on board as he and his were standing there. Sgt. Conroy was standing to one side in the corner of the dock and Maddock politely asked him 'what happened to the boat? I hear it was sinking and you're pumping it out.' Sgt. Conroy replied that there was someone missing and that the lines had been cut on the boat. Apart from offering his photos [with the *Four Winds* in the background] later on he had had nothing further to do with the police investigation at all, had not made a statement to the police and had had not been called at the trial to give evidence.

<p>Grant Maddock learnt of the Australia Day thing when he visited a friend, and another person mentioned the fact of the Four Winds He told the court that they went to Constitution Dock, where he spoke to Conroy, and saw SNF go on board.</p>	<p>At Constitution Dock on 27 January, mutual friends advised him that a yacht, found sinking that morning , was being brought to the Dock. Susan Neill-Fraser, family and friends starting arriving at the Dock and Detective Conroy explained someone was missing from the sinking boat.</p>
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[Maddock] was not called by police at the time. and He had had nothing further to do with the case since then. [till Barbara Etter and/or a lawyer asked him about it subsequently].

**SN-F & family arrive at Constitution Dock.**

27Jan2009 (afternoon):

<p><b>Tim Chappell:</b> Two police officers were at the dock when, late afternoon, about 4:00 p.m., SNF and family (Emma Meeker-Fraser, Sarah Bowles and Tim Chappell) arrived.</p>	<p><b>D.S. Conroy:</b> About 4:30 p.m. SNF and family (Emma Meeker-Fraser, Sarah Bowles and Tim Chappell) arrived.</p>
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<p><b>Conroy:</b> Prior to boarding, Conroy told the family he wanted them to point out anything they saw which might have been unusual.</p>	<p><b>SNF:</b> She was asked to have a look and see anything missing and anything out of place.</p>
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<p><b>Conroy:</b> After boarding, Conroy requested the family not to touch anything if they could avoid it. Dtv. Milazzo accompanied them onboard.</p>	<p><b>Sarah Bowles:</b> They were never told not to touch things nor to wear gloves because the police said they'd finished with the boat/that forensics on the boat had been completed. Dtv. Milazzo accompanied them onboard.</p>
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27Jan2009 (afternoon): Conroy was told by the daughters that SNF had been medicated, which SNF acknowledged. On the deck, SNF pointed out a green rope on the starboard side that was in disarray and out of place. Then moving towards the forward mast...

<p><b>Conroy:</b> SNF pointed out a winch handle in a winch which shouldn't have been there and she put her hand on it and removed it from the winch. D.S. Conroy said “<i>Please don't touch anything</i>” and asked her to put it down, onto the deck. At the same time, SNF unwound some white with red fleck rope that was wrapped around the winch. D.S. Conroy said “<i>Put it down on the deck please.</i>”</p>	<p><b>SNF:</b> Conroy asked SNF “<i>How does this work, [...] how does the setup work?</i>” So she picked up the mainmast winch and he asked her to put it down and said “<i>Please don't touch it.</i>” [According to SNF it is possible that she also touched another (aft) winch and a number of other things]</p>
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Conroy asked SNF how the winch system operated. She pointed out that that rope, as well as another in a pile on the deck, was cut and that there were some marks at the front to the left of the mast. They then went inside the boat. There were difficulties in doing so, because both

sets of steps had been removed.

**Tim Chappell:** There were some ropes in the cockpit.

**Tim Chappell:** There were some ropes around the winch, an end trailing towards the hatch

27Jan2009 (afternoon): D.S. Conroy pointed out the steps, saying to SNF: *“Be careful because there's some blood on the stairs.”* They moved down to the area that was in disarray, the main saloon area, entering into there.



**pic from Shadow of Doubt**

SNF pointed out that a fire extinguisher was missing from a bracket on the left. The water was just below the level of the floor and was still

coming in. Conroy then showed her the front by the toilet where the pipe had been cut and the spot in the forward passageway hatch where the valve had been. SNF looked at both, the valve was in any case inoperative, as David Casson had demonstrated to her on the trip down. Access to this was by pulling a floor ring. SNF pointed out that the wooden floor in the main saloon had been unscrewed, allowing it to float up. She added that “*Bob wouldn't have done that.*” Then SNF checked the switchboards, the fuses, the main circuit breakers. She asked Conroy in what position the switches had been when the police boarded the boat. Conroy made a phone call and said that the switches were in the off position. Sue then said: “*Well look, I need to turn them on*” and she did so. The switches were out of order and SNF touched them and it just shorted out, the bilge had started, a circuit breaker stopped everything from working, a loud siren came on, then stopped and water could be heard flowing out of the boat. SNF tried, by holding the brake on while flicking the other switch, to get the bilge going, but stopped when a device lower down began to emit smoke. SNF pointed out to D.S. Conroy that the EPIRB was missing from its bracket in the back of the wheelhouse. She also pointed out that a large black and yellow torch and a juice container which did not belong to the FW. [The torch, which was a marine police issue, and the juice container had been left by the marine police who had initially attended ] SNF also pointed out to Conroy some eye glasses which were hers and a smoking pipe which was Bob Chappell's.

**Coroner Hay:** *In the presence of police officers and Ms Neill-Fraser, Mr Chappell used the latex glove to help block the still leaking pipe.*

**Sarah Bowles:** She and Tim Chappell ended up plugging the still-leaking cut pipe/valve with latex gloves. They had the box of gloves with them and were just pushing them in. They were never told not to touch things nor to wear gloves because the police said they'd finished with the boat.

Exiting the inside of the vessel, they all paused in the back cabin, having a general discussion and noticed a mark on the inner panel of the cabin. [It later was realised that the exhaust from the generator was too close to the edge.]

Just prior to leaving, SNF was sitting at the back of the boat and found scuffing or indents in the framework of the hatch. She said “*They are not right*” and “*Those marks weren't [...] there before*”. Conroy looked at the marks closely and detected some fibres present and hanging over the edge and pointed them out to SNF.

Chris Smith from CleanLIFT came onto the FW to fit a temporary bilge pump to prevent the boat from getting more water coming into it.

27Jan2009 (afternoon): Around 5:00 p.m. Sanchez et al. got the ferry back from Bruny. They went to Kate Chappell's, left the kids with Yvonne, so that Sanchez, Greg and Kate could go down to the wharf.

The family left the FW after about half an hour to forty minutes. Tim Chappell throughout the day has not noticed any bandage on SNF's thumb or wrist. Constable Plunkett was relieved of his guard duties by Conroy at about 5:00 p.m. Dtv. Wilby gave SNF's mobile phone to CIB members 'late in the afternoon at Constitution Dock [its location where it was found was apparently not recorded]

## 2<sup>nd</sup> Forensics on Four Winds: 27Jan2009: late afternoon at Constitution Dock

27Jan2009 5:30 p.m. Conroy called for a forensics officer to return to the FW. He had hoped to get the same one who'd been at the FW earlier, but she'd concluded duty.

27Jan2009 5:50 p.m. At about this time, Constable Woodhead from Forensic Services, attended the FW and conducted a forensic examination of the boat, as well as later taking a series of photos (also on 11Feb2009 and 13Feb2009 (the 'rope reconstruction').) DS Conroy directed her to the points that had been shown to him. It was decided to leave the FW at Constitution Dock overnight. Conroy and Milazzo visited the Port Tower, saw the operator and asked to arrange overnight CCTV surveillance of FW. Chris Dobbyn (an insurance assessor and marine surveyor) was also contacted during the day about the sinking yacht.

Constable Woodhead proceeded with her forensic examination:

A long colourless hair was found on the deck of the yacht which was identified as belonging to a female. This unidentified female was nominated 'Person D'. Person D has not been matched to anybody at this stage.

The forensic record sheet included the following details:

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*hair 195mm long colourless, human head hair*

*hatch near deck, Four Winds, wharf near Muirs*

*7(1) root*

*Full DNA profile. (female)*

*Does not match any individual currently on the Tasmanian DNA database, Person D (1 in a 100 million)*

An “*apparent hair*” was found near the removable step, in blood from Robert Chappell. [The Coroner's Report noted that the apparent hair was not tested]

-Sinnitt was tasked virtually right from the start of the investigation with finding Bob.

Woodhead, with Dtv Sinnitt and other Dtv's present, took photos of the marks on the woodwork and also collected green fibres from the woodwork. Conroy “*also obtained a DNA sample from the accused for elimination purposes, from what had been gleaned from the boat already*”.

27Jan2009 [According to 2017 court notes], Steven Gleeson, the 'homeless man' in the yellow van] was visited by Dtv. Shane Sinnitt. Gleeson was in the van [error: it was a car] (in the company of Yaxley) when he [first] spoke to Sinnitt. [Other dates of 'conversations with Sinnitt seem to be 'four days later (i.e. 30/31Jan2009, 8/9Feb2009)] Gleeson told Sinnitt he had slept most of the 26Jan09 afternoon and had got up and gone to the pub. Gleeson told the court that he didn't lie about Yaxley being there with the girl talking of breaking into a yacht

but said that he told Sinnit that Yaxley wasn't there that night. Gleeson said that this was not a lie, it was an “oversight”.

27Jan2009 **Stat. Dec. obtained: *A Weatherbeaten Man seen in dinghy near Four Winds:***

27Jan2009 **6:45 p.m.** A detective went to an address in Napoleon St, Battery Point and obtained a Stat Dec. from a 'Witness A', as well as speaking to her husband. [The following information was obtained by Barbara Etter through RTI and published on her BETter Consulting website on 9Sept2014]:

-The Police Investigation Log (PIL) recorded the following:

*[A detective] attended .... (blacked out) and obtained statement from [Witness A - name removed] relating to yacht and inflatable dinghy seen 26/1*

-On a handwritten running sheet prepared by one of the detectives was the following:

*1845 hr Attended ... Napoleon (sic) St, Battery Point and obtained a Stat Dec from witness ... (blacked out). Spoke to Husband (blacked out) ...saw Zodiac leaving area of Yacht 7.45 pm – 8.30 pm 26/1/09. 1 x M on board details obtained. She will Fwd photo of sinking yacht to Sinnitt via email.*

-Witness A's statement included:

*Last night between 7.45 pm and 8.30 pm I was looking out of the living area window and I noticed a light coloured Zodiac dinghy out on the river travelling towards Wrest Point in an arc towards the DSS Yacht Club. I first noticed the Zodia (sic) appear in the vicinity of where a yacht was sinking this morning.*

*It had an outboard motor propelling it and the rear of it was sitting well into the water. There was only one person on the Zodiac, a male, stocky/solid build, late 40's to early 50's, weatherbeaten sailor type look, short reddish brown hair, but not close shaven. The hair was possibly a bit wavy and was fairly thick.*

*The male was wearing a collared white short sleeve shirt with no obvious pattern or emblem. He was sitting in the rear left hand side of the zodiac steering the outboard with his right hand. It didn't look like there was anything on the boat at all.*

*It was travelling at an average speed and I last saw it about half way between the sinking yacht (this morning) and the DSS.*

The police notes [date uk (poss. 27<sup>th</sup>?) of Witness A's first statement:

*1945-2030hrs*

*[Witness A] observes an inflatable dinghy – she believes is the zodiac- leaving the area of the Four Winds. States that she believed a male was driving it towards the casino. Male described as:*

*-40-50yrs*

*-weather-beaten sailor look*

*-wavy thick reddish brown hair*

*-white collared short sleeve (or rolled sleeves) shirt*

*The person was sitting in the rear left of the dinghy steering the outboard with his right hand. Person fits description of Sue Neill-*

*Fraser – witness was some distance from dinghy and presumed it was a male due to the way the dinghy was sitting low in the water at the rear.*

Witness A, who had taken a photo of the sinking Four Winds, is apparently identified in the Court Transcript as Jane Austin. Her husband, Stephen Catchpool, gave the following evidence 31Oct2017:

Some 7-10 days before Australia Day (26Jan2009) Stephen Catchpool, then of Marine Terrace–Napoleon Street, Battery Point, had his 8'6" fibreglass, motorised *Purdon* dinghy that he kept on his property, on the beach; taken without his permission. It was gone about 24 hours. and [was] found on the beach at White [Park?]. He had not reported it missing to the police.

Catchpool was aware of people living in cars: a lady in a Land Cruiser, a male (40-45) in a yellow (Ford?) and a third older male who he noticed visiting him every few days. [i.e., visiting the male in the yellow Ford] Mr Catchpool said that he thought the lady was in her mid-50s and had a gas-cooker. He had no conversation with any of them and said he saw no homeless people [The male in the yellow Ford would seem to be Stephen Gleeson who gave evidence to that effect the day before. Gleeson (living in the Ford) and the lady (living in the Land Cruiser) were apparently homeless] Catchpool never knew Sue Neill-Fraser.

#### **GLEESON'S VISITOR:**

Mr Catchpool was shown a photo at court on 31Oct2017, and asked if the man in the photo could be Gleeson's older friend who would visit him every few days. Catchpool said it could be him ... the age ... the moustache, [illegible note]: gamest looking.

Catchpool said the man in the photo could be the visitor who would arrive in boats – once in a blue dinghy which he was rowing, called *Dr Who* and another time in a 30' sloop which ran aground. [Paul Wroe 1Nov2017 told the court that *Dr Who* was his tender]

*Stephen Catchpool gave similar details to the police as shown above in his (years later) court evidence. While a statement was taken from his wife by the police, his information was not taken as a statement.*

#### **27 Jan2009 – evening at Constitution Dock**

27Jan2009: The Port Control video for the evening of 27-28Jan2009 shows that on the dock a group of people (who could not be identified) were sitting near the FW (approximately 5 metres away), though the video did not show any of them going onto the boat.

At the conclusion of his duties that night, DS Conroy “...had grave concerns for the life of Robert Chappell.”

27Jan2009 **9:30 p.m.** At roughly this time, Constable Stockdale phoned DS Conroy who was on his way home. Stockdale asked Conroy if he'd noticed any injuries to SNF's hand – a cut or a wrist injury – and said that he'd see a cut. [the phone call does not appear on any record logs]

27Jan2009 **that night:** Steven Gleeson did not see Paul Wroe that night.

#### **28Jan2009**

28Jan2009: Steven Gleeson noticed that Paul Wroe's boat [the Southern Wright] was gone. [There is some confusion as to Wroe's moorings for the Southern Wright. At some stage it was at Constitution Dock, form some time, perhaps a year. It was also on Pam Genders' mooring

which apparently is/was slightly north (upstream) of the Four Winds Mooring. It was also said to be moored at/near to the Derwent Sailing Squadron (DSS) and was also out of the water at the DSS, up on the slip/ i.e. 'up on the hard'. On this occasion, it is thought that Gleeson was referring to the Genders mooring (I'm presuming/assuming that the Genders mooring was not the DSS mooring). This seemed to be confirmed by Grant Maddock's evidence (SNF application for 2<sup>nd</sup> Appeal hearing, 1Nov2017) which distinguished between Southern Wright being '*sometimes off Short Beach and at other times further up towards Derwent Lane*'. The situation is clarified or perhaps further confused by Wroe's having (in a statement to police in 2012?) said that Southern Wright was 300m from the Four Winds, and (1Nov2017) told the court that his boat was one kilometre from the *Four Winds*, because a representative from the prosecutor's office had told him that the previous day although he had previously told the police it was about 300 metres.]

Wroe (told the Leave for 2<sup>nd</sup> Appeal application Court hearing 1Nov2017) that He left the mooring some months after that Australia Day, that he didn't leave the next day [i.e. c. 28Jan2009] and that DSS records would show that it was slipped. [Was he referring to the DSS mooring and avoiding the issue of whether the Southern Wright was actually at the Battery Point (Genders) mooring that 26Jan2009 night?] He agreed he had met with the Director of Public Prosecutions yesterday.[31Oct2017]

he spoke to police at the Sailing Squadron on 27 January. [but] Didn't see Gleeson on 27Jan09. [Wroe's evidence in court: 31Oct2017]

28Jan2009:

<p>Paul Wroe told the (<i>Leave for 2<sup>nd</sup> appeal Application</i>) 2017 Court] he saw Gleeson... [i.e. 28Jan2009] Mr Wroe said that Mr Gleeson had told him (on 28Jan2009) about the Four Winds 'circus' and about the police being around. [Wroe's evidence in court: 31Oct2017]</p>	<p>When he saw Gleeson on 28th, he told him [Gleeson to Wroe?] he should have been there the previous day for "the real circus". [Wroe's evidence in court: 31Oct2017]</p>
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28Jan2009: – **Four Winds towed to Goodwood – forensics and diving search continue...**

28Jan2009: It was early when D.S. Conroy rang Clean Lift operator, Chris Dobbyn, to ask him that when he reached Goodwood, that he just tie it up and leave it (they – the police – would need to do some further examination of the boat). When Conroy rang, the FW was already under tow, the tender strapped to the side of it. Dobbyn was steering the FW to take it to the CleanLIFT Marine at Derwent Park to have the boat slipped. When he reached the CleanLIFT premises, Dobbyn did an assesement as to why the vessel had sunk.

Meaghan Vass “*may have been hanging around the Goodwood area*” at the time of Bob's disappearance.

27[28?]Jan2009: Conroy then had a briefing at the (Police) station, after which he typed up his running sheet from the night before. Following that he sought direction from the Inspector to develop an investigating team, as a result of which, Conroy was made head of the investigating team.

**28Jan2009 8:40 a.m.** History checks were also being made on SNF as early as 8:40 a.m. on 28Jan2009.

28Jan2009: The *Mercury* published its first article on the Bob Chappell disappearance:

***RHH expert lost in river RIDDLE OVER SINKING YACHT River hunt for RHH man***

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*A LEADING Hobart hospital expert is missing after his partially sunken yacht was found drifting in the River Derwent yesterday. The disappearance of Bob Chappell, the chief radiation physicist at the Royal Hobart Hospital's Holman Clinic, has search teams and his family baffled.*

*He was last seen by his wife about 1pm on Monday when they had lunch together on board Four Winds, which was moored off Marieville Esplanade.*

*Mr Chappell has worked at the hospital for many years.*

*Search teams combed the river and foreshore without success for the 65-year-old West Hobart man.*

*His wife went ashore on the boat's tender after lunch on Monday while he planned to stay overnight on the yacht and carry out repairs.*

*His wife tried to phone him yesterday morning and when he could not be contacted she went to Marieville Esplanade.*

*She contacted police about 7am when she realised the boat had partially sunk.*

*Marine Police were able to pump water from the vessel and refloat the boat, which had started to sink due to a fracture in the toilet inlet pipe.*

*Police vessels Freycinet and Observer patrolled the area and searched nearby marinas while police divers searched underwater.*

*Distressed family members last night declined to comment as the mystery deepened around Mr Chappell's disappearance.*

*The boat was towed to Constitution Dock yesterday afternoon and further forensic tests were completed.*

*Det-Sgt Simon Conray expects results by the end of the week and hopes findings provide useful information.*

*He said it was believed Mr Chappell's boating experience was not strong as Four Winds was his first boat, bought last September.*

*He understood Mr Chappell and his wife bought the yacht in Queensland and sailed it to Hobart with a hired crew last year.*

*Last night police and family members examined possible scenarios including whether Mr Chappell fell into the water.*

*Police also conducted tests on the tender boat, which had drifted away from where the man's wife had left it the day before.*

*A jacket was found on the foreshore but the man's family later told police the jacket did not belong to him.*

*Marine and Rescue Services' Sgt John Pratt said no trace of the man was found.*

*"Obviously the automatic assumption is, because he is on a boat, he could have fallen in the water," Sgt Pratt said. But he said police were confident they had conducted a thorough search and detectives were now looking at other places Mr Chappell could be or other reasons why he might have disappeared.*

*Insp Peter Powell of Hobart CIB said police were considering all possible scenarios, but it was unlikely the man had met foul play.*

*"Given what we know at this stage we're treating it purely as a missing person case," Insp Powell said. Anyone with information is asked to contact police on **6230 2111**.*

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28Jan2009: Sgt Pratt took the diving team to the mooring and another dive-search was performed at the FW mooring site: this time they used an arc search in which the diver does an arc rather than a full circle around the reference point. The divers searched “pretty well all around the mooring block of the Four Winds” but then “*concentrated on an area to the south of where the Four Winds was moored.*”

28Jan2009: Then a 'tow search' was performed – the two divers being towed on the bottom, behind the police vessel at a speed of one and a half to two knots. It stopped when the depth of the water reached 23 metres, thus reducing the amount of time in which the divers could stay below the surface. (at the FW the depth was about 11 metres). The distance they travelled from the FW using this method was 150-200 metres to the southeast.

28Jan2009: They then set up a 'drag line search': “*A line comes from each police boat down to a weight and then between the two weights is a line which is approximately fifty metres long and at intervals on that line there are treble hooks attached to it by shark clips. The police boats then travel [...], parallel to each other and the weights hold the hook line onto the bottom and it's dragged along the bottom.*”

They: “*ran south parallel to all the moorings to the casino, spin fifty metres with the outside boat remaining stationary and then run north again*” but Sgt Pratt's team found nothing of any note.

### **3<sup>rd</sup> Forensics (at Goodwood?) 28 Jan**

28Jan2009: Constable Redburn returned to the FW to conduct further forensic investigations. She lifted two prints from the wheelhouse area – one from the wheel itself and took a photo of fingerprints in that area. From the day before (27Jan2009) she still had two swabs (from the stairs), the knife and the torch which she took on the 28<sup>th</sup> to the Forensic Science Service Tasmania laboratory for DNA analysis. The fingerprint lifts she submitted to the fingerprint section at the Hobart police Forensic Services. At the FS laboratory, Redburn examined the torch more closely with Chris McKenzie (the forensic scientist there).

28Jan2009: Paul Conde reported that he and Thomas Clarke had seen a grey dinghy tied up to the Four Winds at 3.55 pm on Australia Day.

28Jan2009: Chris Dobbyn spent 4-5 hours at Goodwood, photographing and assessing why the FW **had sunk** and the extent of the damage. There were a couple of floorboards missing on entry to the saloon down the companionway stairs. He noticed that all beds were made up, except for the aft cabin which also had no doona. He also noticed scrape marks on the forward hatch with bare timber exposed and an apparent and recent rope burn aft, on the companionway entrance.

**Dobbyn:** [Shapiro]: “*And what did the location of that cut pipe lead you to believe about the – the knowledge of the person who must have cut it?*”.....[Dobbyn]: “*Well they would have known exactly what that pipe was for because it was – it was basically hidden with a very small gap on the right hand side of the toilet and and if you*

**Lawler:** [Ellis]: “*And as you enter did you – could you see the source of the water?*”.....[Lawler]: “*I couldn't see the source of water, no. No, it's – the pipe I'm referring to is over behind that – behind that toilet, or beside the toilet I guess, between it and the cupboard.*”

*had of cut the left hand one that's the one that goes off to the grey water tank, so that was the one more accessible to – to be cut and if that had been cut it wouldn't have done – done anything.”*

[Ellis]: “Right. And is that show, not in 55 but – not in 56, 57?”.....[Lawler]: “Yes, that's the hose I'm talking about.”  
[Ellis]: “Okay. So that's a view of the far side of the toilet, a close up view of the far side of the toilet, I suppose?”....[Lawler]: “Yes, if you were standing facing the toilet, *that would be on the left of it.*”

28Jan2009: **11:00 a.m.** Around this time, D.S. Conroy – as arranged the night before - went to Allison St for a further statement from SNF. He asked for any items that might assist him in obtaining a DNA sample for him and obtained a hairbrush and a tooth brush. He also obtained a DNA sample from the accused for elimination purposes, from what had been gleaned from the boat already. Conroy also asked SNF to deal with the “top” (deck) of the FW, from the back of the boat onwards, then the saloon.

28Jan2009: **11:30 a.m.** Paul Stevenson made a statement by phone to Officer Puurand [Stevenson 20100923 189 22]

### **28 Jan 2009: SNF makes 2<sup>nd</sup> statement ... a stat. dec.**

1st statement:	27Jan2009	11:50am...	Allison St	Stockdale	
2 <sup>nd</sup> statement:	28Jan 2009	11:00am...	Allison St	Conroy	
1 <sup>st</sup> material gathering:	5Feb2009	11:50am	Allison St	Sinnitt&Milazzo	
1 <sup>st</sup> interview/statement:	4Mar2009		Police Station	Conroy/Puurand	1 <sup>st</sup> videoed interview – not under caution.
2 <sup>nd</sup> interview:	5May2009		Hobart Police Stn.	Conroy, Powell et al.c	2 <sup>nd</sup> videoed interview - under caution

28Jan2009 **12:10 pm:** [DPP Ellis (CT 850) read the following from SNF's statement to the Court 1Oct2010: 28/1/09 12:10pm fuller SN-F statement to Det. Conroy, read to Court by Ellis.]

*“I Susan Blyth Neill-Fraser, date of birth 3/3/54 of 7 Allison Street, West Hobart (indistinct word) occupation: self-employed, do solemnly and sincerely declare that:*

*My full name is Susan Blyth Neill-Fraser. This is the second statement I have made regarding the disappearance of my partner, Robert Adrian Chappell. This statement is regarding my observations from viewing my vessel, the Four Winds, last evening. At the request of police I attended the vessel, which was moored at Constitution Dock 27/1/09. I noticed a number of things which were not as I knew them to have been left or that were in my opinion highly unusual. These are –*

*“At the back of the boat it appeared to be the gate had been lifted off and pulled back quickly with the bottom latch out of its seat. Having been on the boat in heavy weather and the gate not moving this had to have been purposely moved in my opinion –*

*“At the entrance to the wheelhouse there was new damage to the running board which supports the sliding hatch or the framework around the hatch. The damage appeared to be from a rope being under load and running over the timber work.*

**Ellis reading from SNF's 2<sup>nd</sup> Statement CT 851:**

*“The green self-pearling sheet (rope) should have been tied up in storage at the back of the boat instead it was tied around the winch on the rear mast and had been cut. Secondly, the green main mast boom sheet (rope) should have been in a rope bag to the right of the cabin entrance instead it was on the deck and appeared to have been threaded off the winch.*

**Ellis reading again from SNF's 2<sup>nd</sup> Statement CT 854:**

*“The green self-furling rope should have been tied up in storage at the back of the boat, instead it was tied around the winch on the rear mast and had been cut and the green mast-furling sheet should have been in a rope bag to the right of the cabin entrance, instead it was on deck.”*

*“From the damage to the timber work it appeared that this was the cause –*

*“The next points noticed were at the main mast. A black sheet (rope) was out of place. It should have been in a locker at the back left of the boat which was attached to a cleat at the mast, the rope had been freshly cut and a substantial length of it is missing. Secondly, at this point there is a red sheet slightly thinner than the black it had also been cut. It was attached to the smaller winch at the front of the mast; in place was a winch handle. This winch handle should have been stored either in a basket on the rear wall of the wheelhouse or in the locker at the rear of the vessel.*

*“Observations from within the vessel are as follows –*

*As you enter the wheelhouse on the right we had mounted a new EPIRB, it is a 406 and registered to our vessel, the EPIRB was mounted by Bob. He knew how to properly remove it from its bracket. The release tab was broken from the bracket. To do this the EPIRB must have been forcefully pulled away from the bracket –*

*“Next moving into the saloon I immediately noticed that the flooring was missing. This would not have floated free when the vessel flooded, it had to have many screws taken out to lift it up. Bob knew that this was a difficult job and had no reason to remove the floor. I’m sure he would not have removed the flooring. In the hole left were two screwdrivers, these were from our toolkit. The floor is covered by carpeted pieces. There were around eight square pieces of carpet which were square pieces. The spare pieces were possibly stored in the laundry. Just before the laundry door was a mounted fire extinguisher. This fire extinguisher [852] was an older style, it was bracketed in place and I think out of commission. Rather than worry about it we simply purchased newer and lighter extinguishers for the vessel. This particular extinguisher was very heavy. It was secured in place and again had survived rough seas on our journey from Queensland so I knew it – so I know it hasn’t come loose in the flood – there was obvious damage to the pipe leading from the seacock to the toilet. This pipe had been cut through – from the galley I cannot locate two knives, a Wiltshire knife is missing, this would have had a round with a six to seven inch blade. It was originally mine, have had it a long time. Another similar knife is also missing. I remember when I went to the boat on Monday we ate some fruit cake. I used one of*

these knives to cut the cake. I can't exactly recall if I passed the knife through to the wheelhouse from the galley and cut the cake there or if I sliced the cake in the galley. I will recognize this knife again, they came with the boat – I believe a fire extinguisher may be missing, I'm sure there were three on board but I only think I saw two when I was looking last night – regarding the electrical circuitry we were paranoid about the boat being damaged or sinking, we always checked the circuit boards to make sure that the switches were correctly positioned. The circuit breakers for the bilge pumps were always to be positioned in the on position and bilges on automatic. If the circuit breakers were off the bilges would not work. Bob would absolutely not turn off the circuit breakers for the bilges off. I cannot think of any circumstance where he would turn them off. When I left Bob on the vessel I took the tender dinghy, this was usual practice. Bob did not like to have to get in and out of the dinghy unless totally necessary. It was usual practice for me to take the dinghy. ~~I used to drive it most of the time.~~ [crossed out and initialled?] It was simply Bob's preference that this is the way it was done. Bob was not terribly nimble about the boat or the tender dinghy, it was actually safer for me to take the dinghy than for him to operate it by himself and try to get aboard the bigger boat. The actual location I tied the tender to was outside the Royal Hobart Yacht Club. It was near a steel ladder from the dock in the area where the Royal have their small club yachts on moorings. I am now sure I secured the dinghy properly with three knots.

“Bob and my financial arrangements were largely separate. We often transferred money between bank accounts. As Bob was the primary income earner he would transfer five hundred dollars per fortnight to me for our living expenses. Costs for the boat we split fifty fifty. Sometimes one paid in full and the other reimbursed. The EPIRB on the boat came with the boat, it was new and still in the box when we picked it up. Bob mounted it. I registered it last week with AMSA via the internet.

“Further thought has been given to my timings on the 26/1/09. We firstly went to the yacht in the morning about 9:00am. We had a cup of tea and cake for morning tea. This was around 10:00am to 10:30am. I returned home at about 11:00am to 11:30 and had a shower. Time from then on is difficult as my mobile phone is the only source of time and I left it with Bob.

“Anne, Bob's sister and I went to the Royal Hobart Yacht Club for lunch. Lunch was not being served so we had a drink and a pie there. We then took photos on the dock.

“I then drove Anne home at around 1:00am. I then returned to Marieville Esplanade. The wind was getting up and I thought I'd better get to the boat and see if Bob wanted to leave the boat. When I got to the tender the outboard was buried and I needed help getting it free. This was near the rowing club, a different position from the Royal where I later tied it. The wind was up and the chop got me very wet. I tied the tender up to the side of the boat, the leeward side, which was the right hand side. I did not stay onboard very long. Bob was a bit snappy. I was of the opinion Bob could have come off the boat due to the weather. Bob had checked the chart and said the wind would drop out and said he had decided to stay on the boat. In the end I left him the mobile. I asked if I should pick him in the morning for work. He said he may not even go to work. So I left it at that and thought he would ring me if he wanted. I was sure he would change his mind later and call me to get him...

“Given the wind, I decided not to take the tender to Marieville Esplanade. I decided to take it to the Royal Yacht Club where it would

*be easily managed. From tying it up, I went to Bunnings Hardware on the Brooker, then came home. Anne was not home by then as it was getting late. Anne had gone to Bruny Island for the night. She was being picked up after [~~4 a.m. — sorry —~~] 4 p.m. I am sure when I got home it was starting to get dark. I'd stayed out at Bunnings for a long time. I did not buy anything but browsed. I drove our Ford Falcon Station wagon – For, Falcon wagon. I stayed alone at home that night. I made several phone calls and received a call from Richard King over some family matters. It was ten thirty pm when I got off the phone. The following morning I was notified that the Four Winds was sinking by the police radio room. I then went to Sandy Bay.”*

28Jan2009 **12:10 p.m.** SNF signed the second statement at Allison St for D.S. Conroy.

A black jacket was found by Mr Nicholas Millen on Droughty Point on 28Jan2009. The jacket was a polar fleece black jacket with a lamb's wool type lining. [**The black jacket is still held by TasPol.**]

28Jan2009: **3:00 p.m.** At about this time, D.S. Conroy seized the memory card from Ann Sanchez's digital camera.

28Jan2009: **4:00 p.m.** At about this time, Phillip Triffett telephoned Dtv. Sen. Constable John Mikulski, wanting to talk to him about Bob Chappell going missing.

28Jan2009: **4:10 p.m.** One of the 2 'Guest accounts' on the Allison St computer was used for a web search. [**The site accessed belonged to a registered company in the UK which is available to assist executors and next of kin following bereavement. The company states that they are a private company that specialises in dealing with the legal and financial procedures that are required after someone dies (a requirement in all deaths)**]

28Jan2009: **4:11 p.m.** The computer at Allison St was accessed using the same 'Guest Account'. This second access was on “Helping your Child Deal with Death” [**one of the daughters at the house?**]

28Jan2009 **4:11 p.m.** The same guest account was used a minute later; the site accessed was “*Helping your Child Deal with Death*”.

28Jan2009 **6:00 p.m.** At about this time: 'Witness A' saw “*that same male*” leaving the area of the DSS in a “*white and blue old motor cruiser*”. She stated: “*I am certain that the younger male on the boat was the one I saw in the Zodiac on 26/1/09. This is due to having a clear view of him on both occasions.*”

[See also entry at 29Jan] John Hughes anonymously rang the police (“*one or two days later*” about seeing a dinghy near the rowing club on the night of 26Jan2009, between 11:30 p.m. and midnight. He said he'd seen a woman going out in a dinghy. [**See below 10Mar2009 and Hughes' evidence at trial - CT: Trial Day 5: Mon27Sept2010, pp 376...**] Hughes said that 'the dinghy was heading towards Battery Point'. [**at trial he said 'it was heading out to Eastern Shore'**]

Author Robin Bowles (personal email communication 12Apr2020) writes about Hughes' differing accounts:

*My history of this account was gleaned as follows:*

*Hughes gave THREE versions of that night to police.*

*I know abt the first one from Sue, as follows:*

*He rang in anonymously from a phone box. Police traced box to SB foreshore. **Said he'd seen someone rowing out to the boat while he was having his drink etc in car.** Police told her abt this and challenged her. That's when, instead of KEEPING QUIET! She said couldn't have been me, no rollocks, etc.*

Paul Conde rang the police and spoke to Dtv. Sinnitt on the phone about seeing a dinghy. Following that conversation, Dtv. Sinnitt tasked another officer to interview Conde.

The PIL 28Jan2009 recorded two incidents occurring around Australia Day:

-at a private jetty near Waimea Ave in Sandy Bay, an attempt had been made to steal a dinghy some time in the week commencing 21Jan2009; the offenders had apparently been disturbed because there were some drops of blood and tools left behind.

-a boat moored off Lutana (a 10 minute drive from Sandy Bay, prior to 26Jan2009, had been entered and the power turned off.

In the three months *following* the near sinking of the FW and disappearance of Bob Chappell, there was one (not including the FW) crime report relating to “*break-ins of vessels moored or docked at the Royal Hobart Yacht Club and Derwent Sailing Squadron for a period of three months with the parameters being 28/01/2009-28/04/2009*” [Leggett, Peter: **Police Constable, stat. dec. 23 Nov 2009**]

### **29Jan2009 (Thursday)**

**29Jan2009:** Two or three days after Bob disappeared SNF began to get “actual mental blackouts” when walking. “*it was as if everything was receding and then I would basically not know where I was, just for a few seconds or a minute.*” She saw her GP Rob Walters about it and he referred her to Dr Ian Sale, a psychiatrist [**whom she saw at least three times**].

That Thursday morning, DS Conroy met Sgt Maxwell concerning further forensic examination of FW. Maxwell was made the person who would co-ordinate the forensic examination of the vessel.

The 'complaint' against Triffett was filed at the Magistrate's Court.

**Chris Dobbyn:** “made a brief comment [to SNF] to express my condolences as to how she was feeling at the time.” [was speaking to SNF comment 'later that day': i.e. on 28<sup>th</sup> (poss. 29<sup>th</sup>?) Jan2009]

**Chris Dobbyn:** “*I'm sure Mr Leen came onboard the day I did the assess – the day I did the assessment*”.

[**Gunson**]: “*You met with Mrs Neill-Fraser for the first time on the afternoon that Mr Leen arrived to inspect the vessel on her*

	<i>behalf?”.....[Dobbyn]: “Yes.”</i>  <i>[Gunson]: “And if I was to suggest it wasn’t until mid February that Mr Leen inspected the vessel would you agree with that?”.....[Dobbyn]: “Yes.”</i>
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**Paul Conde**

29Jan2009 **10:00 a.m.** At about this time: Mr Conde made a statement to police. Conde provided the interviewing officer with handwritten notes. The investigating officer adopted Conde's handwritten draft, typed it up and got Conde to sign it as a stat. dec.

**Lawyer Kimber is phoned**

SNF telephoned Bob's legal practitioner, Phillip Kimber, and told him that Bob was missing and that there was concern for his life.

**EPIRB handed in:**

29Jan2009 *'sometime during the day'* D.S. Conroy received a call telling him that the EPIRB had been handed in at Glenorchy. [SNF statement Conroy 20101001 855 41] **Constable Tony Fox (Hobart Forensic Services) then took photos of where the EPIRB was found, at the Maning Reserve.** [Mr Robert Page, who had found the EPIRB, had kept it with him, then subsequently handed it in at the Glenorchy Police Station. These photos were taken in at trial as: exhibit #P12 – two CDs of 29/1 2009 and 18/3/09]

**4th Forensic examination of FW – At Goodwood Jan 29**

29Jan2009 **4:00 p.m.** At around this time, Senior Constable Wilson attended the FW at Goodwood. He took 6 fingerprints from: on/around the deck. He also took photos of tagged locations from which prints were lifted. Constable Williamson, who was with Wilson, located 16 prints on deck & handrail of the FW.

29Jan2009: Constable Purcell (from the Dog Handlers Unit), arrived at Goodwood. He met Dtv. Const. Danny Jackson there and they went onto the FW, prior to taking the dog on, to have a look around. They then brought the dog onto the vessel and conducted an ineffective search with the dog – there was still water on the floor of the yacht - a lot of water still on the yacht -, which made it hard for them to get the dog into certain areas – wherever there was a pool of water, the dog wouldn't go.

**John Hughes rings about seeing a dinghy**

29Feb2009: John Hughes anonymously rang the police (“*one or two days later*”) about seeing a dinghy going out between 11:30 p.m. and midnight on the night of 26Jan2009.

<b>Hughes</b> (anonymous phone call	<b>Powell</b> (re Hughes statement	<b>Hughes</b> (at trial): thought “ <i>the</i>	<b>SNF:</b> She was not in the FW
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<p>c.29Jan2009): Det. Insp. Powell claimed on 'Shadow of Doubt' that '<i>John Hughes initially said he'd seen a woman between 11:30 and 12 going out in a dinghy [...]</i>'. [Peter Powell: in 'Shadow of Doubt' / Eve Ash at 39:15] and also:</p> <p><i>'Hughes when he first rang up police said that 'the dinghy was heading towards Battery Point [...]</i>'.</p>	<p>10Mar2009): Det. Insp. Powell claimed on 'Shadow of Doubt' that '<i>John Hughes [...] later he changed his evidence ... in his statement he said it was the outline of what he thought was a female and he may have even recanted a little bit at trial</i>'. [Peter Powell: in 'Shadow of Doubt' / Eve Ash at 39:15]</p>	<p><i>person had the outline of a woman”</i> but he “<i>Couldn't be definite”</i>. He could not tell the colour of the dinghy, but said that it was a rubber inflatable, between 3 and 5 metres in length. The dinghy passed into the group of yachts that were moored off Marieville Esplanade and disappeared from view. 'Hughes at trial said '<i>[...] it was heading North east towards the eastern shore</i>'.</p>	<p>dinghy that night and did not go back to it, where it was tied up at the RYCT.</p>
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John Hughes anonymously rang the police (“*one or two days later*” about seeing a dinghy near the rowing club on the night of 26Jan2009, between 11:30 p.m. and midnight. He said he'd seen a woman going out in a dinghy. [See below 10Mar2009 and Hughes' evidence at trial - CT: Trial Day 5: Mon27Sept2010, pp 376...] Hughes said that 'the dinghy was heading towards Battery Point'. [at trial he said 'it was heading out to Eastern Shore']

Author Robin Bowles (personal email communication 12Apr2020) writes about Hughes' differing accounts:

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29Jan2009: Fingerprint specialist Peter Maczi examined 3 screwdrivers and a winch handle from the FW – he took no finger print lifts from the screwdrivers, having done a fingerprint examination with negative results. From the latent impressions on the EPIRB, he identified three of them as belonging to Mr Page. Mr Maczi then went to the Four Winds at Goodwood where he 'offered advice' to the crime scene investigators. From the FW, there were numerous fingerprint lifts that were taken and identified as belonging to David Casson and Peter Stevenson (the FW delivery crew).

29Jan2009: Jim McKinnon received a phone call from SNF. She informed him that the FW had sunk and that Bob was missing. She also told him that it was being investigated as a possible murder. She also explained to McKinnon that somebody had murdered Bob on board and that they'd used the fire extinguisher to weigh his body down and pushed him over the side. had told her that they'd used ropes to tie the fire extinguisher and to get the body up from the saloon. She also told McKinnon that she and Bob had broken up previously, that they weren't together anymore and that she hadn't told police that.

### **Sinnitt and Conroy address RYCT**

29Jan2009: **8:00 p.m.** At around this time, Dtv. Sinnitt and D.S. Conroy met members of the RYCT, to the Derwent Sailing Squadron and spoke to the members of both clubs, seeking information about the area, the boat and the incident. At the end of the meeting, they addressed the group formally, by microphone.

29Jan2009: Late in evening Conroy 'would have' read Paul Conde's statement.

29Jan2009: Daryl & Wendy Balding emailed the 59 members of their rowing club seeking info on dinghy movements on the afternoon and night of Jan 26:

*“Subject, police assistance required. Hi all, most of you – Most of you will be aware that a sixty five year old sailor disappeared from his yacht moored southeast of our clubrooms on the afternoon, evening of Monday January 26 in suspicious circumstances. Of particular importance to police is dinghy movement between the beach adjacent to the club rooms, Marieville Esplanade and his yacht moored southeast of our club rooms. If you were about the sheds on the afternoon/evening of Monday January the 26<sup>th</sup> and saw dinghy movement and in particular movement of a –  
- grey with blue trim inflatable dinghy with a small black outboard motor could you please contact Detective Senior Constable Shane Sinnitt. Your information would be greatly appreciated.*

*Cheers  
Daryl”*

*D. Balding@Westnet.com.au, police assistance required. Hi all, most of you will be aware that a 65 year old sailor disappeared from his yacht moored south east of our clubrooms on the afternoon/evening of Monday January 26<sup>th</sup> in suspicious circumstances. Of particular importance to police is dinghy movement between the beach adjacent to the clubrooms, Marieville Esplanade and his yacht, moored south east of our clubrooms. If you were about the sheds on the afternoon/evening of Monday January 26 and saw dinghy movement and in particular movement of a grey with blue trim inflatable dinghy with a small black outboard motor, would you please contact Det Snr Constable Shane Sinnitt. Phone number follows: Your information would be greatly appreciated,  
Cheers, Darryl”*

29Jan2009: Mr Balding copied the above message and sent it to Dtv. Sen. Constable Sinnitt with a short message:

*“Hi Shane,*

*Sent attached email out to our fifty nine members this evening. Hope you get some info.*

*Cheers*

*Daryl.”*

## 5<sup>th</sup> Forensics on FW Jan 30

### Debra McHoul first forensically examines Four Winds

30Jan2009 01:30 a.m: Forensic scientist, Deb McHoul attended the FW at Negara Cres, Goodwood to look for any signs of blood staining, disturbance or biological material. Over a period of time there, she collected several samples, including a swab of a DNA sample, taken from the FW's deck by the forensic scientist. [see Vass]

Forensic Science Service Tasmania COPY: Tasmania Police - RTI File Disclosure  
Forensic Biology Section

CRIME SCENE NOTES

SO: DM/255      Date: 30/01/09      Case No.: 0900008

① Area 10: ~ 11.37m from forward end ~ 220mm  
from S' board rail, ~ 80 x 280mm, S' board  
walkway. Bar Code: 14431-679-3

② Area 11: ~ 9.45m from forward end ~ 250mm  
from S' board rail, ~ 210 x 260mm, S' board  
walkway. Bar code: 14431-680-4

EXHIBIT

14431-679-3

③ Area 12: ~ 3.5m from forward end, r/b stair  
~ 240mm from S' board rail, ~ 80 x 40mm  
in lum. pos area 12, S' board walkway.

crime scene notes showing Area 11 from which the sample containing (then) unidentified (Meaghan Vass DNA was taken.

– source: *Wrongful Convictions Report* / Andrew Urban: <https://wrongfulconvictionsreport.org/2020/08/20/sue-neill-fraser-a-wrongful-arrest-and-11-years-later-part-1/>

-Maxwell Jones gave evidence (30-31Oct2017) to the A2A hearings to the effect that the deposit was typical of a primary transfer:

*“... if I knew nothing about this case and I was just a normal case worker and I obtained a profile like that in general case work, the simplest answer would be, well, it would indicate some sort of substance from primary transfer, something like a small bloodstain, or a small amount of saliva, perhaps saliva on a cigarette butt or chewing gum, that sort of thing. Secondary transfer wouldn't be something which would come to mind initially because it's not typical of secondary transfer DNA profiles.”*

-The age [and thus the date range] of the deposit was an issue put to Jones:

His evidence at the 2<sup>nd</sup> Appeal Application hearing was that *“On face value” ‘you'd think that [it – the Vass deposit] had been a primary sample, but [he couldn't] entirely rule out secondary, but it would require an entirely specific set of circumstances’...* He told the court that with regard to the age/degradation of the Vass DNA deposit, it would be a matter of days, not weeks. He said: *“I would be tending towards a shorter time”* (2-3 days) Coates quoted from one of Jones's reports: *“There is very little signs of degradation.”* [McHoul took the Vass sample on 30Jan2009, after 1:30 a.m. some three and a half days after the 'dark grey' dinghy was seen at around 5:00 pm alongside the Four Winds.] Jones was asked whether it was more likely that the deposit was only 1 or 2 days old, to which he agreed, though qualifying his answer by saying that its age was possibly *“a little longer”*. He said *“you would expect quite significant degradation after say, seven days. So it gets into that grey area of say three to four days, whether or not biological material would survive in such a quality as - as shown by the DNA profile produced from it.”* and *“I would be tending towards a shorter time, if - and I can't say that that's two days or three days, but the longer you go on, say up to the four days, the more original biological material that must have been there on the deck in the first place.”*

-In Jones's experience, vomit was not as strong a source of DNA as blood or saliva, however he could not categorically rule out that the source of the DNA was vomit

McHoul found a latex type glove in the cockpit [containing Tim Chappell's DNA, not SNF's as claimed by DPP at trial], a small blue towel/face washer was present, a small silver coloured dish of what appeared to be tobacco was in the wheelhouse and on the steps, next to the wheel in the wheelhouse, there she saw red/brown apparent transfer staining, which she assumed was blood. She also saw:

<p><b>McHoul</b> (12Jun2009Report): <i>“Numerous red/brown drops, some less than one millimetre in diameter, were present on a wooden panel to the right of the wheel – part of the wheel controls”</i></p>	<p><b>McHoul</b> (at trial, 29Sept2010) <i>“On the right hand side you can see there's a wooden panel with a white circular object in it, which I think is a vent, and this is the panel that I'm talking about when I say I saw several red/brown stains.”</i></p>
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...the panel was on the port side of the entrance way to the saloon on which stains showing directionality, and some 'perimeter stains' were visible. She assumed these last were blood, *“that the bloodstain has partially dried and then something has wiped through it, or contacted through it, which has taken the centre part of the stain away”*. *“Two red/brown drops were present on the starboard*

*panel in the saloon adjacent to the entry way adjacent to the entrance way and a single red/brown drop was seen on a toilet roll and in the saloon on the port side of the entrance way.*” McHoul took swabs from some of the drops and numbered them. The EPIRB bracket was empty, the saloon was in disarray, with cushions upturned on both sides of the room. The seat back vertical cushion for the starboard saloon had several brownish stains. It was taken away for analysis. Present on the bulkhead above it, were “*Very small brownish stains [...] behind the seat cushion in the corner adjacent.*”

30Jan2009, **8:05 a.m.**, Shane Sinnitt forwarded his email from Daryl Balding (about Balding's email to members on the previous evening) to Dtv. Sinnitt:

*Shane Sinnitt to Simon Conroy/police/Tas@police –  
- Andrew Sice/police/email address. For info, running sheet forward by –  
30th of January 2009, 8:05am. Forwarded by Shane  
Sinnitt/policetas on 30/1/2009 8:05am.  
Daryl and Wendy Balding to Shane Sinnitt –*

30Jan2009: **9:00 a.m.** - 1Feb2009: 2:00 p.m: Offence Report 0000357601 re an incident at Gepp Parade Goodwood (not CleanLIFT) where property was stolen from a marina sometime between 9 am on 30 January 2009 and 2 pm 1 February 2009.

30Jan2009: **9:50 a.m.** [*according to my notes, Mr Lorraine told the court (31Oct2017) that his statement was made on this date and that a policeman had typed it. Another account of his evidence has it that he made a statement on 31Jan2009.* ]

### **The dinghy is examined**

30Jan2009, McHoul also examined the FW dinghy (partly inflatable, with a rigid base) at the Police Services Building. She gave it an initial examination by eye, and made some notes. She observed a “*small brownish stain on the top of the port side towards the stern [which]was positive with the HS screening test for blood.*”

Const. Williamson, who had also attended the marine compound in Federal St, Hobart, then examined the FW's inflatable dinghy for fingerprints using powder and brush. He didn't not develop any fingerprints on the dinghy. He took photographs of the dinghy, the last of which was in darkness, after luminol had been applied. Before Williamson applied the black powder, the dinghy was blue and white. The fingerprint powder which was applied to the dinghy, obscured the view of the brownish stain (in the photographs), as observed by McHoul: “*so the specific stains that I might have mentioned as being brownish you probably can't see beneath the fingerprint powder, unfortunately.*”

Williamson also went to the FW on that day. He developed some fingerprints from the portside rail (one on top of the wheelhouse, top rail greenside [*'green' was used to denote 'port', i.e. the left side of the vessel, when facing forward.*]) and Senior Constable Wilson photographed them. Williamson examined the front of the boat and Wilson did the rear.

Later, McHoul had the dinghy transferred to laboratory, to perform a microscopic examination of the dinghy. She did so because of the “*such strong, positive [luminol] reactions which had been observed in the dinghy*”, however she “*didn't find any obvious red/brown staining that would correspond with [her] luminol positive reactions*” [suggestive of a 'false positive' result? *An independent expert report obtained by lawyers for Sue Neill-Fraser, all confirmatory testing undertaken by FSST in relation to Bob Chappell's blood being present in the Four Winds dinghy (through the use of Hema Trace and Ouchterlony testing) was negative (16 tests from 7 different locations on the dinghy).*]

30Jan2009: *The Mercury* spoke to a number of Sandy Bay yacht owners, including Paul Wroe, who had lived on a yacht at the Derwent Sailing Squadron for almost two years, said: “*It has all the mystery and intrigue of a book, but it doesn't make me afraid*”. Wroe was associated with two homeless men, one of whom had been living in his car at the Sandy Bay rowing sheds site for some time. All three were heavy consumers of alcohol.

30Jan2009: Inspector Powell told *The Mercury*: “*We always look at all possibilities, but there is nothing yet to indicate who is involved in his disappearance*” and that the case was “*just one of those mysteries that takes a fair bit of hard work and delving into*”, and that police would “*keep plugging away*.”

30Jan2009: An anonymous person rang and informed police about a suspicious person living in a car on the Marieville Esplanade foreshore.

30Jan2009: Steve Gleeson was [possibly] spoken to by police again [on this day or on the 31st] and [possibly] told them again that he didn't see anything because he was too drunk. [Available A2A hearing notes on this are not clear.] [Gleeson told the 30Oct2017 2nd Appeal court that] the Detective had intimated he [Gleeson] was parking in a children's playground [thus insinuating a possible threat to get him on a paedophile charge] Sergeant Sinnitt spoke (again with Gleeson, for the second time?) four days later [i.e. after 27Jan in car at Short Beach] with Gleeson, who had just moved into his new unit [at Bedford St, in Newtown].

30/31Jan2009: Steve Gleeson saw Paul Wroe 4-5 days after Australia Day. Wroe had had a major fire in his yacht (Southern Wright). About the fire, Wroe told him “*We had a little party on board*”, and said he had fallen asleep and knocked the stove over.

30Jan2009: [in the] morning, D.S. Conroy asked for a follow-up on Conde's statement, and he wanted follow-up statements from the Clarkes to be obtained. During that day, Conroy contacted a person at Imbros (Cambridge) to get a sonar scanner attached to the police vessel. He also conducted door knocks in Marieville Esp. into the Battery Pt area [Conroy 20101001 860 44...]

A fire extinguisher was found in the yard of Sandy Bay property around the time of the disappearance which was said to have been seized by police. It was suggested this finding was not in the police investigation log and was not followed through by Tasmania police. [Coroner Hay later found that police records contained no information regarding the extinguisher and concluded that it was “*more likely than not that it was immediately discounted as not being relevant upon inspection and accordingly was not formally recorded*.”]

Jane Powell (who, when returning downstream with her family on their yacht, had seen a woman in a white jacket in a dinghy going out on 26Jan2009 afternoon) was interviewed by Police.

### **Forensics continue again for 2<sup>nd</sup> time that day (Jan 30)**

S.Const. Wilson again attended the FW at Goodwood, and again took 6 fingerprints, this time from part of the interior of the FW.

Sgt Watson (Forensic Bureau) directed First Class Constable Michael Maxwell to go to the FW and to supply the fingerprint officers with equipment and so forth. Those officers were Wilson and Redburn. The area that day that Wilson fingerprinted was “*mainly saloon area but also bedrooms.*” Wilson also took photos of more tagged locations from which prints had been lifted. Constable Redburn took more prints in the wheelhouse area of the FW. Constable Lindsay Needham took photos at Marieville Esplanade. [and took photos of the FW on 4Feb200?, at the Derwent Lane Jetty on 25Sept200? and again at the Derwent Lane Jetty on the 28Sept200?]

In the first three days following Bob Chappell's disappearance, police received “...*a maximum of 12 phone calls from members of the public wanting to supply information...*”. Jill Ikin made phone contact with the police – her call was not recorded on the PIL. [Ikin had seen a dinghy ... “*the normal grey unpainted aluminium colour.*”]

### **Phillip Triffett makes a Statement:**

In the next few days' from 28Jan2009, Phillip Triffett followed up his phone call and met Dtv. Sen. Constable Mikulski. He discussed his information regarding SNF and “*may have mentioned [...] some assistance* [with the charges].” He also made a statement, which was taken by Dtv. Sinnitt, [of which, the following was read to the Court]:

*“Some time after that Sue was having some sort of feud with her mother, Helen Fraser –*

*“On an occasion after that Maria and I were at Sue’s house at 7 Allison Street and Sue said she wanted to put Patrick overboard to get him out of the inheritance picture. Maria and I passed it off as a joke and Sue didn’t go into any particular detail.*

*“She started talking to Maria and I about inheritance and her concerns over missing out on her share and her brother Patrick Fraser was going to inherit everything. She said that their mother was well off. I had met Patrick and Helen in the past but never had much to do with Helen. I recall Sue discussing with Maria some type of dealings with Helen where she wanted Helen to sign some property over to her.*

*“The reason I mention that is that at some stage after that Sue and I went back down to the yacht at Electrona to put injectors into the engine. The yacht was on the mooring and I was working on the injectors. No one else was present.*

*Sue then started talking about Patrick again and how she wanted to get rid of him. I realised then that she was actually serious about it.*

*Sue told me she wanted me to go out onto the yacht with her and Patrick — with Patrick out to deep water, as she called it. I was then to push Patrick overboard after weighing him down with a toolbox and things off the yacht and then sink the yacht closer to shore near the marina while Sue rode back to shore.*

*“I know she was serious because she actually showed me a pipe, a white hose type of thing, on the bilge pump that she said would sink the boat if I pulled the hose off and put another pipe on that, that I was to place over the side to suck water in.*

*“Some time ago – some time later I went to the house at 7 Allison Street, Hobart to see if my partner, Maria, was there. At that time Sue’s daughter was still living at home but Sue was the only person home. She said she hadn’t seen Maria. Sue made me a cup of tea and we were talking in the living room. Sue started telling about how stingy Bob was and how she was worried about Bob’s drinking while the girls were still living at home. She reckoned that Bob was waking up in the night and running around the house with knives looking for intruders. She said that Bob believed that someone had been coming in and out of the house during the night. She didn’t really elaborate further on that. I remember clearly Sue said then said to me, “Bob’s got to go”.*

**and then:**

*“What we talked about with Patrick is what’s got to happen to Bob.” She said she wanted Bob wrapped up in chicken wire. I was shocked and asked her what she meant and she said she wanted me to take Bob out on the yacht and wrap him up in chicken wire, weigh him down with a toolbox and push him overboard. The conversation ended because Bob returned home from work. I left not long after Bob got home.”*

<p><b>Triffett:</b> After making the statement to Dtv. Sen. Constable Mikulski, Phillip Triffett “<i>may have said</i>” ... “<i>Will this help me with the charges?</i>” Mikulski replied: “<i>I don't think so, but it's not up to me.</i>”</p>	<p><b>Triffett:</b> <u>did in fact say</u> “<i>Will this help me with those charges?</i>”</p>
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It was disclosed in Triffett's statement that he was aware of a letter implicating him in any harm that might be done to Sue or Bob.

**6th Forensics; at Goodwood 31 Jan**

**31Jan2009:** Const. Maxwell attended the FW at Goodwood to complete the fingerprint examination of the inside of the vessel.

31Jan2009 **9:50 a.m.** : Peter Lorraine [**attended Hobart Police(?)**] and made a statement. It was in a form of questions being put by Conroy and Lorraine's answers being taken on a typewriter, as opposed to a computer/word processor. [**my notes of his 31Oct2017 evidence is that he made the statement on 30Jan2009. The 31Jan date is perhaps more likely, as it was a Saturday, and which would have possibly meant that Lorraine was free to come in and make his statement at what, during the week, would have been normal working hours.** ]

Lorraine's 26Jan09 phone conversation or 31Jan09 statement included:

*“I’m unsure what type of tender it was, inflatable,- solid construction, appeared very small.”*

[D.S. Conroy had testified at trial that Lorraine had spoken about the dinghy he'd seen being “*whitish cream to yellow*” but that by a “*complete oversight*” he (Conroy) hadn't included it in the written statement and neither had he mentioned it to Mr Ellis when he did realise that it had been left out. [CT 914 25]].

and about the yacht *et alia* that he saw, the 27Jan09 **phone** conversation / 31Jan09 **statement** included:

*“It sort of looked a woody -*

*Did it appear to be painted or varnished?*

*I think it may have been, like looking at it, because the wood would have been attractive, so from recollection it looked like there may have been some wood on the boat just making it look older, but I would’ve thought the hull was painted.*

*Noticed very small something like fibreglass tender dinghy tied to back.*

*Almost sinking.*

*It had no motor on it. [ though, Lorraine said “I don’t recall saying that to the officer ”]*

*Dinghy definitely not Zodiac! [ though, Lorraine said “I don’t recall saying those specific words to the officer, so he may’ve asked me was a Zodiac and I might’ve replied I’m not sure, so – but I don’t recall being specific because certainly on the day in question I could not make the detail of the dinghy out.”]*

*I also thought that the dinghy tied up was inadequate, as it looked like if he’d got in it it would have sunk. I’m unsure what type of tender it was, inflatable, of solid construction. [31Jan09 statement]*

*He appeared to me to be elderly due to his stance, posture and generally how he moved. He had the appearance of an old seafarer. From memory he looked like he was wearing old clothes – faded shorts and a shirt. He didn't appear to be doing anything in particular. He seemed to be pottering around, bending over in the back of the vessel in the cockpit area.”*

[31Jan09 statement]

31Jan2009: D.S. Conroy, having contacted a fellow at Imbros, obtained equipment which was attached to a police vessel, and solar scanning of the river was conducted, but wasn't very successful.

31Jan2009: conducted door knocks down in the Marieville Esplanade area, swinging around into Battery Point. The aim was to identify houses that overlooked the water and to find people at home to talk to about the matter. Conroy who had walked down the Derwent Ave lane to have a look for himself, by coincidence met Peter Lorraine who was there doing push ups on the grass. [CT 909 5] and

later took a statement from him at the police station.

from whom he had earlier taken a statement at 9:50 a.m.

They walked to the end of the jetty and Lorraine described his observations to Conroy. Conroy could see what he believed and claimed later had confirmed, was the Four Winds' buoy. Conroy perhaps thought it was “a hundred more metres” or a “hundred or more” beyond the jetty ['A hundred more metres' than the boat was that Lorraine had seen, though on an angle? - Justice Blow seems to have cut him off / come in over the top of him.]:

**GUNSON SC XXD (CT 909...):**

[line 12]	<i>Right. So you went out to the end of the jetty with him and you stood on the very end..... We did.</i>
15	<i>Could you see the Four Winds from the jetty? .....No.</i>  <i>Because, no, of course it had been taken away.....It wasn't there, it wasn't there.</i>
20	<i>Yes. Could you see the buoy or the – where it normally moored? .....I believed I was looking at the correct buoy, and I now know I was, but, yes.</i>
25	<i>Right. And what distance would you say that buoy was out from the jetty? .....It's a long way, from that jetty probably a hundred more metres.</i>
30	<i>Thank you. A hundred or more? .....Yes. Say a hundred, roughly a hundred.</i>  <i>HIS HONOUR: Well you said a hundred more didn't you?</i>

35	<p><i>WITNESS: A hundred or more, it's sort of a hundred –</i></p> <p><i>HIS HONOUR: A hundred or more, thank you.</i></p> <p><i>WITNESS: Sorry.</i></p>
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### Jan/Feb 2009

Const. Milazzo spoke to Richard King, at length, at his home in Tea Tree. Richard King was interviewed and made a statement about his phone call to SNF on the night of 26Jan2009, to a policeman with a name like 'Purdy'. [Dtv Julian Puurand?]

*“Throughout our conversation Sue was pleasant and talked like a friend. She was relaxed, her voice had no stress or anything to suggest anything unusual was considered. Sue sounded like she had nothing to hide...”*

*“I asked Sue if Claire’s statement that Bob was extremely unwell and could die at any time had any truth. She said it did not. Throughout our conversation Sue was pleasant and talked like a friend, she was relaxed. Her voice had no stress or anything to suggest that anything unusual was considered.”*

Fred Barrett, a naval architect, prepared a report on the sinkage rate of the FW for the Tasmanian Police.

<p><i>“And what was that timeframe? ..... “Between I think nine and twelve hours.”</i></p>	<p><i>“But if – would it be the case that if you were a cubic metre out either way that alter by about an hour the – the sinking time? ..... Yeah, between forty five minutes and an hour – “Yeah.....- depending on the flow rate.”</i></p>	<p><i>“But it could be in between, say, seven hours to fourteen hours? .....Possible.”</i></p>
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### Feb2009

Following a meeting with D.S. Conroy, Insp. Powell asked for the Triffett file to be obtained to review.

**1Feb2009:** Peter Maczi, the fingerprint specialist, examined the FW dinghy's outboard motor, a foot pump, a fuel can, a pair of oars, latex gloves and stairs for fingerprints. Maczi also examined a piece of duct tape and a white plastic shopping bag. He had previously examined a number of items from the FW on 29Jan2009.

1Feb2009: **12:05 p.m.** D.S. Conroy spoke on the phone to SNF.

D.S. Conroy viewed hours of video footage from the Bunnings store.

**2Feb2009:** D.S. Conroy had a 1<sup>st</sup> meeting with Forensic Services [Conroy 20101005 954 38]

2Feb2009: an entry was made into the PIL concerning a black jacket found by Mr Nicholas Millen on Droughty Point on 28 January 2009 held at Bellerive police station (miscellaneous receipt 214264). The jacket was a polar fleece black jacket with a lamb's wool type lining. [Bob Chappell's missing black japura had no lining, according to Coroner Hay and possibly SNF.]

2Feb2009: On this date, a number of vessels were probably entered at the CleanLIFT premises in Goodwood, where the FW was docked.

### **Further (7th) forensics (photos) on FW**

**3Feb2009:** Constable Redburn & forensic scientist Deb McHoul attended FW. Redburn took photos to record the areas of McHoul's previous examination.

3Feb2009: Dr Wilson (who had admitted Bob Chappell to the Allamanda Hospital in Southport) wrote a letter to Dtv Shane Sinnitt.

3Feb2009: IDM report No. 200908199 from 3 February 2009 with regard to vessels probably being entered at CleanLIFT. States that incident occurred on **2 February 2009**.

**4Feb2009:** Const. Needham took photos of the FW; "*tied to the Prince of Wales Bay up [there] in Derwent Park.*"

### **SNF completes missing persons statement, sign med. release forms.**

4Feb2009: Dtv. Milazzo (& Dtv. Sinnitt) went to the Allison St home, to get SNF to complete a missing persons form and to sign a medical release form to allow police to obtain Bob Chappell's medical records. SNF's two daughters were present.

4Feb2009: An entry (*Reference No: 144314662*) was made in the TasPol Forensic Exhibit Register: - *bedding – sheet (with red/brown stains) starboard aft cabin of yacht.* The Forensic Biology Report noted: "*No. 106 – sheet (with red/brown stains) – starboard aft cabin – Not*

examined”. [See Coroner Hay's Report]

4Feb2009: SNF saw her general practitioner, Dr Newton, and “*informed the doctor that her husband had disappeared in mysterious circumstances. The doctor’s notes also referred to a claim by her that she had derealisation sensations and immobility which stopped her from moving for up to 15 minutes, most probably stress-related catatonia thought the doctor. The doctor recommended relaxation time and exercise.*”[See Coroner Hay's Report]

4Feb2009 or 5Feb2009: SNF rang Jim McKinnon (the deisel mechanic who'd worked on the FW in Qld) telling him that the vessel had sunk, that Bob was missing, that there was an investigation “*possibly towards murder*” and that she believed/the police had told her that a rope had been used to winch Bob's body up from the saloon area, that an extinguisher was used to weigh his body down and that he was pushed over the side. SNF also told McKinnon that she had broken up with Bob, that they weren't together anymore and that she wasn't going to tell the police that.

4Feb2009: The Mercury again spoke to Inspector Powell, who told them [concerning the amount of information so far processed] that “But there's nothing to give us a clear indication of what happened” and “We have no obvious leads as to where he might be or what might have happened.”. [Those with any information were asked to call Hobart CIB on **6230 2111**] “*deliberate act of sabotage*”. Referring to the cause of the flooding of the FW, [police] called it a “*deliberate act of sabotage*”

**5Feb2009** – 6Feb2009: Offence Report 0000357916 re a report of persons possibly entering plastic fabrications at 8 Negara Crescent Goodwood and breaking into a vessel between 5 February 2009 and 6 February 2009.

### **5 Feb 2009: SNF statement/or informal interview: police - 'material gathering'**

1st statement:	27Jan2009	11:50am...	Allison St	Stockdale	
2nd statement:	28Jan 2009	11:00am...	Allison St	Conroy	
1st material gathering:	5Feb2009	11:50am	Allison St	Sinnitt&Milazzo	
1st interview/statement:	4Mar2009		Police Station	Conroy/Puurand	1st videoed interview – not under caution.
2nd interview:	5May2009		Hobart Police Stn.	Conroy, Powell et al.c	2nd videoed interview - under caution

05Feb2009 **11:50 a.m** Detectives Shane Sinnitt & Merissa Milazzo visited SNF at home, to gather background material. Both detectives made notes of their conversation with SNF, and she gave the detectives her 2008 & 2009 diaries and notes, to take away with them. Family friend, Robert Martyn and daughters Sarah Bowles and Emma Meeker-Fraser were present.

05Feb2009 **12:00 noon** Dtv. Milazzo began taking notes.

Dtv. Sinnitt told SNF that a dinghy like hers was seen at 3:55 p.m. Having said that she'd left the FW earlier than this time, SNF responded [along the lines of?]: '*Well I could have made a mistake.*'

Because their attitude seems to have changed, e.g. police press releases, SNF was now wary of telling police of her night walk to Marieville Esplanade.

**Milazzo's notes** [as read/quoted from during the trial] from 5Feb 2009 'information gathering':

*Thursday 5.2.09 at 12:00 noon, 7 Allison Street, West Hobart.  
Dialled number –*

*Steve and Mary.*

*Bob, Robert Crawford Martin, known 1972 when came down from Tarraleah, '72 to '73. Wellington Ski Club, met through ski club. Lived here for thirty eight years. In 2005 left Tasmania. Phone number: 0438106659.*

*Depressed after marriage break-up. Anxious to finish project. Passion for cooking, relaxation after work. Bob was tense.*

*Diaries x 2 taken.*

*Between 3.01.09 and 10.01.09 boat accessed. Recorded in Sue's diary. Bob was petrified of boat getting a bad name and people wouldn't want to go out on it. Discovered on the 10.1.09.*

*14.1.09 Alex fixed hydraulics.*

*Drinker, one to two stubbies then half bottle of white. He would drink two third of bottle, two cans of Pale Ale, a bottle of white (red) in cupboard where chips were.*

*Where nose bleed was a pool of blood in the cockpit.*

**Sinnitt's notes** [as read/quoted from during the trial] from 5Feb2009 'information gathering':

*1200 Thursday – 5209, 7 Allison Street, West Hobart. Sinnitt/Milazzo. Sue Neill-Fraser. Bob Martin. Emma? Daughter. Sarah? Daughter.*

*Robert (Bob) History*

*Best mates, Steve and Mary, Bob Martin, Fiona and John Peet.*

*Associates (work) –*

*Maryann Pergus, Narelle Jones, Caroline Knight.*

*Hobbies/Interests: smoking, cooking, workshop/tools.*

*Behaviour recently: tense over break-in on yacht 10/1.*

*No changes in behaviour.*

*Health concerns/issues:*

*drinker, one or two stubbies plus half a bottle of wine.*

*Onboard 2 X cans Pale Ale and bottle of red in starboard ship cupboard.*

*No financial concerns.*

*Never used computer at home, used computer at work. Looked up weather charts on home computer, that was about all. Said would retire last year and didn't. Intended to finish project. Quality Assurance manual occupied his mind, wouldn't retire till completed it.*

*Were concerned, two rows wanted sniffer dogs in. Worried about what other people would think.*

*Gaffer hook fits description of one off Sue's boat. Boat hook in dinghy. Was one hook on the deck of boat when we all inspected the boat, 27/1/09. Buoy was in dinghy when – [interrupted] BUOY was in dinghy when left the Zodiac. White with white floating rope attached, plain white rope and buoy polystyrene. Ten dollars from boat chandlery, bought recently.*

*Outboard tank was very full, 3 HP. Other loose tank in dinghy. Four trips. Went out, came back and again. Ladder closest to*

*Financial concerns: none.*

*Home email websites: nil, only used computer at home to check weather charts. Diary/notebook: handed to us. List maker. Work concerns: no real concerns, planned to retire and return on contract. Completing QA manual, big project, intended to finish that first.*

*First family/marriage: depressed at first marriage break-up but a long time ago. Nil recent, no recent signs of any depression. Avid reader. Provided recent library list, reads Age and Australian (weekends).*

*Concerns – yacht dud? No. Everyone gets black death – handed pamphlet re black death and typed history of yacht purchase.*

*Worried about break in, 10 January, on mooring between 3/1 and 10/1. Rows over the boat/drugs/sniffer dogs and the boat's reputation. Bob equals paranoid. Family gathering on yacht on 18/1 nice.*

*Dinghy, gaff hook might be off boat, fits description of recently purchased one (PJ receipt provided). Buoy missing from dinghy.*

*300 millimetre plain white – plain white floating rope attached. Bob bought it not long ago Bay Chandlery.*

*Extra tank, fuel N/K – Top tank full, overflowed when Sue checked it. Last location left (on yacht), starboard side,*

*Marieville Beach end where Zodiac tied. Zodiac on rowing club side, yacht protecting Zodiac.*

*Went through and did chart table.*

*May have had cup of tea.*

*Laundry, Bob in engine room in direct line with laundry. This started a row. Half mine I bought them in Queensland. Got out – Got out fruit cake. Had a very good look at washing machine, goes straight through outlet. That was a worry as it could cause boat to sink. Bob snappy, wanted to take off electrical packaging, external regulator is better.*

*Car was parked near toilet block on gravel*

*Come in a lot faster than going out in those conditions. Looked for slip mats in Bunnings. Can't say when left yacht.*

*Went straight out to Brooker. Came back, took trailer off before took Anne to lunch.*

*Bunnings, didn't have trailer on. Sue drives slowly. Bunnings, drive in, turn left, parked facing building. Light was fading when left Bunnings. Don't know how long I was there, didn't think it was that long.. 16:40 roughly arrived at Bunnings, main entrance near checkouts. Main entrance near checkouts. Always someone on door.*

*rowing club side not the back equals washboard catches on dinghy. Tied to pole at ladder RYCT near club boats near big circular concrete thing.*

*Sue's movements (after last on yacht) our timeline.*

*2:00 p.m., 3:55, must have stayed on yacht. "Stayed longer than I first thought".*

*Bon was going to look at the regulator as I left, made a cup of tea, Bob working in the engine room and on electrical panel, had row, me in Bob's way. I was working on the washing machine which was in the way of the tools – my tools as well." "my tools as well"*

*"Left Bob on board, going to stay, dinghy to ladder at RYCT – tied up, walked to, walked to wagon near public toilet block (five minutes) ladder 16.15 hours, car 16.20 hours."*

*"About fifteen minutes"*

*"1615"*

*"Five minutes,"*

*"1620"*

*The route to Bunnings Moonah via Brooker, along Marieville to Sandy Bay Road asterix \*no trailer on at Bunnings, took it off earlier, lunch. Slow driver.*

*Bunnings at about 1635 to 1640. Parked Brooker side car park forward facing building. In via main entrance passed checkouts.*

<p><i>Wearing hat beige shorts joggers sunglasses cream brimmed hat –</i></p> <p><i>Looking at timber, slip mats, turned right and looked at paint section. Went up just about every aisle and did leave via same entrance. Exit same entrance.</i></p> <p><i>Called Emma about 8:30pm, called granny first or second. Called mum, 62237187, Ate – Ate. Richard rang at 9:30pm. Had a shower when I got home.</i></p> <p><i>No headlights on when leaving house.</i></p> <p><i>Girl with dark hair. Think she just tied a dinghy up. She was walking. A guy on slipway walking across. People wandering around.</i></p>	<p><i>Wearing beige cargos, white joggers. Maybe large sunhat – cream, folded back – large brim.</i></p> <p><i>Turned R passed checkouts towards paint. Went up and down aisles. (L) into timber section – slip mats – passed paints. Should be on footage. Out via entrance same way.</i></p> <p><i>About 8:30pm called Emma. Talked one hour. Phoned mum before Emma. Home quite awhile before phoning Emma.</i></p> <p><i>No headlights to drive Bunnings to home. Didn't stop anywhere (shops, etcetera), on way to or from Bunnings.</i></p> <p><i>When tying dinghy girl dark hair was there.</i></p> <p><i>Fire extinguisher 05/06 last checked, Jim remembered it, ? –</i></p> <p><i>Handed over diaries, notes, wants phone and 2009 diary back. Concluded, initial SAS 2092 and MM 2322.</i></p>
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SNF, having volunteered her 2008 and 2009 diaries to assist with investigations into Bob's disappearance, took a photocopy of the 2009 diary and subsequently transposed the diary entries for January [2009] into a new 2009 diary – which was ultimately taken away by police.

SNF also gave Dtv. Sinnitt Bob's library list and a pamphlet on [the fuel contaminant known as] 'Black Death'. [Coroner Hay (RIID 20140117) stated: *It is asserted that the personal notebooks of the deceased were in the possession of Taspol but were never disclosed to defence counsel at or before the trial. It is maintained the accused handed 3 such notebooks to TasPol during the investigation. ... Without laying any basis for it, it is now the belief of the Ms Neill-Fraser that Mr Chappell may have recorded in those notebooks a range of important issues, including the possible disposal of the Four Winds out-of-commission fire extinguisher.*]

5Feb2009: Following the 'information gathering' conversation with the detectives Sinnitt and Milazzo, SNF now knew where her car was [afternoon/evening of 26Jan2009]. Having been told by police that someone [Mr Liabon] had helped her get the dinghy out of the sand, she

was reminded of having looked back [**from the beach**] and of having seen her car across the road. Yet her memory of having gone to Bunnings included having driven there from where the car had been parked *by the toilet block* [**The toilet block is on the beach side of Marieville Esp., in from the childrens' playground, between the playground and the rowing club sheds.**] Following the 'information gathering', SNF realised that she could not have driven to Bunnings *from the toilet block*, since the 'Liabon memory' included her car being across the road from the Short Beach, on the western side of Marieville Esplanade. SNF was also concerned because she knew that she'd walked down to Marieville Esplanade [**during the night (26Jan) or early morning (27Jan) following the phone call from Richard King**] yet her car [**after returning from Bunnings**] should have been at the house. It was after this conversation with Sinnitt and Milazzo that she first had doubts about whether she had been at Bunnings [**on that day**].

Jim McKinnon sent Dtv. Sgt. Smith a list of the FW's mechanical problems [**date unknown**]

**06Feb2009:** D.S. Conroy, using a photo that had been forwarded to him by Geoff Rowe (in Qld), obtained a same-type extinguisher from Fallon Wahl of *Tasmania Fire Equipment* which weighed 14 kilograms and had a capacity of 9 kilograms.

06Feb2009: Phillip Kimber, following the 29Jan 2009 call from SNF, wrote to SNF and invited her to contact him to discuss matters pertaining to the estate. Kimber's letter included the words "*I presume you have a copy of the Will.*"

06Feb2009: Sgt Paul Pratt, at the request of Hobart CIB, travelled with two divers to Prince of Wales Bay [**aka 'Goodwood'**] and supervised an underwater of the hull of the Four Winds at Goodwood – nothing was found.

06Feb2009-13Feb2009: a tender dinghy was stolen from the RYCT between these dates. It had been stored in the dinghy racks at the Club and was a white-hulled fibreglass clinker with a blue interior.

**8Feb2009 – 9Feb2009:** Offence Report No. 0000358172 for offences committed between **8 and 9 February 2009** at CleanLIFT premises (Goodwood) – stealing and destroy and injure property.

**09Feb2009:** Following an initial meeting with Forensic Services (2Feb2009) D.S. Conroy has second meeting with FS. They did not have actual results, they had exhibit lists on the basis of which, they set about prioritising further DNA analysis.

09Feb2009: Dtv. Sinnitt viewed Bunnings' Moonah surveillance footage for 26Jan90 for the second time and again did not see SNF in it.

Sarah Bowles was told by police that police had not found her mother on the Bunnings footage.

**10Feb2009:** Phillip Triffett, having on 7Jan2009 been bailed, was due to appear in court on this date. [**for reasons unknown to the author, it appears that Triffett did not appear in court on 10Feb2009, but did appear on 7Sept2010 - over a year and a half later – and just two weeks before SNF's trial began on 21Sept2009; at which appearance he pleaded guilty and the matter was adjourned without conviction for a**

period of two years upon Triffett entering into a bond to be of good behaviour and to appear for sentence if called upon.]

10Feb2009 Forensic Services outlined to Conroy some results from Forensic Services – some DNA results were available

**11Feb2009:** Dtv. Sinnitt returned SNF's mobile phone to her, also photocopies of her 2009 diary.

11Feb2009: Constable Woodhead again took photographs on the FW, including one of screws on the floor and one of a screwdriver that was located underneath the floor, and one, at Forensic Services Hobart, of the red jacket.

**12Feb2009: 10:00 a.m. - 12:00 noon:** SNF met with Phillip Kimber and had a long discussion about issues pertaining to the FW, some discussion about her relationship with Mr Chappell. Mr Kimber was interested in finding out the assets of Bob Chappell's estate so he could move towards applying for probate. Kimber might have got out a copy of Bob Chappell's will, but he did not give SNF one to keep.

12Feb2009 **2:00 p.m.:** Dtv Sinnitt, with D.S. Conroy, Dtv. Sice & Dtv. Puurand went to the FW at Goodwood & other detectives who were present replaced carpet squares (square, vinyl black tiles) in the saloon area. It was discovered that some carpet pieces were missing from the area in front of the engine room. *“A number of loose carpet squares located in the saloon were placed back in place on the floor. Many of the squares were cut to specific shapes and their original location could be determined. After doing this it was apparent there were a number of squares missing from the area in front of the engine room hatch.”* Sinnitt and Puurand conducted a test to see if it was possible to winch a body up from the saloon. A rope leading from the rear winch was handed to Dtv Sinnitt who was standing [down below] in the saloon. He wrapped it around his waist, and Dtv Puurand began to wind the winch. Dtv Sinnitt resisted by placing his hands either side of the exit, but couldn't resist, couldn't stop being pulled forward. Dtv Sinnitt weighed approximately 98 kilograms. [this test did not demonstrate that a body could be dragged across a floor, then up a set of stairs, across another floor, and then up a second set of stairs – it did demonstrate apparently that a detective with a rope wrapped around him did not have the strength to resist the pulling of the rope, by propping himself at the saloon entrance, at the hands of another Detective who was turning a winch at the rear of the vessel.] Conroy initiated the 'winch test' to demonstrate to the other 'uneducated' police officers that didn't know anything about yachts that “a winch can lift weight.” They did not try and perform a similar demonstration by putting a rope over the side using the side winch. D.S. Conroy then placed a rope off another winch over 'burn mark' or marks on the timber edging and led that down to the same area where Dtv. Sinnitt had been standing. No attempt was made to winch him using that other winch, neither in Sinnitt's presence were ropes put through the forehead hatches.

**13Feb2009:** Dtv. Sinnitt returned to collect some items, exhibits from the FW.

13Feb2009: SNF rang D.S. Conroy's office.

13Feb2009: At the request of Dtv Sinnitt, Constable Woodhead [nee Barnes] again took pix (on the FW), at the request of Dtv. Sinnitt: the subject of those photographs was a reconstruction of rope, wound around a winch, from the housing on top of the wheelhouse going down

into the cabin. The rope/s in the reconstruction (were going down over the stairs, coming down over the wheelhouse into the bottom cabin, the first rope appearing to trail across the deck or the floor) was/were not in the same position as when Constable Stockdale first entered the FW, as when D.S. Conroy first entered the FW on 27Jan2009 and as when Dtv Milazzo went onto the FW that day at Constitution Dock.

13Feb2009: D.S. Conroy returned SNF's call. She was keen to get back onto the boat. She mentioned that she believed that vessels down in the Sandy Bay area had been broken into.

13Feb2009: 12:17 p.m. D.S.Conroy is recorded in the Police Investigation Log as receiving an email from Mr Klaus Haeussler, a German yachtsman who left Hobart at 9.50 am on 27 January 2009. He said that he could recall the name of the vessel Four Winds but nothing further. [It is conjectured that Klaus Haeussler was the man seen on a boat off the Derwent Lane jetty at 5:00 p.m on the afternoon of 26Jan2009 and thought erroneously to have been the 'last sighting' of Bob Chappell]

<http://www.betterconsult.com.au/blog/technical-competence-in-the-sue-neill-fraser-case-and-yet-another-possible-lead-not-followed-up/>.

**16Feb2009:** Dtv. Sinnitt met SNF, Sarah Bowles & Robert Martin at FW, at Goodwood. SNF was showing Martin where ropes had been shortened on board the yacht. Dtv. Puurand asked SNF what she thought had happened to Bob. She told Puurand that she believed his disappearance was related to break-ins on the yacht, both in Qld & on the mooring at Sandy Bay.

??Feb2009: In mid-Feb, Terry Leen inspected the FW on behalf of SNF in order to report on damage to the vessel and to reduce the risk of loss on board the vessel (e.g. the motor that had been flooded by salt-water). Later in the day, Chris Dobbyn, a self-employed marine surveyor, who conducted an insurance assesment as to why the boat sank/was sinking, was talking to SNF and expressed his condolences to her.

**18Feb2009:** A warrant for listening devices to be installed in the SNF - (Bob Chappell) Allison St home was issued.

Warrants for financial records were taken out very early in the investigation.

**19Feb2009:** SNF & D.S. Conroy spoke on the phone again, she mentioned 'drug smuggling', saying that the FW's registration prefix 'PV' stood for Port Vila and that drug smugglers from Europe go to Port Vila and suggested that Conroy follow up on that line of enquiry.

[**The Appeal Court 6Mar2012 stated (para 66) that on 5May2009 SNF had “denied that there had been any break-ins on the yacht in Queensland or Tasmania and she [had] denied saying that it had been searched.” It should further be noted that in her statement made to Constable Stockdale (27Jan2009) she stated: “I would also like to add that approximately thirteen days ago Robert and I went to the yacht and discovered someone had been on it that shouldn’t have.” At trial, DPP Ellis asked her “Then when you gave an interview later on the 27<sup>th</sup> you said that this alleged break-in in Hobart was some thirteen days prior, which would put it at the 14<sup>th</sup>? to which she replied “I’ve never said the boat was broken into.”**” and ] [ <http://www.austlii.edu.au/au/cases/tas/TASCCA/2012/2.html> ]

Conroy made some enquiries with MAST about the registration prefix, found there was a Q attached to the registration, and also tried some internet enquiries but couldn't find anything.

**21Feb2009** – 23Feb2009: Offence Report 0000359436 re break in to RMD Marina in Negara Crescent between 21 February and 23 February 2009.

**24Feb2009:** an entry was made on the Police Investigation Log, *“Attention to typing lengthy running sheet from hand written running sheet maintained throughout operation.”* [A subsequent RTI request was made by Barbara Etter for further material concerning the PIL including the handwritten running sheets which were referred to in this entry. As a result of her request, it was discovered that between 7:45 p.m. and 8:30 p.m. on 26Feb2009, a person living in Napoleon St had seen a Zodiac [rubber dinghy] leaving the area of the yacht. *“It had an outboard motor propelling it and the rear of it was sitting well into the water. There was only one person on the Zodiac, a male, stocky/solid build, late 40’s to early 50’s, weatherbeaten sailor type look, short reddish brown hair, but not close shaven. The hair was possibly a bit wavy and was fairly thick. The male was wearing a collared white short sleeve shirt with no obvious pattern or emblem. He was sitting in the rear left hand side of the zodiac steering the outboard with his right hand. It didn’t look like there was anything on the boat at all. It was travelling at an average speed and [...Witness A...] last saw it about half way between the sinking yacht ([that] morning) and the DSS.”*]

When the FW was handed back to SNF at Negara St, she and Bob Martyn inspected it in the water at Goodwood.

SNF found that some tools were missing, some wrenches were missing, a Genoa rope disappeared for two days and then came back.	While FW was at CleanLift, they 'lost' quite a lot of things, including little wrenches for small nuts [SNF 20101011 1297 8]
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They started some bilge pumps (a battery – or something which could be pumped electrically which had been loaned to them). One of the pumps labour made a high pitched sound as if struggling, so they turned it off and they discovered part of a stair foot stuck in the bilge inlet 20101011 1198 3]

**26Feb2009:** SNF rangs the police to complain of an inadequate search, she spoke to D.S. Conroy on the phone again. SNF was no longer so sure about the Port Vila connection, that it may have been something closer and more random. Given the lack of results and following this conversation, Conroy did not pursue the Port Vila angle any further. She told him she had located a piece of timber in the bilge system, at the front, that appeared to have ben sucked into the bilge pipe. It was one of the feet from the stairs which led down to the saloon, and had got into the pipe. SNF stated that she felt that the front, or the vessel hadn't been searched completely.

**Mar2009:** The woman known as ‘Trixie’, who had apparently been living in a vehicle at Short Beach, Sandy Bay the previous year (Nov-Dec2008), had attended a family wedding in New Zealand on 6Dec2008 (this apparently confirmed by TasPol). Having left her vehicle near

the Sandy Bay rowing sheds while she was in NZ and the vehicle having been thought [by TasPol and/or the Rowing Club/...?] to have been abandoned, on 11Dec2008 she was listed as a possible missing person. [source unknown – my possible transcription error?] 'Trixie' was posted as a possible missing person on 11Jan2009 and on that day it was confirmed that she was in New Zealand, having attended a family wedding on 6Dec2008 and as of 11Jan2009, was staying there with family. “She returned to Hobart in Mar2009 and was spoken to by police who established there was no link or connection to Mr Chappell or any other relevant person of interest and it was confirmed she was in New Zealand at any relevant time”. [it had been 'speculated' (by persons u/k to me) that she had been associated with Stephen Gleeson and Adam Yaxley and had left for NZ soon after Australia Day.] [CORONER HAY RIID 20140117]

??Mar2009: Bob's driver licence expired.

**02Mar2009:** the Commander of the investigation received a formal briefing on the case from the lead Detective Sergeant. The briefing was verbal and there were no written records of it.

**03Mar2009:** SNF's birthday.

03Mar2009: Dtv. Sinnitt & D.S. Conroy went to the FW at Goodwood. They met SNF & Robert there. SNF said that the tanks on board the vessel hadn't been properly search by police and that she'd located a piece of timber step footing located in a forward bilge pump.	“ <i>In days following</i> ” 03Mar2009: Conroy (et al.) visited SNF and on that SNF pointed out to him where the foot had been located by her in a pipe.
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'They' [SNF & Bob Martin?] **blocked off the sea-cocks with wooden bungs before the FW was returned to its mooring. [CT 1332 7]**

03Mar2009: Police (without SNF's knowledge) installed listening devices [see 18Feb2009 warrant] at Allison St, from which 96 eight hour discs were subsequently produced over several months. [Nothing incriminating was found, and the tapes weren't used at trial.]

03Mar2009: D.S. Conroy told SNF that she they couldn't find her on the [Bunnings] video.

03Mar2009: D.S. Conroy from the FW at Goodwood, phoned Lindsay Needham to enquire if those [forward bilge pump] areas had been searched. Needham told him that they had been searched and photographed. D.S. Conroy didn't take possession of the piece of timber, he didn't think at that stage that it had any forensic value.

#### 4 Mar 2009: SNF 1<sup>st</sup> interview (this is videoed).

1 <sup>st</sup> statement:	27Jan2009	11:50am...	Allison St	Stockdale	
2 <sup>nd</sup> statement:	28Jan 2009	11:00am...	Allison St	Conroy	
1 <sup>st</sup> material gathering:	5Feb2009	11:50am	Allison St	Sinnitt&Milazzo	
1 <sup>st</sup> interview/statement:	4Mar2009		Police Station	Conroy/Puurand	1 <sup>st</sup> videoed interview – not under caution.
2 <sup>nd</sup> interview:	5May2009		Hobart Police Stn.	Conroy, Powell et al.c	2 <sup>nd</sup> videoed interview - under caution

By the time of this interview, SNF had decided to lie about/not mention/conceal her night-time visit to Marieville Esplanade. She did this in order to protect, not Tim Chappell, for whom she'd been concerned about in the first few days, but rather, she was more concerned about Tim's sister Claire and the reaction if she (Sue) said anything about the phone call and the going down. Her mention of the Richard King phone call to Tim had occasioned some alarm, she didn't want to make it worse by saying anything about going down. *“That was the only lie”* she told them. Dtv. Puurund spoke with SNF at the police station. Just prior to the videoed interview/statement, D.S. Conroy had told SNF that she did not appear on the footage from Bunnings. It was not an 'under caution' interview, rather a verbal statement recorded on video. The interview/statement was recorded on disc H1/178/09.

In this section, this colour represents an UNCERTAIN date: (4Mar or 5May)

[CT 516] SN-F DESCRIBING J. McKinnon's call [originating source u/k, i.e. possibly 4Mar2009]

*He rang up and he sounded really rattled. He said, “Look, I think I get the feel” – well first off he said, “Are you getting someone to watch me”, and he thought it was Jeff Rowe that I was asking him to watch him to see how many hours he worked and – because he said, “I’m absolutely certain somebody’s watching me”. To be absolutely honest with you I thought the heat had got to him because he sounded frantic and that morning he said he got on the boat and someone had been on there and I said, “Well has it been broken into”, thinking of damage, and he said, “No, someone with a key and they’ve pulled off panels, they’ve undone the electrical circuits”, and I thought well it’s another tradesman, you know, and I told him and he said, “No, it’s not, someone’s been on here looking for something”, and he [CT 517] said, “I’ve never worked on a boat that’s made me feel so nervous”, and he went on about the heat and heaviness. and then he said, “Penny was driving him made [seems to be a typo: read 'mad'? ] because she kept coming down and criticising the boat”*

[CT 30] SN-F (FROM the 1<sup>st</sup> (videoed) interview? 5Feb2009 Court document:Vol 3, pg 384)

*“So they decided we’d turn around and go back, and this is where professionals were excellent because they knew of a little spot we could tuck in, a little bay, and we did.*

*(pg 527)*

*“Stevenson said that the floor in that boat was taken out but it was never screwed back in and the screws are in a plastic container up in the cabin, and to us it’s logical that Bob was probably in there, and he’s the one that got the screwdriver.*

*(pg 528)*

*“Pete was not there, he happened to be very drunk at the time.*

[CT 62] SN-F STATEMENT/INTERVIEW Mar 4 2009

*Did you leave your house at all that night?*

*No.*

*You stayed home the whole night?*

*Yes.*

*Would anyone else have used your car?*

*I don't think so.*

[CT63]

*I mean, I know that I must be a suspect; I mean I did not murder him and throw him overboard attached to the fire extinguisher.*

SN-F in interview? SN-F (from 'the next interview': 2<sup>nd</sup> (videoed) interview? 4Mar2009=5<sup>th</sup> May? [from Volume 4576 - sic] - /Sinnit Milazzo at Allison St)[might even be from the Conroy interview 5May2009?] [CT35]:

*The station-wagon that we've got that looks very much like your car –*

*Right.*

*- and your daughter's look like your car – - I think it was 12:25am?*

*I don't know.*

*Do you actually – do you think that might be your vehicle?.....I actually thought it was later than that.*

*Later than 12:25?.....I think it might have been later.*

*Mm. What sort of time do you think it was?.....Oh for some reason – where – we were still on daylight saving then.*

*Yeah.....Right. Well I don't – well I definitely can't remember the time, I don't know, but I didn't change the clock.*

*There was another car that we saw on the footage and I think, again, it's testing my memory – - and I haven't got in front of me, but I think it was around about four in the morning, went straight up King Street, would that be your vehicle?.....No.*

[CT36]

*I remember along Sandy Bay Road.*

[CT 957] Conroy (Feb5-09 interview? - no, see CT 957: 4Mar2009) question to SN-F

*We – we're dealing with a mystery, we don't know what's happened, and you're the last person to see him.*

[CT 977] Conroy questioning SN-F (4Mar2009?) (re Zochling)

*There – specifically there's a lady there who says she knows Bob, um, because he treated her, he was – or he was a patient – she was a patient.*

*Yep.*

[CT 978]

*And she recognised him?*

*Yep.*

*I'm just wondering whether he might have seen her and decided he didn't want to be recognised by her or – she says she saw you walking towards the boat towards the water and Bob was sort of in front of you with his head down and it looked to her as if you might have been having a disagreement or he was sort of head down walking away from you, you don't recall that?*

*No.*

[CT 981] (Conroy) *Well I just thought maybe it was.*

[CT 982] (SN-F) *And it's quite – it's quite but Bob walked in an odd way anyway.*

[CT 984](Conroy) *She says she saw you walking towards the boat, towards the water, and Bob was sort of in front of you with his head down and it looked to her as if you might have been having a disagreement or he was sort of head down walking away from you.*

[Barbara Zochling did not say that she had seen SNF. She said that the woman that she had seen was an ash-blonde, where the lady on the news report (i.e. SNF) had black hair, the woman she'd seen was not the person who was 'in the box' (i.e. it was not the accused, SNF who was in the trial dock). Anecdotal evidence (source: Lynn Giddings) exists which suggests that Zochling had her days mixed up:

-after Zochling gave her evidence, she remained in the court precincts. She identified Ann Sanchez as the woman she had seen 'arguing' with Bob.

-Ann Sanchez, on reflection, later recalled that she had been at the beach with Bob the day before. Mrs Zochling, at Short Beach on 25Jan2009, had first assumed that the woman she had seen with Bob was his wife/partner, not knowing that the woman was actually his sister Ann, and Zochling only realised that there was something wrong with the identification of the woman as Sue, once she'd seen SNF's picture on television.

-it was for this reason that Zochling then attempted to contact DPP Ellis, because she felt that she, contrary to previous expectations, could no longer identify Sue Neill-Fraser as the woman who had been arguing with Bob Chappell on the beach that Australia Day morning. In my view, it is clear that Barbara Zochling (now deceased) had actually seen Bob and the blonde-ash woman *on the day before* Australia Day (i.e. on the morning of the 25Jan2009. This day was a Sunday, the Sunday of the Australia Day long-weekend. Australia Day itself was on the Monday. Bob, Sue *and* Ann Sanchez *did* go to the FW at 7:30 on the 25Jan2009 (at the time of day fitting with the evidence given by Zochling). Clearly, Zochling had the 'wrong day'.

Reprise:

After giving her evidence, Barbara Zochling waited outside the court. At the next adjournment, while standing outside the Court, she spoke to a member of the family and pointed to Ann Sanchez as the woman she saw arguing with Bob. Much later, Sanchez in a conversation with a family friend, said that she had been arguing with Bob on the beach the day before (i.e. the Sunday the 25th), because Bob had wanted to return home for something and she had wanted to get going for Bruny Island..] ]

Ellis quoting Conroy and SN-F – from the videoed statement 4Mar09.

[Conroy] “*So from the yacht club you went to Bunnings?*”,  
and you answered, “*Yeah, yep, mm*”.

“Do you remember which route?”

“I don’t”.

“Right”.

“I actually drove Sarah and I do remember feeling guilty about this because I thought if Bob’s trying to ring me I’m not at home because he had my mobile you see”

[CT 1258] [SN-F to Conroy? 4Mar09?]

“So I thought well he wouldn’t have one so I thought well I’ll go out and come back, right, go out to Bunnings, mm”.

[CT 1259][Conroy to SN-F 4Mar09]

*Now the Bunnings, you’re adamant that that’s where you went. Are you sure you went to Bunnings that day? This is the only one point of contention is that we have looked at the footage, you said you told me, and we can’t find you. You told me, you told me, you told me, he said.* [is this some of Ellis's words wrongly included in the quote?]

[CT 1260][SN-F to Conroy? 4Mar09?]

*Actually this sounds terrible but I’d been out there two days earlier and I’d looked for similar sort of stuff, and two or three days earlier.*

[CT 1260][SN-F to Conroy? 4Mar09?]

*In that case I wasn’t there for hours.*

[CT 1295] [about Bob staying on the FW: Ellis quoting SN-F to Conroy from 4Mar2009 interview; date given at line 35 ]

*He wanted to trace it through –[at 455 of whatever document is being quoted from] - so I got the usual harangue about how awful it was to work full time and have to do these things. And he’s right, I understand, but I thought well I can’t do anything because that’s – because what I wanted to do was interfering with what he wanted to do, so I said, ‘Well look I’ll go back, call me when you want to come back’–*

[CT 1340] Q&A SN-F from the 4Mar2009 interview

*Q: So I assume that’s what he would have had -*

*I didn’t ask him. He was in the engine room when I arrived and he emerged crossly---* [not about the 26Jan09, but another day –

SN-F 20101012 1340 13]

**5Mar2009: 1:00 p.m.** About this time, Sarah Bowles and Emma Fraser-**Meagher** attended Hobart Police Station and D.S. Conroy obtained a statement from Emma while Dtv. Puurand obtained a statutory declaration from Sarah Bowles. Emma Fraser-Meeker’s statement did not contain any information on what occurred with the red jacket (but pre-dated the confirmation of Sue’s DNA on the jacket). Following that,

they had an open discussion with regards to the investigation and Conroy established that they were both aware of the accusation that had been made against SNF. Sarah and Emma questioned the progress of the investigation concerning closed circuit tv, particularly in the Sandy Bay area.

<p>Conroy (proof of evidence): <i>“They were advised that some footage existed from an ATM on Sandy Bay Road. I stated, it just raised more questions, and then showed them a picture of a motor vehicle observed on the road at 025 hours on 27 January 2009.</i></p> <p><i>The picture is inconclusive, but depicts a vehicle similar to a Ford station-wagon, as owned by the accused and Robert Chappell. Sarah responded with a comment that it was her mother’s car and Emma stated that it looked like her mother’s car.</i></p>	<p>Conroy (at trial): <i>“I raised the point that we had new footage that we hadn’t previously had, that in my mind it raised more questions and to demonstrate that I showed them a photo from a folder that I had in the office at that time, that depicted a picture taken from a closed circuit camera at the Commonwealth Bank, corner of Sandy Bay Road and King Street. The photograph was – what I had taken from an actual digital footage. It was frozen at 12.25 am on 27th of the First of 2009. It depicted, in my opinion, in the top corner, a Ford Falcon station wagon similar to that that the accused owned.</i></p>	<p>Sarah Bowles (in 'Shadow of Doubt'): <i>“When my sister and I were interviewed by Detective Conroy and Detective Puurand at the Tasmanian Police Station, they showed us a photo, an ATM photo of a car. They basically asked us 'What do you think of this?' And it's interesting because their ... in their statement they say that I said 'Oh well that's mum's car' but that that definitely is not what I said and I actually was asking questions about 'Well can we see the number plate?' 'Can you check what other ATMs are there around Hobart?' 'Which direction was it driving?' 'What other CCTV footage is there?' 'What about over the bridge?' You know, 'Can we try and see if that car was going somewhere else?' That was more ... the track that we were on and now when you look back at the statements, they've actually said ' Oh well, Sarah said this and Emma said this and it's just not accurate...”</i></p>
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*[The footage shows the date - time was 1/27/2009 12.20.00 AM - [Image from: 'Shadow of Doubt' / Eve Ash at 40:54] ]*

At that stage Conroy was unaware of SNF's late-night/early morning trip to Marieville Esplanade.

**7Mar2009** – 10Mar2009: Offence Report 0000360786 re offenders entering the yard of CleanLIFT and entering a vessel in dry dock between 7 March and 10 March 2009.

**8Mar2009:** (when being interviewed over a 'now compensated rape charge') Gleeson told police Conroy and Puurand / said he was asleep. *“This detective thats done the job on Sue – Fraser and has attempted to do one on me”*. Gleeson told the **2017 court:**

that Sinnit had intimidated him to say Yaxley wasn't there, so he [Gleeson] could get out of there [from an interview room or from prison?]. He said that the interview was designed - *“you're talking major crime there as well”* - to try and fit another case over onto him. *“Yes, I wanted to get out of there”*. [the 8/9Mar2012 interview?] *“It was deliberately designed to try and steer me away from the case”*. [At one of these 27/30Jan/8Mar2009 meetings with police, Gleeson told police that Bob [Chapman] had a young 16 year old girl on the boat.] He explained his false statements [about having seen nothing?] by saying that they were after the threatening [the 'intimidation'?] He said that the Detective had intimated that he [Gleeson] was parking in a children's playground [thus insinuating a possible threat to get him on a paedophile charge] He told the court that he had had a \$1.5m compensation payout for being 'fitted-up' by a Detective in the past. Gleeson mentioned a [Police?] Sgt. Rogers. He said that he [Gleeson] had gone to Tas. Police [at some stage] to tell them about Mr Wroe saying he'd pull Bob's teeth out.

**9Mar2009:** Stephen Gleeson in XXN [30Oct2017] by DPP Daryl Coates agreed he was spoken to by Sergeant Conroy and Constable Puurand on 9<sup>th</sup> March 2009, [thus the 8Mar2009 entry should perhaps be the 9Mar2009].

**8/10Mar2009: The 1<sup>st</sup> Sanchez phone conversation about going down after the King-SNF phone call.**

Ann Sanchez and SNF had two phone conversations in March 2009 in which SNF mentioned her movements between Allison St and Marieville Esplanade on 26/27Jan2009. The first took place on the 8<sup>th</sup> or 10<sup>th</sup> of March 2009, and the second took place on the morning of the 23<sup>rd</sup> of March 2009.

**Ann Sanchez:** 8Mar2009 or 10Mar2009: SNF spoke with Ann Sanchez on the phone and told her about the phone call she had received from Richard King on the night of the 26Jan2009, when Ann had been on Bruny Island. SNF told Ann that following the phone call from King, she had driven down, she couldn't sleep, that she'd been disturbed by the phone call, a bit anxious. She drove down to Sandy Bay and looked across at the boat, but it was in darkness, so she drove back.

23Mar2009 c.10:30 a.m.: SNF spoke with Ann Sanchez on the phone and told her that after the phone call from Richard King, she had not driven back, that (wanting the exercise) she had walked back to West Hobart from Sandy Bay

**SNF:** did not tell Ann Sanchez on 8Mar2009 or 10Mar2009 that she (Sue) had driven down that night and driven back. She probably said to Sanchez that she drove down after lunch.

23Mar2009: [Sue was not questioned at trial about the 23Mar2009 phone conversation]

**9Mar2009:** D.S. Conroy asked DI Powell for a media release to be forwarded to all media outlets with regard to seeking a witness who had contacted them anonymously on 29Jan2009, seeking for that person to come forward.

09Mar2009: A report by *Lean Marine Survey Pty Ltd* on 9Mar2009 stated that the vessel had been immersed to approximately 200 mm over the wheelhouse floor and the vessel had been down at the head. **Attending police had described the water in the saloon area as approximately “waist deep”.**[see: **Fred Barrett**]

**10Mar2009: – Mercury Crime Stoppers Report:  
Clue in yachtie case Police move closer to solving mystery**

*Mercury (Hobart, Australia) - March 10, 2009*

- Author/Byline: HELEN KEMPTON
- Edition: 1
- Page: 003

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*TASMANIA Police are nearer to solving the mystery of what happened to missing yachtsman Bob Chappell and an anonymous caller could hold the final piece of the puzzle.*

*Police yesterday said a recent development had put them closer to closing the six-week investigation into what happened to the 65-year-old West Hobart man.*

*Inspector Peter Powell said detectives wanted to speak to a man who had contacted police anonymously two days after Mr Chappell's partially sunken yacht, *Four Winds*, was found drifting on the River Derwent on January 27.*

*Insp Powell said the caller had provided police with information about the movements of a dinghy in the area where Mr Chappell's yacht was found.*

*The caller told police he had seen the dinghy in the areas of Marieville Esplanade, Sandy Bay and Battery Point just before midnight on Australia Day, January 26.*

*Insp Powell said a taskforce continued to investigate Mr Chappell's disappearance but a recent development had given police hope the case would be solved.*

*He would not reveal any more details about the new development.*

*“Further discussions with the man who rang on January 29 may provide beneficial information and we are appealing to him to contact police again,” Insp Powell said.*

*Mr Chappell, the Royal Hobart Hospital's chief medical physicist, was last seen on Australia Day when he and his wife lunched on their yacht.*

*His wife went back to shore in a tender at 2pm but said Mr Chappell planned to stay on board overnight to carry out repairs on the vessel.*

*Police were called to his sinking yacht the next day but no trace of Mr Chappell was found.*

*Investigations revealed a hose connected to the vessel's seacock had been severed and an inlet valve opened, allowing water to flood the boat.*

*An EPIRB and a fire extinguisher had been taken from the boat.*

*The EPIRB was later found washed up on rocks on the foreshore near Maning Avenue Reserve, but the fire extinguisher has not been found.*

*Insp Powell said detectives could be contacted directly on 6230 2631 or **Crime Stoppers** on 1800 333 000.*

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10Mar2009: John Hughes attended the police station and identified himself as the anonymous caller. D.S. Conroy talked to Hughes, and Dtv. Puurand took a statement from him.

**The dinghy that Hughes described at the police station:**

Conroy: Hughes “ <i>definitely said it was light coloured when speaking with him</i> ”.	Hughes statement: “ <i>It was dark and I couldn’t describe the colour of the dinghy..</i> ”
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**10Mar2009 Excerpts from Hughes statement:**

[CT 974] (Gunson paraphrasing?) Hughes (Mar 10 2009) statement re dinghy  
‘*I heard an outboard engine and saw an inflatable dinghy*’.

[CT 975]

“*I had the feeling that this person was a female, I can’t be definite*”

“*It was dark and I couldn’t describe the colour of the dinghy or describe the female in it.*”

“*I thought the person had the outline of a female*”

[CT 997] Mr Hughes' (Mar 10 2009) statement [from Gunson's XXN of Conroy]

“*I parked there – - to relax and I remember that I had a Farmer’s Union coffee.*”

“*It was at this time that I heard an outboard engine - - and saw an inflatable dinghy -- with a single person on board. I thought the person had the outline of a female. I had the feeling that this person was a female, I can’t be definite.*”

[CT 998]

Did Hughes say, “*It was dark - .....He did.*

“*and I could not describe the colour of the dinghy*”.....Yes.

And did Hughes’ say, “*Or describe the female in it*”.....Yes.

[CT 998] Gunson to Conroy assertion to SN-F re Hughes' (Mar 10 2009)

statement re the tender ~~That Hughes’ had observed a large inflatable; he described it as a large inflatable tender.~~[Conroy admits that Hughes had not put that in his statement, though asserts he'd said it to him at some stage]

[CT 999] Gunson to Conroy question to SN-F re Hughes' (Mar 10 2009) statement

“*I had a feeling that this person was a female. I can’t be definite or describe the female in it*”

**11Mar2009:**

## ***Yachtie caller phones again***

*Mercury (Hobart, Australia) - March 11, 2009* Browse Issues

- Author/Byline: LINDA SMITH
- Edition: 1
- Page: 003

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*A MYSTERY caller who could hold the key to solving the disappearance of a Hobart yachtsman six weeks ago has again contacted police.*

*The caller yesterday contacted Hobart detectives who are investigating the baffling disappearance of Royal Hobart Hospital chief medical physicist Bob Chappell from his sinking yacht in the River Derwent in January.*

*Police revealed on Monday that a recent development had raised hopes the disappearance of the 65-year-old West Hobart man would be solved.*

*They urged a caller who contacted detectives anonymously with information two days after Mr Chappell disappeared to call them again.*

*Hobart CIB Detective Inspector Peter Powell yesterday confirmed the man had again contacted police.*

*He said the man had provided useful information which police hoped would help solve the case.*

*Insp Powell said the mystery witness had confirmed the earlier information he gave about the movements of a dinghy in the area where Mr Chappell's partially sunk yacht Four Winds was found on January 27.*

*The man said he had seen a dinghy in the areas of Marieville Esplanade, Sandy Bay and Battery Point just before midnight on Australia Day.*

*Insp Powell said investigations were continuing.*

*Mr Chappell was last seen on Australia Day when he and his wife lunched on board their yacht.*

*Anyone with information should contact Hobart CIB on **6230 2111**."*

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11Mar2009: D.S. Conroy got a warrant to search the 7 Allison St premises from a justice of the peace.

11Mar2009 **10:50 a.m.** D.S. Conroy executed the warrant at approximately this time. Conroy seized a computer from the house.

ABC Journalist Felicity Ogilvie having seen the media release and newspaper reports about the 'mystery caller', called up [[the Allison St house?](#)] asking for an interview and SNF or Sarah called her back to say 'yes' to the interview.

## **The interview with Felicity Ogilvie, ABC**

**13Mar2009:** Ogilvie went to the house with her notepad and her recorder. Sarah Bowles was there with SNF and possibly Sarah's husband was there at some stage as well. When Ogilvie first came into the house Sue appeared visibly distressed. Sue was quite upset, she was trembling a lot and when Ogilvie asked her how she felt she said she felt terrible because she'd lost everything and she'd lost her yacht and her partner. She offered Ogilvie a cup of tea. They both had a cup of tea. They went out onto the balcony and Sue said she wanted to tell

Ogilvie everything and before Ogilvie pulled out her recorder to do a formal interview. It was a 'pre-interview conversation. SNF told Ogilvie in the preview interview conversation that, worried about Richard King's phone call about Claire Chappell's being suicidal and perhaps going down to the boat, she (SNF) drove down that night, saw homeless people with fires down at Sandy Bay, didn't see anything going on on the yacht so she drove home. Before starting the tape recorder for the formal interview, Ogilvie asked her whether there was anything she didn't want to say on tape. SNF didn't want to talk about Claire on tape because she seemed really concerned about Claire and didn't want that people think badly about Claire. During the 'formal interview' Ogilvie asked SNF: “*Now the police say that on the night that – that your partner spent on the boat they saw some – that a witness saw someone row out in a dinghy.*” [At trial, Ogilvie said that the reference to someone rowing out in a dinghy came from a police media release either earlier that week or the week before. She also said that there were news stories about it. There were two relevant news stories, published by the Mercury on 10Mar2009 and 11Mar2009: the first (a Crime Stoppers Report) asked a person who had contacted police two days after Bob Chappell had disappeared to contact them again; the second reported that the person had come forward and had confirmed his earlier information given about the movements of a dinghy at Sandy Bay on the night of 26Jan2009 – neither report mentioned someone being seen to row out in a dinghy.]

Ogilvie then also interviewed Inspector Powell. During the course of the interview, she asked Powell something about Sue going down the night [of Bob's disappearance] and he was very surprised and said that SNF'd told them that she didn't go down that night. Powell asked Ogilvie to give a statement to the police, so Ogilvie called Sue to let her know and Sue was very adamant that their conversation about her going down that night was off the record. Ogilvie thought that it had been on the record, but due to the upset state that SNF had been in when she had first got to the house, and the miscommunication that's possible between people, Ogilvie gave her the benefit of the doubt and told the police that she wouldn't give them a statement.

**15Mar2009:** On or about this date , the swab which Forensic Officer Deb. McHoul had taken from the deck of the FW (item 20), was identified as belonging to a homeless girl, Meaghan Vass. [This date is probably incorrect ... it is more likely that Vass's DNA was identified on 15 Mar 2010. [see CT 751: 3-7 as the source of my confusion, Gunson one moment having been referring to 2009 and then in the next breath referring to the identification on the 15<sup>th</sup> of March...]

**17Mar2009:** A member of the FFST contacted D.S. Conroy and told him that the DNA on the red jacket located at Marieville Esplanade on the morning of 27Jan2009 had returned 'a high grade match' to SNF. D.S. Conroy then requested that a Media Release be issued in relation to the red jacket. It resulted in a Mercury article the next day.[Following these test results, a number of statements relating to the red jacket were taken from police and others – [see statement excerpts and article below]:

17Mar2009: Etherington's statement included that SNF “*stated that she had never seen the jacket before and that it did not belong to her*” and “*FRAZER'S (sic) daughter MILLS (sic) saw the jacket and stated that they kept very similar jackets on the yacht. Jeremy MILLS was*

*also saw (sic) the jacket and stated that the jacket was not familiar, but agreed they did keep similar jackets aboard Four Winds.”*

17Mar2009: Plunkett statement included that SNF said “it was not hers” and “*I then showed the jacket to a female that I knew to be CHAPPELS (sic) daughter and her partner. They both identified the jacket immediately as belonging to Sue FRASER (sic), CHAPPELS (sic) partner.*”

17Mar2009: a Senior Constable from the Southern Crime Management Unit processed a request from Detective Sgt [deleted] for reports of breakins [see excerpt from his statement of 19Mar2009]

17Mar2009: Witness A made a second statement in which she stated that at about 6 pm on 28 January she recognised “*that same male*” leaving the area of the DSS in a “*white and blue old motor cruiser*”. [also see 'Stat Dec.' entry at 27Jan2009] She said that she was at her house and looked through the telescope which confirmed to her that it was the same male. She also stated that the zodiac that she had seen him in was tied to the back of the boat. She was so concerned that she took photos of the male and the boat. She noticed a second older male on the boat who she thought resembled Bob Chappell. She then stated that she had provided the photos to the police that day. She stated: “*I am certain that the younger male on the boat was the one I saw in the Zodiac on 26/1/09. This is due to having a clear view of him on both occasions.*”

**18 Mar2009:** a detective attended the Derwent Sailing Squadron and spoke to the “bosun” who identified the boat and the younger man as name unknown (Witness E) who Witness A had seen the day before (17Mar2009) through her telescope.

18 Mar2009: Later that morning, the detective phoned Witness E who confirmed that it was his boat and that the elderly male with him was his father. [see Witness A Jan 26 19:45; Jan 28 6 pm etc]

18Mar2009: police took a statement from Witness E dated 18 March 2009. In the statement, he stated that he was nowhere near Battery Point on Australia Day and that his dinghy at the time had no outboard. [the dinghy seen on 26Jan2009 by Witness A had an outboard motor propelling it and the 'weather-beaten' man was sitting to its left, steering it with his right hand. This evidence and other anecdotal information suggest that Witness E (the man seen by Witness A on 28Jan2009) and the 'weather-beaten' man seen by Witness A on 26Jan2009 were not the same person]

### ***Jacket clue in yachtsman mystery / Jacket clue in missing yachtsman mystery***

18Mar2009: Mercury article resulting from Police 17Mar2009 Media Release:

Mercury (Hobart, Australia) - March 18, 2009Browse Issues

- Author/Byline: LINDA SMITH
- Edition: 1
- Section: Local

- *Page: 001*

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*POLICE believe a discarded red jacket could hold the key to solving the disappearance of a Hobart yachtsman. Police found the red ski-style jacket on Marieville Esplanade foreshore on the morning 65-year-old Bob Chappell's yacht Four Winds was found sinking in the River Derwent off Sandy Bay seven weeks ago.*

*At the time the Royal Hobart Hospital chief medical physicist's family told police the jacket did not belong to him. But because of recent developments police now believe the jacket, which has grey detailing, was related to Mr Chappell's disappearance.*

*And they have released a photo of the jacket in the hope the public may be able to provide information. Hobart CIB Detective-Inspector Peter Powell said he wanted to hear from anyone who might have seen or moved the jacket on Marieville Esplanade on Australia Day or in the early hours of January 27 -- the day Mr Chappell's sinking yacht was found.*

*"We took possession of the jacket even though the family indicated it didn't belong to Mr Chappell," Insp Powell said.*

*"Now we have got further information that suggests that it is related to our investigation."*

*The jacket was found on Short Beach, a popular dog-walking spot.*

*The police appeal comes only a week after it was announced investigators had new information which they hoped would help solve the mystery.*

*Last week a witness told of seeing a dinghy like the one belonging to Four Winds near Marieville Esplanade in the hours before Mr Chappell was reported missing.*

*Yesterday Insp Powell said it was possible the red jacket had been worn by the person in the tender.*

*Insp Powell said he was confident police were getting closer to finalising the case.*

*"I'm a lot happier with the progress . . . now than I was 10 days ago," he said.*

*Meanwhile Mr Chappell's partner, Sue Fraser, who plans to hire a private investigator to help solve the case, said she held little hope her partner would be found alive.*

*"I feel I've lost everything, not just Bob and the boat . . . we were planning a lifestyle together."*

*Mr Chappell was last seen on Australia Day when the two lunched on board the yacht.*

*Ms Fraser went back to shore in a tender at 2pm but Mr Chappell planned to stay onboard overnight to do repairs.*

*Police were called to his sinking yacht early on January 27 but found no trace of him.*

*It was revealed a hose to the vessel's seacock had been severed and an inlet valve opened, allowing water to flood the boat.*

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18Mar2009: Constable Tony Fox, who had taken photos (29Jan2009) at the Maning Reserve and Sandy Bay Rd took more at Margaret St & Marieville Esp.

18Mar2009: Acting Sgt. Sulman made a statement which included that SNF was shown the jacket and "*she said it was not from the yacht*".

19Mar2009: Senior Constable Daniel Newbury made a stat. dec.

19Mar2009: a Senior Constable from the Southern Crime Management Unit stated:

*On the 17th of March 2009, I processed a request for information from Detective Sgt [deleted] of the Hobart CIB. The request required me to list any crime reports relating to break-ins of vessels moored or docked at Royal Hobart Yacht Club and Derwent Sailing Squadron for a period of three months prior to and including 27/1/2009. I processed the request and found no other crime reports, other than the one under investigation, relating to vessels in the area specified.*

20Mar2009: Const. Stockdale made a new statement containing claim that SNF had bandaid on her finger [cut on left thumb].

20-23Mar2009: D.S. Conroy and Dtv. Puurand went to Qld to conduct enquiries and to speak to witnesses.

STATUTORY DECLARATION OF GEORGE PARTOS [Date unknown]

[Partos, George: previous-but-1(?) owner of FW; he had been contacted by SNF for information on the condition of the FW. The owners of the FW had been: Tanner, Partos, Snowden, Chappell/Neil-Fraser]

*The above details are true and correct. In 1996 I purchased a 53ft steel ketch called Four Winds. The boat belonged to Bob Tanner and was being sold by his liquidators as he had run into tax problems. The boat was for sale by tender and my tender was successful. When I bought the boat it was sitting on a hard stand in Iluka, New South Wales. It had been stripped down as I understand that Bob Tanner had been intending to restore it.*

*I transferred the boat to a hard stand in Coffs Harbour. Over the next three to three and a half years I restored the boat. The boat was already stripped back to the bare hull. ~~All of the floor boards were removed.~~ [initialled] "Most of the floorboards were removed. I re-did the wheelhouse, the saloon and the laundry. Most of the panelling in the wheelhouse and saloon were removed and re-finished. Work was also performed on the engine and all of the plumbing was stripped out and re-done. The aft master cabin, galley and fore'd cabin needed some work, but they were not stripped bare. The fore'd head was connected to a fibreglass sump or black water tank the aft head did not have a sump and it discharged straight into the sea. You could only use the aft head at sea. The yacht also had a fibreglass grey water tank under the galley which held the wastewater for the shower and sinks. The yacht was fitted with two freshwater tanks. I inspected one of the tanks and this looked to be in good condition and recently painted. Because this was in good condition I assumed the other tank would be in the same condition and did not inspect it. During the restoration the grey and black water tank were removed and inspected. We also inspected and cleaned the diesel tanks, which were in the keel. We cut holes in the tanks through the keel, cleaning them and welding up the holes. I did not find any contraband hidden on the yacht or any secret compartments or hiding places. Had something been hidden on the yacht I would have found it during the rebuild. Because the hull was steel I inspected very nook and cranny looking for rust. During the rebuild I put new carpet tile squares on the floor throughout the boat. The carpet tiles were not glued down. I used to have a couple of spare tiles at home, but I don't think there were any onboard the yacht. I launched the yacht in the year 2000. My wife*

*and I sailed it up to the Whitsundays and to Sydney. We had intended using the yacht offshore but never did. The yacht was a bit big for what we were using it for. I'm not aware of the boat being unlawfully entered during the time I owned it. I had a security alarm fitted on the wheelhouse. I can't recall the alarm every going off. I sold the yacht in 2004 to a man from Cairns who sold wildflowers, I can't recall his name. Late last year I received a couple of phone calls from a lady called Sue, who said she was looking at buying the yacht. I gave her a run down on the boat's history. In my opinion, Four Winds, was a great boat. It was fitted with seven bilge pumps and each of the pumps was alarmed. The only way it would sink is if the seacocks were opened.*

**21Mar2009:** Klaas Reuter, (from a boat-sales office in Newport Marina, Qld., and who had shown SNF the operation of the plumbing on the FW) made a statement to Dtv Sgt Conroy at Newport Marina, about how the FW pumps functioned. [the statement was read to the court, but not transcribed, except for the following excerpts]

*“...How the pumps were (brand/type ??? pumps) and would not let water run back through the system.*

*“This statement was written for me by Detective Sgt Conroy at Australia-wide Boatsales Office at Newport Marina.”*

Christopher Geddes, the electrician who had accessed the FW unknown to McKinnon, made a stat. dec. [date not available]

**22Mar2009:** Steven Snowden (who with his partner Geraldine had been the previous owner of the FW) made a statement to Dtv Sgt Conroy.

Jim McKinnon gave a statement sometime in March. [the following two excerpts are available from the CT] About Bob Chappell and SNF he stated: *“They had different names and did not appear an intimate couple. I would describe Sue as very dominant and never stops talking to listen and very friendly”* and in response to the question *“What signs were that that internal illegal entry had taken place?”* he answered *“Just my tools that I left behind had been moved for somebody to gain access to the – to engine room.”*

**23Mar2009: The 2<sup>nd</sup> Sanchez phone conversation about going down after the King-SNF phone call.**

Ann Sanchez and SNF had two phone conversations in March 2009 in which SNF mentioned her movements between Allison St and Marieville Esplanade on 26/27Jan2009. The first took place on the 8<sup>th</sup> or 10<sup>th</sup> of March 2009, and the second took place on the morning of the 23<sup>rd</sup> of March 2009.

Ann Sanchez: 8Mar2009 or 10Mar2009: SNF spoke with Ann Sanchez on the phone and told her about the phone call she had received from Richard King on the night of the 26Jan2009, when Ann had been on Bruny Island. SNF told Ann that following the phone call from King, she had driven down, she couldn't sleep, that she'd been disturbed by the phone call, a bit anxious. She drove	SNF: did not tell Ann Sanchez on 8Mar2009 or 10Mar2009 that she (Sue) had driven down that night and driven back. She probably said to Sanchez that she drove down after lunch.
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down to Sandy Bay and looked across at the boat, but it was in darkness, so she drove back.

23Mar2009 c.10:30 a.m.: SNF spoke with Ann Sanchez on the phone and told her that after the phone call from Richard King, she had not driven back, that (wanting the exercise) she had walked back to West Hobart from Sandy Bay

23Mar2009: [Sue was not questioned at trial about the 23Mar2009 phone conversation]

23Mar2009: that afternoon, when D.S. Conroy and Dtv. Puurand (on the way back from Qld.) visited Ann Sanchez in Sydney, she told them that she'd just received a call from SNF that morning. Dtv. Puurand took a statement as to the contents of that call.)

**26Mar2009:** [Darryl Balding, coach SBRC made a statement to police. Excerpt follows]:

*Dated 26 of the 3 '09. Daryl John Balding. Date of Birth 29<sup>th</sup> of the 12<sup>th</sup> '46. Live in Howrah. Retired. Phone number. The above details are true and correct.*

*I'm the coach of the Sandy Bay Rowing Club which is situated off Marieville Esplanade, Sandy Bay. At about 5:45am on the 27<sup>th</sup> January '09 I arrived at the rowing club to take training. When I arrived Mr Farmer, who is the father of one of the rowers, told me that when he arrived he had found an inflatable dinghy floating off Errol Flynn Beach which is the beach between the end of Marieville Esplanade and the rowing club. I saw that the dinghy was tied to rocks beside the rowing club, it was grey with dark blue trim and had an outboard motor attached to the back.*

**April 2009:**

Paul Wroe offered them(the Police) / was willing to give his DNA when they contacted him at Constitution Dock April-May 09, before the trial. He stated he had never met the Doc (Bob) or his wife and that he “Never at all” went on t. boat. [Wroe told this to the (Leave for 2<sup>nd</sup> appeal Application) 2017 Court].

**2Apr2009: More underwater searching?**

D.S. Conroy contacted Greg Barass (Victorian Water Police) to arrange sonar examination,

Dtv. Sinnitt took over the inquiries in April.

**15Apr2009:** an entry in the PIL related to a black jacket found by Mr Nicholas Millen on Droughty Point on 28 January 2009.

**16Apr2009:** The following entry was made onto the PIL:

*Sice called [...]. Query hair removed from near bottom of wheelhouse steps which has not been examined and pattern of blood spots on*

*cushion in saloon ... Believes that the small droplets of blood would not be consistent (sic) with blood falling through gravity, some energy would be needed (sic) to be imparted. This could potentially be through an impact or cough/sneeze. Will check.*

16Apr2009 (Thur): Leading Sen. Constable, Victorian Underwater Police, Shane Morton arrived in Tasmania and met Hobart CIB Dtv. Sice and Sinnitt re conducting an underwater sonar search.

17Apr2009 (Fri): Sgt Steane, OIC of the Police Dive Team, met the Victorian divers; who included Sgt. Greg Barrice.

18Apr2009 (Sat): The Victorian Underwater Police team including Leading Sen. Constable Shane Morton assisted Sgt. Pratt (a police diver who had supervised the initial underwater search – 27Jan2009 – from the surface platform). They began a 'side scan' underwater sonar search. The search covered an area of the river at Sandy Bay, beginning slightly upstream of the FW mooring and between Battery Point and Wrest Point Casino, an area of 1.852m (a nautical mile) x approx ½ a nautical mile.

19Apr2009: The 'side scan' sonar search continued. Ninety objects of interest were located over those two days of the search.

20Apr2009: Morton and the others worked 'alongside' the divers. 25 of the 90 items were looked at on that day and the next.

21Apr2009: Sonar search continued, conducted by Shane Morton alongside the divers. A target catalogue was left with the Taspol divers who, if they chose, could dive on the rest of the objects.

21Apr2009: SNF had a further meeting with Phillip Kimber, Bob Chappell's legal practitioner and also a financial advisor, to deal with financial issues and assets associated with the estate and to work to preserve the assets and make sure they're protected.

28Apr2009: SNF telephoned Dtv. Sinnitt and asked him about the river search by the Victorian Police. She asked if the fire extinguisher off the vessel had been located or if anything else had been found.

28Apr2009: In the three months *following* the near sinking of the FW and disappearance of Bob Chappell, there was one (not including the FW) crime report relating to “*break-ins of vessels moored or docked at the Royal Hobart Yacht Club and Derwent Sailing Squadron for a period of three months with the parameters being 28/01/2009-28/04/2009*” [Leggett, Peter: Police Constable, stat. dec. 23 Nov 2009]

## 5 May 2009: 2nd Video Interview (under caution).

1st statement:	27Jan2009	11:50am...	Allison St	Stockdale	
2nd statement:	28Jan 2009	11:00am...	Allison St	Conroy	
1st material gathering:	5Feb2009	11:50am	Allison St	Sinnitt&Milazzo	
1st interview/statement:	4Mar2009		Police Station	Conroy/Puurand	1st videoed interview – not under caution.
2nd interview:	5May2009		Hobart Police Stn.	Conroy, Powell et al.c	2nd videoed interview - under caution

5May2009 D.S. Conroy: Conroy, DI Powell and other Officers went to the Allison St home and asked SNF to accompany them to the Hobart Station.

5May2009 SNF: She was 'not really' happy to go with them, but (not having told police about walking down to Marieville Esplanade on the night of 26Jan209) her conscience was troubling her – she thought that it would be a good opportunity [to bring the matter up/out into the open]. She felt she “...had no choice at that time anyway because Detective Inspector Powell turned up with some detectives and said, 'Look, we want some answers, we're – we're not going to just go away and leave this' and I actually felt I had no choice. But of course, I did...”

05May2009: D.S. Conroy and Officer Sice conducted the ROI. It was recorded on discs H1/348/09. Conroy had a 'summary of evidence document' to assist his questions.

05May2009: During the interview, D.S. Conroy misled SNF (not deliberately) by putting to her that a *female* has been seen in a tender dingy – and which he told her *fitted the description of hers* - going out from the Yacht Club:

**In this section, this colour represents an UNCERTAIN date: (5May or 4Mar)**

[CT 969] Conroy questioning SN-F (the '2<sup>nd</sup>' interview: 5May2009, [118 pages in length CT 974 8] - pg 567 of court document about John Hughes stating he'd seen a dinghy going out from yacht club side of the rowing club spit 11:30-12midnight)

*You'd be well aware that we ran a plea for a witness to come forward about who had some information for us?*

*Yep.*

*That person rang us anonymously on the third day of this investigation after it basically hit the newspaper stating he had observed a tender dinghy fitting the description of yours being used and taken out of the darkness down in off Marieville Esplanade with an occupant in it.*

*Yes.*

[CT 970] about the dinghy going out Jan26 near midnight

*What he saw – what he heard was the sound of an outboard motor and it came – the noise he initially heard was coming from the area of the Royal Hobart Yacht Club. He then observed a large inflatable, he described it as a large inflatable tender, which would be fair description of yours, light coloured leaving that area and it came across in front of where he was sitting in his car and it then headed – turned and headed straight out. He's given us a description of the person that was in – the occupant of it and he described that person as female.*

[CT 993] Conroy questioning SN-F (5May09?) (about (Hughes statement Mar 10 2009))

*And what's more so – [CT 994] - he didn't see any of those people you say were there; what he saw was the tender?*

[CT 994] SN-F responding to Conroy *(about Hughes saying he thought the person in the tender had the outline of a woman, had*

*the feeling it was a woman, , but couldn't be definite (Mar 10 2009))*

*If what he said is accurate it wasn't me, I didn't go near the Royal ... ..*

[CT 996] SN-F responding to Conroy (about Hughes (Mar 10 2009))

*What he saw was the tender –*

*Well I can't –*

*- with a female in it.*

*Well it wasn't me.*

*Are you sure about that, Sue?*

*I'm absolutely sure I was not in the tender that night.*

[CT 1263] Conroy? to SN-F 5May2009

*You've got no idea how your jacket ended up on a fence in Margaret Street?*

Answer: *No, none at all.*

Question:

*Is that where you parked your car?*

Answer:

*I can't remember. I think I parked it on Marieville Esplanade.*

Question:

*And not around the corner?*

Answer:

*I don't think so I can't honestly remember.*

[CT 1265 last line re-quoted by Ellis]:

*I – is that where you parked your car, 5<sup>th</sup> May?* [interpolation from Ellis as to which interview?]

*.....I can't remember, I think I parked it on Marieville Esplanade and not around the corner, I don't know – sorry, I don't think so, I can't honestly remember.*

[CT 1285] [Ellis quoting SN-F from 5May2009 interview?]

*It'd only be quite right if you tell the police and take that back.* [an Ellis interpolation?]

*Three to four weeks before we were going to go up, planning to go up so we could organize our delivery people he said 'yep, it's all good'. He gave me the timeframe and said the exhaust should be done next week. I rang him I think one Friday morning and he – or texted him and said, 'look, we're coming up on such and such a date' and the phone rang five minutes later and I got this absolute tirade, that we didn't know what we were doing and the boat would never be ready. It would*

[CT 1286] *take months to be ready, we couldn't take it, and I said, 'look we're coming up'.*

[CT 1288][Ellis quoting SN-F from 5May2009 interview?]

*It had gone through my mind that he might have been, you know, suicided, I thought he would have been – he was more upset than I thought he would have been, but then again – - we'd just spent a fortune on the boat. - we suspected the head gasket was faulty again.- it was very understandable for him to be upset.*

[CT 1309] from 4Mar or 5May? interview [Ellis seems a number of times to have referred to it as 5Mar – the section is about getting in sniffer dogs]

*He said he was worried about the fact that if we mentioned it to anybody they would think that they we've bought a bad boat. He particularly didn't want his children to know because they would tell Yvonne and Peter and given that Hobart – given the gossip, I'm inclined to agree with his feelings and I supported them so.*

[CT 1390] from 2<sup>nd</sup> video interview - 5May2009

*I don't remember how much that we paid for the survey report that was pre-existing from a surveyor in Sydney. Bob would probably, yeah, look, oh look, I'm trying while I'm talking to you, I'm actually trying to go back over the previous month, which was actually –*

[CT 1398] from 5May2009 2<sup>nd</sup> Video interview

*The day before the anchor which was failing and I knew it was failing and I'd told Bob. I'd told Bob. He – and it was this tiny little thing, but he was very, very upset. The motor failed.*

*He got really upset. He said to me, 'I'm beginning to wonder about this boat. What else is going to go wrong with it? He was more upset than I would have – Bob normally would have been about something so minor. He was very upset. I didn't mention that either because I thought well what had gone through my mind was that he might've, you know, suicided. It went out of my mind but he was more upset than I thought he would've been. But then again we'd just spent a fortune on the boat. We suspected that the head gasket was faulty again. It was very understandable for him to be – to be upset.*

*And Bob was worried about the fact that it was costing more than he thought, but not very much more, and we'd already agreed that two hundred and fifty thousand dollars was our upper limit and we hadn't actually reached that.*

[CT118] **SN-F describing Tim's reaction** to her mentioning the phone call from King [I can't find a record of when this was said ... presumably it was in one of the five statements/interviews ... I don't think it can be from either of the first two (Jan 27 and 28) statements. And the Feb 5 'material gathering seems out of the equation because the excerpts of SN-F's that I have here are supported by Milazzo's and Sinnitt's notes – which don't mention this sort of material – so that leaves either 4Mar09 or 5May09]

*That morning I first went down the police rang me. Tim was very upset about Claire and he ran off to see whether, I mean, I told him about the phone call and he was very very upset. He was more upset than I've ever seen him, and he went off immediately to talk to Claire, came back and said that – I think what he said was 'There's no way Claire could be involved she broke down and she was very upset.*

[CT 1003] Gunson: Conroy question to SN-F re why Bob stayed on FW Jan26

*Is it possible that the reason he – [CT 1004] - was left out there was because he was incapacitated or he was deceased and there was no other option but for you to take that boat back ashore. [SN-F's response to this is not recorded in the CT]*

[CT 1257] SN-F quoting Conroy – from the videoed statement 4Mar09.

*“Look we can't find you on video footage anywhere”*

[CT 30] SN-F (FROM 'the next interview': 2<sup>nd</sup> (videoed) interview? 4Mar2009 [from Volume 4576 - sic] - /Sinnit Milazzo at Allison St)

*Peter Stevenson tells us on the trip you made down, on a number of occasions comments that your relationship with Bob was over and had been for a long time. He's more so specific about that that you were going to have borrow money from your mother to pay him out his share of the boat.*

[CT 31]

*I don't want to say too much about Pete, he discovered Bob's alcohol supply. You form your opinion about Peter Stevenson and have a look at his history –*

*He has a drink problem, there's no doubt about that.*

05May2009: SNF also stated in the interview that the red jacket was more than likely one of the six to eight old, spare jackets that they kept on the boat for visitors.

05May2009: “Ms Neill-Fraser told the police during an interview on 5 May 2009, and repeated in her evidence at the trial, that she walked to Marieville Esplanade late on the night of 26 January; that she looked out towards the Four Winds but saw no sign of activity; that she had left her car in the Marieville Esplanade area earlier in the day; and that she drove home.”

05May2009: SNF had a medical appointment to go to, following the interview.

**Jun2009**

**3Jun2009:** Bob Chappell's boat licence expired, having not been renewed.

09Jun2009 : D.S. Conroy was head of the (Chappell) investigation until this date (“or thereabouts”). At that point he completed a file, submitted it to D.I. Powell for review and further recommendations and took no further part in the case, apart from attending the trial as a witness.

B. Etter: Conroy's final investigation report was dated 19Jun2009.

**1<sup>st</sup> Forensic Report 12Jun2009 /prepared by Forensic Scientist Deb McHoul –Trial exhibit #62**

**2<sup>nd</sup> Forensic Report 1Jul2009 /McHoul, McKenzie & Grosser.**

**3<sup>rd</sup> Forensic Report 14Dec2009 /McKenzie & Grosser. (McHoul?)**

**4<sup>th</sup> Forensic Report 5Jul2010 /Grosser...&?**

**\* as these were 'evolving documents', it is unclear if the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Report exist separately.**

**12Jun2009:** Forensic scientist, Deb McHoul, who had previously examined the FW and the dinghy for the presence of biological material, prepared a report (dated 12Jun2009) based on those examinations of hers. [At trial, the report was taken in as 'EXHIBIT #62'.]:

#### **1ST FORENSIC REPORT EXCERPTS QUOTED/READ AT TRIAL:**

*Numerous red/brown drops, some less than one millimetre in diameter, were present on a wooden panel to the right of the wheel – part of the wheel controls housing and this panel formed the port side of the entrance way to the saloon. Some of these drops appeared to exhibit directionality, including some that appeared to have struck the panel at approximately ninety degrees. Some apparent perimeter stains were also present.*

*Two red/brown drops were present on the starboard panel in the saloon adjacent to the entry way [last four words reread, replacing entry with entrance] – adjacent to the entrance way and a single red/brown drop was seen on a toilet roll and in the saloon on the port side of the entrance way.*

*It seems unlikely that this stain [on the 12 volt panel] could have been deposited at the same time as those on the panels and the wheelhouse.*

*The seat back vertical cushion for the starboard saloon had several brownish stains, two of which were tested and positive with the HS screening test for blood.*

*Very small brownish stains positive of HS screening test for blood were present on the paintwork – behind the seat cushion in the corner adjacent.*

[luminol positive areas were identified]: *On both outside walkways as possible drops and general stains.*

*And a strong luminol positive area associated with a visible stain was present towards the stern end of the starboard seat area adjacent to the winch.*

*Elongated possible drops were present on the inside of the cockpit entry behind where the stairs would have stood.*

*The shelf to the right of the wheel, possibly a chart shelf, found a generally positive reaction on a piece of wood with writing on it in the wheelhouse. In the saloon the table gave a strong reaction.*

*The panel below the barometer and the clock gave a generalised positive reaction, that is to luminol, but appeared to have been replaced and was of a different material to the surrounding panels.  
The galley itself was generally positive, possibly due to the many metal surfaces.*

*Luminol positive rope and trim bow – under right side of bow [of the inflatable Quicksilver dinghy].*

*Following the microscopic examination of the dinghy which was taken to the labs I didn't find any obvious red/brown staining in the dinghy that would correspond with my luminol positive result. [In relation to this luminol positive result, McHoul disputed that in her report she said]: *Therefore it was likely to be a false positive result.**

*A small brownish stain on the top of the port side towards the stern was positive with the HS screening test for blood. [At trial, McHoul was asked to refer to her notes, which she said said that there were a few positive areas on the top of the left side and “a positive area on the inner aspect of the left side”]*

*Swab luminol positive area 11 possible drops negative with HS screening test for blood. [the Vass 'homeless girl' deposit]*  
*'Possible drops': [the Vass 'homeless girl' deposit: McHoul obtained a luminol positive reaction, but obtained a negative result with Hemastix (another screening/presumptive test for blood). The use of the expression 'Possible drops' was explained at trial by McHoul thus: *It's very difficult with Luminol – we do use Luminol for pattern information, but where you get drops it's very difficult to tell whether you really have got a stain that was in the form of a drop or whether you've got a drop having just come off the bottle that you're spraying with, so just to prevent any possible confusion at a later date, I made the note that there were possible drops there. and But with Luminol also sorry – it's very difficult. If you see a stain that's round or elongated, because you've got no visual cues apart from the Luminol, you really can't tell whether that is a drop-like stain, or whether that's a stain that's got there from transfer for example, that just happens to look like a drop – it should also be noted that <11> should be read as “area 11”, rather than as “11 possible drops.” i.e., the number of drops is not given by McHoul. McHoul was requested to read another entry (from her notes?): “Area 11, approximately 9.45 metres from forward end, approximately 250 millimetres from starboard rail and approximately 210 by 260 millimetres on the starboard walkway.]**

*No red/brown staining was seen.*[on the dinghy's Mercury 3.3 outboard motor].

*Weakly positive with HS screening for blood.*[the dinghy tiller control]

*No attempt to confirm presence of blood.*[the dinghy tiller control had no visible red staining]

### Forensic Report Excerpt (1)

#### Item

No.	Description <sup>(2)</sup>	Source <sup>(3)</sup>	No.	Description <sup>(2)</sup>	Type <sup>(4)</sup>	DNA profile type	Match/Not excluded <sup>(6)</sup>
6	hair brush	said to be used by Robert Chappell  Collected from Susan Neill-Fraser		Not examined			
7	hair  195mm long colourless, human head hair	hatch near deck, 'Four Winds', wharf near Muir's	7(1)	root		Full DNA profile. (female)	Does not match any individual currently on the Tasmanian DNA database, Person D (1 in a 100 million)
8	latex glove  Cream coloured, received [...]	under port side wooden trim cockpit 'Four [...]	8(1)	swab – outer surface (as received)		Mixed DNA profile. At least 2 contributors. Male [...]	Due to the low level of DNA detected no reliable conclusions regarding possible contributors can [...]

*Entries #6 (hair brush), #7(hair on hatch near deck) & #8 (latex glove) in report - [reproduced].*

### Forensic Report Excerpt (2)

No.	Description <sup>(2)</sup>	Source <sup>(3)</sup>	No.	Description <sup>(2)</sup>	Type <sup>(4)</sup>	DNA profile type	Match/Not excluded <sup>(6)</sup>
						Mixed DNA profile. At least 3 contributors. Male and female DNA present.	Major profile (female): The component of the major profile appearing to come from a single individual matched the DNA profile of Susan Blythe NEILL-FRASER (1 in 100 million)

							<i>Entire mixed profile:</i> Timothy Edward CHAPPELL and Robert CHAPPELL not excluded as possible contributors (random person 1 in 2)
						Apparent <i>mixed DNA profile</i> [...]	Due to the low level of DNA [...] detected no reliable conclusions

*Fragment of entry in Report: – (the 'Red Jacket'?) - [reproduced].*

### Forensic Report Excerpt (3) plus Forensic Report Excerpt (2)

No.	Description <sup>(2)</sup>	Source <sup>(3)</sup>	No.	Description <sup>(2)</sup>	Type <sup>(4)</sup>	DNA profile type	Match/Not excluded <sup>(6)</sup>
	[...]surface, left shoulder ( <i>HS</i> negative). No attempt to confirm presence of blood.  Apparent animal hairs present in most areas, one long dark apparent head hair on outer surface. Not examined.  Some disruption to stitching on lower end of right front pocket gusset.  20mm apparently recently cut [...]					<i>Mixed DNA profile.</i> At least 3 contributors. Male and female DNA present.	<i>Major profile (female):</i> The component of the major profile appearing to come from a single individual matched the DNA profile of Susan Blythe NEILL-FRASER (1 in 100 million)  <i>Entire mixed profile:</i> Timothy Edward CHAPPELL and Robert CHAPPELL not excluded as possible contributors (random person 1 in 2)
						Apparent <i>mixed DNA profile</i> [...]	Due to the low level of DNA [...] detected no reliable conclusions

*Fragments of entry in Report: – the 'Red Jacket' - [reproduced].*

### Forensic Report Excerpt (4)

No.	Description <sup>(2)</sup>	Source <sup>(3)</sup>	No.	Description <sup>(2)</sup>	Type <sup>(4)</sup>	DNA profile type	Match/Not excluded <sup>(6)</sup>
	Luminol positive area 10. Very weakly positive with <i>HS screening test</i> for blood. No attempt to confirm presence of blood.	adjacent to cockpit, 'Four Winds', 6 Negara Cres, Goodwood				At least 3 contributors. Male DNA present, inconclusive with regards to female	a possible contributor (random person 1 in 10)

						DNA.	
20	swab Luminol positive area 11 (possible drops). Negative with <i>HS screening test</i> for blood.	starboard walkway, 'Four Winds', 6 Negara Cres, Goodwood	20	part of head		Full DNA profile (female).	Does not match any individual currently on the Tasmanian DNA database [Person E] [1 in a 100 million]

*The Vass 'homeless girl' (No. 20) entry in report - [reproduced].*

“... and I think what happened, she's been with some of these guys one night, they've been to the boat yard out there and that she's been on board this boat and that's how her DNA got there” [Det. Insp. Peter Powell: in 'Shadow of Doubt' / Eve Ash at 14:33]

### Forensic Report Excerpt (5)

No.	Description <sup>(2)</sup>	Source <sup>(3)</sup>	No.	Description <sup>(2)</sup>	Type <sup>(4)</sup>	DNA profile type	Match/Not excluded <sup>(6)</sup>
			25(2)	swab - remainder		<i>Partial DNA profile.</i> Male DNA present, inconclusive with regard to female DNA.	no DNA identification information.
26	latex glove Cream coloured, received partly inside out. No blood detected.	stove top, galley, 'Four Winds', 6 Negara Cres, Goodwood	26(1)	swab – outer surface (as received)		<i>Mixed DNA profile.</i> At least 3 contributors. Male DNA present, inconclusive with regards to female DNA	<i>Major profile:</i> Timothy Edward CHAPPELL (1 in 100 million) <i>Minor profile:</i> Due to the low level of DNA detected and the presence of multiple contributors no reliable conclusions regarding possible contributors can be made.

*The 'glove' entry in report - [reproduced].*

The Forensic report(s) were 'evolving documents'.

12Jun2009 The Forensic Report included the words “*Red/brown apparent transfer staining*” in relation to the only apparently visibly-fresh blood found on the yacht 27Jan2009 – on the steps..

19Jun2009: B. Etter: Conroy's final investigation report was dated 19Jun2009.	09Jun2009 : D.S. Conroy was head of the (Chappell) investigation until this date (“or thereabouts”). At that point he completed a file, submitted it to D.I. Powell for review and further recommendations and took no further part in the case, apart from attending the trial as a witness.
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19Jun2009: The following text was contained either in the *Briefing Note* with attached '*Final Investigation Report*' (of this date) and forwarded to the DPP on 30Jun2009 or in an "assessment and review" document dated 13Aug2009:

*"Ms Neill-Fraser had "further entangled herself in a litany of lies regarding her movements and actions".*

and

*"...Investigators have never thought that Neill-Fraser was the only suspect in this matter. However, it became very clear, early in the investigation that she had the motive, the opportunity and she has attempted to divert police at every move".*

30Jun2009: a Briefing Note and the attached final investigation report (dated 19Jun2009) was forwarded to the DPP. [then Tim Ellis]

### July2009

1<sup>st</sup> Forensic Report 12Jun2009 /prepared by Forensic Scientist Deb McHoul –Trial exhibit #62

2<sup>nd</sup> Forensic Report 1Jul2009 /McHoul, McKenzie & Grosser.

3<sup>rd</sup> Forensic Report 14Dec2009 /McKenzie & Grosser. (McHoul?)

4<sup>th</sup> Forensic Report 5Jul2010 /Grosser...&?

\* as these were 'evolving documents', it is unclear if the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Report exist separately.

01Jul2009: Deb McHoul, author of the 1<sup>st</sup> Forensic Report (12Jun2009) contributed to a 'second' report co-authored "*in conjunction with others*" i.e., by Chris McKenzie and Carl Grosser, fellow forensic scientists. The Forensic report(s) were 'evolving documents'.

### 2<sup>nd</sup> FORENSIC REPORT 1JUL2009 - EXCERPTS QUOTED/READ AT TRIAL:

*In my opinion, the presence of many small blood drops on an item indicates that the item [P06 – the yellow and black Dolphin torch] was close to wet blood that was subject to some force.*

[The Report contains a heading] "*Biological Examination*" [for which Chris McKenzie was responsible] and a series of column headings "*DNA Profiling*" [for which Carl Grosser was responsible].

sample 65(5) [vertical seat cushion]: "*positive with HS screening test for blood, no attempt to confirm presence of blood*" [not submitted to *definitive* (aka '*confirmatory*') test.].

*Persons of interest for this case have been identified as David Casson, Robert Chappell, Tim Chappell, Susan Blyth Neill-Fraser, Robert Page and Peter Stevenson.* [These persons, as well as FSST and Police staff members, were on a list of people whose DNA profiles FSST possessed for exclusion purposes. ]

item 25 is described as a '*winch handle red plastic Ronstan*'.

item 25(1) says, '*swab handle part*'

*Upper part of [EPIRB] body. Mixed DNA profile, at least three contributors, male DNA present, inconclusive – female DNA?*

*The DNA profile from two swabs of the inner left floor of the dinghy.*

The red jacket: is Item 109 of the Forensic Biology Report 1Jul2009.

The dinghy: all confirmatory testing undertaken by FSST in relation to Bob Chappell's blood being present in the FW dinghy (16 tests from 7 different locations on the dinghy) were negative.

DNA samples were linked back in the Forensic Biology Report 1Jul2009 to an attending police officer (Item 8), a DPEM staff member (Item 59) and an FSST staff member (Item 35).

The Description in the Forensic Biology Report dated 1 July 2009 states: *Many small red/brown stains on front surface (including possible drops), most on upper left side and most within luminol positive areas. Some altered by apparent dilution and some appeared to be mixed with another substance.*

The 2<sup>nd</sup> report(s) were 'evolving documents'.<sup>2</sup>

**?Jul2009:** Stuart Russell, who had “come out of nowhere on a dinghy” at Short Beach on 26Jan2009, and stayed at Simon Pargeter's [Pargiter?] Stanley St, Sandy Bay house for about six months, **so may have left the house some time in July2009.** [ Russell later (17Dec2011) murdered Brett Williams at Eggs and Bacon Bay. ]

**7Jul2009:** The 5May2009 ROI was transcribed by Wagner on 7Jul2009 from CD HO1/348/09. [On 5 May Conroy and officer Sice had conducted an ROI recorded on discs H1/348/09. The original DVD remains [as at 17Jan2014] in the exhibit register of the Supreme Court – P70]

**30Jul2009:** SNF, concerned that they wouldn't find out what had happened to Bob, made a written complaint to the Commissioner of Police and to Internal Affairs, asking for an independent police officer to review the evidence so that they could perhaps get a different perspective on it.

## **Aug 2009 ...The Arrest**

One day, with her daughter, SNF asked D.S.Conroy where else they [the police] had looked and Conroy replied: *'Well nowhere, we have really only been looking at you all along, you've been our only – our main suspect.'*

**11Aug2009** (Tue): the diving team Sgt. Steane's Police Diving Team again dived, and dived on a further couple of items and they [like the others in April] weren't of interest to them either.

**13Aug2009:** An “assessment and review” document was [created/completed] on this date. It dealt with:  
- the issues raised in a written complaint made by SNF to the Commissioner of Police on 30Jul2009, and  
- recommended that the Acting Commissioner of Police note the contents of the Briefing Note and the attached final investigation report (dated 19Jun2009) which had previously been forwarded to the DPP on 30Jun2009.

**13Aug2009:** The following text was contained either in the *Briefing Note* with attached '*Final Investigation Report*' (19Jun2009) and forwarded to the DPP on 30Jun2009 or in an “assessment and review” document dated 13Aug2009:

*“Ms Neill-Fraser had “further entangled herself in a litany of lies regarding her movements and actions”.*

and

*“...Investigators have never thought that Neill-Fraser was the only suspect in this matter. However, it became very clear, early in the investigation that she had the motive, the opportunity and she has attempted to divert police at every move”.*

## **Susan Neill-Fraser ARRESTED**

**20Aug2009:** Dtps. Sinnitt and Rowe went to SNF's Allison St home. SNF arrived shortly after, as did D.I. Powell and other detectives. D.I. Powell advised the accused that she was under arrest for the murder of Robert Chappell and cautioned her. SNF then accompanied Dtps. Sinnitt, Rowe and Puurand to the police vehicle that Sinnitt had, to be taken back to the police station.

**20Aug2009 1:03pm:** Dtv Sinnitt advised her of her right to communicate with a friend, legal representative or relative.

**20Aug2009:** Dtv. Puurand ask SNF to do another ROI, but she declined.

**20Aug2009:** Susan Neill-Fraser in the Hobart Magistrates Court, charged with the murder of Mr Chappell. She told magistrate Chris Webster that she had not had the chance to engage a lawyer. Mr Webster remanded her in custody and adjourned the matter until 2:15 the next day.

**20Aug2009:** Detective Inspector Peter Powell said *“The arrest comes as a result of a long and thorough investigation into the circumstances of Mr Chappell's disappearance.”*

**21Aug2009:** The matter (of SNF charged with murder and remanded in custody overnight) **had been adjourned till 2:15 p.m.** this day.  
[ Partner faces court over missing yachtie Murder charge Missing yachtie murder charge ]

**25Aug2009:** John Hughes, who had seen a dinghy going out (11:30-midnight 26Jan2009) was reinterviewed by D.S. Conroy.

**31Aug2009:** Thomas Clarke, who had seen a grey coloured dinghy on the port side of the FW at 3:55 p.m. 26Jan2009, made a stat. dec.  
[as read to the court by HH, Clarke's statement included the following: "*I noticed that the boat had a small gre- (typographical error ... read 'grey?') coloured tender tied to the side of the boat. I think the tender was probably an inflatable dinghy but cannot be sure.*"

31Aug2009: Anne Clarke, who had been with Thomas Clarke and Paul Conde at 3:55 p.m. 26Jan2009, made a stat. dec.

## Sept 2009

**1Sept2009:** Tasmania Police gave notice to the coroner of the suspected unnatural or violent death of Mr Chappell having occurred in Tasmania during the afternoon or night of 26/27Jan2009. "*The coroner requested Tasmania Police to continue to investigate the suspected death. For all intents and purposes an inquest into the suspected death of Mr Chappell had commenced as at 1 September 2009. ... As no findings had been made upon the inquest I adjourned it until after the conclusion of the murder proceedings.*" [Coroner Hay]

**3Sept2009:** In response to SNF's request for an independent review and her written complaint about "serious concerns regarding the integrity of the police investigation" a letter was received from the Deputy Commissioner: "*I can advise you that the file was independently assessed and the result of that review was the decision to charge you with murder.*"

**8Sept2009:** Tim Chappel made a supplementary statement (re red jacket). In it he stated: "*While I was with Sue and the police I recall the police calling us over to the boot of a uniform car parked nearby. I saw a red jacket spread out in the boot of the police car and the police asked Sue if the jacket was hers or dads(sic). Sue didn't respond straight away but Emma told her that she thought that maybe it was from the boat. Sue said that it definitely wasn't. I hadn't seen the jacket before. I had only been on the boat twice since it arrived in Hobart and both times in good weather and I didn't see that jacket or anyone wearing it. Later that day I went to coffee with Sue and others and the jacket wasn't mentioned.*" [a witness told police they'd seen SNF wearing a red jacket when she came into Brighton Council some "2-3 years ago" with her friend Bob. SNF stated this visit was actually back in the late 1990s]

**9Sept2009:** Chris Dobbyn, Insurance surveyor, who had inspected the FW, made a statement to police. In it he said:  
"*I met with Susan Neill-Fraser for the first time on the afternoon that Terry Leen arrived to inspect the vessel on her behalf.*"  
[mid-Feb2009.]

Chris Dobbyn, Insurance surveyor provided Dtv. Sice with copy of his insurance report.

**25Sept2009:** Const. Needham, from Forensic Services, Hobart, who had taken photos at Marieville Esp., then of the FW at Prince of Wales Bay, Derwent Park [**Goodwood?**], took photos at Derwent Lane Jetty on this day and also on 29Sept2009.

**2Oct2009:** Jill Ikin, who had seen a grey dinghy on the afternoon of 26Jan2009 made a written statement referring to the dinghy as “**the normal grey unpainted aluminium colour.**” and thought it was an aluminium dinghy because of the shape.

**30Oct2009:** Dr Jonathon Isles [**G.P. in Sandy Bay**] wrote to Dtv Sinnitt.

**13Nov2009:** A key Detective in the case, D.S. Conroy made the following comment in a statement on this day:

*“Police records do not indicate any break-ins on boats in the area around this time or in months previously (sic) I requested a report from the Southern Management Unit regarding this issue.*

and

*“I found that the accused had mentioned to persons in the past that she and her partner Robert Chappell felt their lives were at risk... It was outlined to Emma and Sarah that in 2001 her mother revealed to persons she believed hers and Roberts (sic) lives were at risk. Both said that they believed there was a letter with a lawyer and if anything ever happened to their mother or Robert Chappell the letter would reveal the persons responsible”*

and

*“At the conclusion of my duties on this day I had grave concerns for the life of Robert Chappell”*

**23Nov2009:** Police Constable Peter Leggett (who had processed the request for stats relating to “*break-ins of vessels moored or docked at the Royal Hobart Yacht Club and Derwent Sailing Squadron for a period of three months with the parameters being 28/01/2009-28/04/2009*” made a stat. dec. on this day.

He stated that he processed the request and found : “*just one crime report, in addition to the matter under investigation, relating to vessels in the area specified*”.

From the Police Witness Summaries document, acquired on 11 April 2012 through an RTI request [**by BEtter**], the Constable looking at the period after Australia Day located a report of a stolen tender dinghy from the RYCT between 6 and 13 February 2009. The dinghy was one of many stored in dinghy racks at the Club and was a white hulled fibreglass clinker with a blue interior.

**23Nov2009:** Detective Senior Constable Sice made a statement. His statement included: “*A number of loose carpet squares located in the saloon were placed back in place on the floor. Many of the squares were cut to specific shapes and their original location could be determined. After doing this it was apparent there were a number of squares missing from the area in front of the engine room hatch.*”

**25Nov2009:** An un-named woman [Anon/name suppressed] came to the police station. Detective Sinnitt took a statement from her straight

away. Her stat. dec. at trial was tendered as 'Exhibit P 36'. That statement was about seeing a large grey dinghy at the rear of the FW at 5:00pm 26Jan2009.

**Statement: excerpt as read to the Court by D.S. Conroy, at DPP Ellis's request:**

*“On Australia Day, the 26th of January 2009, I was sailing as a guest on a yacht on the Derwent River in company with friends, I prefer to not to name.”*

**Statement: excerpts reproduced in Shadow of Doubt and read by Jeremy Mills:**

*“On Australia Day 2009 I was sailing as a guest on a yacht on the Derwent River in company with my friends I prefer not to name.*

*“...We were motoring quite close to the moorings on the Sandy Bay side of the river and I was keeping an eye out for unattended moorings so that we wouldn't hit any.*

*“...We came within approximately 50 metres of the Four Winds. I viewed the boat through my binoculars, the first time I noticed it because it was such a lovely boat.*

**Statement: excerpts as read by Mr Gunson:**

*“On Australia, 26th of January 2009, I was sailing as a guest on a yacht on the Derwent River in company with friends I prefer not to name.*

*“We were motoring in a north-easterly direction from the area of Wrest Point at a minimum speed of turning yachts. We were motoring quite close to moorings on the Sandy Bay side of the river and I was keeping an eye out for unattended moorings so that we wouldn't hit any. I had binoculars on the boat with me. As we motored towards the Battery Point direction, I noticed a striking, different sort of boat. It was white in colour and it immediately caught my attention. The boat was attached to a mooring on the outer line of the moored boats. We didn't motor in and around the boats. We passed the outside of them. In doing so, we came to within approximately fifty metres of the Four Winds.*

*“I viewed the boat through my binoculars from the first time I noticed it because it was such a lovely boat. I saw the name of it clearly as Four Winds. I can't be sure but I think that it was written on both sides of the bow of the boat. I didn't see anybody on board. The boat was facing in a general direction down river as we went across its bow, probably pointing towards south south-east. Attached to the stern of the portside by about four or five feet of rope but floating a short distance from it was a grey inflatable dinghy. The dinghy was tightly inflated. It was a large, mid-grey dinghy and I did not notice any outboard motor on it. My view of the dinghy was with the nose of the dinghy pointing slightly towards the bow of the boat. It was pretty much a bow-on view and it had a squarish nose and looked to be in good condition. The front of it was sitting out of the water slightly.*

*“Attached to the stern at the port side about four or five feet of rope but floating a short distance from it was a grey inflatable dinghy. The*

*dinghy was tightly inflated and it was a large mid-grey dinghy and I did not notice an outboard motor on it. We passed the Four Winds across its bow and I was particularly struck by the beauty of the boat and I didn't take my eyes off it from when I initially noticed it. It was different to others in the area in that most of them are modern boats and Four Winds is more a traditional boat. One of the guests on board the boat with me commented that Four Winds was sitting low in the water."*

After taking the woman's statement, Dtv. Sinnitt briefed D.I. Powell on the contents of the statement and attached the statement to the file.

1<sup>st</sup> Forensic Report 12Jun2009 /prepared by Forensic Scientist Deb McHoul –Trial exhibit #62

2<sup>nd</sup> Forensic Report 1Jul2009 /McHoul, McKenzie & Grosser.

3<sup>rd</sup> Forensic Report 14Dec2009 /McKenzie & Grosser. (McHoul?)

4<sup>th</sup> Forensic Report 5Jul2010 /Grosser...&?

\* as these were 'evolving documents', it is unclear if the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Report exist separately.

14Dec2009: Chris McKenzie (forensic scientist) prepared a third report to which Carl Grosser also contributed.

## 2010

Paul Wroe knew Stephen Shields, the boat seller and ... In 2010 he decided to sell his boat [*Southern Wright*] and was repairing it for sale.

15Mar2009: On or about this date, the swab which Forensic Officer Deb. McHoul had taken (on 30Jan2009 at 1:30 a.m.) from the deck of the FW (item 20), was identified as belonging to a homeless girl, Meaghan Vass. [Working from the CT, I had originally recorded the date as 15Mar2009, which in retrospect I now regard as probably incorrect ... it is more likely that Vass's DNA was identified on 15 Mar 2010. [see CT 751: 3-7 as the source of my confusion, Gunson one moment having been referring to 2009 and then in the next breath referring to an identification on the 15<sup>th</sup> of March...]

### The Vass 'homeless girl' DNA

15Mar2010: Dtv. Sinnitt became aware (by phone from Carl Grosser) that the DNA from the deck of the FW had been matched to Vass (*The 'homeless girl'*). He immediately began to enquire about her. He emailed Mara House posing a number of questions, including asking about her whereabouts on/between 26thJan-30Jan2009.

Sinnitt received a reply (which later at trial was judged by HH to be an inadmissible summary of the contents of the records of Mara House): "*Hi Sam, Mara House documentation re Meaghan Vann [The 'homeless girl'] 26/1 to 30/1 2009...*"

18Mar2010: Carl Grosser [one of the forensic scientists and responsible for the DNA side of things], wrote to Sinnitt concerning the substantial quantity of DNA in the 'homeless girl' sample: "*There was an area, the black outline in the photos, of positive luminol*

*which suggests the presence of blood. However, our testing of the swab taken from the area was negative for the blood screening test, suggesting that we cannot confirm the presence of blood. Given the strong DNA profile that we obtained from this swab, I'd suggest that this is indicative of the presence of a relatively large amount of DNA which is more likely to come from bodily fluids, blood, saliva, than a simple contact touching event. So basically we cannot say of any certainty where the DNA may have come from. The positive luminol result suggests that the source may have been blood, and the fact that this was an external surface means there may have been washing or weathering events that have prevented us from being able to definitively identify the presence of blood. More complex scenarios such the luminol result, coming from an older event, e.g. an old stain which has been overlaid by more recent events, which is where the DNA came from, e.g. spitting on the deck cannot also be ruled out. I hope this makes sense."*

18Mar2010: Dtv. Sinnitt located Vass at Stainforth Crt and arranged for her (with her Mum) to attend HQ on 22Mar2010 10:00 a.m. for an interview. He asked her some questions and obtained notes from her. She indicated to Sinnitt that she believed that she may have been hanging around the Goodwood area at the time of Mr Chappell's disappearance. [Sinnitt's hand-written notes of his conversation with Vass were in the Crown papers]

22Mar2010: Vass (the 'homeless girl' did not attend HQ for the interview/statement with Sinnitt.

23Mar2010: Dtv. Sinnitt emailed Carl Grosser re likelihood of Vass the 'homeless girl's DNA surviving from 27Jan09 – 30Jan09 - given the amount of foot traffic there'd been near that gate:

*Morning Carl*

*Sorry to keep bothering you about Meaghan Vass' DNA, and this is probably a classic of how long is a piece of string question, but I have numerous photographs depicting area 11, the site of the DNA with people in that area, as it is the location of the gate to board the yacht and an area that's been the subject to a lot of foot traffic from the initial police attendance, to the towing of it by the insurance company, and the removal of items on it prior to FFST exam. My million dollar question is, given the strength of the DNA sample, is any of this evidence that it was unlikely the sample has been in the area from the time the vessel was initially bordered by police at 0700 on 27/1/09, sample taken on 30/1/09.*

*I know I'm a pest but this girl is adamant she hasn't been on the yacht, so I'm just trying to work it all out, or possibilities, that is. I am reluctant to believe her but I do think that she - was in some involved etcetera she would at least tried to account for how the DNA got there, but she's adamant she hasn't been on any vessels at all and nothing to do with boats.*

The 'homeless girl's' mother called and advised that Vass would attend on the following Thursday.

**30Mar2010:** Dtv. Sinnitt received an email advising him that Mrs Vass had called to say that her daughter would attend on the following Thur02Apr2010 [HH incorrectly advised that the next Thur would have been the 1<sup>st</sup> April.]

## APRIL 2010

**2Apr2010:** Vass, for the second time, the 'homeless girl', did not attend the HQ to be interviewed.

Dtv. Sinnitt spoke to Vass by phone and she told him that she refused to be interviewed about the FW and the presence of her DNA.

**5Apr2010:** Senior Sgt Kerry Whitman of Forensic Services Hobart said in a statement that she edited CDs and DVDs in relation to the murder investigation as per written instructions and verbal assistance from Detective Sinnitt. A number of the discs were edited by removing specific parts of the audio file with the Nero WaveEditor program. Her statement also supported the allegation that all the “product discs” were duplicated after the editing process and consequently were edited discs and not a true copy of the original discs that were provided to defence counsel.

[This information, in the 5Apr2010 entry above, comes from Coroner Hays' RIID 20140117. Two types of discs were distinguished by the Coroner: 'product discs' and 'original discs':

-The 1<sup>st</sup> interview/statement: 4Mar2009 Police Station Conroy/Puurand 1<sup>st</sup> videoed interview – not under caution. -  
was recorded on discs H1/178/09. The ROI was transcribed by Ringrose on 21Aug2009 from CD numbered HO1/178/09.  
-The 2<sup>nd</sup> interview: 5May2009 Hobart Police Stn. Conroy, Powell et al.c 2<sup>nd</sup> videoed interview - under caution -  
was recorded on discs H1/348/09. The ROI was transcribed by Wagner on 7Jul2009 from CD numbered HO1/348/09.

Though Coroner Hays concluded that Sgt. Whitman's statement related to *the formatting of CCTV footage obtained from third parties as well as listening device recordings so that they were in a format to be viewed by others and played in court* his conclusion seems to overlook his own statement that the ROIs of the two interviews were not transcribed from the original ROI discs: H1/178/09 and H1/348/09, but rather, were transcribed from discs: HO1/178/09 and HO1/348/09 – which because of their different numbering suggests that these last two were indeed product discs.]

**20Apr2010:** the total number of phone calls from members of the public which were logged on the PIL until this day, when the log ended (a period of 15 months) appeared to be around 28. It appears that a maximum of 12 calls from members of the public were received in the first three days. Jill Ikins' 'saw a grey dinghy' phone call to police – apparently made in those first three days – was not logged.

## July 2010

1<sup>st</sup> Forensic Report 12Jun2009 /prepared by Forensic Scientist Deb McHoul –Trial exhibit #62  
2<sup>nd</sup> Forensic Report 1Jul2009 /McHoul, McKenzie & Grosser.

3<sup>rd</sup> Forensic Report 14Dec2009 /McKenzie & Grosser. (McHoul?)

4<sup>th</sup> Forensic Report 5Jul2010 /Grosser...&?

\* as these were 'evolving documents', it is unclear if the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Report exist separately.

**5July2010:** Forensic scientist, Carl Grosser prepared another report – which added a result for (Item 170): *The DNA profile from two swabs of the inner left floor of the dinghy*. The sample was a mixed DNA profile and contained male DNA. Grosser could not conclusively say whether female DNA was present or not. The levels of DNA detected were low. The Forensic report(s) were 'evolving documents'.

**Preliminary Hearing: 11...July 2010 ... Lorraine agreed that he gave evidence on 9Jul2010 and at the trial to the effect that he couldn't tell if the dinghy that he saw was an inflatable or a solid.]**

<http://infoweb.newsbank.com.ezproxy.education.tas.gov.au/resources/doc/nb/news/13807B9E12666360?p=AUNB13Jul2010>  
(Tue)[Newsbank]:

### 3 NEWS REPORTS OF PRELIMINARY HEARING PROCEEDINGS:

<p><i>Examiner 12Jul2010 (Mon)</i>[<b>Examiner online</b>]</p> <p><a href="http://www.examiner.com.au/story/457490/murder-case-claim-of-yacht-tampering/">http://www.examiner.com.au/story/457490/murder-case-claim-of-yacht-tampering/</a> <i>MISSING cancer specialist Bob Chappell's yacht was tampered with several times while it was undergoing maintenance in Queensland, the Hobart Magistrates Court has heard.</i> <i>Susan Blyth Neill- Fraser, 55, has pleaded not guilty to murdering Dr Chappell, her partner, who was last seen aboard Four Winds in January 2009 while the yacht was moored off Sandy Bay.</i> <i>During a preliminary proceedings hearing yesterday, Queensland marine mechanic James McKinnon said he organised for the yacht to be moved after he continually noticed his tools had been moved and ropes had been retied.</i></p>	<p><a href="http://infoweb.newsbank.com.ezproxy.education.tas.gov.au/resources/doc/nb/news/130EEBC9434E0608?p=AUNB">http://infoweb.newsbank.com.ezproxy.education.tas.gov.au/resources/doc/nb/news/130EEBC9434E0608?p=AUNB</a> <b><i>Murder case told of yacht 'tampering'</i></b> <i>Mercury (Hobart, Australia) - July 13, 2010</i>Browse Issues</p> <ul style="list-style-type: none"><li>• Author/Byline: SALLY GLAETZER</li><li>• Edition: 1</li><li>• Page: 003</li></ul> <p><i>A HEARING into the suspected murder of a Hobart medical specialist has heard the man's yacht was repeatedly tampered with.</i> <i>Royal Hobart Hospital chief radiation physicist Bob Chappell went missing from his yacht on Australia Day last year and his de facto wife Susan Neill-Fraser is accused of his murder.</i> <i>Ms Neill-Fraser has pleaded not guilty and a brief preliminary hearing was held in the Hobart Magistrates Court at the request of her defence lawyer David Gunson.</i></p>	<p>10Jun2009 (Fri): <a href="http://infoweb.newsbank.com.ezproxy.education.tas.gov.au/resources/doc/nb/news/130DEAD68BF17EC0?p=AUNB">http://infoweb.newsbank.com.ezproxy.education.tas.gov.au/resources/doc/nb/news/130DEAD68BF17EC0?p=AUNB</a> <b><i>Murder hearing Witness tells of dinghy in dark Murder case reaches court</i></b> <i>Mercury (Hobart, Australia) - July 10, 2010</i>Browse Issues</p> <ul style="list-style-type: none"><li>• Author/Byline: SALLY GLAETZER</li><li>• Edition: 1</li><li>• Section: Local</li><li>• Page: 001</li></ul> <p><i>ALMOST a year and a half after the disappearance of Hobart yachtsman Bob Chappell, a hearing has begun into his suspected murder.</i> <i>Mr Chappell's de facto wife Susan Neill-Fraser, 56, is accused of killing the 65-year-old medical specialist on or about Australia Day, January 26, last year.</i> <i>She has pleaded not guilty to murder and will</i></p>
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Mr McKinnon said after a few weeks he spoke to Ms Neill-Fraser about his concerns and she agreed the yacht should be moved. He said he did not notice any interference with the vessel after it was moved to another marina.

The yacht was sailed to Hobart after Mr McKinnon finished his work.

Police Constable Shane Etherington said when he interviewed Ms Neill-Fraser shortly after Dr Chappell's disappearance, he noticed a plaster on her thumb and strapping on her wrist.

*"She did further state that her fingerprint may be on a torch inside the boat,"* he said.

Ms Neill-Fraser's lawyer, David Gunson, SC, said Constable Etherington did not record this observation in his notes from the interview.

Constable Craig Stockdale told the court he was one of the first officers to arrive at Four Winds after Dr Chappell's disappearance and said he noticed spots of what looked like blood on some stairs on the vessel.

Dr Chappell was 65 years old at the time of his disappearance. His body has not been found.

Ms Neill-Fraser has been remanded in custody and will appear in the Supreme Court in Hobart on Monday.

Marine mechanic James McKinnon told the hearing he spent several weeks working on the couple's yacht in Queensland before it was sailed to Hobart.

Mr McKinnon said he suspected someone was accessing the boat illegally at night. On several occasions he noticed ropes were tied differently and his tools had been moved, although there were no other signs, he said. He became so concerned that he asked for the yacht to be moved to another marina.

The court heard that Mr McKinnon believed he knew who the culprit was and told Ms Neill-Fraser the name of the person.

The preliminary hearing heard from only a small number of witnesses who were called to give evidence on limited aspects of the case. A policeman told the court Ms Neill-Fraser had a Band-Aid on her thumb and appeared to have strapping on her wrist when he spoke to her about her husband's disappearance.

*"I asked her about how she injured her thumb and she did give an explanation but I can't recall it,"* Constable Shane Etherington said.

*"She was holding her wrist."*

Mr Chappell was reported missing from the couple's yacht after it was found sinking off Marieville Esplanade, Sandy Bay, on January 27 last year.

His body has not been found.

The case against Ms Neill-Fraser will go to the Supreme Court in Hobart later this month and her trial is expected to be held later in the year.

face trial in the Supreme Court in Hobart later this year.

Mr Chappell was reported missing from the couple's yacht after it was found sinking off Marieville Esplanade, Sandy Bay, on January 27. His body has not been found.

Witnesses gave evidence at a preliminary hearing in the Hobart Magistrates Court yesterday, describing what they saw around the time of Mr Chappell's disappearance.

Magistrate Chris Webster refused a request by Director of Public Prosecutions Tim Ellis to ban the media from the hearing.

The first witness was John Hughes, who said he drove to Marieville Esplanade *"to relax and look out over the water"* about 11.30pm on January 26 last year.

Mr Hughes said he saw and heard an inflatable dinghy with an outboard moving towards a group of yachts moored nearby. He said there were no lights in the area and he could not remember the colour of the dinghy, but he thought the person driving it was a woman.

*"It had the outline of a woman . . . I can't be definite,"* Mr Hughes said.

Another witness, Peter Lorraine, said he saw an elderly man *"pottering around"* on a yacht in *"wild"* weather earlier that day. He said the yacht was moored about 80m from a jetty he had stopped on to observe the *"turbulent"* conditions. *"The boat was bouncing on its moorings so it was just fascinating watching this person on the boat,"* Mr Lorraine said.

	<p><i>She has been in custody since her arrest last August.</i></p>	<p><i>Criminal investigator Mark Wilby said he attended the couple's partially submerged yacht, Four Winds, just before 8am on January 27.</i></p> <p><i>He agreed a number of people, including uniform police officers and Marine Search and Rescue Services, had accessed the potential crime scene by the time he arrived.</i></p> <p><i>Constable Wilby said there were drops of blood on the boat's stepladder.</i></p> <p><i>The hearing will continue on Monday.</i></p>
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### **Preliminary Hearing: 11-12...Jul2009**

**11Jul2009**-12Jul: Forensic Scientist, Deb McHoul, in questioning by Defence Counsel:

*Q Yes. Now were there, to your memory, any clear spatter blood stains found on the boat?*

*A Again that's a question I can't answer definitively one way or the other.*

*[...]*

*Q That's really the point I want to make with you, you were not convinced of any definitive blood spatter patterns throughout the boat?*

*A No. I wasn't prepared to be definitive and say that it was spatter.*

*Q Thank you -*

*A ... I saw several drops but I couldn't definitively say that they were - that it was a spatter pattern.*

The Forensic Biology Report [ **2<sup>nd</sup> Forensic Report**      **1Jul2009**    /McHoul, McKenzie & Grosser. ] was produced during the preliminary proceedings and formed part of the Crown Papers (page 999).

#### **2 MORE NEWS REPORTS OF PRELIMINARY HEARING PROCEEDINGS:**

**12Jul2009 (Tue):**

<http://www.abc.net.au/news/2010-07-12/chappell-case-court-hears-yacht-tamper-concerns/902042>

*The case against a 55-year-old Hobart woman charged with murdering her defacto partner will return to the Supreme Court in Hobart next week...*

*Preliminary proceedings against Susan Blyth Neil-Fraser wrapped up yesterday and the case will now proceed to trial...*

**15Jul2010 (Thur):** Au Ming Hong was the final witness. The preliminary hearing involved only a limited number of witnesses, who were cross-examined by Ms Neill-Fraser's defence lawyer David Gunson on certain details of their evidence. **See Mercury article below.**

**16July2010 (Fri):** <http://infoweb.newsbank.com.ezproxy.education.tas.gov.au/resources/doc/nb/news/130FE90326F7EBF0?p=AUNB>

### ***Witness tells of find of discarded jacket***

*Mercury (Hobart, Australia) - July 16, 2010* Browse Issues

- *Edition: 1*
- *Page: 003*

*A HEARING into the suspected murder of Hobart medical specialist Bob Chappell has heard evidence of a red jacket found near the scene of his disappearance.*

*Mr Chappell's de facto wife Susan Neill-Fraser, 56, is accused of killing the 65-year-old on or about Australia Day, January 26, last year.*

*He was reported missing from the couple's yacht, which was moored off Marieville Esplanade at Sandy Bay.*

*Ms Neill-Fraser has pleaded not guilty to murder and will face trial in the Supreme Court in Hobart this year.*

*A preliminary hearing has been held in the Hobart Magistrates Court ahead of her trial. The final witness yesterday was international university student Au Ming Hong, who lives near Marieville Esplanade.*

*He told the court he found a red jacket, which had been rolled up in a ball, on a wall near his share house.*

*The preliminary hearing involved only a limited number of witnesses, who were cross-examined by Ms Neill-Fraser's defence lawyer David Gunson on certain details of their evidence.*

*Ms Neill-Fraser was remanded in custody to appear in the Supreme Court later this month.*

### **COLLAGE of media reports on the Preliminary Hearing:**

*“ALMOST a year and a half after the disappearance of Hobart yachtsman Bob Chappell, a hearing has begun into his suspected murder.*

*“A preliminary hearing has been held in the Hobart Magistrates Court ahead of her trial.*

*“Mr Chappell was reported missing from the couple's yacht after it was found sinking off Marieville Esplanade, Sandy Bay, on January 27 last year.*

*“He was reported missing from the couple's yacht, which was moored off Marieville Esplanade at Sandy Bay.*

*“Royal Hobart Hospital chief radiation physicist Bob Chappell went missing from his yacht on Australia Day last year and his de facto wife*

*“Susan Neill-Fraser is accused of his murder.*

*“His body has not been found.*

*“Dr Chappell was 65 years old at the time of his disappearance. His body has not been found.*

*“Mr Chappell's de facto wife Susan Neill-Fraser, 56, is accused of killing the 65-year-old medical specialist on or about Australia Day, January 26, last year.*

*“Mr Chappell's de facto wife Susan Neill-Fraser, 56, is accused of killing the 65-year-old on or about Australia Day, January 26, last year.*

*“Susan Blyth Neill-Fraser, 55, has pleaded not guilty to murdering Dr Chappell, her partner, who was last seen aboard Four Winds in January 2009 while the yacht was moored off Sandy Bay.*

*“She has pleaded not guilty to murder and will face trial in the Supreme Court in Hobart later this year.*

*“Ms Neill-Fraser has pleaded not guilty and a brief preliminary hearing was held in the Hobart Magistrates Court at the request of her*

*defence lawyer David Gunson.*

*“The preliminary hearing involved only a limited number of witnesses, who were cross-examined by Ms Neill-Fraser's defence lawyer David Gunson on certain details of their evidence.*

*“Mr Chappell was reported missing from the couple's yacht after it was found sinking off Marieville Esplanade, Sandy Bay, on January 27.*

*“His body has not been found.*

*“Witnesses gave evidence at a preliminary hearing in the Hobart Magistrates Court yesterday, describing what they saw around the time of Mr Chappell's disappearance.*

*“The preliminary hearing heard from only a small number of witnesses who were called to give evidence on limited aspects of the case.*

*“Magistrate Chris Webster refused a request by Director of Public Prosecutions Tim Ellis to ban the media from the hearing.*

### **JOHN HUGHES**

*“The first witness was John Hughes, who said he drove to Marieville Esplanade “to relax and look out over the water” about 11.30pm on January 26 last year.*

*“Mr Hughes said he saw and heard an inflatable dinghy with an outboard moving towards a group of yachts moored nearby.*

*“He said there were no lights in the area and he could not remember the colour of the dinghy, but he thought the person driving it was a woman.*

*““It had the outline of a woman . . . I can't be definite,” Mr Hughes said.*

### **PETER LORRAINE**

*“Another witness, Peter Lorraine, said he saw an elderly man “pottering around” on a yacht in “wild” weather earlier that day.*

*“He said the yacht was moored about 80m from a jetty he had stopped on to observe the “turbulent” conditions. “The boat was bouncing on its moorings so it was just fascinating watching this person on the boat,” Mr Lorraine said.*

### **JAMES MCKINNON**

*“MISSING cancer specialist Bob Chappell's yacht was tampered with several times while it was undergoing maintenance in Queensland, the Hobart Magistrates Court has heard.*

*“During a preliminary proceedings hearing yesterday, Queensland marine mechanic James McKinnon said he organised for the yacht to be moved after he continually noticed his tools had been moved and ropes had been retied.*

*“Mr McKinnon said after a few weeks he spoke to Ms Neill-Fraser about his concerns and she agreed the yacht should be moved.*

*“He said he did not notice any interference with the vessel after it was moved to another marina.*

*“The yacht was sailed to Hobart after Mr McKinnon finished his work.*

*“A HEARING into the suspected murder of a Hobart medical specialist has heard the man's yacht was repeatedly tampered with.*

*“Marine mechanic James McKinnon told the hearing he spent several weeks working on the couple's yacht in Queensland before it was sailed to Hobart.*

*“Mr McKinnon said he suspected someone was accessing the boat illegally at night.*

*“On several occasions he noticed ropes were tied differently and his tools had been moved, although there were no other signs, he said.*

*“He became so concerned that he asked for the yacht to be moved to another marina.*

*“The court heard that Mr McKinnon believed he knew who the culprit was and told Ms Neill-Fraser the name of the person.*

### **CONSTABLE STOCKDALE**

*“Constable Craig Stockdale told the court he was one of the first officers to arrive at Four Winds after Dr Chappell's disappearance and said he noticed spots of what looked like blood on some stairs on the vessel.*

### **MARK WILBY**

*“Criminal investigator Mark Wilby said he attended the couple's partially submerged yacht, Four Winds, just before 8am on January 27.*

*“He agreed a number of people, including uniform police officers and Marine Search and Rescue Services, had accessed the potential crime scene by the time he arrived.*

*“Constable Wilby said there were drops of blood on the boat's stepladder*

### **CONSTABLE ETHERINGTON**

*“Police Constable Shane Etherington said when he interviewed MsNeill-Fraser shortly after Dr Chappell's disappearance, he noticed a plaster on her thumb and strapping on her wrist.*

*“She did further state that her fingerprint may be on a torch inside the boat," he said.*

*“Ms Neill-Fraser's lawyer, David Gunson, SC, said Constable Etherington did not record this observation in his notes from the interview.*

*“A policeman told the court Ms Neill-Fraser had a Band-Aid on her thumb and appeared to have strapping on her wrist when he spoke to her about her husband's disappearance.*

*““I asked her about how she injured her thumb and she did give an explanation but I can't recall it," Constable Shane Etherington said.*

*““She was holding her wrist.”*

### **THE RED JACKET**

*“A HEARING into the suspected murder of Hobart medical specialist Bob Chappell has heard evidence of a red jacket found near the scene of his disappearance.*

*“The final witness yesterday was international university student Au Ming Hong, who lives near Marieville Esplanade.*

*“He told the court he found a red jacket, which had been rolled up in a ball, on a wall near his share house.*

*“The hearing will continue on Monday.*

*“Ms Neill-Fraser has pleaded not guilty to murder and will face trial in the Supreme Court in Hobart this year.*

*“The case against Ms Neill-Fraser will go to the Supreme Court in Hobart later this month and her trial is expected to be held later in the year.*

*“She has been in custody since her arrest last August.*

*“Ms Neill-Fraser has been remanded in custody and will appear in the Supreme Court in Hobart on Monday.*

*“Ms Neill-Fraser was remanded in custody to appear in the Supreme Court later this month.”*

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**Prior to the trial [21Sept2010-15Oct2010]** Mr Catchpool [who had seen three homeless people at Short Beach leading up to Bob Chappell's disappearance, and whose wife had seen the 'Weather beaten Man' ] contacted Mr Gunson, but Mr Gunson [Neill-Fraser's defence lawyer at trial] didn't follow it up.

He gave this information to the police and prior to the trial contacted David Gunson [SN-F's legal team] by phone, giving him the same information [as mentioned above]. The only feedback/contact he had from anyone was from Barbara Etter, to whom he gave a statement. He guessed it was after SN-F was convicted.

## **Sept 2010**

### **TRIFFETT DISCHARGED WITHOUT CONVICTION**

**7Sept2009:** Triffett had his charge heard, of being in possession of property [two items] reasonably believed by a police officer to have been stolen or unlawfully obtained. the prosecutor read out the facts of the case, including: *“During the interview, the defendant – - stated about the property, about the MDF stairs – got them from his nephew, Brian Triffett. Stated that he'd only had them for six months. And stated he didn't ask any questions and he didn't want to know the answer – [re Makita router] That he'd bought it at Sorell Market twelve to twenty four months ago from a bloke who sells tools. [read: 'tools'?]. ”*

Triffett, representing himself, pleaded guilty. He was discharged without conviction [Triffett 201000930 829 32...]

### **HANSON UNFIT TO ATTEND**

**14Sept2010:** Dr Hilary Bower in letter advised that Maria Hanson [Phillip Triffett's former partner] was not fit to attend court:

*Dr Hilary Bower,  
15 Franklin Street,  
Lindisfarne, Tasmania 7015.  
14/9/2010  
To whom it may concern*

*Maria Hanson is a patient who attends this clinic. She suffers from significant depression and severe trigeminal neuralgia with chronic pain. The medications required to treat her conditions cause significant drowsiness and altered mental cognition. Her daughter is currently extremely unwell with an enlarging tumour and pancreatitis.*

*I am extremely concerned about Maria's current mental state, she is not fit to attend for court proceedings and may well*

*require hospitalisation.*

*Yours faithfully,  
Dr Hilary Bower.*

#### **WITNESS BARBARA ZOCHLING ARRESTED**

**17Sept2010** (Fri): Barbara Zochling met her lawyer by accident. [On the Australia Day weekend 2009, from the middle seat on Short Beach, she had seen a woman and Bob Chappell, near the Rowing Club. They had been walking, apart from each other, the woman had been talking in a raised voice.]

**19Sept2010** Sun(night): & **Mon20Sept2010**: Zochling **wrote** a letter to the DPP, Tim Ellis. She **advised** him that she had seen a news report which had shown a picture of Sue Neill-Fraser. To Mr Ellis she **said** that the woman she had seen was definitely not the woman she had seen walking behind Bob Chappell. She **said**, “*It’s quite clear to me that the woman I was saw was more than likely going somewhere else or to another yacht.*” and “*It’s quite clear to me that the woman I was saw was more than likely going somewhere else or to another yacht.*” There had been many people around at the time preparing their yachts for a day of sailing and as she **told** Ellis, it was coming to be a very hot Australia Day. Her **written** letter came to the point: “*Therefore I wish to be excused from attending court.*” Barbara Zochling **brought** the letter in personally on the Monday morning.

[The above account of Zochling (Sun19Sept2010 and Mon20Sept2010) has Zochling *writing a letter, advising Ellis, saying this..., saying that ...telling ... and written... and bringing.* It seems that in addition to delivering the letter, she also spoke to Tim Ellis. Whether speaking to him occurred on the Mon morning when she hand delivered the letter, or whether, for example, it occurred on the Thur morning, in the minutes before the 10:00 a.m. commencement. It should be noted that on Mon20Sept2010, having hand delivered her letter stating why she would not be in attendance the next day Tue21Sept2010 – the day on which she had been required to attend. When she did not attend court on that Tue, HH had issued a warrant for her arrest and Zochling was then arrested and locked up. See CT pp 170-171, and pp 398-399. It appears that Zochling's request not to attend as a witness was not due a simple desire not to have to go to court [CT 398 17] but connected to her realisation that the woman she had seen with Bob Chappell was not Sue Neill-Fraser (who, by the time of the trial, she had now seen in a news report) and (*speculation*) until that realisation, she had wrongly assumed that the woman she had seen was Sue Neill-Fraser and further, that her willingness to come forward, make a statement and give evidence had been on that incorrect basis]

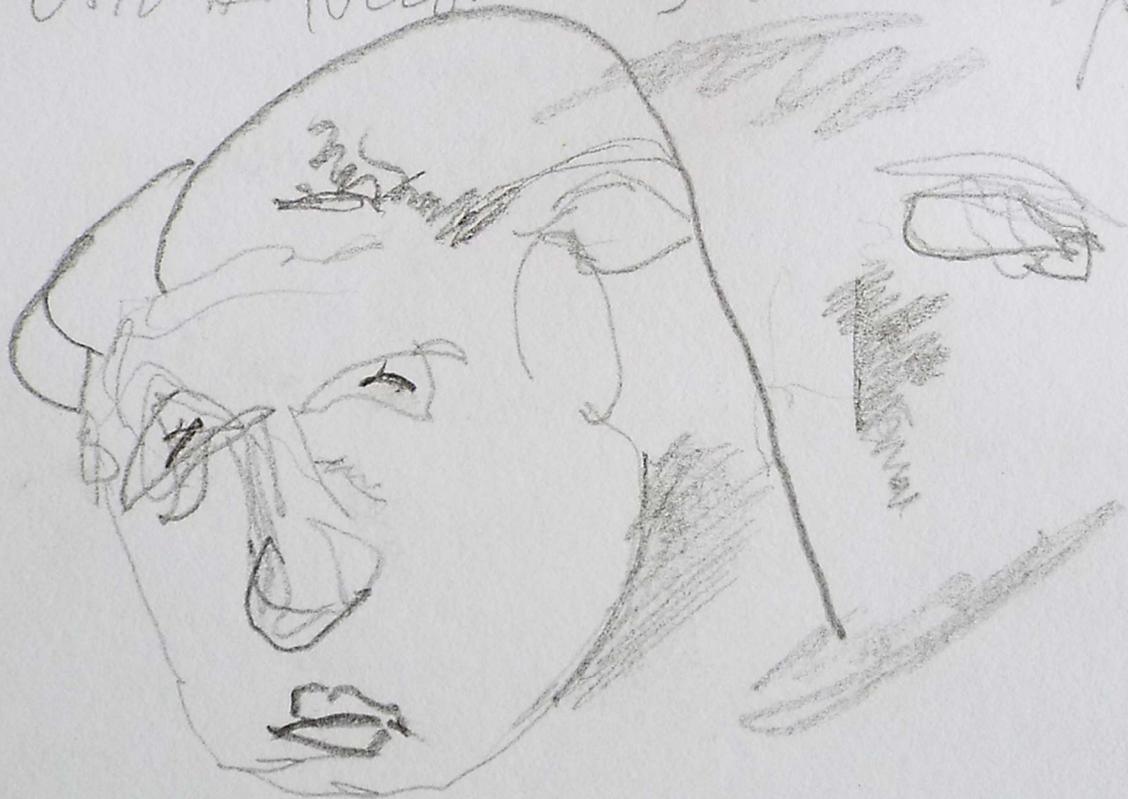
**TRIAL:** “...so it gets to this point where you almost have to prove you're innocent beyond reasonable doubt and you have to build your

own defence by disproving everything the police say”.

The complete transcript of the trial is available here at: [http://cdn-src.tasmaniantimes.com.s3.amazonaws.com/files/Transcript\\_Complete.pdf](http://cdn-src.tasmaniantimes.com.s3.amazonaws.com/files/Transcript_Complete.pdf)

**During** the trial [21Sept2010-15Oct2010] Mr Catchpool [who had seen three homeless people at Short Beach leading up to Bob Chappell's disappearance, and whose wife had seen the 'Weather beaten Man' ] who had contacted Mr Gunson, [Neill-Fraser's defence lawyer at trial] had no contact with Mr Gunson.

Advis. Newbery John Comptese



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Burnings shot at

4th march —

re worked statement

**21Sept2010 (Tuesday):**                      **Trial – Day 1**

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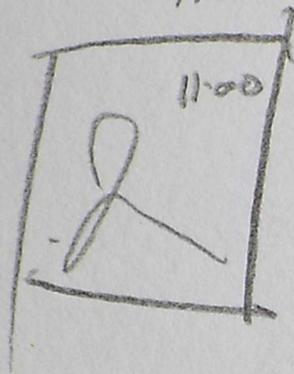
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21Sept2010 (Tuesday):

-The trial of Susan Blyth Neil-Fraser began.

-Barbara Zochling did not attend.

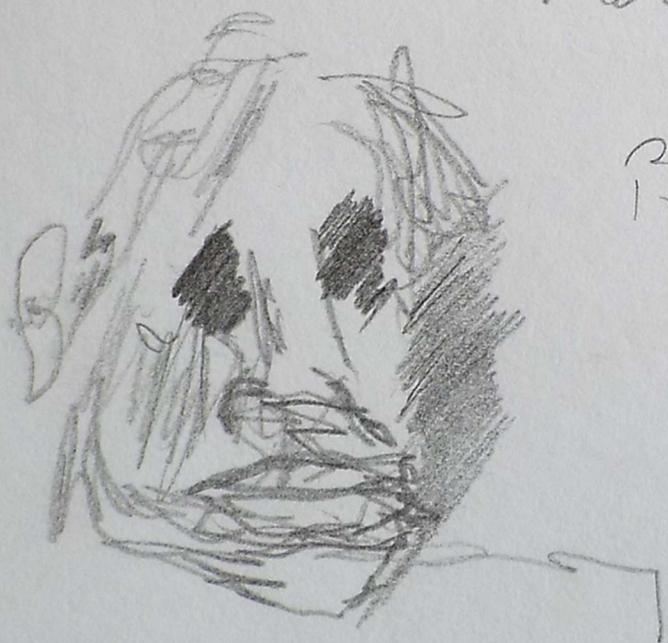
-Justice Blow J did an (afternoon) reconnaissance of the Marieville Esplanade area (what the jury would be doing the following day)



Castle

Melanie Redburn

Photo's to evidence



Boat was messy

Lots of finger prints dust  
+ track marks

solator

Photo 7 - 2 rapes - into hatch

**22Sept2010 (Wednesday): Trial – Day 2**

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22Sept2010 (Wednesday)

**09:30** Court resumed.

**09:30** Jury to go to inspect various points.

c. **09:35** Jury affirmed out for field trip.

**11:00** Jury to reconvene in Court after field trip.

**11:00** Court resumes, Constable Redburn called and sworn.

Barbara Zochling, who didn't attend on the day before, Tue21Sept2010, as per letter, is arrested and locked up on HH Justice Blow's order.

22Sept2010 (Wednesday): Peter Stevenson, in evidence, told the court:

*“Sue could not physically wind up the sail through the – through the winch on her own, it just – she just didn't have the strength to do it. In fact we found it very difficult, they were large winches and we required one to winch and one to tail and tail – and tail means pulling the rope while one winches and we even found that in – in a heavier bloke it was difficult.”*

c-110



the contact

**23Sept2010 (Thursday): Trial – Day 3**

Thur23Sept2010: Barbara Zochling, now present, was called, but (before the jury was brought in) was told she wasn't required till 9:45 a.m. on the following Monday. She brought up a matter:

MS ZOCHLING: *Yesterday – Monday – oh no, yesterday – I was unlawfully arrested and locked up –*

HIS HONOUR: *No you were lawfully arrested – I issued a warrant for your arrest –*

MS ZOCHLING: *But why you're Honour, because I'd written to the – to the prosecutor telling him why that I wouldn't be here and I never got an answer back, so I assumed that I didn't have to come, otherwise I would have been here.*

HIS HONOUR: *You should have assumed that you had to come and I issued a warrant because it was your legal duty to come and you didn't. Now I'm not going to dis –*

MS ZOCHLING: *I apologise for that but I didn't –*

HIS HONOUR: *I'm not going to discuss it any further I've got at trial to deal with –*

MS ZOCHLING: *Now is it –*

HIS HONOUR: *Please leave.*

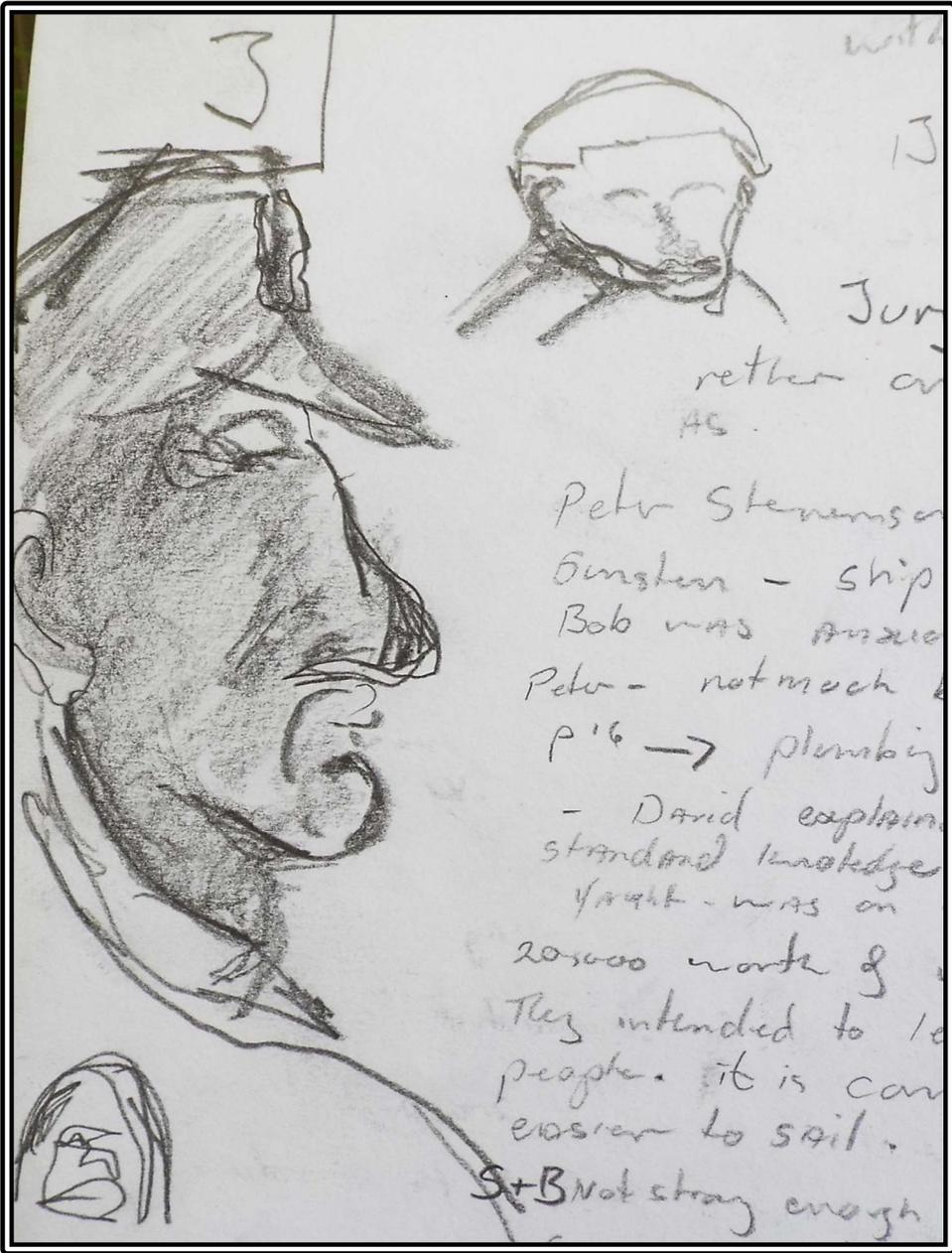
MS ZOCHLING: *Yeah, well I'm not going to be locked up any more?*

HIS HONOUR: *Not if you come back on Monday morning and at every other time that you're ordered to come back.*

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3

wild

13

Jur

rather or

AS

Petr Stenerson

Gunsler - ship

Bob was Amara

Petr - not much

P'6 -> plumbing

- David explains standard knowledge

Vault - was on

20,000 worth of

They intended to 10

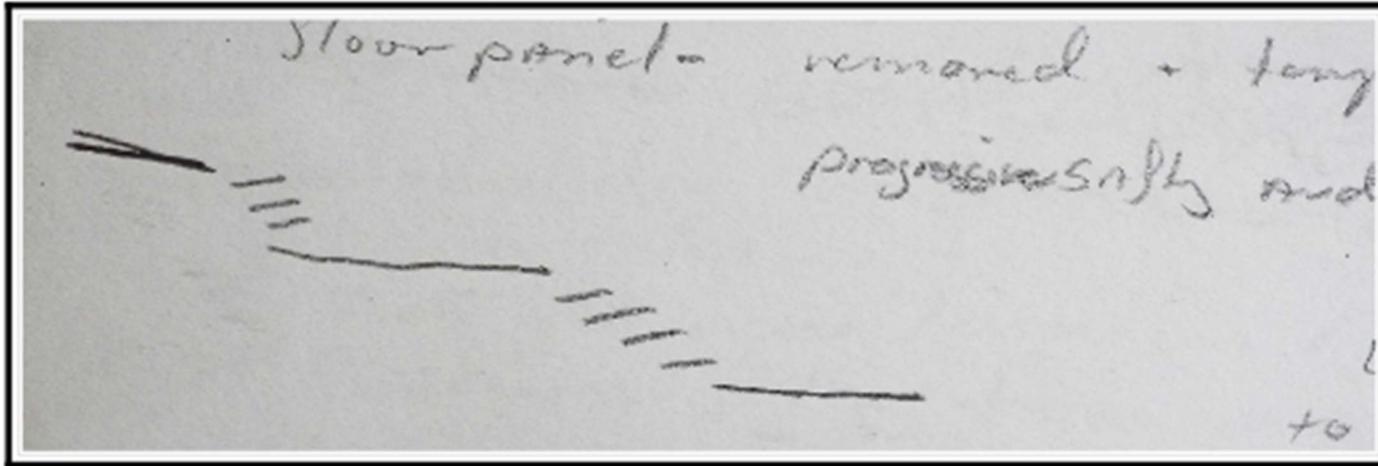
people. it is con

easier to sail.

S+B Not stray enough



*Stevenson [not in picture] tells the Court: S+B Not strong enough...*



*The two sets of steps down into the Four Winds.*

23Sept2010 (Thursday) SHAPIRO: AGREED FACTS

*The parties agree pursuant to s191 of the Evidence Act that the following facts are not in dispute for the purposes of the proceedings:*

**Aerial photograph of Marieville Esplanade**

*1(a): An aerial photograph of Marieville Esplanade, including the Sandy Bay Rowing Club and the Royal Yacht Club of Tasmania, is exhibit P01. A copy of the aerial photograph was annotated with the location of various items and places and the distances between those items and places. A copy of that annotated photograph is exhibit P02. A CD containing electronic copies of the aerial photograph and the annotated photograph is tendered.*

**James Kerr photographs**

*On the 27 of January 2009, James Kerr was employed by the Mercury Newspaper as a photographer and took a series of photographs, five of which he initialled. These are produced as P – [P19, see HH at 218 15]*

**CBA Sandy Bay Road footage**

*Commonwealth Bank at 185 Sandy Bay Road had an external security camera which captured footage of Sandy Bay Road on the 26th and 27th January 2009. From that footage police printed a still photograph from the time of 0025 hours on the 27th January 2009.]*

**Jane Austin – Battery Point photo of FW**

*On the 27 January 2009 at 8:08 a.m. Ms Jane Austin of Battery Point took a photograph of a yacht which appeared to her to be sinking. That –*

**Recording of Tas Police to SN-F 7:11 Jan 27 2009**

*Tasmania Police called the landline at 7 Allison Street in West Hobart at 7:11am on the 27th of January 2009 and spoke with Ms Susan Blyth Neill-Fraser. A recording of that phone call is produced as P24.*

[The recording was played to the Court]

**Statutory declaration of George Partos:**

[Mr Shapiro read the statement - P25 - to the court; see it reproduced above at entry 20-23Mar2009]

**Statutory Declaration of Steven Snowden – 22Mar2009:**

[Snowden's stat. dec. - P 26 - was read to the court but was not transcribed into the CT.]

**Statutory Declaration of Klaas Reuter:**

*On the 21 March 2009 Klaas Ralph Reuter made a statement to Detective Simon Conroy. A copy of that statement is produced as P*

[Reuter's stat. dec. - P 27 - was read to the court but was not transcribed into the CT. Two fragments can be seen at entry: 21Mar2009]

**Statement of Chris Geddes [probably 20-21Mar2009]:**

[Geddes' stat. dec. - P 28 - was read to the court but was not transcribed into the CT.]

**Statutory declaration of Thomas Clarke:**

*On the 31st of August 2009 Thomas Clarke declared a statutory declaration; a copy of that statutory declaration is produced as P29.*

[Clarke's stat. dec. - P 29 - was read to the court but was not transcribed into the CT. A fragment can be seen at entry for 31Aug2009]

**Statutory declaration of Anne Clarke [31Aug2009]:**

*Anne Clark declared a statutory declaration, a copy of that declaration is produced as P30.*

[Anne Clarke's stat. dec. - P 30 - was read to the court but was not transcribed into the CT.]

**Statutory declaration of Daniel Newbury:**

*On the 19 March 2009 Senior Constable Daniel Newbury declared a statutory declaration. A copy of that statutory declaration is produced as P31*

[Daniel Newbury's stat. dec. - P31 - was read to the court but was not transcribed into the CT.]

**Statutory declaration of Peter Leggett:**

*On the 23rd November 2009 Constable Peter Leggett declared a statutory declaration and a copy of that statutory declaration is produced as P32*

[Peter Leggett's stat. dec. - P 32 - was read to the court but not transcribed into the CT. A fragment can be seen at 31Aug2009 entry]

**Letter from Dr Jonathan Isles to Detective Sinnitt:**

*On the 30th of October 2009, Dr Jonathon Isles wrote to Detective Shane Sinnitt, a copy of his letter is produced as P33.*

['Dr Isles' stat. dec. - P33 - was read to the court but was not transcribed into the CT.]

**Copy of letter from Dr Wilson to Dr Isles:**

*On the 16 December 2008 Dr Roger Wilson who is an ear nose and throat surgeon based in Southport, Queensland, sent a letter to Dr John Isles. A copy of that letter is produced as P 34*

[Dr Wilson's stat. dec. - P34 - was read to the court but was not transcribed into the CT.]

**Letter of Dr Wilson to Detective Sinnitt:**

*On the 16 December 2008 Dr Roger Wilson who is an ear nose and throat surgeon based in Southport, Queensland, sent a letter to*

Dr John Isles. A copy of that letter is produced as P 35

[Dr Wilson's stat. dec. - P 35 - was read to the court but was not transcribed into the CT.]

**Anonymous statement:**

On the 25th of November 2009, a mature woman of sound mind declared a statutory declaration, a copy of that declaration is produced as P36

[The anonymous woman's stat. dec. - P 36 - was read to the court but was not transcribed into the CT.]

CHRISTABLE  
 / 27<sup>th</sup> 250 pm constitution dock - canopy pronounced  
 Sue Emma Sarah - Tim  
 Sue pointed out changes - touched stuff thought astrod  
 net to - Chris Smith - repaired water leak  
 Thurs 5 Feb - synet -> Alison st  
 E-S-S - Bob Martin - made notes  
 2009 ok - 2 diaries taken 08-09  
 Sue wanted sniffer dogs - Bob didn't  
 Gaffer hook - ?  
 Sue is unsure of time frames  
 Bunnip - light fading - not lay there @ 16.40  
 Gunston - police were at the boat when S E S etc arrived at  
 constitution dock. steps were moved ∴ difficult access  
 went into boat -> sue pointed out switches - extinguisher - unscrewed floor  
 missing openb - touch - mastropes disturbed - doesn't remember  
 rope arrangement - winch handle - sail - marks on deck

Seems Dodgy

A Police assisted estimate  
 synet

26<sup>th</sup> 5 AM

24Sept2010 (Friday):

Trial – Day 4

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27Sept2010 (Monday):

MR GUNSON: *Yes. You said to Mr Ellis – “It’s quite clear to me that the woman I was saw was more than likely going somewhere else or to another yacht”. That’s what you said didn’t you?*

B.ZOCHLING: *Gosh, I can’t remember that but –*

MR GUNSON: *Do you deny that? .....Pardon?*

MR GUNSON: *Do you deny that .....I’m not sure what – because I – can I say what I saw?*

MR GUNSON: *No, you’ll answer the questions .....I said the woman I saw was a –*

HIS HONOUR: *No, no, wait for the next question please.*

WITNESS: *Oh, sorry.*

walk to derwent home Jetty - 430 appointment @ salmon  
→ Derwent home  
→ Jetty 5.00ish

wild day - strong wind - choppy sea - new boat - elderly man on back of boat  
reasonably tall - a bit stooped - looked like an old sea farmer  
clothes - smart shorts - little bit overcast - 2 masts - looked like  
a very small dingy secured very close at rear - [could be boat?]

Photo # - photo from derwent Jetty - 12

receipt for 5.30 at salmonerie fruit + veg



Gunston - explore route - boat stearn on @ 80m distant  
draw L on map -

~~dingy~~ - white in color - old - wood on deck cabin dead trim  
couldn't determine mystery about the dingy - it was dark in color  
watched boat for @ 10 min - couldn't make out what he was doing  
no outboard could be seen - spent moving rope - or anchor

- Ellis - same position as briefing pics? yes

James Mc Kinnon QHD - machine mechanic, engine repair  
inspected for S+B - 18000 repair - scabrough at dock - 8-10 weeks  
under other items - alerted GRC to ~~prevent~~ someone entering vessel -

28Sept2010 (Tuesday):

Trial - Day 6

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8

James McKinnon video link

and statement

TAS

Document  
MAS 27 2010

Doc 12 Feb 2009

visiting TAS Police  
relocated

Kerran?

repair 8-10 weeks  
boat illegal entry

tools + steps

rearrange

boom cover

ropes rethru

8-10 weeks work

3x in 2 weeks

called Sue - why?

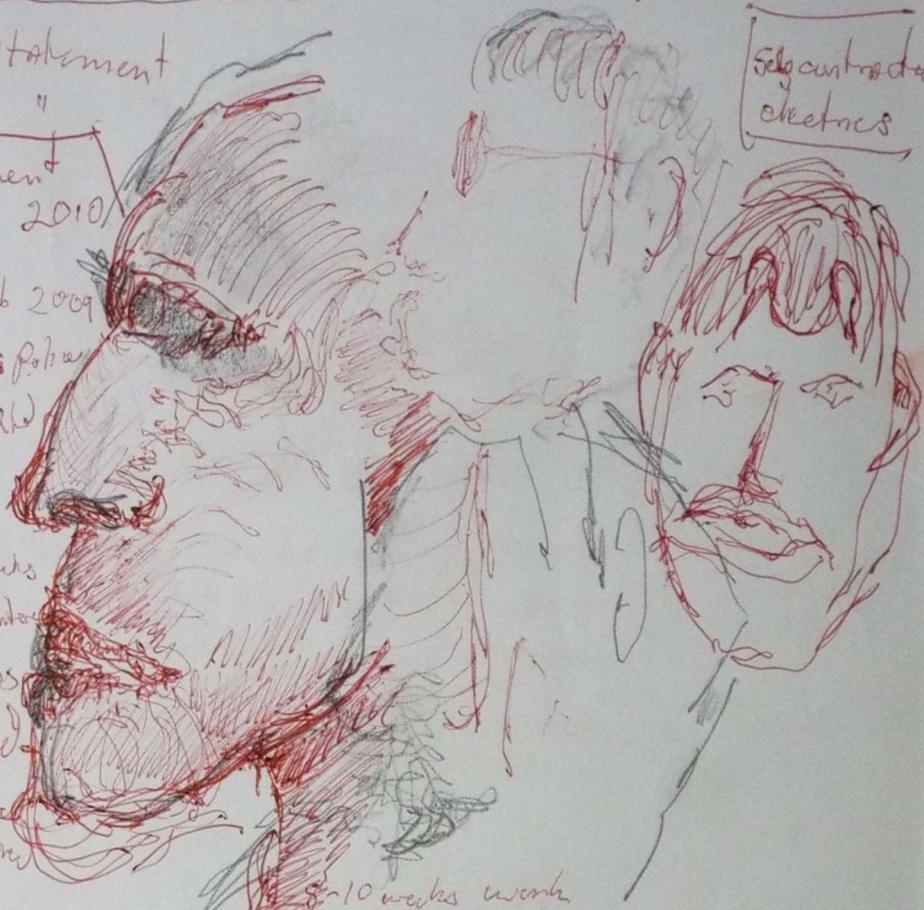
others entered boat - moved tools

hacked door

asked to have boat relocated to Newport within 48 hrs

D.L. Murray? - Pine cabinetry

self constructed  
electronics



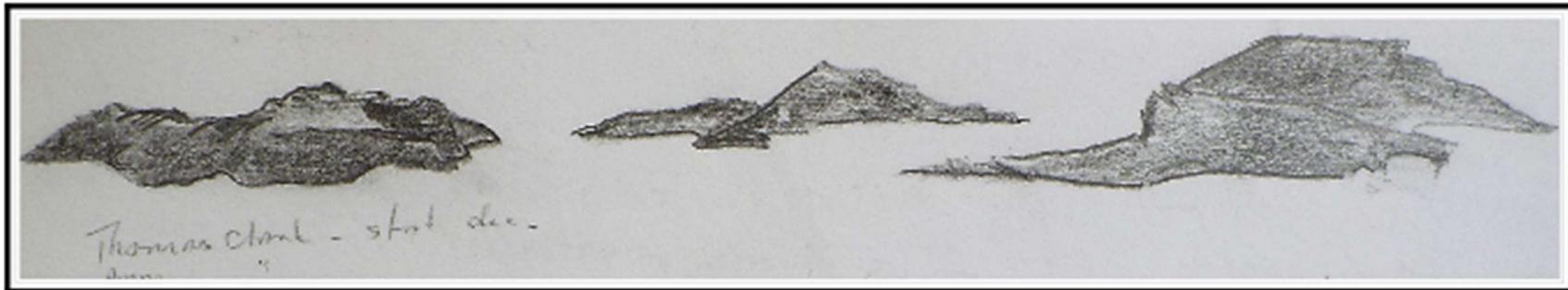
Scarbrough

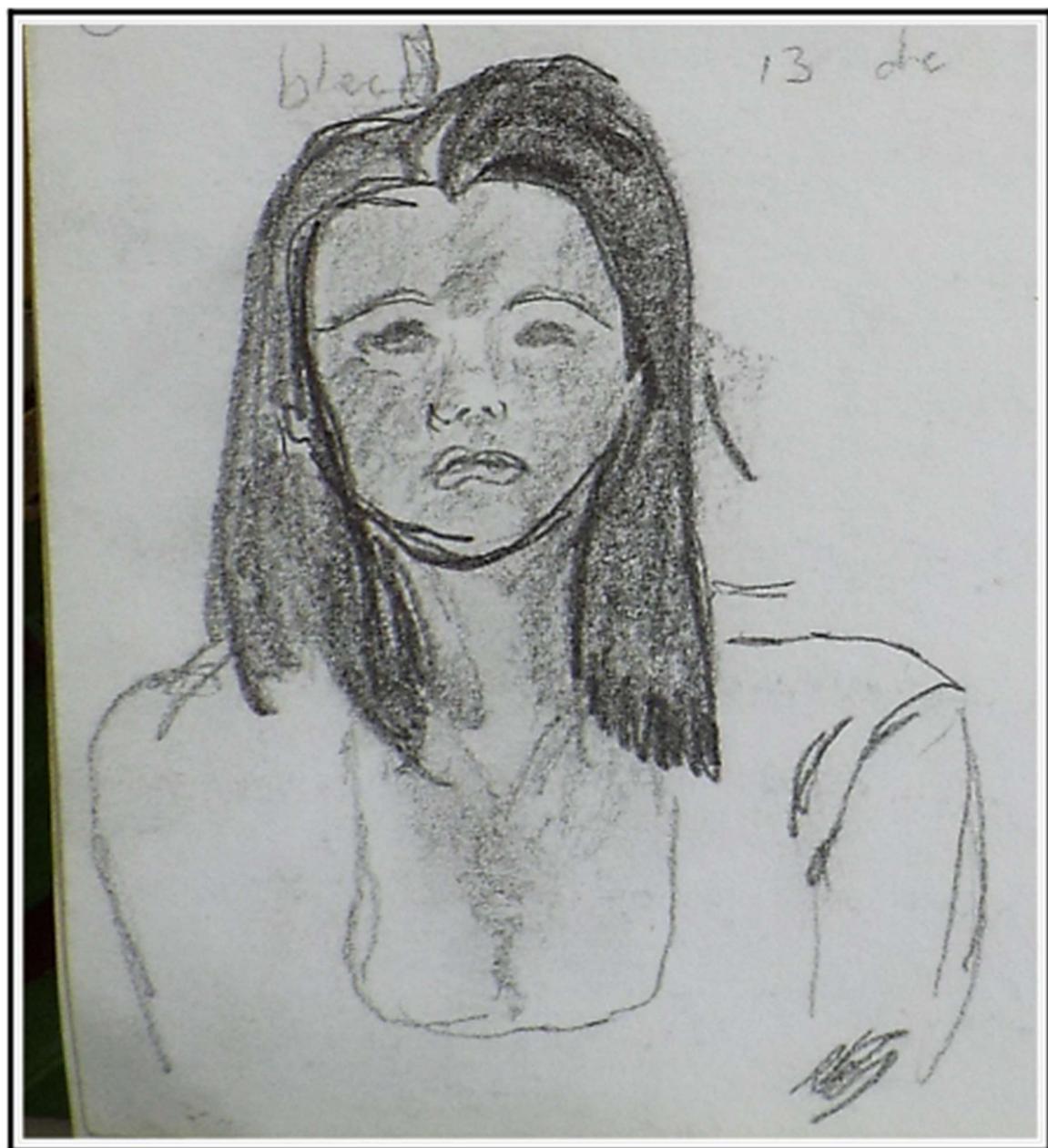
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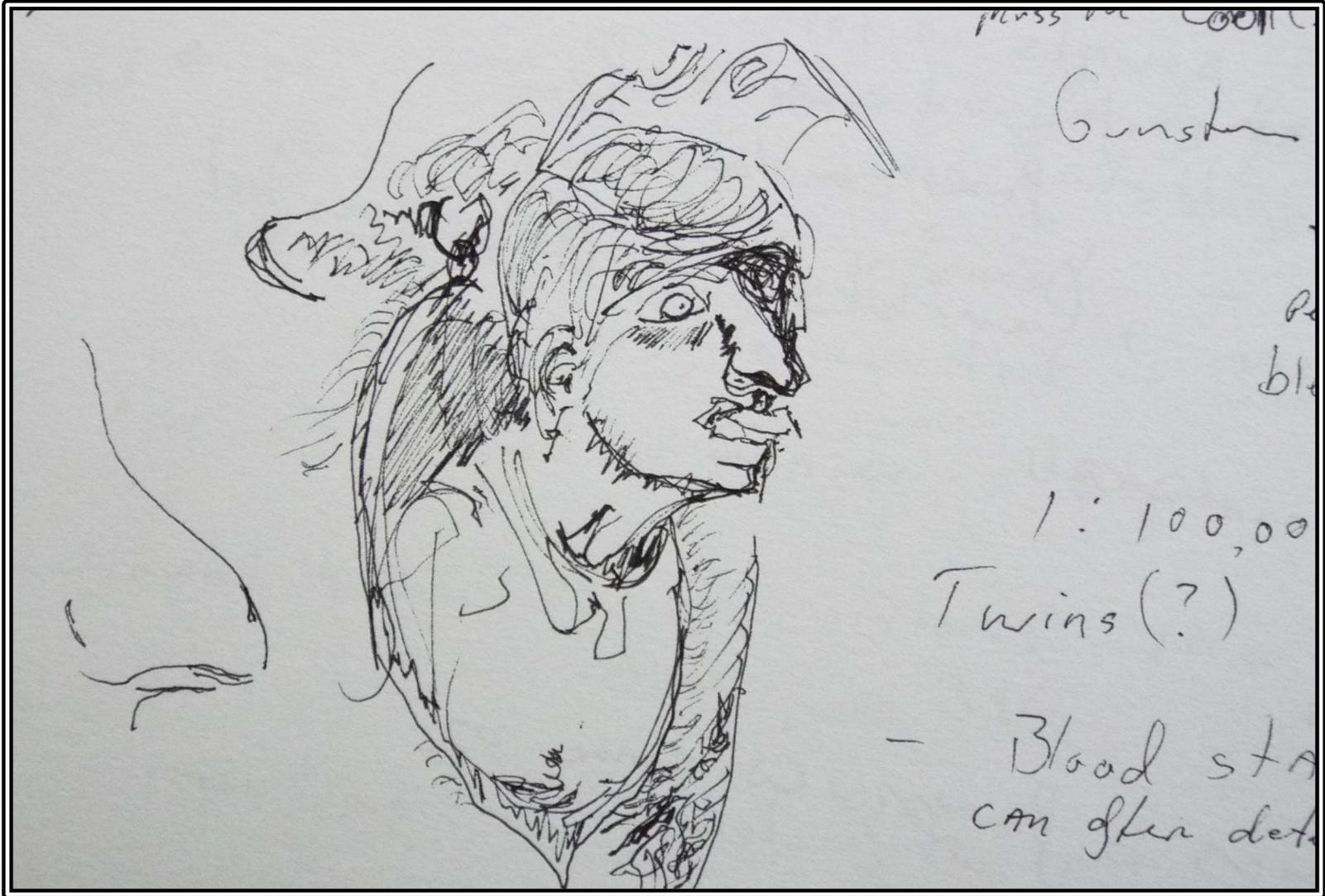
29Sept2009: ELLIS: <FURTHER AGREED FACTS P61 READ TO COURT [Ellis 20100929 627 12]

-an amendment to the agreed facts was requested by Ellis...

*HIS HONOUR: So that in paragraph 1 where it says –*

*Where they were examined by Christopher McKenzie  
and Carl Grosser –*

*You're going to add – you want to add the name "Debra McHoul"?*



massive cool

Guns

pe  
ble

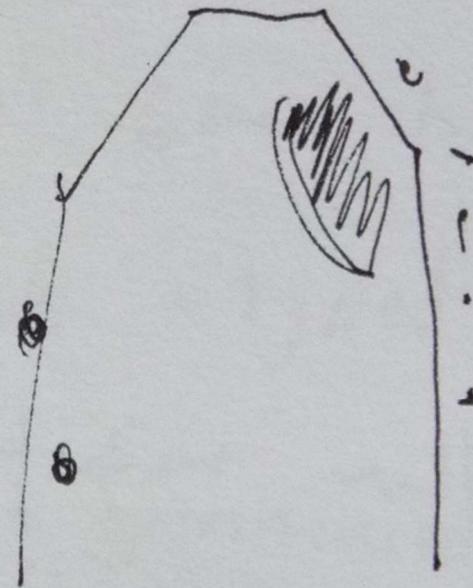
1:100,000

Twins(?)

- Blood sta  
can offer det

luminal on wall - only some of  
Dingy - stairs front + LHS -

Microscopic examination  
was -ve. (didn't find)?



*The Four Winds dinghy*

30Sept2010 (Thursday):

Trial - Day 8

30Sept2010: Proof for Sen. Const. Robin Wilson (witness) filed with Court [CT 20101007 1034 1]

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**30Sept2010: *The Jury asked 3 questions of Justice Blow...***

1 When will the case end?

A *“First of all, the earliest that this case could possibly end seems to be late next week. But it seems quite likely that it will go beyond the end of next week [...].”*

Q2 Does the verdict have to be unanimous

A *“Does your verdict have to be unanimous, well that depends. In Tasmania no one can be found guilty of the crime of murder other than by unanimous verdict so a guilty verdict needs to be unanimous. However, a verdict of not guilty of murder can be less than unanimous. [...].”*

Q3 Will they be locked up?

A *“The [...] question, might you be locked up over night? The answer is maybe [...].”*

30Sept2010:

-In XXN, Mr Gunson elicited from Dtv. Sinnitt that he had been told by the staff at Mara House (where Vass was staying) that *“Meaghan had requested to have a sleep over at another residence and that she left the – Mara House at 3.50 pm and was to later phone with the phone number of the person she was staying with, and didn’t”*.

-Mr Ellis objected on the grounds of hearsay, but HH overruled, saying *“No, we’re in business records, Mr Ellis.”* and *“business records don’t need to be tendered – evidence of their contents can be given without tendering them”*.

Mr Gunson returned to the line of questioning, and was told by Dtv. Sinnitt that Vass had *“requested a sleep over the night of 26<sup>th</sup> January [2009], and that she exited Mara House at 3.50pm and was to phone them and let them know the phone number of the person she was staying with, and that she didn’t phone them”*. [Dtv. Sinnitt told the Court that the address of the 'sleepover' place was: *“Unit 8, number 7 Onslow Place, Mt Nelson”* and that he had been given the Christian name of the female who was the occupant of that address]

-Mr Ellis again objected, reminding HH of his hearsay objection and referring to s69(3)(b) of the Evidence Act 2001. At which HH let the jury go for early lunch, to return at 2:00 p.m. HH sought Counsel's views on whether the *“the cross-examination as to information provided by staff at Mara House should be permitted to go any further”* and whether *“Mr Gunson should be permitted to inspect any or all of the contents of the [Vass file/] folder”*. [carried by Dtv Sinnitt] as he gave evidence.

-Mr Ellis thought, not that the trial should be aborted, but that the jury should be told to ignore the [hearsay] information and that Mr Gunson should be able to view Dtv. Sinnitt's folder, provided that he have the opportunity over the [lunch] break to discuss the document with Dtv. Sinnitt to vet the document lest there be any information which might not be in the public interest to release.

-Mr Gunson had 'no problem' with the second issue, but wanted more time over lunch to do some reading (1.3.2880 of Odgers 'Uniform Evidence Law).

30Sept2010: **-luncheon adjournment:** During the luncheon adjournment, Mr Ellis gave Mr Gunson the file obtained from Detective Sinnitt. -included was a copy of a [...18Mar2010?] Grosser → Sinnitt email. It read:

*“There was an area, the black outline in the photos, of positive luminol which suggests the presence of blood. However,*

*our testing of the swab taken from the area was negative for the blood screening test, suggesting that we cannot confirm the presence of blood. Given the strong DNA profile that we obtained from this swab, I'd suggest that this is indicative of the presence of a relatively large amount of DNA which is more likely to come from bodily fluids, blood, saliva, than a simple contact touching event. So basically we cannot say of any certainty where the DNA may have come from. The positive luminol result suggests that the source may have been blood, and the fact that this was an external surface means there may have been washing or weathering events that have prevented us from being able to definitively identify the presence of blood. More complex scenarios such the luminol result, coming from an older event, e.g. an old stain which has been overlaid by more recent events, which is where the DNA came from, e.g. spitting on the deck cannot also be ruled out. I hope this makes sense."*

**-After lunch, (1:45 p.m.)** Mr Gunson told HH that they would need to hear Mr Ellis's submission on s69 and that he'd then ask for half an hour to finish reading the Sinnitt (Vass) file. HH then told Mr Gunson what he'd been thinking over lunch re s69 and s48.

**-adjournment:** There was a brief adjournment so that photocopying could be done/completed, with HH asking that the jury be told not to return till 3:00 p.m.

**-upon resumption:** --Mr Gunson said that all the copying had been completed, that he still had some of it to **read**, but that he would not seek a further adjournment. He also gave notice of his intention to apply to have both Vass and Grosser recalled.

**-(hearsay?):** HH decided against Mr Gunson on the question of the hearsay in Dtv. Sinnitt's testimony. Finding that while s69(3)(b) did not make Sinnitt's evidence inadmissible, HH however seemed to have found in s48(4)(b) **[yet did not find in s48(4)(a) an alternative in the form of a non-oral 'summary' as seemed to have been supplied (i.e., the email) to Sinnitt by the staff member at Mara House.]** that he (HH) shouldn't have allowed Sinnitt to have given that oral (hearsay) evidence. Mr Ellis maintained that the information was hearsay, Mr Gunson still held that s69(3)(b) did not apply, that Sinnitt's enquiry to Mara house **was not** (s69)"... *made in connection with an investigation relating or leading to a criminal proceeding.*" but rather that Dtv. Sinnitt *"was investigating the presence of this woman's – this girl's DNA on the boat, he wasn't investigating, it would seem, the disappearance of Dr Chappell because the accused had already been charged with that offence. Now he was obviously, I suppose, tying up a loose end and I have to accept that, a loose end that had popped up."*

**[The legislation provides that:**

***EVIDENCE ACT 2001 ... 59 Hearsay rule – exclusion of hearsay evidence ...***

**69. Exception: business records**

*(1) This section applies to a document that – [...]*

*(2) The hearsay rule does not apply to the document, so far as it contains the representation, if the representation [...]*

*(3) Subsection (2) does not apply if the representation – [...]*

*(b) was made in connection with an investigation relating or leading to a criminal proceeding.*

**48. Proof of contents of document**

*(4) A party may adduce evidence of the contents of a document in question that is not available to the party, or the existence and contents of which are not in issue in the proceeding, by –*

- (a) tendering a document that is a copy of, or an extract from or a summary of, the document in question; or
- (b) adducing oral evidence of the contents of the document in question.

]

HH finished by reflecting:

*“I wonder how relevant any of it is anyway? I – it’s – it all sounds very intriguing but I don’t see a great deal of relevance at this point if it were established that Meaghan Vass was at a particular place in the metropolitan area on the night in question or that she was not at a particular place in the metropolitan area on the night in question, but I’ll tell the jury that they’re to ignore that body of evidence”.*

30Sept2010 3:00 p.m. **The request to recall** Vass and Grosser (jury still not back in court):

-Mr Gunson gave a number of reasons for wanting to recall Vass, including that it was not known at the time of her being examined and cross examined at trial, that she had not been at Mara House on the night of 26Jan2009. [at this stage, Gunson was not aware that the 'sleep-over' address didn't exist.] Mr Gunson, also said (in regard to recalling Mr Grosser, said that concerning the information contained in the 18Mar 2010... 23Mar2010 emails between Mr Grosser and Dtv. Sinnitt – just made available to him – Gunson – that very day: 30Sept2010, he (Gunson) would want to put that particular correspondence to Mr Grosser.

Mr Ellis opposed the recall and said that Vass's evidence was that she had not been on board the boat, that that evidence would not change and that it was possible that the DNA had come onto the deck as a result of transfer. Mr Ellis said that recalling Mr Grosser would result in a discussion of possibilities.

Mr Gunson replied by saying that Vass had been called without any prior statement and on the limited information available scope for questioning her was limited, but that there was now more significant information which had only become available [during the lunchtime break] with the production of the file from Dtv. Sinnitt.

### ***EVIDENCE ACT 2001 - SECT 46***

#### ***46. Leave to recall witnesses***

*(1) The court may give leave to a party to recall a witness to give evidence about a matter raised by evidence adduced by another party being a matter on which the witness was not cross-examined, if the evidence concerned has been admitted and –*

- (a) it contradicts evidence about the matter given by the witness in examination in chief; or*
- (b) the witness could have given evidence about the matter in examination in chief.*

*(2) A reference in this section to a matter raised by evidence adduced by another party includes a reference to an inference drawn from, or that the party intends to draw from, that evidence.*

**RULING – HIS HONOUR:**

30Sept2010: Justice Blow at trial:

*“Well, I think the application to recall Mr Grosser, it has less merit than the application to recall Ms Vass. Mr Grosser could have been – well there was ample opportunity to cross-examine Mr Grosser yesterday, and in my view, what he has said to have written in his email of 18<sup>th</sup> March is unsurprising and doesn’t raise any sufficiently new or different or surprising matters that would warrant his recall, in my view.*

*“So far as Ms Vass is concerned, now that there is information that on the 26<sup>th</sup> of January was staying at Mara House and told the – told someone there that she was going to spend the night at a particular address with a particular friend, then it may be that if it were put to her that there was a night when she had such a plan, that her memory might be jogged in some respect. The question is whether, if her memory were – as to where she went that night were jogged in some respect, that the possibility of her giving new evidence of any relevance would warrant the – her being recalled and the time and inconvenience taken to get her back and have those matters put to her.*

*“I’m very conscious of the fact that this is a murder trial and you can’t have a more serious charge. But the question of just where Meaghan Vass was and what she did on the night of the 26<sup>th</sup> of January seems to be peripheral when her version of events is unshakeably, or apparently unshakeably, that she did not go onto the Four Winds, that she didn’t go to the slip yard at Goodwood and that she didn’t go to Constitution Dock at or about the time that the boat was there. In my view the prospect of Meaghan Vass giving significant evidence if we called is so slight as not to warrant the time taken to recall her. Having regard to how significant her evidence might be and how likely it is that she might say something of any relevance at all I think we’d be wasting time and that there’s no realistic prospect of it making any significant difference if she were recalled. So I won’t ask the prosecutor to recall her and I won’t take steps to order her recall, and the same goes for Mr Grosser.”*

**[SEE further at relevant dates:** Blow J, at trial (30Sept2010), Grounds of Appeal (11Aug2011), Crawford CJ, appeal decision (6Mar2012), Crennan J and French CJ, at application seeking leave to appeal to High Court (7Sept2012) and Coroner Hay, Record of Investigation Into Death (Without Inquest) 17Jan2014]

**1Oct2010 (Friday):**

**Trial – Day 9**

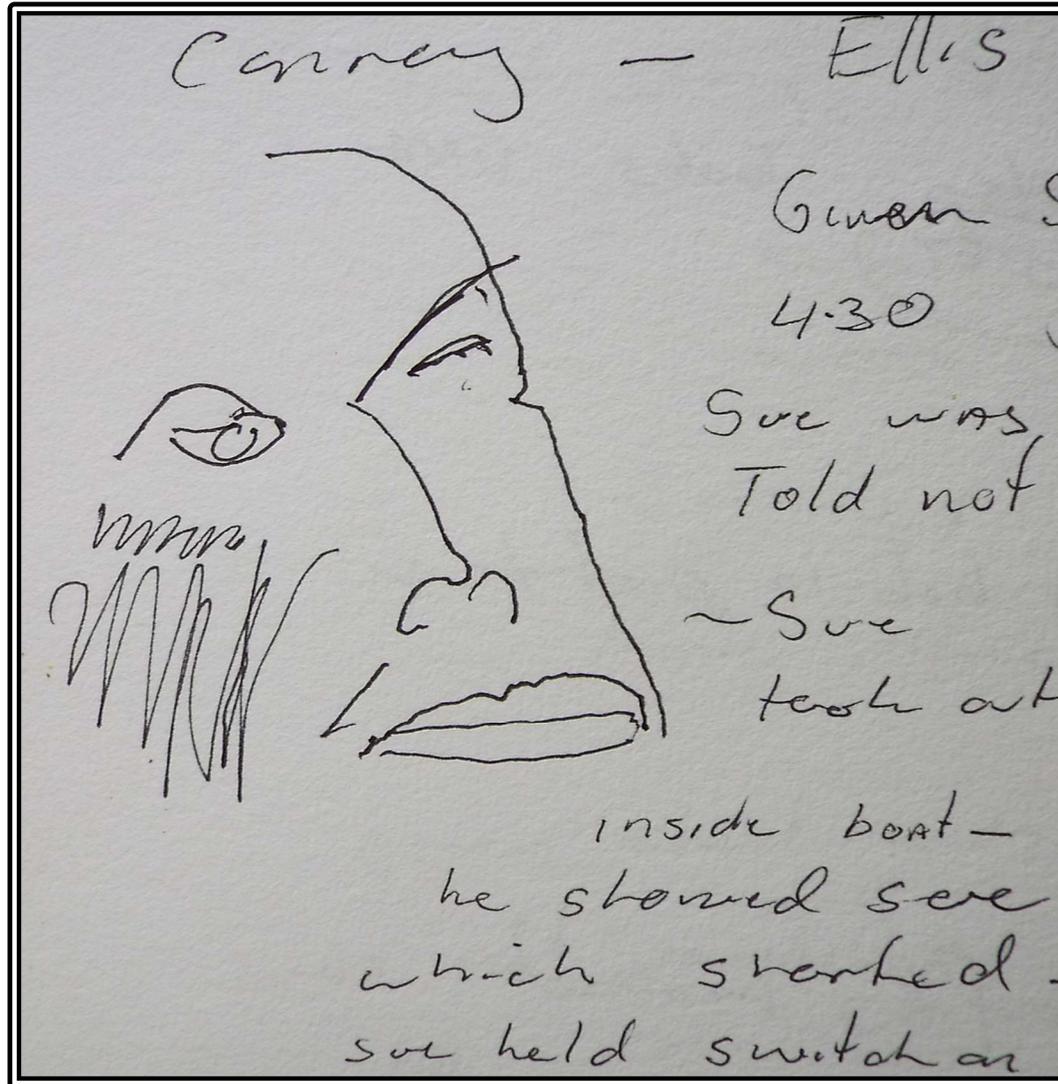
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1 Oct 2010 (Friday):

-During the week prior to Wed 6 Oct 2010, the D.I. Powell request for the Triffett file was disclosed to Mr Ellis.

-An anonymous person contacted defence, with the information that Phillip Triffett had asked police if his evidence might help his own case.

-Phillip Triffett was recalled to give further evidence and to explain his having asked whether his having given evidence (against Neill-Fraser) might help his own case.

**4Oct2010 (Monday):**

**Trial – Day 10**

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**5Oct2010 (Tuesday):**

**Trial – Day 11**

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<SIMON MATTHEW CONROY ON OATH AS PREVIOUSLY SWORN.....	895
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5Oct2010 (Tuesday):

-Mr Gunson asked D.S. Conroy a number of questions about whether Conroy was aware of evidence that Mr Conde had given in court that distinguished the dinghy he (Conde) had seen from that of the FW dinghy. D.S. Conroy, in response to the series of questions from Mr Gunson, had said that he was unaware that Mr Conde had given evidence that he Conroy was unaware that Mr Conde had estimated the grey dinghy he had seen as 12 feet in length, unaware that Conde had not noticed an outboard motor on it, that Conde had said that it was tied to the side and unaware that when shown a photo of the FW dingy, Conde had said that it wasn't the one that he'd seen was darker in colour, smaller and had a different shape. Mr Gunson continued:

MR GUNSON: *And that he [Mr Conde] said, 431, your Honour: “I believe it was larger and I believe the dinghy I saw had a lee cloth across the bow. This one, - Referring to Four Winds [dinghy] – “doesn't have a lee cloth, the bow seems somewhat blunter. The Quicksilver dinghy in the photographs is not the dinghy I saw at five to four on Australia Day.” And later he said that he had seen the lee cloth. He described the lee cloth as: “A cloth which goes across the bow of a dinghy and its purpose is to keep slop and spray and stuff from coming in, it's like a piece of fabric that forms a sort of deck as it were.” And he saw that stretching twelve to eighteen inches along the deck or over the bow and its colour was dark grey. Now –*

HIS HONOUR: *Well I think the question is, were you [D.S. Conroy] told that he said any of that?*

MR GUNSON SC (Resuming): *No one's told you that he said any of that?*

D.S. CONROY: *Absolutely not.*

MR GUNSON: *Right. Now it comes as a complete surprise to hear that was Mr Conde's evidence, does it?*

D.S. CONROY: *Yes, it does.*

MR GUNSON: *And would it be fair to say this, that it would've been a simple task for you to go and ask Mr Conde the sort of questions that Mr Ellis and I asked him?*

D.S. CONROY: *That's fair to say, yes.*

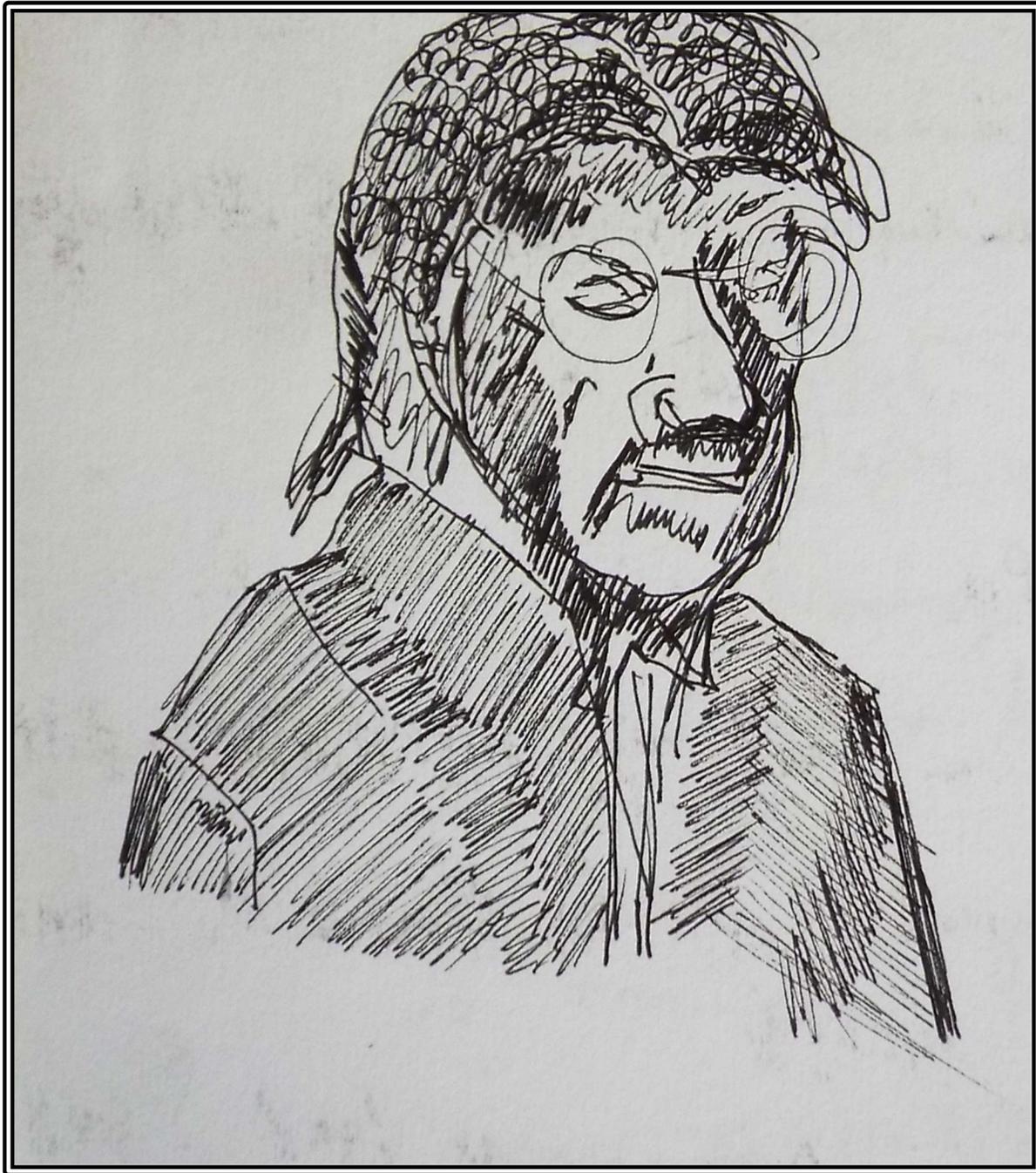
5Oct2010: following his appearance in Court that day, D.S. Conroy – after the Court adjourned that evening, had a discussion with Mr Ellis. As a result of a request/suggestion made by Mr Ellis, D.S. Conroy went and reinterviewed Mr Conde that night and took a further statement that evening from Mr Conde. Mr Conde said that the dinghy he had seen was 'beamy' [**wider**], 'older and faded' and '**scuffed**'. Mr Conde said that it would not fit in the tender storage racks at his yacht club – the Royal **Hobart**. Conroy drew a diagram of the vessel, describing the lee cloth as he drew it, saying that it was a grey material, that it was stretched across the front of the vessel and came back a certain way and that it was stopping some water, but that the dinghy was still taking in water. He said that the dinghy he'd seen had a more pointed bow than the traditional stub nose or flat nosed bow and that its appearance was not something you'd expect of a pleasure craft/leisure yacht [**like the FW**], it had more of a commercial look about it, a commercial type product. He said that its length was 10-12 feet long. Having been shown photographs of the FW dinghy in court, he said that its length was between 8 and 9 feet.

6Oct2010: D.S. Conroy, in the morning before the trial resumed, measured the length of the dinghy downstairs in the [**Court**] garage – it was three and a half metres or eleven and a half feet.

**6Oct2010 (Wednesday): Trial – Day 12**

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< <b>DARYL JOHN BALDING RECALLED AND SWORN</b> .....	1027
<FUR EXN - MR ELLIS SC:.....	1027
<XXN – MR GUNSON SC:.....	1029
<REXN - MR ELLIS SC:.....	1032

Mr Ellis had successfully asked HH to be allowed to recall Daryl Balding (the rowing coach who had given evidence about seeing the FW's dinghy 27Jan2009). Mr Ellis did so on the basis that Mr Gunson had by his cross-examination of **subsequent witnesses**, raised a matter on which his witness, Mr Balding, hadn't been cross-examined.

**7Oct2010 (Thursday): Trial – Day 13**

A supplementary proof of evidence [**more photographs**] was filed for Sen. Const. (Forensics) Robin Wilson (witness).

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< <b>ROBIN HENRY JOHN WILSON CALLED AND AFFIRMED</b>	1034
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< <b>CRAIG SHAUN CRAWFORD CALLED AND SWORN</b> .....	1055
<EXN - MR ELLIS SC: .....	1055
<XXN - MR GUNSON SC: .....	1061

**7Oct2010:**

- The Crown case concluded with the EPIRB evidence from Constable Crawford, relating to the *GME Classic* EPIRB & bracket.
- Mr Gunson submitted unsuccessfully that there was no case to answer.
- SNF elected to give, but not adduce evidence. [CT 20101007 1088 15]

< <b>SUSAN BLYTH NEILL-FRASER WAS SWORN</b> .....	1088
<EXN – MR GUNSON SC:.....	1088

**8Oct2010 (Friday):**                      **Trial – Day 14**

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<SUSAN BLYTH NEILL-FRASER SWORN..... 1127  
<EXN – MR GUNSON SC..... 1127

**Counsel: Did she go out in the dinghy that night?**

**Sue: She did not.**

8Oct2010:

-SNF, following an objection from Mr Ellis, was told by HH not to give 'must have', 'reconstructed' evidence, just what she actually remembered.

**11Oct2010 (Monday):**                      **Trial – Day 15**

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<SUSAN BLYTH NEILL-FRASER SWORN..... 1176  
<EXN – MR GUNSON (Resuming):..... 1176

11Oct2010:

-SNF **identified the red jacket as 'one of ours' (those they kept at the farm, in the car or on the yacht for their visitors)**

-SNF in the dock was shown P3 photographs of the FW taken when it was still at its mooring and she told the court of the discrepancies that she could see; i.e. the winch handle in the winch, ropes on **lying** on the deck, leading into one of the hatches, rope on the winch, the forward hatch open, the side exits and entries open, a bundle of rope **lying** in the cockpit.

-SNF in XMN by Mr Ellis agreed to the following financial costs relating to the purchase, repair et al., as proposed by Mr Ellis:

**Expenses – Four Winds, including Sale Price (not including expenses after Hobart arrival):**

SNF was to tell Ellis: 'that sounds right' when Ellis put to her the FW insurance was \$1985.26

Jim McKinnon	\$ 1,650	14Sept 2008
Marina payment to Scarborough harbour	\$ 595	
Mooring payment to West Marine	\$ 1,626.35	22Oct2008
Marina payment to Scarborough Harbour	\$ 595	
Marina payment to Newport Waterways	\$ 558	
Jim McKinnon	\$ 3,000	10Nov2008
Jim McKinnon	\$ 2,750	each from SNF and Bob
Chris Geddis	\$ 1,960	
Jim McKinnon	\$ 1,925	each from SNF and Bob
Jim McKinnon	\$ 513.45	each from SNF and Bob
Fuel cleaning costs	\$ 1,400	9Dec2008 Bob paid in cash
Filters at Southport	\$ 360	
Filters and washers: Hollis Marine Port Macquarie	\$ 105	
Fuel at Southport Yacht Club	\$ 479.53	
Fuel at Port Macquarie	\$ 658.16	
Fuel at Sydney	\$ 417.50	
Radio and sheets Port Macquarie	\$ 417.50	
Fuel from Eden	\$ 554.20	
Fuel from Bennetts at Triabunna	\$ 607.83	
Peter Stevenson delivery:	\$ 3,000 from SNF,	
	\$ 2,900 from Bob	
TOTAL: paid by 28 <sup>th</sup> Dec	SNF:	\$123,875.55
	Bob:	\$119,546.83
		\$243,422.38
Sale Price	\$203,000.00	[this entry reproduced]
Expenses: 5Sept-28Dec2008	\$ 40,422.38	[this is a calculation]
Jim McKinnon's payments	\$ 1,650.00	[extracted from the figures above]

\$ 3,000.00  
\$ 2,750.00  
\$ 2,750.00  
\$ 1,925.00  
\$ 513.45

---

Total payments to McKinnon \$ 12,588.45

sun - I spend most of my time

Tuesdays AM



12Oct2010 (Tuesday):

Trial – Day 16

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<SUSAN BLYTH NEILL-FRASER CALLED AND SWORN....	1292
<XXN - MR ELLIS SC:.....	1292
<XXN - MR GUNSON SC: .....	1350
<FUR XXN - MR ELLIS SC: .....	1351
<REXN - MR GUNSON SC: .....	1353

12Oct2010:

-MR ELLIS: On the second day of his XXN of SNF, Mr Ellis finished by asserting that on the afternoon – “*perhaps late afternoon*” ( 26Jan2009) - she had picked up something, and had struck Bob Chappell, intending to kill him and had actually thus killed him. He concluded his cross-examination with the words: “*If it please, your Honour.*” ..... before she was able to respond: “*this is just not true.*” Mr Gunson then began to re-examine SNF. He began by asking her a question about the number of watertight compartments in the FW. SNF was unwell and asked HH for (a five minutes) break. The request was granted, when the court reconvened, Mr Ellis somehow 'got the floor' again, Mr Gunson's REXN did not continue, instead Mr Ellis began a 'further-cross-examination' of SNF which was nothing more than an opportunity for Mr Ellis to make the final accusations that he had omitted to make before he had '*if it please, your Honour*' concluded his XXN. [see: CT - 1351 3] [*two bites at the cherry*]

12Oct2010:

-Mr Ellis told HH that he didn't plan to canvass a 'Shepherd direction', given that he didn't think HH was going to add it to the memorandum for summing up.

-Mr Ellis raised the issue of Mr Gunson (and his closing address), whom he said “... *does have an unfortunate tendency to mis-state the evidence*”

-Mr Gunson said that he was 'perfectly happy' that HH not give the jury a 'Shepherd direction'.

-Mr Gunson asked that HH include in his directions that theories/assertions by Mr Ellis should be distinguished from the evidence which is contained in the witness's answer. HH said it this way:“*The point is that the questions are – that answers are evidence and questions aren't.*”

-With regard to this matter of evidence v questions, HH read the instructions on the EPIRB to the Court ... (jury absent): “*Emergency activation. Open cover and push yellow slider fully over yellow button. Close cover. Flashing light and beeping confirms activation. Attention, important information on rear. Note: The owner must register this EPIRB with their national authority.*” and undertook to use aspects of the EPIRB example in order to tell the jury “*about basing their verdict on the evidence and all that entails.*” [These two quotes that I've used, don't of themselves explain their relationship to the question of whether '*answers are evidence and questions aren't.*' - please see CT 1336 25...]

-Mr Ellis objected to the jury having [suitably redacted] Court Trial transcripts - Mr Gunson was in favour; and Mr Gunson objected to the jury having suitably redacted interview transcripts – Mr Ellis was in favour, though didn't press his view over Gunson's objection.

-Mr Gunson submitted that evidence of motive must be established beyond reasonable doubt, Mr Ellis argued that being a circumstantial

case, it needed 'balance of probabilities'.

-The question of HH giving a 'Shepherd Direction' arose.

*“Generally, no particular fact or circumstance relied upon in a circumstantial case needs to be proved beyond reasonable doubt. There may, however, be a circumstantial case where one or more of the facts relied upon by the Crown is, or are, so fundamental to the process of reasoning to the guilt of the accused that the fact or facts must be proved beyond reasonable doubt. Such a fact is referred to as an “intermediate fact” being an indispensable link in a chain of reasoning toward an inference of guilt: Shepherd v The Queen (1990) 170 CLR 573. This is often referred to as a “link in a chain case”. As to the appropriateness of such a direction, see Davidson v R (2009) 75 NSWLR 150 at [8], [14], [18] and Burrell v R (2009) 196 A Crim R 199 at [95]ff. Such a direction should not be given where it would be likely to confuse the jury. It is ultimately for the jury to determine whether the particular fact has such significance.”*

[https://www.judcom.nsw.gov.au/publications/benchbks/criminal/circumstantial\\_evidence.html](https://www.judcom.nsw.gov.au/publications/benchbks/criminal/circumstantial_evidence.html)

Both Counsel at trial advised HH that they wouldn't be asking HH to give a Shepherd's Direction, though Mr Gunson subsequently changed his mind on that issue.

#### **SUBMISSION:**

Mr Gunson, citing a number of cases, submitted [CT 1367 8] that Mr Ellis (during trial) had asserted several motives to the accused and that *“the jury must be instructed that they have to be satisfied beyond reasonable doubt that the motive asserted by the Crown has been proved to that extent.”* He cited cases, including that of Lionel Murphy, in which that proposition was supported. [ see also: Chamberlain, Gibbs CJ and Mason J. cited at 1369 23] and Plombe, Menzie J. at 1370 40: *“[...] Before a jury can infer guilt from motive they must be satisfied that the motive asserted has been proved beyond reasonable doubt.”*

[<http://netk.net.au/Australia/Penney.asp>] and said to HH that *“the elements that go to motive must be proved beyond reasonable doubt if they are going to rely upon a motive. I mean the jury may well say ‘we’re going to ignore motive’ but that’s not the point. If your Honour is going to direct them as to motive then it must go that next step.”* [Gunson: 1371 32]

#### **SUBMISSION:**

Mr Ellis's submission (in reply to Mr Gunson's) was that it *“is only when, in a circumstantial case, a fact is relied on by the jury as an essential part of its reasoning that that fact should be proved beyond reasonable doubt.”* He remarked [CT 1372 15] that it seemed as if Gunson had seemed to be at odds with his own (Gunson's) concession about not wanting a Shepherd direction. He submitted that 'motive' did not exist in a category of its own as to circumstantial evidence. He argued [opinion/interpretation?] that to assert this would be to ignore the thrust of Shepherd – which was to acknowledge [if/where appropriate], 'the indispensable link in the chain', and not to confuse it with [a/the general test of (?)] 'beyond reasonable doubt. Or perhaps he was arguing that a 'strands in a cable' cumulative appreciation of the evidence, including that of motive, would make the need for an 'indispensable link' unnecessary.

Perhaps Ellis's view was that Gunson's 'motive beyond reasonable doubt' was not germane, yet that Shepherd was likewise so, and that there was however, no claimed 'indispensable link in the evidence which would require a 'Shepherd direction'. The cumulative strength of the evidentiary 'strands in the cable', were in his view, sufficient, rather than particular elements needing to be accepted as being 'beyond reasonable doubt'. Mr Ellis's reply was that it *“is only when, in a circumstantial case, a fact is relied on by the jury as an essential part of its reasoning that that fact should be proved beyond reasonable doubt.”*

-HH replied that he would send the jury away and have them back the next morning, before which he'd resume the discussion with Counsel at 9:30 a.m. (13Oct2010).

### CIRCUMSTANTIAL EVIDENCE: -SOME BACKGROUND READING

1 ✓ **An interesting – perhaps helpful – explanation of some NSW criminal trial directions** [ Some Common Trial Directions in NSW - Mark ... - Forbes Chambers ]

2 ✓✓ *The Criminal Trial Courts Bench Book* (NSW): section on circumstantial evidence  
( [https://www.judcom.nsw.gov.au/publications/benchbks/criminal/circumstantial\\_evidence.html](https://www.judcom.nsw.gov.au/publications/benchbks/criminal/circumstantial_evidence.html) )

3 ✓✓✓ **An article** “*Circumstantial evidence in criminal cases*”, by Ian Barker QC, in *Bar News, Winter 2011*.  
[ Barker, Ian --- "Circumstantial Evidence in Criminal Cases" [2011 ... ]

### -NOTES:

/From the readings, it is not clear whether it is for the jury or the judge to decide whether a case is based on circumstantial or direct evidence. Neither is it clear to me whether/how precedent/case law on circumstantial evidence should have applied in the trial of Susan Neill-Fraser. This was a trial which was said to be based on circumstantial rather than direct evidence. [HH at 887 45... described it as “*a case that consists entirely of circumstantial evidence.*”] Is the metaphor of strands in a cable necessarily applicable in a case where the evidence is entirely circumstantial?

/The jury do not need to be satisfied beyond reasonable doubt as to the factual truth of each piece of evidence presented to them, in order to arrive at a verdict of 'guilty beyond reasonable doubt'. This includes motive [see: Chamberlain, Penny and Shepherd and HH 1381-2]. What is unclear is whether a jury can arrive at a 'beyond reasonable doubt' verdict without **any at all** of the individual pieces of circumstantial evidence being accepted as true beyond reasonable doubt – interesting to explore: 'satisfied x is true' and 'satisfied beyond reasonable doubt x is true'.

/Metaphor in (circumstantial) evidence: 'strand of a cable' v 'link in a chain'. The strands in a cable metaphor seems to be that while some of the constituent parts of the evidence suggestive of guilt are not able to be taken as 'true beyond reasonable doubt', together these same parts can as a whole be taken to establish guilt beyond reasonable doubt

-12Oct2010: Mr Ellis sent Mr Gunson (late in the day) an email which referred to two Victorian cases: Coleman and Coxman. [Mr Gunson appeared to suggest that those cases weren't cited by others and that in any case, “...the Court of Appeal of Victoria, as we all know, can't overturn what the High Court has said.”]

12Oct2010

-[at the Scarborough Marina in Qld, where the FW had been moored when bought by Bob and Sue, police made a major drug bust when they

searched a yacht docked at the marina and seized 416 kg of cocaine.]

**13Oct2010:**

-HH, following overnight deliberation, told Counsel that he would not give the direction [*Shepherd direction*] that had been sought. Essentially, HH agreed with Mr Ellis's submission that such a '*motive to be proved beyond reasonable doubt*' direction was only required when motive was an essential part of the jury's reasoning.

HH: (CT 1381 10): (*Shepherd v R* [1990] 170CLR573) said:

*It – in essence the – what the High Court said in Shepherd was that in a case involving circumstantial evidence if a particular asserted fact was an indispensable link in a chain of reasoning upon which the Crown depended, then that – then the jury needed to be satisfied beyond reasonable doubt as to that fact, or as to that link in the chain, otherwise it couldn't return a verdict of guilty. That was a departure from the law as previously understood following Chamberlain.* [HH 1381-16]

-Mr Ellis suggested that HH would be required to give an *Edwards* direction (re a lie suggesting a consciousness of guilt) and a *Zoneff* direction (re a lie indicating the character of the person telling it) regarding the '*Edwards lies*' that the Crown relied on. Mr Ellis identified two ['*Edwards*?'] lies that the jury could find were told:

1. a lie about having stayed home on the night of 26Jan2009.
2. a lie about having gone to Bunnings in the afternoon of 26Jan2009.

-Mr Ellis also said that around each of these two lies a convocations of ['*Zoneff*?'] lies had been built, different stories that didn't fit together, in the case of the first, and that some of [*those stories*] may have been able to be found to be lies. He further said any further lies found by the jury might, if not suggestive of a guilty mind, go more to credit [(*...or lack thereof*) of the accused's testimony?].

-Mr Gunson said in response: '*It is important in respect of the latter to distinguish between what can easily become confusion because there's no evidence at any stage she said to the police, "I did not go to Marieville Esplanade that night", rather as your Honour properly says and characterizes its, "I stayed at home" '.*

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James McKinnon

video link

and statement

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1/27/2010

12 Feb 2009

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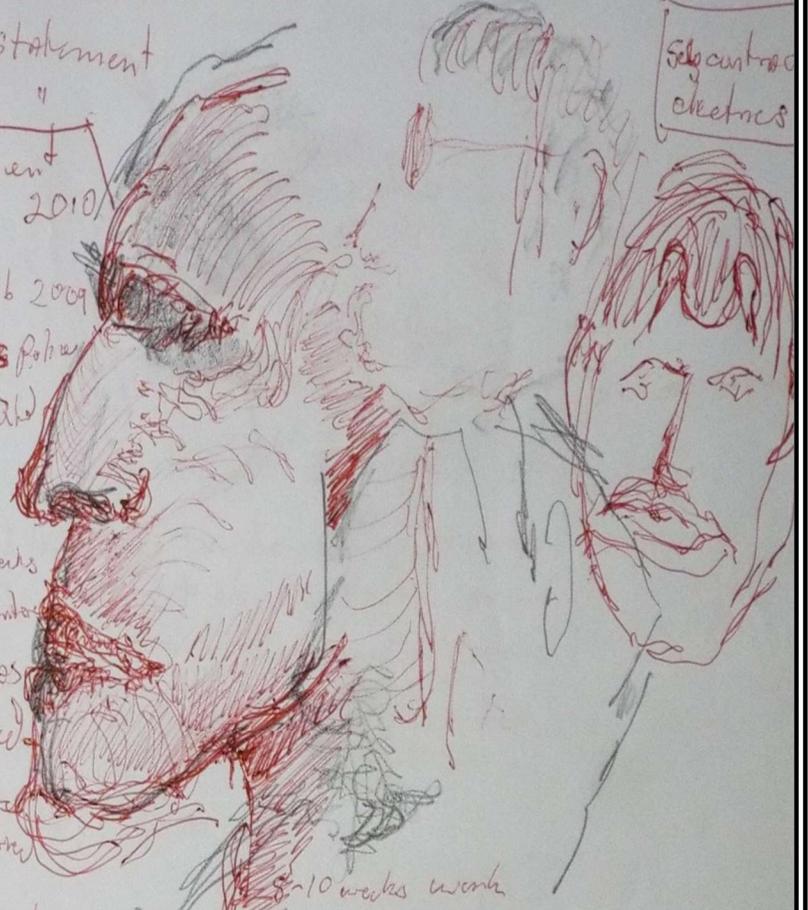
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Self control  
electrics

8-10 weeks work

Scarborough

13Oct2010 (Wednesday):                    Trial – Day 17

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13Oct2010:

-Mr Ellis, in closing, claimed that SNF had said: *“It’s quite a fond memory. Look, if you annoy me any more, you’ll be found dropped overboard”*. [The trial transcript does not contain these words or anything resembling them. They were not put to SNF, and ironically recall an earlier discussion]:

MR ELLIS SC: *Okay. With respect to my learned friend, he does have an unfortunate tendency to mis-state the evidence.”*

HIS HONOUR: *Well now hang on, if he – if he mis-states the evidence in the course of his final speech, or if you contend that he does, then you’d better tell me about it in the absence of the jury, either during a break or at the end of his submission, and I expect him to do the same in relation to you.*

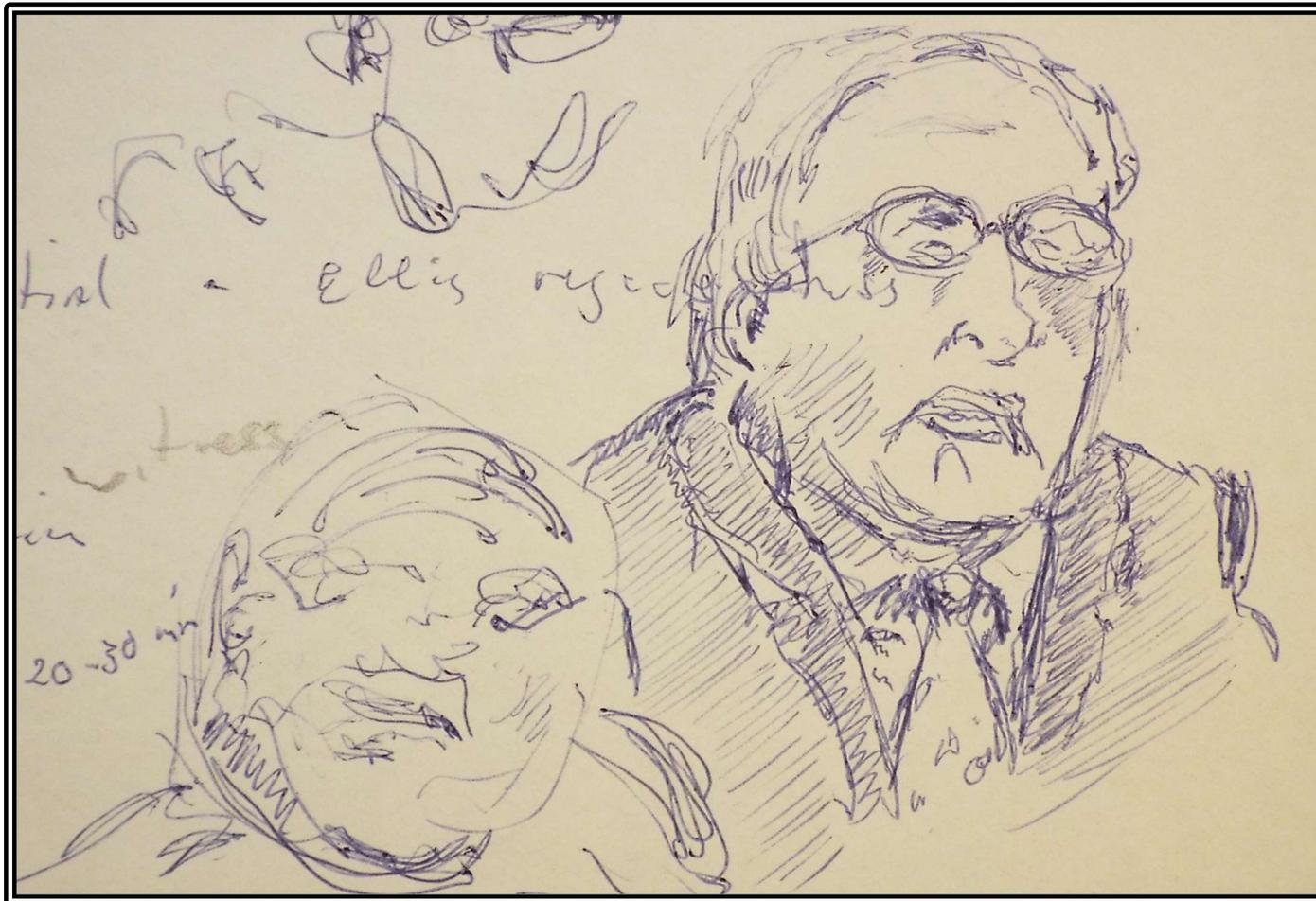
MR ELLIS SC: *That’s why I raise it, your Honour –*

HIS HONOUR: *Yes.*

-Following Mr Ellis's closing address, Mr Gunson put a couple of matters arising from Mr Ellis's address:

1. that Mr Ellis had given the impression that it was police who had issued a bulletin seeking information about the grey dinghy. Mr Ellis had said in his closing address: *“these police have come in here and given evidence of what I – well what you might consider to be a very very thorough investigation, only to be lambasted by Ms Neill-Fraser’s counsel on her behalf for not having chased up what turns out to be one of many descriptions of a dinghy alongside Four Winds on the afternoon of the 26th of January – absolutely flogged for it. ‘Oh why didn’t you put out an all points bulletin for a large grey dinghy?’ – well in fact a bulletin had gone out for a grey dinghy.”* [Mr Ellis responded saying *“I never said that police sent such a bulletin out.”* - which was true, however in the writer's opinion, taken in context of the overall remark, Mr Ellis's *“well in fact a bulletin had gone out for a grey dinghy.”* seemed to allow the misconception that it was the police who'd issued a bulletin. There was no bulletin issued, in fact Mr Balding sent an email to his fellow rowing club members, asking them if they had information on *“dinghy movement and in particular movement of a grey with blue trim inflatable dinghy with a small black outboard motor”* on the afternoon/evening of 26Jan2009, to contact Dtv. Sinnitt. HH in his summing up handled the issue by telling the jury, without revealing that this had been the subject of complaint from the defence counsel: *“Of course it was Mr Balding, not the police, that asked for people to come forward about the grey – the dinghy described as grey.”* ]
2. that Mr Ellis had drawn attention to Dr Sales' not having been called to give evidence in the case, which comments might have caused them to reason that Dr Sale's evidence would not have assisted the accused. [Mr Ellis's comment had been this: *“Maybe he [Dr Sale] would say it’s a common feature of people who commit murders that they lie or claim to have no memory of it or their memory gets patchy around the crucial time. In times of great excitement, great passion, anger, the red mist descends, it is sometimes said, who knows, I don’t know, we*

didn't hear from him, I'm just speculating." Mr Ellis told HH that he had not "[invited] the jury to speculate about what the absent witness might have said if called." HH decided that Ellis's comments might have caused the jury to reason that Dr Sale's evidence would not have assisted the accused. He had the jury brought back in and told them "that if a particular witness isn't called then you shouldn't treat that as a bad sign or somehow draw a conclusion adverse to Ms Neill-Fraser as a result of that witness not having been called. We don't know why Dr Sale wasn't called or what he would have said if he had been called and you shouldn't try to work out why he wasn't called or what he might have said – we just don't know and you must base your verdict on the evidence and not on any sort of speculation."]



14Oct2010 (Thursday):

Trial – Day 18

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**14Oct2010 10:29 a.m: Australian Federal Police Media Release regarding the Scarborough Marina drug bust (12Oct2010, excerpt):**

*Media Release: Drug syndicate smashed, 464kg of cocaine seized*

*Release Date: **Thursday, October 14 2010, 10:29 AM***

*In a major strike against organised crime, Australian law enforcement agencies have combined to execute one of the country's largest cocaine seizures.*

*The Australian Federal Police (AFP) and the Australian Customs and Border Protection Service, with the support of NSW and Queensland police, have joined forces to seize 464kg of cocaine on Queensland's southern coast, the third largest cocaine haul in Australian history.*

*The AFP charged three men on 12 October, two with attempted importation of a commercial quantity of a border controlled drug and the other with possession.*

*A search of a yacht docked at Brisbane's Scarborough Marina yielded the large cocaine haul.*

*The AFP has since executed another 12 search warrants across New South Wales and Queensland, uncovering a clandestine lab in Eden, NSW.*

*On 13 October, Customs and Border Protection officers intercepted and boarded a second vessel of interest approximately 800km off the Queensland coast. This vessel is being towed back to Australia and is subject to an ongoing investigation, therefore no further comment can be made at this stage.*

**15Oct2010 (Friday): Trial – Day 19**

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[The complete transcript of the trial is available here at: [http://cdn-src.tasmaniantimes.com.s3.amazonaws.com/files/Transcript\\_Complete.pdf](http://cdn-src.tasmaniantimes.com.s3.amazonaws.com/files/Transcript_Complete.pdf) ]

15Oct2010:

-The foreperson, on behalf of the jury, asked HH “*to clarify what is the difference between murder without an intention to cause death and manslaughter and if possible can you give us examples of each of those.*” HH's response included: “*it's murder if the type of bodily harm that is intended is likely to cause death in the circumstances and the killer knows that.*” and even when not intending to cause death or to cause bodily harm, the killer “*knew or ought to have known that the act or acts were likely to cause death in the circumstances.*” With

regard to the distinction between this latter '*murder without an intention to cause death*' and *manslaughter*, HH said of manslaughter that when someone who when intending to cause bodily harm, causes the death of a person, then that is culpable homicide, i.e., manslaughter. However manslaughter in this regard, according to HH, requires that the killer does not know that the action intended to cause bodily harm might cause death. [It was not mentioned by HH, but seems implicit in his explanation to the jury, that the '*or ought to have known*' criterion is also absent from this type of manslaughter] HH also distinguished a second type of manslaughter, associated with dangerous acts and of which a reasonable person would realise that doing that act would have exposed a victim to a risk of serious injury. [this type of manslaughter seems to deal with acts in which an element of knowing ('*realise*') is present while an intent to cause bodily harm is absent. [In the opinion of the author, HH's response to the jury lacked clarity. Mr Ellis then put it to HH: "*In relation to manslaughter I think your Honour may have unfortunately used the words 'with intention to cause bodily harm' in relation to that, whereas it's not an element in my submission.*" - to which HH agreed; it seems that Mr Ellis too, was confused by HH's explanations to the jury. In relation to manslaughter, HH did not use the words '*with intention to cause bodily harm.*' HH did use the following and it's perhaps this that Mr Ellis was referring to: "*So a fluke death caused by an illegal act where bodily harm is intended would amount to manslaughter.*" See CT pp1542-1545]

15Oct2010:

-The foreperson, on behalf of the jury, asked HH "*What are our options if we can't reach a unanimous decision?*" HH told the jury that a verdict of guilty of murder required all twelve of the jury to be agreed and that none of the jury may agree to a verdict which they didn't believe to be correct. HH told them that he could accept a verdict of "*not guilty of murder but guilty of manslaughter*" if 10 or 11 of the jury were agreed on that verdict. HH told them that the 10/11 requirement for a manslaughter verdict also required that 10/11 of the jury agreed that the verdict should be not guilty of murder. HH told them that he could also accept a 10/11 verdict of "*not guilty full stop*" without an alternative guilty of manslaughter verdict.

THE VOICE OF TASMANIA

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# GUILTY

## Partner convicted of Bob Chappell yacht murder

DANIELLE MCKAY

HOBART grandmother Susan Blyth Neill Fraser has been convicted of murdering her de facto Bob Chappell.

Neill Fraser shook her head in disbelief but showed little emotion when the Supreme Court jury delivered its unanimous decision last night after 18 hours of deliberation.

The 56-year-old's daughters, Emma Mills and Sarah Bowles, gasped and collapsed into tears as their mother was returned to prison for her first night as a convicted killer.

The sisters, who have supported their mother in a daily vigil during the exhausting four-week trial, vowed to fight the conviction as they left the court about 8pm.

"We're extremely disappointed with the outcome tonight, this was not how we expected it to go at all," Mrs Bowles said.

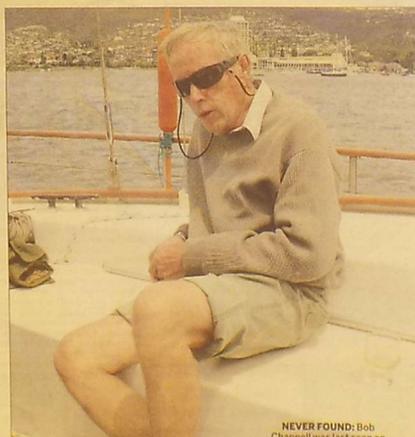
"This is certainly not the last you'll see of us here, we're just going to keep fighting until we get Mum acquitted."

Mr Chappell's family, including his son Timothy and daughter Kate, who appeared as witnesses during the trial, were not present when the verdict was handed down.

The prosecution case was that Neill Fraser killed Mr Chappell on board their yacht Fozer Winds in Hobart on Australia Day last year.

Out of crowd as spite Neill Fraser struck Mr Chappell from behind, killing him and spattering his blood throughout the yacht.

Under the cover of darkness she used an electronic eye and watch set up to haul Mr



NEVER FOUND: Bob Chappell was last seen on

SHOCK HEAD:  
Susan Blyth Neill Fraser

MERCURY ON SATURDAY www.themercury.com.au

### MERCURY

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themercury.com.au

#### IN THE MONEY

**POWERBALL:** Draw 752 - 27, 19, 41, 35 and 3. Powerball: 12. Division 1 (no winners), div 2 (13) \$27,632.25; div 3 (142) \$3539.15; div 4 (3337) \$117.40; div 5 (5824) \$38.05; div 6 (41012) \$24.30; div 7 (145,322) \$13.05.

#### LAURIE OAKES

Laurie Oakes is determined not to be dictated to by the media news cycle. **Page 23**

#### ROAD TOLL

At October 15 Same period last year **23**

#### THAT'S LIFE

A new bank account that offers a monthly lottery draw instead of competitive interest rates has come under fire for encouraging gambling. The Bank of Queensland's Save To Win account offers customers the chance to win cash prizes in a monthly lottery. Anti-gambling advocate Senator Nick Xenophon said the product made a mockery of the Bank of Queensland's ability to offer considered financial advice. Consumer group Choice said the bank's approach went against the spirit of the banking system.

#### EDITORIAL

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 Post: Mercury (Publishing) Pty Ltd, Locked Mail Bag 971, Hobart TAS 7000

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## Ex-state cricketer cleared of rape

LLOYD JONES

A FORMER Tasmanian cricketer, found not guilty of raping a woman in a Perth hotel room, says he never doubted his innocence.

Glenn Hughes, 31, who has been sixed down as a Tasmanian cricket selector, faced trial in Perth's District Court on two counts of sexual penetration without consent.

After six hours of deliberation yesterday, a jury of seven

men and five women found him not guilty on both counts.

Mr Hughes put his head back and let out a sigh of relief after the jury returned the verdicts.

A complaint against Mr Hughes was laid in October last year by his 47-year-old former lover, who alleged he had raped her in a Perth hotel room during a 12-month affair.

Mr Hughes told the court he believed the sex was consensual and at no stage did he hear the woman ask him to stop.

Outside court, the former Tasmanian Sheffield Shield cricketer and brother of former Test captain Kim Hughes said he was happy with the justice system and the unanimous verdict.

He said he wanted to thank his family and friends who had stood by him.

"I never had any doubt of my innocence," he said. "I look forward to continuing my life going forward."

Mr Hughes said the ac-

cusations against him and the loss of reputation had been hard to take.

His lawyer David Manera said he was happy with the mania and the ABC, where Mr Hughes had worked as a commentator, would put the matter behind them and resume his employment.

"The trial over the last year has taken an enormous toll on Glenn in every aspect of his life," Mr Manera said.

AAP

## Partner guilty of murder on yacht

From Page 1

Mr Chappell's body was weighted, possibly with a fire extinguisher, before being dumped into a watery grave in the depths of the River Derwent.

Since her arrest on August 20, Neill Fraser has maintained her innocence.

But the web of lies she told police and false trials she led them on have ultimately condemned her.

The death of the eccentric 65-year-old physicist has intrigued Tasmanians, who packed the court's public gallery daily.

Mr Chappell was a millionaire, divorced father of three, who was on the verge of retirement after a successful career as the Royal Hulse Hospital's chief radiation physicist.

Neill Fraser is a woman of the landed gentry, wealthy in her own right, who owned and managed farming properties in Tasmania's Midlands.

The couple met at Ben Lomond ski lodge in 1989 and seemed like a normal couple to most people until Mr Chappell's disappearance.

However, critics began to show in their public facade when it emerged that Neill Fraser told of ending her re-



**FIGHT VOW:** Neill Fraser's daughter Sarah Bowles.

lationship with Mr Chappell and revealed plans to buy his share of the yacht.

Further damning evidence was revealed when a former friend told of past plots to kill Mr Chappell in an eerily similar scenario to that which unfolded on Australia Day.

The highly circumstantial foundation of the prosecution case left doubts that all 12 jurors could unanimously convict for murder.

Further doubts grew yesterday when the jury of five men and seven women asked Justice Alan Blow to explain the difference between murder and manslaughter.

Justice Blow gave the jurors examples and urged them to be open to each other's views, just hours before they delivered their verdict.

Director of Public Prosecutions Tim Ellis SC and defence counsel David Gunson SC declined to comment as they left the court last night.

Submissions for sentencing will begin on Monday.



**HAPPIER TIMES:** De facto partners Susan Blyth Neill Fraser and Bob Chappell in November 2007.

## Detectives never in doubt

DANIELLE MCKAY

TASMANIA Police never doubted Susan Blyth Neill Fraser was the killer.

While many were fooled by Neill Fraser's charming persona and fanciful tales, the detectives were not.

They diligently investigated Neill Fraser's claims that drug smugglers were involved.

They even investigated the possibility that a 16-year-old homeless girl, whose DNA was inexplicably found aboard Fozer Winds, had a role to play.

However, their investigation soon centred on Neill Fraser,



**PROUD:** Insp Peter Powell says police were thorough.

who continued to spin a web of lies about her whereabouts on the night her long time de facto Bob Chappell disappeared.

The head of Hobart CID, Insp Peter Powell, said Neill Fraser's deceit was her ultimate undoing.

She told police lies and gave police information that was

later proven to be untrue — why would an innocent person do that?" he said.

"Although we still don't know the exact circumstances, all the circumstantial evidence always led us back to her as being the offender."

After more than 40 years serving Tasmania Police, Insp Powell said he had never seen a murder mystery quite like this one.

It challenged investigators and led to Tasmania's first murder conviction without a body having been found.

a lifetime from an investigative point of view," Insp Powell said.

"Never before has there been a case where anyone has been convicted of murder where there hasn't been a body."

He also defended the investigation, which the defence counsel labelled as appalling amid claims that police failed to properly investigate the possibility of a different killer.

He said he never doubted detectives had done a thorough investigation, of which he was proud.

"We're very pleased with the outcome," he said.

**FAMILY CRESTS, DOOR KNOCKERS**  
**10 KG WASHED NICOLA DOZAROFF**  
**KENSINGTON**

-The jury returned a unanimous verdict of guilty and were thanked by HH and then discharged. The Court was adjourned till the following Mon18Oct2010, prison staff agreeing to have SNF at the court at 10:00 a.m. to enable Mr Gunson to take the final instructions.

**16Oct2010**

**Detectives never in doubt**

*Mercury (Hobart, Australia) - October 16, 2010* Browse Issues

- Author/Byline: DANIELLE McKAY
  - Edition: 1
  - Section: Local
  - Page: 002
- 

TASMANIA Police never doubted Susan Blyth **Neill-Fraser** was the killer.

While many were fooled by **Neill-Fraser's** charming persona and fanciful tales, the detectives were not.

They diligently investigated **Neill-Fraser's** claims that drug smugglers were involved.

They even investigated the possibility that a 16-year-old homeless girl, whose DNA was inexplicably found aboard Four Winds, had a role to play.

However, their investigation soon centred on **Neill-Fraser**, who continued to spin a web of lies about her whereabouts on the night her long-time de facto Bob Chappell disappeared.

The head of Hobart CIB, Insp Peter Powell, said **Neill-Fraser's** deceit was her ultimate undoing.

“She told police lies and gave police information that was later proven to be untrue -- why would an innocent person do that?” he said.

“Although we still don't know the exact circumstances, all the circumstantial evidence always led us back to her as being the offender.”

After more than 40 years serving Tasmania Police, including 20 years as a detective, Insp Powell said he had never seen a murder mystery quite like this one.

It challenged investigators and led to Tasmania's first murder conviction without a body having been found.

“It was one of those cases of a lifetime from an investigative point of view,” Insp Powell said.

“Never before has there been a case where anyone has been convicted of murder where there hasn't been a body.”

He also defended the investigation, which the defence counsel labelled as appalling, amid claims that police failed to properly investigate the possibility of a different killer.

He said he never doubted detectives had done a thorough investigation, of which he was proud.

“We're very pleased with the outcome,” he said.

---

**18Oct2010 (Monday):**

**Sentencing Submissions**

18Oct2010:

-Mr Chappell's children had all chosen not to submit victim impact statements. HH was told that they wanted to preserve their privacy.

-Mr Ellis said that SNF could alleviate the suffering of Mr Chappell's children if she helped locate the body and that "*the prisoner has shown no remorse, she has not accepted responsibility...*" He also said that she should be held culpable for sabotaging the murder scene and

dumping her de facto Bob Chappell's body.

-Mr Gunson said that SNF had lived a law-abiding life, gaining qualifications from the British Horse Riding Society and raising two daughters. He said that "Until this time in her life, she lived a blight-free life," and that "*the prisoner maintains her innocence.*"

**22Oct2010 Letter from SNF, in Risdon:**

Susan Neill-Fraser  
Mary Hutchinson Womens Prison  
Risdon  
TAS 7015

22/10/2010

Dear Everyone,

What wonderful support you have given me; literally through 'thick and thin'. Don't really know how to thank you, except to say I am so very grateful. As you may imagine, I have had several 'down' days since the trial ended. Most of us doubted that there could actually be a conviction, due to the small matter of a total lack of evidence. Now, with the new and notorious 'label' of 'convicted killer', as trumpeted by that paragon of editorial integrity, the Mercury, I envisage a long struggle for justice, similar in some ways to the ordeal that Lindy Chamberlain was subjected to.

I am told this case was the first of its kind in Tasmania, based entirely on circumstantial evidence: no weapon, no motive and no body. The trial lasted four weeks with over fifty witnesses called by the DPP. On their own, it is unlikely that any of these witnesses would have influenced a verdict, and we chose not to call any as we would have immediately lost the right to final summation, which most barristers agree is a significant advantage. It became apparent however, during the third week, that our strategy allowed the Crown to take the high moral ground early on, and Tim Ellis, who I feel has missed his real calling as a brilliant Shakespearian actor, was able to perform a 'smoke and mirrors' trick, weaving a web of fantasy and convincing the jury that fiction was fact. I only wish he had been on my side and not that of the prosecution.

The jury were also overwhelmed by the sheer volume of information, masqueraded as evidence, with which they were confronted. I actually felt slightly sorry for them, in the end. Emerging twice from the jury room undecided, they asked questions which clearly indicated they did not understand the concept of 'links' in the 'chain of evidence', mainly because it did not in fact actually exist. Later, after fifteen hours of deliberating, they indicated that they were having difficulty reaching a

decision. Justice Blow directed them to go and talk among themselves to try and reach a unanimous verdict. Late on Friday night, in an exhausted condition, they returned a verdict of 'guilty of murder'.

The police immediately rubbed their collective claws together, congratulating themselves upon having achieved, in conjunction with the press and Tim Ellis, a verdict based on an effective character assassination of considerable proportions. A day later D. I. Peter Powell launched a vicious front page personal attack in the local press, and this, before the court process had finished. I tentatively touch my head every morning, fully expecting 'horns' to have erupted during the night!

Words cannot describe the horror of being accused, then wrongly convict of a crime which involves the suspected murder of someone close. Without the love and support of Emma and Sarah, my wonderful daughters, their husbands, Mark and Jeremy, my mother and brother, extended family and a determined group of friends and supporters, I would not have had the strength to continue. As it is I will fight on with renewed determination, through all legal channels available to me.

I am disappointed in the way justice has been dispensed and I believe the case should concern every thinking person in Australia. If this can happen to me, it can happen to anyone, and although I understand that I must physically accept the court's judgement, I shall continue to protest my innocence most vehemently. I loved Bob deeply and would never have harmed him. I now place my faith in the appeal process and can only pray that in the fullness of time I will be vindicated.

Sue Neill-Fraser

**27Oct2010 ():**

**Sentencing:**

27Oct2010:

-HH said in his sentencing remarks:

*“In my view that evidence establishes that Ms Neill- Fraser dumped the body in the (Derwent) river and that she made an attempt to sink the couple's yacht in order to get rid of evidence and divert suspicion from herself.*

*“I am satisfied beyond reasonable doubt that Ms Neill-Fraser attacked Mr Chappell on board their yacht, the Four Winds, which was at its mooring off Marieville Esplanade, Sandy Bay.*

*“Ms Neill-Fraser ... has no prior convictions. She apparently led a blameless life until she murdered Mr Chappell.*

*“Otherwise, there is almost nothing that counts in her favour for sentencing purposes. She did not plead guilty, she has shown no remorse, she has not said or done anything that would assist in the finding of the body.*

*“It was a deliberate killing for the purpose of some sort of personal gain.”*



**FAREWELL TO A GENTLEMAN**  
 PAGE 5

**GABLED GLORY**  
 PROPERTY INSIDE

**Cold, calculated murder**  
**26 YEARS**



**NABBED:** Rodney Gene Crosswell is arrested in Glenorchy in May after a big police manhunt. Picture: RICHARD JUPE

**Drive-by shooter's guilty plea**

**THIS** is the criminal who fired a double-barrelled shotgun at a police officer during a dramatic drive-by shooting.  
 Rodney Gene Crosswell, 27, of Kingston, yesterday pleaded guilty to firing the gun at the officer in the early morning of May 13 in Hobart's northern suburbs.

Crosswell sparked a major manhunt after shooting at policewoman Holly May Dillon on the Brooker Highway. He also pleaded guilty in the Hobart Supreme Court yesterday to a string of other offences.

REPORT: PAGE 2

**DANIELLE MCKAY**

FOR A YEAR AN APPARENTLY SILENT NEIL FRASER HAS BEEN SENTENCED TO 26 YEARS PRISON FOR THE CRUEL AND CALCULATING MURDER OF HER DE FACTO BOYFRIEND.

Neil Fraser, 56, was sentenced to 26 years in the Supreme Court in Hobart as Justice Alan Blow handed down a sentence that could imprison her until she is 81 years old.

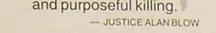
Justice Blow described Neil Fraser as a clever and cool-headed woman who concocted a plan "long ago" to kill her de facto for financial gain.

"This was not a killing that occurred because of a loss of self-control," he said.

"It was not a crime of passion. It was an intentional and purposeful killing."

However, Neil Fraser, 56, maintained her innocence through a statement which was read by her daughter Sarah Bowles after the sentencing.

"I loved Bob deeply and would never have harmed him," she wrote.



**ATTACK:** Susan Blyth Neil Fraser **VICTIM:** Bob Chappell

**It was an intentional and purposeful killing.**

— JUSTICE ALAN BLOW

"I must now place my fate in the fullness of time I will be vindicated."

Justice Blow said he was convinced beyond reasonable doubt that Neil Fraser killed Mr Chappell, 66, dumped his body and sabotaged their yacht in a bid to cover her tracks.

He said he believed she attacked Mr Chappell on board their yacht Four Winds on Australia Day 2009 in either the salon or the wheelchair "out of public view, when the couple were alone".

"Mr Chappell probably did not board the yacht, but I cannot rule out the possibility that the attack took him

Continued Page 2

THE VOICE OF TASMANIA  
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**ONLINE**

**BEST DRESSED**  
 See the latest formal dinner photos from Ogilvie and New Town high schools.

**SHAKE IT!**  
 Scientists study the physics of how our four-legged friends shake themselves dry. See the video.

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**IN THE MONEY**

**MONDAY AND WEDNESDAY LOTTO:** Wednesday draw 2977 7 29 19 15 39 and 41. Super 4, 4 and 12.  
**OZ LOTTO:** Draw 571 36 20 32 8 40 6 and 44.  
 (7) \$4 856 20 (4) \$20 828 20 (4) \$20 828 20 (4) \$20 828 20  
 (2) \$4 856 20 (4) \$20 828 20 (4) \$20 828 20 (4) \$20 828 20  
 \$13.05

**ROAD TOLL**

At October 27 Same period last year 24 55

**TALKING POINT**

Hobart's projected population explosion presents opportunities to shape our city for the future, writes Steve Watson. Page 18

**THAT'S LIFE**

A 10-year-old Chinese boy has survived falling 20 storeys from an apartment window and landing on a parked car. A doctor at the People's Hospital of Guizhou in southern China says the boy remains under close observation in hospital. The boy fell from the open apartment window and his fall shattered the car's back window.

**EDITORIAL**

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**Sentenced to 26 years**

From Page 1

deeply unconscious, and that drowning was the cause of death," Justice Blow said.

He said he was satisfied Neil Fraser used ropes and winches to lift Mr Chappell's body on to the deck and into the yacht's tender, where she weighted it with a fire extinguisher.

He believed she travelled some distance in the tender before dumping the body in the deep water of the River Derwent.

Justice Blow said the evidence suggested two possible motives, both involving financial gain.

● A desire to acquire Mr Chappell's share in Four Winds without having to borrow money.

● A desire to acquire Mr Chappell's assets that would pass to her upon his death in accordance with this will.

"It was a deliberate killing for the purpose of some sort of personal gain," he said.

"It warrants a heavier sentence than most murders."

The judge said the only factor in Neil Fraser's favour was a previously "blameless" life.

"She did not plead guilty," he said. "She has shown no remorse. She has not said or done anything that would assist in the finding of the body."

Justice Blow sentenced Neil Fraser to 26 years with 18 years non-parole, backdated to August 2009 when she was first incarcerated for the murder.

Prosecutor Peter Powell spoke the sentencing order and said: "We don't take any pleasure in that sort of sentence, our only reaction about the whole trial is that we're happy that a lot of hard work ended up with the right result," he said.



**HARD WORK VINDICATED:** Det-Insps Peter Powell

**'I LOVED BOB DEEPLY'**

A statement from Susan Blyth Neil Fraser:

Words cannot describe the horror of being accused then wrongly convicted of a crime which involves the murder of someone I loved.

I am disappointed in the way justice has been dispensed and believe this case should concern every Australian person.

If this can happen to me, it can happen to anyone. I thank my family and friends for their love and consistent support.

Although I understand that I must physically accept the court's judgment I shall never have harmed him.

I must now place my fate in the appeal process and I can only pray that in the fullness of time I will be vindicated.

**MAINTAINING INNOCENCE:** Sarah Bowles reads mother Susan Blyth Neil Fraser's letter outside court yesterday.

**Crim admits to shooting at cop**

DANIELLE MCKAY

A HOBART criminal has admitted firing at a policewoman during a highway drive-by shooting in the city's northern suburbs earlier this year.

Rodney Gene Crosswell, 27, of Kingston, yesterday pleaded guilty to a string of offences, including pointing and discharging a double-barrelled shotgun at the officer on May 13.

Crosswell had faced attempted murder charges in relation to the shooting, but they were downgraded in the Hobart Supreme Court yesterday.

He also pleaded guilty to armed robbery, aggravated assault and unlawfully destroying property, all of which



**GUILTY PLEA:** Rodney Gene Crosswell

burning the car that same morning. Crosswell stole a Holden Commodore sedan from Mornington, later setting it alight at Rosetta.

He admitted his involvement in a hold-up at a Claremont shop, armed with a 22 calibre sawn-off rifle, and stealing \$300.

The court heard he assaulted a woman at the shop by pushing her in the back with f-ing mess with me. Show me f-ing shoot youse."

He later lied to police by giving them a false alibi and during the crime wave.

Justice Helen Woods returned Crosswell in custody to reappear on November 3.

A woman who was allegedly involved in the drive-by shooting also appeared in the Supreme Court yesterday.

Sonya May Hopkinson, 42, of Brighton, has pleaded not guilty to being an accessory after the fact and will reappear on November 15.

Earlier this year, Crosswell was sentenced to 10 months jail for fleeing police in a dangerous driving rampage through Hobart's northern suburbs on May 15.

During the sentencing on August 13, Magistrate Michael Daly said Crosswell had not changed his ways.

"You are plainly not ready to change ... I think you're a person from whom society needs to be protected at this stage," Mr Daly said.

**Nuttall kickbacks guilt**

FORMER Queensland government minister Gordon Nuttall put his head in his hands and cried when a jury found him guilty of official corruption and perjury.

It's the second time Nuttall, 57, has been found guilty of receiving kickbacks taking secret commissions.

In the Brisbane District Court yesterday he slumped in his chair for more than a minute as the jury's verdicts were read out one by one, guilty on 10

counts of official corruption and guilty on five counts of perjury.

The jury took 15 hours to find Nuttall guilty of receiving about \$10,000 in kickbacks while he served as a minister for industrial relations and health for the Plumbers government.

Brookan Murrumbidgee bus in a man's hands between October 1988 and April

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27Oct2010:

-HH sentenced SNF to 26 years in prison, with effect from 20Aug2009, with a non-parole period of 18 years.

[HH's full sentencing remarks can be accessed here: <http://netk.net.au/Tasmania/SentencingRemarks.pdf>]

27Oct2010:

-Sarah Bowles, outside the court, read a statement prepared by her mother:

***I LOVED BOB DEEPLY***

*A statement from Susan Blyth Neill-Fraser:*

*“Words cannot describe the horror of being accused then wrongfully convicted of a crime which involves the murder of someone loved.*

*“I am disappointed in the way justice has been dispensed and I believe this case should concern every Australian person.*

*“If this can happen to me, it can happen to anyone.*

*“I thank my family and friends for their love and consistent support.*

*“Although I understand that I must physically accept the court's judgment I shall continue to protest my innocence most vehemently.*

*“I loved Bob deeply and would never have harmed him.*

*“I must now place my fate in the appeal process and I can only pray that in the fullness of time I will be vindicated.”*

Paul Wroe [ [He said he'd lived on his boat from 11th November 2007 until October 2010](#) ] was no longer living on the *Southern Wright*.

## 2011

**3Aug2011**, (Wednesday): *The Examiner* and *The Mercury* of this day reported that SNF would appear in the Court of Criminal Appeal on the Thur of the next week, 11Aug2011 to appeal against her conviction and her sentence. Her appeal would be made against her:

-Sentence: that her sentence of 26 years' jail with a non-parole period of 18 years was manifestly excessive.

-Conviction:

<p><i>The Examiner</i> 3Aug2011:</p> <p><i>-HH, Justice Alan blow failed to instruct the jury that it could not accept a hypothesis put forward by Director of Public Prosecutions Tim Ellis. Mr Ellis hypothesised that she used a wrench to kill Mr Chappell while wearing yellow rubber gloves that were found on the yacht's stove.</i></p> <p><i>-She is also appealing on the grounds that Justice Blow erred in his exercise of discretion when he refused her request to recall a 16-year-old homeless girl, whose DNA was found on</i></p>	<p><i>The Mercury</i> 3Aug2011:</p> <p><i>Lawyers for Neill-Fraser launched the appeal on the grounds the conviction was “unsafe and unsatisfactory”.</i></p> <p><i>They say Justice Blow erred in his jury directions by adopting the prosecution's hypothesis that Neill-Fraser killed Mr Chappell with a wrench on the boat.</i></p> <p>[The Mercury report does not mention the appeal ground that Justice Blow had erred when he refused SNF's request to recall a 16-year-old homeless girl, whose DNA was found on</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

*the deck of Four Winds, as a witness following evidence from a detective regarding matters not known to the defence relating to the girl's evidence.*

*the deck of Four Winds, as a witness following evidence from a detective regarding matters not known to the defence relating to the girl's evidence.]*

**11Aug2011:** An Appeal by SNF against her conviction and length of sentence was heard before Justices Shan Tennent, David Porter and Chief Justice Ewan Crawford in Hobart's *Court of Criminal Appeal*. The justices reserved their decision until a later date. [see: **6Mar2012**]

(from 2 sources: [see

(i) **CCA Decision/Reasons for Judgement**, the full decision of Crawford CJ, Tennent and Porter JJ at:

[<http://www.austlii.edu.au/au/cases/tas/TASCCA/2012/2.html> ] and

(ii) the document '*Notice of Application to Amend Notice of Appeal – 23June2011*' )

**11Aug2011: The Grounds for Appeal against conviction:**

*"Ground 1: A miscarriage of justice resulted from the prosecutor's failure to recall Meaghan Vass, and/or from the learned judge's refusal to recall Ms Vass or to direct that she be recalled, following disclosure, during the subsequent evidence of Detective Sinnitt, of matters concerning the whereabouts of Ms Vass on 26 January 2009, which matters had not been disclosed to the appellant until after Ms Vass gave evidence."*

[-Ground 2 was abandoned. The following text is contained in an earlier variant of the Grounds for Appeal. It should be noted (see the references to 'Dr Chappell' throughout the following 23Jun2011 document), that apparently, by the time of the actual 1<sup>st</sup> Appeal hearing, such references were later amended to read 'Mr Chappell':

*NOTICE OF APPLICATION TO AMEND NOTICE OF APPEAL*

*Date of Document: 23 June 2011*

*Filed on behalf of: The Appellant*

*Prepared by: [...]*

*Ground 2:*

*A miscarriage of justice resulted from:*

*a) cross-examination of the appellant which suggested that, after the disappearance of Dr Chappell, in order to provide corroboration for her claim of an earlier break-in on the yacht, the appellant made a false diary entry purportedly on 10 January 2009 (T 1307-1309) – in circumstances where the prosecution was in possession of a statement of Constable Tony Fox (dated 4 March 2009) containing the opinion that there was “no indication of the writing on the questioned document being completed on a different date”; and*

*b) the failure of either the prosecutor or defence counsel to bring to the attention of the judge and the jury the existence of*

*Constable Fox's opinion.]*

*-"Ground 3: The learned trial judge erred:*

- a) in failing to direct that, in so far as the prosecutor suggested, in cross-examination of the appellant and/or in his final address, that the appellant sought to lay a false trail to divert police by making the diary entry purportedly of 10 January 2009 after the disappearance of Mr Chappell and by deliberately touching the winches on the yacht so as to make 'sure her mark was on [them]' despite being told not to do so by police, those suggestions should be ignored; or*
- b) in failing to give directions in accordance with Edwards v The Queen [1993] HCA 63; (1993) 178 CLR 193 or Zoneff v The Queen (2000) 200 CLR 234 in respect of the foregoing suggestions."*

*-"Ground 4: The learned trial judge erred:*

- a) in leaving manslaughter and the heads of murder not involving an intention to cause death given that this was a 'murder-or-nothing' case; or*
- b) in directing, in answer to the jury's question on the difference between murder without an intention to cause death and manslaughter, that 'likely means something could well happen'."*

*-"Ground 5: The learned trial judge erred:*

- a) in failing to instruct the jury that they could not accept the hypotheses, raised by the prosecutor in cross-examination of the appellant and in his final address, to the effect that the appellant had used a wrench to kill Mr Chappell and that she had employed yellow rubber gloves found in the galley of the yacht; and*
- b) in re-directing, in answer to the jury's question on the difference between murder without an intention to cause death and manslaughter, by reference to the example of 'hitting a man on the head with a wrench' as those hypotheses amounted to speculation because there was no evidence that Mr Chappell was struck by a wrench and the evidence showed that the DNA of Timothy Chappell, not that of the appellant, was found on the gloves."*

*-"Ground 6: The learned trial judge erred in his directions on circumstantial evidence:*

- a) by directing to the effect that the facts and circumstances from which the conclusion of guilt is drawn need only be 'established to the satisfaction of the jury'; and*
- b) by failing to direct that the jury could not return a verdict of guilty unless (i) they were satisfied beyond reasonable doubt of the facts essential to their reasoning towards proof of each element of the offence and (ii) they rejected beyond reasonable doubt the appellant's evidence of denying guilt."*

*-"Ground 7: The learned judge erred in failing to direct the jury that, before they could use evidence of motive to kill in proof of intentional murder, they must be satisfied beyond reasonable doubt that the appellant had a motive to kill Mr Chappell."*

*-"Ground 8: The learned trial judge erred in admitting the evidence of Phillip Triffett to the effect that, in the 1990s, the appellant*

*had voiced to him a plan to kill her brother, and then transferred that plan to Mr Chappell, in a manner similar to that which, the prosecution alleged, actually occurred in respect of Mr Chappell in 2009."*

[-Ground 9 was abandoned. **The following text is contained in the earlier variant of the Grounds for Appeal.:**

*NOTICE OF APPLICATION TO AMEND NOTICE OF APPEAL*

*Date of Document: 23 June 2011*

*Filed on behalf of: The Appellant*

*Prepared by: [...]*

*Ground 9: A miscarriage of justice resulted from the failure of defence counsel to adduce evidence that the appellant had no prior convictions and was of good character (T 1565) and to seek a direction on good character.]*

[-Ground 10 was not considered. **The following text is contained in the earlier variant of the Grounds for Appeal.:**

*NOTICE OF APPLICATION TO AMEND NOTICE OF APPEAL*

*Date of Document: 23 June 2011*

*Filed on behalf of: The Appellant*

*Prepared by: [...]*

*Ground 10: An aggregate of the errors or defects identified in other grounds of appeal caused the trial to miscarry.*

**According to the CCA decision, there was** “...no need to consider the final ground of the appeal, [...], because its success depends on more than one of the other grounds succeeding.”]

### **Sentence Appeal [Grounds for Appeal against sentence]**

**6Mar2012: CCA Decision/Reasons for Judgement.**

-Ground 1: was that of “*manifest excessiveness*”

-Ground 2: [**appears to be**] that the judge erred by taking into account as an aggravating factor the inconvenience and expense of a very time-consuming investigation of the appellant's crime that was made necessary by the appellant's post-crime conduct.

23Nov2011: as per '*Notice of Application to Amend Notice of Appeal*'

*Ground 1: The head sentence and the non-parole period are manifestly excessive, particularly in view of the circumstances of the offence, appellant's age and her previous good character.*

*Ground 2: The learned judge erred in taking into account as an aggravating factor “the inconvenience and expense of the investigation that [the appellant] made necessary” by disposing of the body (T 1565).*

**[SEE further at relevant dates: Blow J, at trial (30Sept2010), Grounds of Appeal (11Aug2011), Crawford CJ, appeal decision (6Mar2012), Crennan J and French CJ, at application seeking leave to appeal to High Court (7Sept2012) and Coroner Hay, Record of Investigation Into Death (Without Inquest) 17Jan2014]**

### **12Aug2011: Media Reports**

In front of a public gallery that was packed with Neill-Fraser's supporters, Mr Croucher argued that his client's principal defence was that *“she had nothing to do with it, it must have been someone else”*.

12Aug2011: *The Advocate* reported:

*[...] In the Court of Criminal Appeal in Hobart yesterday, Neill- Fraser's barrister, Michael Croucher, argued that during the trial the prosecution should have recalled a homeless girl whose DNA was found on the yacht.*

*The girl, now 16, who cannot be named for legal reasons, gave evidence at the trial that she had never come into contact with the yacht.*

*It was later revealed the girl had given inconsistent statements to police regarding her whereabouts on the night of Australia Day. Mr Croucher told the court, *“the miscarriage of justice is manifest in this conviction and should fall”*.*

*Justices Shan Tennent, David Porter and Chief Justice Ewan Crawford reserved their decision until a later date.*

12Aug2011: *The Mercury* reported:

*TASMANIA'S Director of Public Prosecutions has admitted that he made a mistake suggesting a Hobart woman murdered her husband using a wrench while wearing rubber gloves but he told the Supreme Court in Hobart the error was not grounds for an appeal.*

*Susan Blyth Neill-Fraser, 57, is appealing against her conviction and sentence for murdering her partner of 18 years, radiation physicist Bob Chappell, who was last seen on board the couple's yacht Four Winds on Australia Day, 2009. His body was never found.*

*In October, a jury found her guilty and Justice Alan Blow sentenced her to 26 years' jail with a non-parole period of 18 years.*

*In the Supreme Court in Hobart yesterday, Neill- Fraser's barrister, Michael Croucher, argued the judge should have directed the jury not to accept the prosecution's theory that she used a wrench to kill Mr Chappell while wearing yellow rubber gloves found on board the boat.*

*Director of Public Prosecutions Tim Ellis, SC, admitted he made a mistake because DNA found on the gloves actually belonged to her son who visited the yacht after Mr Chappell's disappearance and wore the gloves at the request of the police.*

*But he said it was a *“throwaway line”* among a volume of evidence against Neill- Fraser.*

*Neill-Fraser took notes during the hearing, shaking her head often during Mr Ellis's submission and shared brief smiles with her two daughters sitting in the front row of the packed gallery.*

*The defence also argued that a homeless teenager, who can't be named for legal reasons, should have been recalled to the witness*

*stand after subsequent evidence revealed she had lied about her whereabouts around the time of Mr Chappell's disappearance.*  
*"This is a homeless girl who we don't know, may not be responsible but she may know something about it, she may be connected to people who know," Mr Croucher said.*  
*Mr Ellis said it would have been unfair to subject the girl, who was 15 at the time to more aggressive questioning and the witness could have been recalled by the defence.*  
*Justices Shan Tennent, David Porter and Chief Justice Ewan Crawford reserved their decision until a later date.*

12Aug2011: *The Australian/Mercury* reported:

*CONVICTED killer Susan Blyth Neill-Fraser should be acquitted because a homeless teen whose DNA was found at the murder scene was not properly examined, a Full Court appeal has heard.*  
*During a lengthy hearing in Hobart's Supreme Court yesterday, Neill-Fraser's new counsel, Melbourne barrister Michael Croucher, claimed his client was the victim of a manifest miscarriage of justice.*  
*Mr Croucher said the prosecution and trial judge's refusal to allow the re-examination of the 16-year-old homeless girl denied the potential discovery of another suspect and new evidence.*  
*It was one of eight grounds of appeal against the 57-year-old's conviction and two against her 26-year prison sentence for the murder of her partner Bob Chappell aboard their yacht Four Winds on Australia Day 2009.*  
*His body has never been found. The sabotaged yacht was partially submerged but still on its mooring at Sandy Bay the following day.*  
*Despite the unanimous conviction following a four-week trial last year, Neill-Fraser has maintained her innocence.*  
*In front of a public gallery that was packed with Neill-Fraser's supporters, Mr Croucher argued that his client's principal defence was that *"she had nothing to do with it, it must have been someone else"*.*  
*The girl, who cannot be named for legal reasons, gave evidence at the trial that she had never come into contact with the yacht.*  
*It was later revealed the girl had given inconsistent statements to police regarding her whereabouts on the night of Australia Day.*  
*Mr Croucher said Director of Public Prosecutions Tim Ellis SC had an obligation to recall the girl during the trial.*  
**"Here is someone who has DNA on the boat, who has lied about her movements on the night and who has lied to the court about her whereabouts that night," Mr Croucher told the court.**  
**"All that is very suspicious behaviour.**  
**"The appellant's [Neill-Fraser's defence is that she had nothing to do with the disappearance of her husband . . . this was compelling evidence that pointed towards another suspect.**  
**"Who knows what she [the girl] would have said."**  
*As a result of the failure to allow the re-examination of the teen, who Mr Croucher claimed had lied about her whereabouts, Neill-Fraser had been denied the chance to explore alternative suspects and evidence.*  
**"The miscarriage of justice is manifest and this conviction should fall," he said.**  
*Mr Ellis said the vulnerable homeless teenager had been subjected to an aggressive, nasty and badgering examination at the hands of former defence counsel David Gunson SC.*  
*Mr Ellis said there was no need to put the girl through the ordeal again because her whereabouts was a peripheral point and she had*

*no more to add to the trial.*

*“There is no basis to suggest that it links her in any way that any sensible jury would accept to the murder;” he said.*

*Mr Croucher also argued that trial judge Justice Alan Blow made several errors in his instructions to jurors and led them “on the wrong path”.*

*He also said evidence presented by a witness who detailed that Neill-Fraser had previously plotted to kill her brother and Mr Chappell was “rank” and “bad” character assassination and should not have been submitted.*

*The court also heard an appeal against Neill-Fraser's sentence, which has a non-parole period of 18 years and is backdated to August 2009 when she was first incarcerated.*

*Mr Ellis said it was “a big sentence, but it's for a bad murder”.*

*He said Neill-Fraser had shown no remorse and lacked any mitigating factors.*

*During sentencing in October last year Justice Blow described Neill-Fraser as a clever and cool-headed woman who concocted a plan “long ago” to kill her de facto partner of 18 years for financial gain.*

*Chief Justice Ewan Crawford, Justice Shan Tennent and Justice David Porter yesterday reserved their decision.*

**...Nov2011: Petition to Attorney General, Tasmania:**

***The Tasmanian Attorney General***

*"We the undersigned wish to express our concern regarding the circumstances of Robert Adrian Chappells' disappearance on 26th Jan 2009, the subsequent investigation, trial and conviction of his partner of 20 years. We believe the verdict may have been unjust and ask that Susan Neill-Fraser be granted a retrial."*

## **2012**

**[It was possibly in 2012 that Barbara Etter (of BEtter Consulting) first began acting on SN-F's behalf]:**

**At some stage** after Sue Neill-Fraser's conviction, Barbara Etter contacted Mr Catchpool. He signed a statement.

He gave this information to the police and prior to the trial contacted David Gunson [SN-F's legal team] by phone, giving him the same information [as mentioned above]. The only feedback/contact he had from anyone was from Barbara Etter, to whom he gave a statement. He guessed it was after SN-F was convicted.

**Barbara Etter obtained a number of tapes and documents under RTI.**

The tapes that came from the listening devices that were planted into Sue's home (3Mar2009) were released to the defence team. The tapes were found to be edited, that is, prior to being given to the defence as a sample of evidence. Barbara Etter had queries as to what could have been edited out.

The “assessment and review” of the police investigation (13Aug2009) was supplied to Barbara Etter under RTI. It dealt with the issues

raised in a written complaint made by SNF to the Commissioner of Police (30Jul2009). The document also contained a recommendation that the Acting Commissioner of Police note the content of the Briefing Note and the attached final investigation report (19Jun2009) which had previously been forwarded to the DPP on 30Jun2009.

### ??Feb2012:

**Barbara Etter**, Sue Neill-Fraser's lawyer, wrote to the Commissioner of Police in February 2012 requesting that statements be taken from Ms Vass and the two homeless men spoken to by police on the Marieville Esplanade foreshore (27Jan2009). Statements had not previously been obtained from these persons. These interviews led to another man being brought in by police for interview. [see 'homeless girl's statement details at 23Mar2012 entry]

### 6Mar2012: Appeal against conviction dismissed – CCA Decision/Reasons for Judgement.

The Court of Criminal Appeal handed down its decision, dismissing the appeal against conviction but allowing the appeal against sentence which was quashed and in lieu Ms Neill-Fraser was sentenced to imprisonment for 23 years from 20 August 2009 and that she not be eligible for parole until she has served 13 years of the imprisonment. There were a number of Grounds of Appeal and none of them were successful. [see the full decision of Crawford CJ, Tennent and Porter JJ at: [<http://www.austlii.edu.au/au/cases/tas/TASCCA/2012/2.html> ]

6Mar2012: Crawford CJ dismissed the appeal Grounds 1, 3, 4, 5, 6, 7 and 8. He noted that Grounds 2 and 9 had been abandoned and that Ground 10, because its success had depended on more than one of the other Grounds succeeding, did not need examination.

6Mar2012:

Concerning Ground 1 of the Appeal against conviction, which was:

*"Ground 1: A miscarriage of justice resulted from the prosecutor's failure to recall Meaghan Vass, and/or from the learned judge's refusal to recall Ms Vass or to direct that she be recalled, following disclosure, during the subsequent evidence of Detective Sinnitt, of matters concerning the whereabouts of Ms Vass on 26 January 2009, which matters had not been disclosed to the appellant until after Ms Vass gave evidence."*

Chief Justice Crawford gave as reasons, that:

- *"a trial judge cannot direct a prosecutor to call a particular witness, and the same rule must apply concerning a witness who has given evidence, been relieved from the need to attend further and left the court"*.
- Concerning the power of a trial judge to call a person to give evidence, the High Court concluded at 575, 576 that, save in the most exceptional cases, a judge should not do so.
- **It was not submitted for the appellant that the trial judge should have done so.**
- the Appeal Court was not persuaded that a miscarriage of justice had occurred when Ms Vass was not recalled for further cross-examination.
- the CCA was not persuaded that an MoJ had occurred: the objective consequences of not recalling Vass were not demonstrated as having affected the course and outcome of the trial such as to indicate that the verdict was unsafe or unsatisfactory.
- Counsel for the appellant had submitted that the presence DNA on the yacht which matched Vass's raised two possibilities – that Vass

was on the yacht at or about the time of the death of the deceased [...] or that she was responsible for, or a party to, a break-in on the yacht on 10 January 2009, which the appellant claimed had taken place. However, beyond asking her “*Are you quite sure you've never been on board this boat?*” Counsel for the appellant, when he had the opportunity, had not asked her any questions that directly related to those two possibilities.

- Therefore “[...] *the request by the appellant's counsel to have her recalled so that he could cross-examine her further, consequent upon the receipt of the information from Detective Senior Constable Sinnitt, could only have been made for the purpose of attacking her credit, or demonstrating to the jury that she had no real memory of where she was at the relevant time.*”
- Further, “*That she may have been residing at the New Town address on 26 January, and that she had expressed an intention to stay the night with someone at an address at Mount Nelson that may not have existed, had no direct relevance to whether she was on the yacht on 10 or 26 January.*”
- But “*whether she might have given answers that would have significantly assisted the defence case is entirely speculative. His Honour has not been shown to have erred when he concluded that the prospect of Ms Vass giving significant evidence if recalled was slight, and that there was no realistic prospect of further evidence from her making any significant difference.*”
- The appellant “*has failed to establish that there is a significant possibility, one greater than a merely speculative one, that the jury would have acquitted her [SNF] if Ms Vass had been recalled.*”
- Therefore “*It cannot be concluded that the verdict was unsafe or unsatisfactory, or that a miscarriage of justice resulted.*”

[for the reasons re: the other Grounds of Appeal against conviction, see full decision at: <http://www.austlii.edu.au/au/cases/tas/TASCCA/2012/2.html>]

6Mar2012: Tennent J agreed with Crawford CJ: “*I have had the benefit of reading the reasons of the Chief Justice in this matter. I agree with his reasons both as to the appeal against conviction and that relating to sentence. I would also dismiss the appeal against conviction.*”

6Mar2012: Porter J substantially agreed with Crawford CJ: “*I have had the benefit of reading the draft reasons for judgment prepared by Crawford CJ. I am substantially in agreement with those reasons and I would also dismiss the appeal against conviction. However, I wish to make some additional comments about an aspect of ground 6, which to a much lesser extent, also arises in relation to ground 7.*”

6Mar2012: **Concerning The Grounds for Appeal against sentence:**

-Ground 1: was that of “*manifest excessiveness*”

-Ground 2: [**appears to be**] that the judge erred by taking into account as an aggravating factor the inconvenience and expense of a very time-consuming investigation of the appellant's crime that was made necessary by the appellant's post-crime conduct.

Crawford CJ: accepted Ground 2, found it unnecessary to examine *Ground 1*, re-sentenced SNF from 26/18yrs to 23/13yrs.

Tennent J: “*As to the appeal against sentence, I agree with the orders proposed.*”

Porter J: Agreed with Crawford CJ re *Ground 2*, was “*content to join in the making of the orders of re-sentence [...as...] proposed.*”

[**SEE further at relevant dates:** *Blow J, at trial (30Sept2010)*, *Grounds of Appeal (11Aug2011)*, *Crawford CJ, appeal decision (6Mar2012)*, *Crennan J and French CJ, at application seeking leave to appeal to High Court (7Sept2012)* and *Coroner Hay, Record of Investigation Into Death (Without Inquest) 17Jan2014*]

6Mar2012: **Crawford CJ, at appeal:**

*On the day after Ms Vass gave evidence, defence counsel applied to have her recalled as a witness. Since she had given evidence, counsel had received information that Detective Sinnitt had been informed by a member of staff at a women's shelter in New Town that Ms Vass was listed as a person who would be staying there on the evening of 26 January 2009, but she had told the staff that she wanted to sleep over at Unit 8 at an address she gave at Mount Nelson. The information was that she left the New Town shelter at 3.50pm with an arrangement that she would telephone later with the telephone number of the person with whom she would be staying at Mount Nelson, but she failed to do so. Although Detective Sinnitt was able to give that evidence, the judge ruled that it was inadmissible hearsay, a ruling that is not challenged.*

8Mar2012:

Stephen Gleeson was interviewed (with video) by Detectives [Inspector] Powell and Reardon. At this interview, DI Powell said to Gleeson: *“Stephen, as I explained to you before we came into the room, we’re just doing some follow-up inquiries in relation to the murder investigation in relation to Robert Chappell who went missing from Marieville Esplanade back in 2009, and there’s really just some questions I’d like to ask you to clarify a couple of matters.”*

DI Powell had then asked him:

*“At the time you told detectives you were drunk and slept in your car, I guess if you’d seen anything that night you would have told them at the time?”*

To which Gleeson replied to Powell:

*“Yes.”*

During the interview, Powell/Pearson apparently/allegedly brought up an old crime [the false suggestion being that Gleeson had committed it – a case of wrongful identification in a *“recently...compensated for”* rape case some 26 years previously: and...

*“... at the same time this is going on this detective suggested that I was parked and living in a kids’ skate park, right; which it’s definitely not.*

[Asked five and a half years later in court by Daryl Coates 30Oct2017, Gleeson was challenged regarding his saying on 27Jan2009 and 30Jan 2009, 8/9Mar2012 & in an affidavit made to Barbara Etter in 2016 that he was drunk and asleep at the time of 26Jan2009, remembering nothing, and had not brought up Yaxley as being in his car on 26Jan2009, but now had said in 2017 about the matter that he hadn’t remember it, didn’t think of it and was in that 2012 interview, intimidated by Powell’s approach. Gleeson said that in 2009 or so, he was *“beautifying the area there”* and some young boys [teens: 14-15-16 year olds] helped him out *“in the gardens”* [at Short Beach, presumably.] He thanked them for it – they asked if he could buy alcohol for them. He declined, but took them to MacDonaldis for a milkshake. Gleeson said that he took that matter being raised as:

*“But, he was basically working along the line that I was some sort of paedophile living in a car preying on young kids...”*

At which point (Gleeson to Coates in court claimed) that he ‘switched off’ and repeated the ‘drunk-asleep-and don’t remember’ line, in order to get out of the interview.

*“Were you meaning to lie to them at the time?”*

Gleeson replied,

*.....That detective basically threatened me. You’d need to watch the video of it and it’ll clearly show that it was corrupt and designed to stop me from telling the Court what I’m telling them now.”*

Powell:

*“Okay. Well – so you’re saying in 2012, you got threatened?”*

Gleeson:

*“.....Yes I’d call the interview a threat.”* [References to 8Mar2012 videoed interview. Gleeson said in the 2012 interview that Yaxley hadn’t been there at his car that [26Jan2009] night, but told the 2017 court that he had said so because of Powell’s intimidation. Gleeson told them he couldn’t remember anything more in order to be able “to get out of that [interview] office and away from him.

*“This detective thats done the job on Sue – Fraser and has attempted to do one on me”.*

**23Mar2012:** a typed statement was taken by Tasmania Police from Vass, the homeless girl, who stated:

- She had never been to Sandy Bay;
- She had never been on any yacht in her life;
- She never went onto the Four Winds;
- She had no idea how her DNA came to be on the boat;
- She did not recall having any property stolen or removed that may have had contact with the boat; and
- She had not been at the waterfront at any time that she could remember.

[the above from my notes of B. Etter’s website? See below (from Peter Lozo, *Tasmanian Times* #249 – [http://oldtt.pixelkey.biz/index.php/weblog/comments/sue-neill-fraser-two-views-of-her-guilt/?fbclid=IwAR084otDJxb1ADGqsA3Pvb7MOXFTC-rpvun\\_kHu8BuZzMI4ecc0SKPMgcRE](http://oldtt.pixelkey.biz/index.php/weblog/comments/sue-neill-fraser-two-views-of-her-guilt/?fbclid=IwAR084otDJxb1ADGqsA3Pvb7MOXFTC-rpvun_kHu8BuZzMI4ecc0SKPMgcRE)]

*“In addition to this, on 23 March 2012 a typed statement was actually taken by Tasmania Police from the homeless girl, after Sue Neill-Fraser’s lawyer wrote to the Commissioner of Police in February 2012 requesting that statements be taken from Ms Vass and the two homeless men spoken to by police on the Marievillle Esplanade foreshore on 27 January 2009 from whom statements had never been taken. These interviews led to another man being pulled in by police for interview.*

*In her 2012 statement, only provided to the legal team in 2014, after several requests for access, Ms Vass stated:”*

- . **She had never been to Sandy Bay;**
- . **She had never been on any yacht in her life;**
- . **She never went onto the Four Winds;**
- . **She had no idea how her DNA came to be on the boat;**
- . **She did not recall having any property stolen or removed that may have had contact with the boat;**
- . **She had not been at the waterfront at any time that she could remember.**

This is the link to the relevant section of Barbara Etter’s website <http://www.betterconsult.com.au/blog/suggestions-from-tasmania-police-about-the-vass-dna/>) [B.Etter’s website is now inactive – 21Aug2019]

## HIGH COURT APPEAL

**3April2012:** Neill-Fraser's new legal team lodged an application for special leave to appeal to the High Court.

### Further RTI matters:

**11Apr2012:** a Police Witness Summaries document was acquired on this date, following an RTI request [by Barbara Etter]. Police Constable Peter Leggett, looking at the period after Australia Day, had located a report of a stolen tender dinghy from the RYCT between 6 and 13 February 2009. The dinghy was one of many stored in dinghy racks at the Club and was a white hulled fibreglass clinker with a blue interior.

Another item obtained by Barbara Etter in 2012, under RTI legislation, was *Duty Allocation Sheet 45*. It was regarding the evidence of a female witness who saw a woman with “*dark hair*” getting a coke from a drinks machine at the RYCT (on either the 26 or 27 January 2009) and then walk back towards the marina. The woman was estimated to be in her 30's, with “*shoulder length straight black hair*.”

[Apparently there was no follow-up on this report. It is of interest because:

1. When SNF left the FW during the afternoon of 26Jan2009, because of the wind she went to the RYCT and tied the dinghy to a ladder on the Rowing Club side or the marina. There were other people about and other boats tied up at the marina. There was a guy on a slipway walking across, people wandering around and a girl with dark hair standing on the walkway.
2. A long colourless hair was found on the deck of the yacht which was identified as belonging to a female. This unidentified female was nominated '*Person D*'. Person D has not been matched to anybody at this stage.]
3. An “*apparent hair*” was found near the removable step, in blood from Robert Chappell. [The Coroner's Report noted that the apparent hair was not tested.
4. A '*long, dark, hair*', which was not tested, was found on the outside of the red jacket, which was found on a fence over the road from the beach and rowing club area. Some other hairs – possibly animal – which were also found on the jacket, were not tested. The major DNA profile on the jacket was SNF's, and Tim Chappell and Bob Chappell were not excluded as possible contributors to the entire mixed profile on the jacket.]

**25Jun2012:** Barbara Etter applied to Tasmania Police under RTI legislation for various items, including: Copies of all records kept detailing relevant phone calls to police relating to the matter.

25July2012: Barbara Etter was advised by Tasmania Police that “*There is no information responsive to this part of your application.*”

25July2012: The Tasmania Police RTI response (of this date) confirmed that the mobile phone left with Bob Chappell was removed from the scene but the location where it was found was not recorded.

**8Aug2012:** Barbara Etter was very surprised by this [*'no information responsive...'* (25July2012)] response so she then wrote to the Commissioner of Police on 8Aug2012 and asked for an internal review of that issue.

**20Aug2012:** Barbara Etter requested under RTI: copies of any written directions given by the Inspector or more senior personnel during the course of the investigation.

**23Aug2012:** Barbara Etter received a response which stated: *“No specific records were maintained of incoming phone calls to the investigation. The practice is for the details of any phone calls to be entered on the PIL [Police Investigation Log] and follow up investigations as required. There are no records relevant to this request other than the PIL.”*

**Aug-Sept2012:** An incident occurred in a **Hobart** hotel bar. Mr X, a former police informant, was in a hotel bar. The males in the bar were Gleeson and Rowe, two of the homeless men who lived on, or frequented the Marieville Esplanade foreshore at the time of Bob Chappell's death. They were drugged up and drunk and *“there was a dark haired female with tattoos with them. This female went from bloke to bloke. She was in her late 30's, long dark hair, good looking, and had big teeth.”* [see also 2<sup>nd</sup> hotel 'incident': 9Mar2013]

One person of interest was reported threatening someone else and said *'I did the bloke on the yacht for cash, but I'll do you for free'*.

Mr X was informed some two weeks later that this woman had breached a parole condition and had gone back to prison.

**5Sept2012:** Barbara Etter emailed the CEO of Crime Stoppers and asked: *“If someone rings in about a current crime operation, how is the information recorded, collated and then forwarded to police? Does Crime Stoppers retain a copy of such records?”* [see reply at 11Sept2012]

## **HIGH COURT**

**Application for leave to appeal to the High Court.** [transcript: <http://netk.net.au/Tasmania/Neill-Fraser12.pdf>]

### **BACKGROUND:**

**Justice Blow at trial (30Sept2010 – transcript here ... <https://tinyurl.com/ydhvnr2e>):**

*“But the question of just where Meaghan Vass was and what she did on the night of the 26th of January seems to be peripheral when her version of events is unshakeably, or apparently unshakeably, that she did not go onto the Four Winds, that she didn't go to the slip yard at Goodwood and that she didn't go to Constitution Dock at or about the time that the boat was there. In my view the prospect of Meaghan Vass giving significant evidence if we called is so slight as not to warrant the time taken to recall her. Having regard to how significant her evidence might be and how likely it is that she might say something of any relevance at all*

*I think we'd be wasting time and that there's no realistic prospect of it making any significant difference if she were recalled. So I won't ask the prosecutor to recall her and I won't take steps to order her recall, and the same goes for Mr Grosser."*

**6Mar2012: Crawford CJ, at appeal (transcript here ... <https://tinyurl.com/ycwocxgv>):**

*On the day after Ms Vass gave evidence, defence counsel applied to have her recalled as a witness. Since she had given evidence, counsel had received information that Detective Sinnitt had been informed by a member of staff at a women's shelter in New Town that Ms Vass was listed as a person who would be staying there on the evening of 26 January 2009, but she had told the staff that she wanted to sleep over at Unit 8 at an address she gave at Mount Nelson. The information was that she left the New Town shelter at 3.50pm with an arrangement that she would telephone later with the telephone number of the person with whom she would be staying at Mount Nelson, but she failed to do so. Although Detective Sinnitt was able to give that evidence, the judge ruled that it was inadmissible hearsay, a ruling that is not challenged.*

**7Sept2012 11:47 a.m:** The application for special leave to appeal to the High Court proceeded via videolink between Canberra and Hobart, on that Friday morning, at 11:47 a.m. The judges sitting in Canberra were French CJ and Crennan J. Mr Croucher and Ms Cuthbertson appeared on behalf of the applicant (SNF) and Mr Ellis and Mr Shapiro appeared for the respondent [the State of Tasmania].

Mr Croucher told the court:

*"the special leave questions in this matter concern the appropriate tests to be applied by a trial judge upon considering an application that a witness be recalled and, in turn, how a Court of Criminal Appeal deals with a refusal thereof."*

**French CJ mis-understood the order of the witnesses at trial, [stated in 'Ground 1']:**

CRENNAN J: *What was the expert evidence about the DNA?*

MR CROUCHER: *The expert evidence was that it could have got there by either transference or, of course, by the usual way, the more probable way. Now, of course, the expert said I cannot assign probabilities to these things, but again having regard to the burden of standard of proof even on that evidence, which it was a bit surprising given the way DNA is usually relied on by the prosecution, there is still the hypothesis consistent with innocence that it was deposited there by the girl's presence.*

FRENCH CJ: *Now, that was all evidence given before she was called. [!!!]*

MR CROUCHER: *No. The DNA evidence was given after she was called. But the importance was that, of course, the witness who had declined to make a written statement to the police and declined to be interviewed was called cold on a Basha inquiry in order to see what she had*

*to say and then gave evidence. The essence of her evidence was: no, I have never been on that yacht, nor have I been in these areas where the yacht might have been around that time or subsequently. She also gave two different versions of her address at that time. To be fair to her, she also said, “Look, you know, I was homeless and I’m not quite sure” [...]*

[in my opinion, French CJ then wandered aimlessly – actually, perhaps that is not correct - in his various subsequent questions, and did not allow Mr Croucher to develop his case. Instead, Mr Croucher seemed to be peppered with questions which took the exchange well away from the fact that during SNF's trial, defence counsel had not known until **after** Meaghan Vass had given her 'I don't remember' evidence, that on the day/night in question, she had not been at the refuge, not had she been at the 'sleepover' address (it wasn't discovered until after she'd given her evidence that the address didn't exist) and that she had been out of contact for several days after she had signed out to go for the 'sleepover', not telephoning in as she'd said she would.]

...and Mr Croucher quoted Justice Hunt in *Fleming*:

*“Just as, in a civil case, a judge should always exercise his discretion to grant an amendment – no matter how negligent or careless the party had been who seeks it – unless there is created prejudice which cannot be cured by an order for costs ..., so, generally speaking, should a judge always accede to a request to have a witness recalled for cross-examination upon a point of substance which has been overlooked – however incompetently – unless real and incurable prejudice is created for the party calling the witness. The attitude should be the same where something arises for the first time at a stage of the trial after the witness has given evidence”.*

and Mr Croucher submitted that the CCA (and the trial judge) had applied the wrong tests, to wit at para 97:

*Whatever was intended by the appellant's counsel, it is clear that the ground of appeal cannot succeed unless the appellant is able to persuade the Court that a miscarriage of justice occurred because Ms Vass was not recalled for further cross-examination. It is a miscarriage of justice that is asserted by the ground. In R v Apostilides at 575, the High Court held that a decision by a prosecutor not to call a particular person as a witness will only constitute a ground for setting aside a conviction if, when viewed against the conduct of the trial taken as a whole, it is seen to give rise to a miscarriage of justice. At 577 – 578, the court said that the central question becomes whether in all the circumstances, the verdict is unsafe or unsatisfactory. Therefore, it becomes necessary to focus on the objective consequences that the failure to call the witness, or in this case the failure to recall the witness, has had on the course of the trial and its outcome. Walsh v State of Western Australia [2011] WASCA 119 at par[69].*

and at para 102:

*The appellant has failed to establish that there is a significant possibility, one greater than a merely speculative one, that*

*the jury would have acquitted her if Ms Vass had been recalled. It cannot be concluded that the verdict was unsafe or unsatisfactory, or that a miscarriage of justice resulted.*

Mr Croucher seems to have suggested that the wrongly applied tests were that:

1. *R v Apostilides* was applied (that a decision by a prosecutor not to call a particular person as a witness will only constitute a ground for setting aside a conviction if, when viewed against the conduct of the trial taken as a whole, it is seen to give rise to a miscarriage of justice.) [Croucher's point in essence appears to be that Mr Ellis's refusal to recall Meaghan Vass should not have been decided by a test (i.e. *R v Apostilides*) ... a test that was crafted to deal with a witness not having been called at all, rather than a witness who was being recalled to clarify inconsistencies between hers and other subsequent evidence]

and that:

2. *the appellant needed to establish that there [was] a significant possibility, one greater than a merely speculative one, that the jury would have acquitted her if Ms Vass had been recalled. It cannot be concluded that the verdict was unsafe or unsatisfactory, or that a miscarriage of justice resulted.* [Croucher seems to argue that the appeal judge, Crawford CJ was wrong in his characterisation of the significance of the evidence (a 'merely speculative' possibility) that Vass might have given, and that this passage contained a 'fresh evidence test' and an 'unsafe test' which was a misapplication of *R v Apostilides*]

Mr Ellis responded:

*In my submission, there is no argument that there was an improper failure to disclose such as might trigger some consequence. There is simply no evidence that on a qualitative assessment of what might have been produced you have anything but my learned friend saying it was powerful, it was powerful.[...] it is surely incumbent, in my submission, on the applicant in this Court and in the court below to show that it is more than a mere fanciful possibility that on the question of whether she had told her institutional accommodation where she was going to be, she told them the truth. That is not powerful evidence, in my submission.*

Mr Croucher, in conclusion. said:

*What is more, there was a fundamental miscarriage of justice in this case. This applicant was denied, if you like, procedural fairness in meeting the Crown case because her counsel was not armed with very relevant information, relevant to her defence, until after the witness had gone, and the judge would not allow a recall.*

7Sept2012 12:30 p.m. The Court adjourned at 12:30 p.m. to “*consider what course it should take.*”

7Sept2012 12:33 p.m. The Court resumed at 12:33 p.m. and Justice Crennan gave the decision of the Court:

7Sept2012: **High Court Refusal of leave-to-appeal:**

**CRENNAN J:** *This application concerns the applicant's conviction for murder contrary to section 158 of the Criminal Code 1924 (Tas). The Court of Criminal Appeal of the Supreme Court of Tasmania (Crawford CJ and Tennent and Porter JJ) below dismissed the applicant's appeal against her conviction.*

*At her trial in the Supreme Court before Blow J, the case against the applicant was mainly circumstantial. DNA evidence had been found at the scene of the crime that matched another person, Ms Vass. The latter was 15 years old at the time of the deceased's disappearance, and had been homeless since she was 13. After Ms Vass gave evidence at trial, further evidence was given by a police officer suggesting that there were certain inconsistencies in Ms Vass' account of her location on the night of the deceased's disappearance. That evidence was ultimately ruled inadmissible.*

*The applicant contends that there was an application to the trial judge for leave to recall Ms Vass for the purposes of further cross-examination on the inconsistencies. On appeal to the Court of Criminal Appeal, the applicant contended, among other things, that a miscarriage of justice resulted from the prosecutor's failure to recall Ms Vass [see below: \*11Aug2011: The first Ground for Appeal ... against the conviction of SNF]. The Court of Criminal Appeal unanimously rejected that ground of appeal. The applicant now applies for special leave to appeal from that decision.*

*In our view, this application does not give rise to a question suitable to a grant of special leave as the applicant has not shown that she was denied an opportunity to produce evidence on a point of substance which can be shown to have had a significant possibility of affecting the jury's verdict. Accordingly, special leave is refused.*

7Sept2012: Said French CJ: “ *I agree with that order. The Court will now adjourn until 10.15, Tuesday next, 11 September.*”

7Sept2012 12:35 p.m. The matter was concluded at 12:35 p.m.

#### **FOOTNOTES (1): TO APPLICATION TO HCA FOR LEAVE TO APPEAL:**

**[\*11Aug2011: The first Ground for Appeal in the Tasmanian Court of Criminal Appeal against the conviction of SNF had been:**

*"Ground 1: A miscarriage of justice resulted from the prosecutor's failure to recall Meaghan Vass, and/or from the learned judge's refusal to recall Ms Vass or to direct that she be recalled, following disclosure, during the subsequent evidence of Detective Sinnitt, of matters concerning the whereabouts of Ms Vass on 26 January 2009, which matters had not been disclosed to the appellant until after Ms Vass gave evidence." (bold formatting and underlining added)*

The HCA's decision said that the 1<sup>st</sup> ground of appeal to the CCA had been that “*a miscarriage of justice resulted from the prosecutor's failure to recall Ms Vass.*” This HCA reference to that 'Ground 1' of SNF's CCA appeal, omitted the words “*and/or from the learned judge's refusal to recall Ms Vass or to direct that she be recalled,*”

It also seems that French CJ of the HCA believed that the Expert Witness evidence of Carl Grosser (and perhaps also that of McKenzie and McHoul, was given *before* Meaghan Vass was called to give evidence: HCA CJ French, in reference to Carl Grosser's evidence as to DNA and probabilities had stated/asked: “*Now, that was all evidence given before she was called/?*” Mr Croucher rejected this, saying that Vass's evidence had come before the expert evidence of Grosser et al. French CJ then said:

FRENCH CJ: *I am sorry, I put a question to you before which was based on a wrong premise. Counsel for the defence was aware of the nature of the DNA evidence before he cross-examined her because he made some reference to that.*

[At trial, Mr Gunson had simply asked Vass ..... and she had replied:

*You had DNA taken from you by forensic or police personnel following an arrest, is that right?.....Yes.  
And that was in relation to a stealing matter?.....Yes. ]*

The DNA information...

### Forensic Report Excerpt (4)

No.	Description <sup>(2)</sup>	Source <sup>(3)</sup>	No.	Description <sup>(2)</sup>	Type <sup>(4)</sup>	DNA profile type	Match/Not excluded <sup>(6)</sup>
	Luminol positive area 10. Very weakly positive with <i>HS screening test</i> for blood. No attempt to confirm presence of blood.	adjacent to cockpit, 'Four Winds', 6 Negara Cres, Goodwood				At least 3 contributors. Male DNA present, inconclusive with regards to female DNA.	a possible contributor (random person 1 in 10)
20	swab Luminol positive area 11 (possible drops). Negative with <i>HS screening test</i> for blood.	starboard walkway, 'Four Winds', 6 Negara Cres, Goodwood	20	part of head		Full DNA profile (female).	Does not match any individual currently on the Tasmanian DNA database [Person E] [1 in a 100 million]

*The Vass 'homeless girl' (No. 20) entry in report - [reproduced].*

1<sup>st</sup> Forensic Report 12Jun2009 /prepared by Forensic Scientist Deb McHoul –Trial exhibit #62

2<sup>nd</sup> Forensic Report 1Jul2009 /McHoul, McKenzie & Grosser.

3<sup>rd</sup> Forensic Report 14Dec2009 /McKenzie & Grosser. (McHoul?)

4<sup>th</sup> Forensic Report 5Jul2010 /Grosser...&?

\* as these were 'evolving documents', it is unclear if the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Report exist separately.

[It is not clear to me how much 'DNA evidence' was available to the defence prior to Vass being called. The Forensic Biology Report [ 2nd

Forensic Report 1Jul2009 /McHoul, McKenzie & Grosser. ] was produced during the preliminary proceedings and formed part of the Crown Papers (page 999). As can be seen (below), in #20 of the Report, the information on the Vass deposit is sparse. Coupled with prosecution Counsel, Mr Shapiro, having asked no questions of Vass concerning DNA, it does not seem to have left Mr Gunson much scope to ask then 16-year-old Vass questions about DNA. Vass had come to court without having been interviewed and without having made a statement. Questioning of Vass (in the 'Basha Inquiry' and then in front of the jury) had focussed on/queried whether she had been on the FW: whether she'd been on it while it was at Constitution Dock or subsequently at the Goodwood Cleanlift premises. The notion of transference (of the DNA being transferred on the shoe of a policeman) only arose in the evidence of Carl Grosser, who gave testimony after Meaghan Vass. Neither counsel had asked her whether she had been at Sandy Bay on the day/evening of Bob Chappell's disappearance. In any case, in my view, the issue was not whether the Defence was aware of the details of the Forensic Report, but rather whether when cross-examining Vass, the Defence had been aware that on the night of Bob Chappell's disappearance, she had not been at the refuge ... and had not been at the 'no such address' sleep-over. I was surprised by French CJ's statements/questions. Having read that HCA transcript many times, I am still surprised.]

7Sept2012

**FOOTNOTES (2): TO APPLICATION TO HCA FOR LEAVE TO APPEAL:**

CRENNAN J: *After Ms Vass gave evidence at trial, further evidence was given by a police officer suggesting that there were certain inconsistencies in Ms Vass' account of her location on the night of the deceased's disappearance. That evidence was ultimately ruled inadmissible.* [[HCA [2012] HCATrans 213] p18 line737] [Sinnitt however also gave evidence (concerning the 'no-such-address') which **was not** (apparently) ruled inadmissible - ]

**FOOTNOTES (3): TO APPLICATION TO HCA FOR LEAVE TO APPEAL:**

Mr Ellis told the High Court (p.15) that Vass had been absent from her accommodation for several days ... *“several days of absence and never returning to that accommodation,”* [HCA: application for leave to appeal p.15, 7Sept2012]

**FOOTNOTES (4): TO APPLICATION TO HCA FOR LEAVE TO APPEAL:**

[application to HC for leave to appeal transcript here: <http://netk.net.au/Tasmania/Neill-Fraser12.pdf>]

[**SEE further at relevant dates:** *Blow J, at trial (30Sept2010), Grounds of Appeal (11Aug2011), Crawford CJ, appeal decision (6Mar2012), Crennan J and French CJ, at application seeking leave to appeal to High Court (7Sept2012) and Coroner Hay, Record of Investigation Into Death (Without Inquest) 17Jan2014]*

**AFTER THE APPLICATION TO THE HIGH COURT:**

11Sept2012: (Having emailed (5Sept2012) the CEO of Crime Stoppers asking *“If someone rings in about a current crime operation, how is the information recorded, collated and then forwarded to police? Does Crime Stoppers retain a copy of such records?”*) B. Etter received the following response: *“Crime Stoppers Tasmania itself does not hold any information. It is all held within the Tasmanian Police system. Any access to information which originated from Crime Stoppers Tasmania can only be accessed through a Right to Information application*

*through Tasmania Police.*” [Etter's RTI application had not resulted in any phone records.]

**18Sept2012:** Following an RTI request 20Aug2012, B. Etter was advised “*There were no written records of directions given by Inspector [ ] or other senior officers during the investigation*”. She had also requested a copy of any written record, notes, diary entries pertaining to the briefing of the Commander by the lead Detective Sergeant on 2 March 2009. The response similarly advised that the “*briefing of Commander [ ] was verbal and there are no written records*”. The response also stated all investigation team briefings were verbal and tasks allocated on whiteboard (no permanent record exists).

**12Dec2012:** Following an RTI application in late 2012, requesting any information relating to photos, test methods and results of examinations relating to bloodstain pattern analysis and other issues. B. Etter received a response. In the material provided was BM 24 Bloodstain Pattern Analysis document said to be issued on 24 September 2008. It was stated that this method detailed “*the limited analysis of bloodstain patterns by the Biological Examination Section*”. The document also stated: [E]xtreme caution must be exercised to ensure that statements given are within the scientist’s level of expertise/experience, and that bloodstain patterns are not over-interpreted.

## 2013

Perhaps it was during this year that a prison staff member brought in a single black currant cane from which (by 2018) eight bushes had been cultivated and which were used to make crushed black currant juice, frozen for hot winter drinks. [see **APPENDIX V SN-F letter 19Aug2019.**]

**7Jan2013:** Barbara Etter began pursuing a coronial inquest.

Coroner Hay: “*In January 2013 enquiries were made by me of TasPol and the DPP and the investigation file was then made available to me for the purpose of my considerations pursuant to section 25(3) of the Coroners Act 1959. Coincident with this consideration and by letter dated 21 of March 2013, the legal representative for Ms Neill-Fraser wrote to me requesting me to resume the adjourned inquest and to hold an inquest hearing.*”

**3Mar2013:** Andrew Rule (Sunday Herald Sun) wrote a bitter attack on Sue Neill\_Fraser [<https://www.heraldsun.com.au/news/law-order/splatters-of-blood-missing-carpet-tiles-on-a-200000-yacht-and-what-really-happened-to-bob-chappell/news-story/f6df9fdcfb3c54e0edaa9ca9dd0c0b13>]: “IT'S not that hard to kill a little, frail man in his 60s. Anyone with a weapon and the rage or ruthlessness to use it can take a life in the time it takes to read this sentence. (See the full text in Appendix VII).

**9Mar2013:** Mr X had a second incident/discussion 'with others in a hotel bar'. (see the first at Aug/Sept2012): “*relating to a dinghy being sold or having been sold by police*” [this information comes from the Coroner's Report, and was judged by the Coroner as hearsay and unreliable, and apparently by the police as having no probative value.]

**17Mar2013:** 60 Minutes 'Justice Overboard' story went to air. [see also 24Aug2014]

**20Mar2013:** Mr X wrote to police with one asserted piece of information relating to a dinghy being sold or having been sold by police. He stated in his letter that “*I believe the Purdon Dinghy being sold by Steve may be involved in the disappearance of the Doctor off Four Winds.*” Further discussion with Mr X by TasPol disclosed that the information supplied by Mr X in his letter of 20 March 2013 came from discussions he had with others in a hotel bar in or around August/September 2012 and on 9 March 2013. Mr X was spoken to by TasPol on 20 March 2013 and did not wish to be identified, was not prepared to make any further written statement and was not a willing witness. [CORONER HAY: RIID 20140117]

**21Mar 2013:** “*...the legal representative for Ms Neill-Fraser wrote to me requesting me to resume the adjourned inquest and to hold an inquest hearing.*” [CORONER HAY: RIID 20140117]

**Mar-Aug 2013:** SNF was invited to present the Coroner with the “*alleged significant and fresh evidence and any other material relevant to the exercise of [his] powers and duties.*” He received a voluminous amount of information, comments, submissions and requests from the current solicitor representing Ms Neill-Fraser, from members of the public and on one occasion (through her solicitor) he received correspondence from Ms Neill-Fraser.

**Apr2013:** A forensic document examiner, Michelle Novotny reported that she had established that the inks in the relevant entries [of SNF's diary] are not distinguishable and there is no evidence to suggest the relevant entry had been “squeezed into” the entry for that date. [The Coroner later commented: that she may well have been correct about that because it subsequently came to pass that the original diary provided by TasPol to the legal representatives of Ms Neill-Fraser and inspected by M Novotny was the incorrect one. It seems that within days of the 27 January 2009, Ms Neill-Fraser volunteered to TasPol her 2008 and 2009 diaries to assist with investigations into his disappearance. She took a photocopy of the original 2009 diary and then transposed the diary entries for January into a new 2009 diary. In March of 2009, TasPol searched her premises and took into custody all diaries in her possession including the new or second 2009 diary. The original 2009 diary was tendered into evidence in the trial [CORONER HAY: RIID 20140117] and to date remains within the Supreme Court as one of its exhibits. The Coroner, in his 17Jan2014 report, commented: “*I accept that TasPol in good faith provided what it thought was the original diary to the agents for Ms Neill-Fraser and there is nothing sinister in doing so. I assume the original diary can be made available for inspection upon request to the Supreme Court. I decline to make that application.*”

**22July2013:**

### **Marina plan wins council approval**

AN extension of the marina and carpark on Marieville Esplanade in Sandy Bay has been approved by Hobart City Council. Aldermen last night voted in favour of the Derwent Sailing Squadron development.

The plans include extending the existing 130-berth **marina** in a north-easterly direction with an extra 118 floating berths. The design includes a new fixed-wave screen breakwater with driven piles and concrete panels to protect the new **marina** berths, new floating pontoon berths, and gangway access.

It also includes a widening of the existing access jetty and increased parking to 146 spaces.

There were concerns the proposal contravened land use planning law, that it did not demonstrate there was no environmental harm and that it would hurt the outlook and environment for neighbours.

But Hobart City Council officers advised it be approved, with conditions.

Mercury (Hobart, Australia) July 23, 2013

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**29Jul2013:** Eve Ash started/revived a petition to Matthew Groom MP and Will Hodgman MP (Change.org)

**??Aug2013: Civil Liberties Australia brief Tasmanian politicians on 2<sup>nd</sup> Appeal proposals...**

[CLA, on 9Sept2014 published the following: **Tassie to adopt Right to Appeal law**]

*Tasmania is set to become the second state in Australia to adopt the Right To Appeal law.*

*Attorney-General Dr Vanessa Goodwin announced at Budget Estimates on 9 Sept 2014 that she would change Tasmanian law to allow for a criminal case review if new evidence comes to light after normal appeal rights are exhausted.*

*She said: "The only avenue currently available to a convicted person in Tasmania after normal appeal rights have been exhausted is to petition the Governor or the Attorney-General to exercise the royal prerogative of mercy. We believe it is appropriate that decisions on such appeals be given to the judiciary to determine, not the governor or attorney general of the day."*

*The Tasmanian decision to bring in the Right To Appeal (R2A) legislation is the first breakthrough in a national campaign by Civil Liberties Australia to "mirror" the South Australian provisions throughout every state and territory of Australia.*

[...]

*President of CLA, Dr Kristine Klugman, and CEO Bill Rowlings briefed Dr Goodwin on the R2A legislation in August 2013 when she was Shadow Attorney-General. She immediately expressed "in principle" support for the equity of the proposed change.*

*At the same time, CLA briefed then-Tasmanian Labor leader Lara Giddings, now Shadow AG, and Greens leader Nick McKim. As both also expressed strong "in principle" support for the new law, a Bill is expected to receive fairly quick passage through the Tasmanian Parliament once introduced.*

[ <https://www.cla.asn.au/News/tassie-to-adopt-rights-to-appeal-law/#gsc.tab=0> ]

**16Aug2013:**

Robert Richter, Victorian Barrister and Q.C., wrote to Tasmania's then Attorney-General, Brian Wightman [[c./before\\_16Aug2013](http://www.abc.net.au/news/2013-08-16/a-prominent-queens-counsel-calls-for-an-inquiry-into-.../before_16Aug2013) [http://www.abc.net.au/news/2013-08-16/a-prominent-queens-counsel-calls-for-an-inquiry-into-](http://www.abc.net.au/news/2013-08-16/a-prominent-queens-counsel-calls-for-an-inquiry-into-...)

a-tasmania/4891952 ]and asked for a Commission of Inquiry. [Subsequently he met with the (Tasmanian) Premier, Will Hodgman, then acting Attorney-General Matthew Groom and Solicitor General Michael Farrell on **11May2017**. ) The letter had a seven page letter attachment, later known as the '**Richter Dossier**'. It contained details of 'new and fresh evidence'. At the meeting, Richter presented the dossier and argued for Vass to be given immunity from prosecution: she was "*in danger and required protection as well as witness indemnity*".

The Richter Dossier is said to have exonerated Neill-Fraser and to have named the two men thought by his investigative team to have killed Bob Chappell. It also named Meaghan Vass as having been aboard the Four Winds at the time of the murder.

see: <http://www.themercury.com.au/news/opinion/charles-wooley-top-barristers-bid-to-revisit-murder-case/news-story/984733b4c62dfa624d8b2cb767dca7ec> and/or

Charles Wooley: Top barrister's bid to revisit murder case | The Mercury ]

**23Oct2013:** FSST checked the database, but still did not find a match for the human hair, which had a female DNA profile, and which was found on the hatch of the Four Winds. [see [Grosser 20100929 688](#) and see '? Person D' in *Index of Persons*]

## 2014

**17Jan2014:** Coroner Hay published his *Record of Investigation Into Death (Without Inquest)* [RIID].

[http://www.magistratescourt.tas.gov.au/about\\_us/coroners/coronialfindings/c/chappell,\\_robert\\_adrian\\_-\\_2014\\_tascd\\_04](http://www.magistratescourt.tas.gov.au/about_us/coroners/coronialfindings/c/chappell,_robert_adrian_-_2014_tascd_04)

### Coroner Hay Record of Investigation Into Death (Without Inquest) 17Jan2014

Direct quotes from the Coroner's RIID (below), are indicated by the use of *italicised blue* in the following section:

[re the trial of SNF for the murder of Bob Chappell] *...In October 2010 a jury found Ms Neill-Fraser guilty of murder. Mr Justice Blow conducted the trial. Ms Neill-Fraser was represented by Senior Counsel. It is inferred by me that she had in her possession prior to the trial copies of any relevant documentation or other material presented to the jury during the trial. I also infer those documents remain available to her and her current advisors.*

*On 27 October 2010 Mr Justice Blow convicted and sentenced Ms Neill-Fraser to 26 years imprisonment with effect from 20 August 2009 and she was not to be eligible for parole until she had served 18 years of the sentence.*

*In passing sentence Mr Justice Blow made the following comments (among others):*

[...]

[re the appeal to the CCA] *...Between paragraphs 10 to 74 of the written decision, Chief Justice Crawford set out in some detail the evidence given at the trial. The Court of Criminal Appeal dismissed the first ground of appeal which asserted there had been a miscarriage of justice because the prosecutor and/or the trial judge failed or refused to recall witness Ms Vass concerning her whereabouts on 26 January 2009. In dismissing this ground of appeal the Chief Justice stated that the appellant had failed to*

*establish that there is a significant possibility, one greater than a merely speculative one, that the jury would have acquitted her if Ms Vass had been recalled - "It cannot be concluded that the verdict was unsafe or unsatisfactory or that a miscarriage of justice resulted."*

[...]

**[re the application for leave to appeal to the High Court]** *It was put to the High Court that the case against Ms Neill-Fraser was mainly circumstantial; that DNA evidence had been found at the scene of the crime that matched another person, Ms Vass; that Ms Vass was 15 years old at the time of the deceased disappearance, and had been homeless since she was 13; that after Ms Vass gave evidence at trial, further evidence was given by a police officer suggesting that there were certain inconsistency in Ms Vass' account of her location on the night of the deceased's disappearance but that evidence was ultimately ruled inadmissible and as a result a miscarriage of justice had resulted. [It seems that the Coroner suggested that Mr Croucher/SNF put to the High Court that a miscarriage of justice had resulted as a result of that evidence being ruled inadmissible. Mr Croucher/SNF had put to the HC that: "What is more, there was a fundamental miscarriage of justice in this case. This applicant was denied, if you like, procedural fairness in meeting the Crown case because her counsel was not armed with very relevant information\*, relevant to her defence, until after the witness had gone, and the judge would not allow a recall."]*

*\*the relevant information (unknown to Defence Counsel when cross-examining Vass) was that Vass was not at Mara House on the night that Bob Chappell disappeared and that the address given by Vass as the location of her sleepover on the night of 26Jan2009 did not exist.*

*The applicant contended that there had been an application to the trial judge for leave to recall Ms Vass for the purpose of a further cross examination on the inconsistencies which was rejected and further, that on appeal to the Court of Criminal Appeal she contended that a miscarriage of justice resulted from the prosecutor's failure to recall Ms Vass.*

*The grounds of the application were explored at some length by their Honours of the High Court, as can be seen in their written reasons for decision. In rejecting the application the High Court said: "...in our view, this application does not give rise to a question suitable to a grant of special leave as the applicant has not shown that she was denied an opportunity to produce evidence on a point of substance which can be shown to have had a significant possibility of affecting the jury's verdict".*

The Coroner noted in his report that Ikin was not called at the hearing and stated (at p.23): *"Ikin in her statutory declaration also noted that she contacted police within a few days of the disappearance that there is no entry in the police investigation log in relation to that and there was no formal statement taken from her until 8 months later and she was not called as a witness."*

**[SEE further at relevant dates: Blow J, at trial (30Sept2010), Grounds of Appeal (11Aug2011), Crawford CJ, appeal decision (6Mar2012), Crennan J and French CJ, at application seeking leave to appeal to High Court (7Sept2012) and Coroner Hay, Record of Investigation Into Death (Without Inquest) 17Jan2014]**

## **CORONER'S FINDINGS:**

*Given the findings in the criminal proceedings and the conviction of Ms Neill-Fraser, I accept and find that Mr Chappell was murdered by her and as a result his death cannot be regarded as being 'suspected'.*

*Having regard to the outcome of the charge preferred against Ms Neill-Fraser and her conviction, the sentencing process and the comprehensive nature of the investigation, I find there is no cause for me to resume the inquest pursuant to s 25(3) or to hold any formal inquest hearing pursuant to section 26(1).*

*I find that the deceased was Robert Adrian Chappell, born on 2 December 1943 in the United Kingdom. At the time of his death he was usually resident at 7 Allison Street West Hobart and was employed as a medical physicist at the Royal Hobart Hospital.*

*I adopt the findings in the criminal proceedings that Mr Chappell was killed following an attack by Ms Neill-Fraser when they were on board the vessel *Four Winds* when it was anchored at Battery Point in Hobart and that he must have been either dead or deeply unconscious when his body was placed into the sea at or near that place. The cause of his death by asphyxia due to drowning cannot be ruled out.*

*I find that his death occurred somewhere between late afternoon/early evening of 26 January 2009 and the early hours of 27 January 2009.*

**4Apr2014:** Maxwell Kevin Jones, a forensic scientist with three decades of experience with the Victoria Police Forensic Services Department [VPFSD] produced the first of two reports (1<sup>st</sup> 4Apr2014 & 2<sup>nd</sup> 11Jul2014) which concerned the DNA profile of a sample [CT: Item 20] taken from the deck by of the *Four Winds* by (Tas Police) Forensic Scientist Debra McHoul on 30Jan2009 01:30 a.m. It was McHoul's first forensic examination of the *Four Winds* and she had attended the FW at Negara Cres, Goodwood to look for any signs of blood staining. The sample had remained unidentified until on or around 15Mar2010 it was identified as belonging to a 'homeless girl', Meaghan Vass.

Carl Grosser, Forensic Scientist at FSST, had matched the sample with that of one taken from Meaghan Vass, following her being arrested [source uncertain, perhaps arrested/linked to a break-in and/or for theft,]. He contacted Detective Sinnitt (perhaps by phone) to tell him this and Sinnitt immediately began to make inquiries about Meaghan Vass. After making the identification, Grosser contributed to a forensic report/s and gave evidence at the trial which concerned the Vass DNA as well as other items.

At the time of his first report, Jones did not have an electropherogram from Forensic Science Service Tasmania (FSST).

Forensic Officer (Biology Division)  
Victoria Police Forensic Services Department (VPFSD)

**Subject:**

The disappearance / death of Robert Adrian Campbell - Second and Final Report concerning the DNA profile derived from a sample of a Luminol positive area on the deck of the yacht 'Four Winds'. This Scientific Report is to be read in conjunction with my first and ...Carl Grosser Forensic Scientist... These tables contained 156 evidence sample DNA profiles and 5 reference sample profiles including that of "Megan Elizabeth VASS". On 25 June 2014, I received a DNA electropherogram from Forensic Science Service Tasmania (FSST) for sample 2D: "swab - luminol positive area - starboard walkway..." that produced the DNA profile matching Megan VASS. Note; for terms typed in italic font please refer to the glossary for further information regarding that term.

**Further Examinations and Findings:**

**11 July 2014:** The Victoria Police Forensic Services Department completed a Report which was later used by both the Police and the Supporters of Sue to support their perspectives. For example, (from the TasPol Response to claims made by the 60 Minutes program):  
*During the trial, the forensic scientist gave an example of shoe transfer as one of many possible explanations as to how the teenage girl's DNA may have ended up on the boat. It was never asserted before the jury that shoe transfer was the only explanation for the DNA result. There is no evidence to support any particular mechanism of primary or secondary transfer of her DNA.*  
*"...it is apparent that a quantity of a human biological substance or fluid was either deposited directly onto the starboard deck of 'Four Winds' or indirectly via an unknown mechanism.(i.e. secondary transfer)." (Victoria Police Forensic Services Department, 11*

July 2014)

and

[Better Consulting 24Aug2014 <http://www.betterconsult.com.au/blog/suggestions-from-tasmania-police-about-the-vass-dna/> ]  
The Scientific Report of the Victorian Police Forensic Services Department (VPFSD) dated 11 July 2014 in relation to the DNA sample of the homeless girl (Sample No.20), after viewing the relevant DNA electropherogram from Forensic Science Service Tasmania (FSST), also indicated that the biological substance in sample 20 is indicative of a relatively large amount of DNA, which is more likely to have come from body fluids (blood, saliva, etc.) than a simple skin contact/touching event: *[T]here is no evidence to support the hypothesis that the DNA detected in sample 20 was the result of a secondary transfer event caused through foot traffic on the deck of “four (sic) Winds”.*

60 Minutes presented that statement in this fashion:

Forensic Officer (Biology Division)  
Victoria Police Forensic Services Department (VPFSD)

“...there is no evidence to support the hypothesis that the DNA detected ...was the result of a secondary transfer event caused through foot traffic on the deck of Four Winds.”

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Further Examination and Findings

**The sketch of the Report:**

The VPFSD Report included three main options about 'possible plausible explanations' for the DNA deposit:

- primary transfer
- transfer by an unknown transferring surface upon which a relatively large amount/high concentration of the biological substance was adhering
- transfer error at FSST (or contamination). [Better in TT at <http://tasmaniantimes.com/index.php?/article/sue-neill-fraser-two-views-of-her-guilt/>]

TasPol: *“...it is apparent that a quantity of a human biological substance or fluid was either deposited directly onto the starboard deck of 'Four Winds' or indirectly via an unknown mechanism.(i.e. secondary transfer).”*

VPFSD: *“Excluding the possibility of transfer error at the FSST, it is apparent that a quantity of human biological substance or fluid was either deposited directly onto the starboard deck of 'Four Winds' or indirectly via an unknown mechanism (i.e. secondary transfer).”*

[see Barbara Etter quotes from the VPFSD Report at <http://tasmaniantimes.com/index.php?/article/sue-neill-fraser-two-views-of-her-guilt/> ]:  
*“If the tread of a shoe retaining a moist biological substance was to be acknowledged as the likely means of the transference, I believe it is reasonable to anticipate that at least one other similar stain resulting in the same DNA profile (or part thereof) would have been expected to have been deposited on the deck of 'Four Winds' as the person moved about the yacht. No such stain appears to have been detected by Forensic Scientist's (sic) from the FSST based on the six pages of DNA profile tables headed “DNA PROFILING COURT REPORT”. Therefore, there is no evidence to support the hypothesis that the DNA detected in sample 20 was the result of a secondary transfer event caused through foot traffic on the deck of “four Winds”.*

*“A significant amount of research has been conducted in relation to the primary and secondary transfer of human biological material; notably human skin cells via direct hand or body contact (see Goray et al. 2010 and Oorschot et al. 2010). However, based on my case work experience using the Profiler Plus ... DNA profiling system, samples believed to be composed of human skin cells that remain on surfaces through human contact either directly or indirectly typically result in incomplete profiles (i.e. exhibit dropout), produce a DNA electropherogram having relatively low peak heights (typically below 1,000 rfu) and are likely to exhibit stochastic variation. Moreover, such samples often result in DNA profiles showing multiple contributors. The DNA profile produced from sample 20 has none of these features”*

#### **The Report (then?) discussed Primary Transfer:**

*“Further Examination and Findings”:*

- The sample was an “unambiguous single source Profiler Plus ... DNA profile representative of a female individual” (it would be more likely to get a mixed profile in secondary transfer);*
- There was no indication that any component (allele) within the profile had dropped out;*
- There was no indication of stochastic variation;*
- The allele peak heights had well in excess of 1,000 relative fluorescence units (rfu) for lower molecular weight loci and in excess of 300 rfu for higher molecular weight loci;*
- The sample was referred to as having been found in “possible drops” on the deck (although there may be an issue as to whether this was from the luminol itself);*
- There were no repeat DNA samples found on the deck of the yacht which would have been expected if the sample came in on a shoe retaining a moist biological substance but repeat samples could also have occurred if a transferring item had had more than one contact with the deck;*

- *The biological substance in the sample was indicative of a relatively large amount of DNA, which was more likely to have come from body fluids (blood, saliva, etc) rather than a simple skin contact/touching event.*

*“Therefore, the quantity of biological material (i.e. DNA) in the sample/swab as indicated by the number of rfu’s per DNA marker (which determine the heights of allele peaks in the DNA profile print-out) are, in my opinion, strongly inconsistent with a ‘touch DNA’ scenario. The absence of dropout and stochastic variation in the electropherogram, in my opinion, adds further support to this contention.”*

In evidence at the ‘Application for leave to make a second appeal’ on 30/31 October 2017 Maxwell Jones’s (2<sup>nd</sup>?) report was quoted by DPP Daryl Coates SC as contained in Jones’s 11Jul2014 report:

- *“There is very little signs of degradation”.*

- *“The degree of degradation of a biological substance on the exposed star board deck before it was moored at sea, it is difficult to envisage a potentially more adverse range of everyday conditions”.*

-

#### **21Aug2014: Tasmania Police statement – Susan Neill-Fraser case**

<http://www.police.tas.gov.au/news-events/media-releases/tasmania-police-statement-susan-neill-fraser-case/>

*Thursday, 21 August 2014 - 9:43 am.*

*The Supreme Court convicted Susan Neill-Fraser of the murder of Bob Chappell in 2010 and the conviction was subject to an unsuccessful appeal in 2012.*

*An investigation by the Coroner, which reviewed all the available evidence, supported the findings of the criminal proceedings. Tasmania Police has no concerns about the soundness of the Supreme Court judgement in this matter, the investigation, or the evidence tendered to the court.*

*We understand the position of Susan Neill-Fraser’s family in the defence of their mother during what is a difficult time for them.*

*However, we are fully supportive of the investigation, the investigation team and the prosecution of the case by the office of the DPP.*

*Darren Hine*

*Commissioner of Police*

**24Aug2014:** A *60 Minutes* program [**concerning SNF**] went to air. [**Its details from the web not able to be retrieved? See also 17Mar2013**]

#### **Justice overboard: Part one**

Reporter: Charles Wooley Producer: David Alrich: *To the police, she's a cold blooded killer. To her supporters: the victim of justice denied. Susan Neil-Fraser is serving 23 years in a Hobart prison for the murder of her de facto husband and at first, it might seem like the perfect crime. You see there's no body, no weapon, and no direct witnesses. And for Susan's friends and family, that's exactly the point: there was never any hard evidence to convict her. Legal experts are even likening her plight to the Lindy Chamberlain case. It's the perfect murder mystery.*

#### **25Aug2014: Tasmania Police statement 2 – Susan Neill-Fraser Case.**

<http://www.police.tas.gov.au/news-events/media-releases/tasmania-police-statement-2-susan-neill-fraser-case/>

## ***Tasmania Police statement 2 – Susan Neill-Fraser Case***

*Monday, 25 August 2014 - 5:52 pm.*

### ***Response to claims regarding conviction of Susan Neill-Fraser***

*On behalf of Tasmania Police I would like to express disappointment in the biased reporting of the 60 Minutes program relating to the conviction of Susan Neill – Fraser for the Murder of Robert Chappell.*

*There were inaccuracies in the story regarding the evidence presented at the trial, and the report failed to mention any of the evidence that points to the guilt of Neill-Fraser.*

*It's important to point out that Neill-Fraser was found guilty by a Supreme Court jury, her appeal was dismissed and a Coroner's investigation, which reviewed all the available evidence, supported the findings of the criminal proceedings.*

*It is not possible to summarise many weeks of evidence in a few words but the Court of Criminal appeal did. We would invite anyone with any misgivings to read that report.*

*Tasmania Police has no concerns about the soundness of the Supreme Court judgement in this matter; the investigation, or the evidence tendered to the court.*

*We understand the position of Susan Neill-Fraser's family in the defence of their mother during what is a difficult time for them. However, we stand by the integrity and thoroughness of the investigation, and the efforts of the investigation team including the forensics experts, and the prosecution of the case by the office of the DPP.*

*It is disappointing that 60 Minutes did not seek comment from Tasmania Police to add balance to this story.*

- It has been claimed that a fundamental flaw in the case is that a screening test was used to identify blood in the yacht's dinghy. This is simply not true.*
- At no time in the trial did the forensic scientist state that blood was found in the dinghy.*
- It was explained to the jury that screening tests used on the dinghy were not specific for blood, and can react with other substances.*
- The forensic scientist who examined the dinghy told the court that on further examination in the laboratory no red/brown staining, typical of blood, was found in the dinghy.*
- DNA material found on the Four Winds that matched a teenage girl could have been deposited on the boat as a result of primary or secondary transfer (neither can be ruled out). There is insufficient information available to determine exactly how or when this DNA material ended up on the boat.*
- The itinerant man who has been recorded under various spellings of the surname Roe (Wroe, Roe and Rowe.) became known to police but was never a suspect. After the conviction, he was identified as someone who may have been in the area on that night. He was interviewed and volunteered his DNA. His DNA and fingerprints were checked against any outstanding forensic exhibits from the 'Four Winds' – with no match. This man informed police that he was leaving the state.*
- Police made enquiries and established that there had been no reported break-ins of vessels in this area for the three months prior to Mr Chappell's disappearance.*
- It was inferred in the 60 Minutes story that Neill-Fraser left the yacht about 2pm. However Neill-Fraser has already agreed she would have been on the yacht a lot later than 2pm, as a witness assisted her to put her dinghy in the water at about 2pm and she*

*was then seen heading out to the yacht.*

### **EVIDENCE POINTING TO NEILL – FRASER**

- *There is clear evidence from a key witness that Neill–Fraser previously sought to have Mr Chappell murdered in a similar way.*
- *There is evidence from two witnesses that Neill-Fraser told them her relationship with Bob Chappell had been over for some time.*
- *Neill –Fraser initially said she was home all evening, but later admitted she returned to the area of the dinghy late that night after her car was found on CCTV.*
- *A witness saw a female, during the night, travel in an inflatable dinghy from the area where the accused dinghy had been tied towards the yacht. This was also at a time when Neill-Fraser ultimately admitted being in the area.*
- *A red jacket located near the scene returned a high grade match to Neill-Fraser's DNA. Neill–Fraser initially denied the jacket was hers but later changed her story.*
- *Neill–Fraser had no apparent hand injury at lunch time on Australia Day but obviously had some injury the following day when speaking to police at the scene.*
- *Neill Fraser admitted she was arguing with Bob Chappell on the morning of Australia Day.*
- *Attempts by Neill-Fraser to infer that the boat had been broken into whilst in Queensland which she knew not to be correct. It should also be remembered that many witnesses give varying accounts of descriptions and what they have seen. In regard to possible sightings of the yacht or other dinghies it should be remembered that some of the witnesses\* were several hundred metres away from the location of the 'Four Winds'.*

#### **Inspector Peter Powell**

#### **Chief investigator on the Bob Chappell murder**

[\*see: 27Aug2014]

**26Aug2014:** Detective Inspector Peter Powell appeared in a roadside interview outside Tasmanian Police HQ in Hobart. This interview can be viewed here: [You Tube]: <https://www.youtube.com/watch?v=VepBkTuC0vQ>.

#### **27Aug2014: BEtter Consulting published the following response to Inspector Powell's 25Aug2014 Police Statement:**

*[...] there were four witnesses that saw a grey/silver or different dinghy to that of the Four Winds dinghy (white inflatable with blue stripes and "Quicksilver" on it) alongside the Four Winds yacht between 3.55 pm and 5.30 pm on Australia Day 2009. An examination of their evidence/statements reveals the following distances:*

*P 36 - 50 metres away and looked at the yacht through her binoculars*

*Paul Conde - 50 "yards" away*

*Thomas Clarke - estimated "no closer than 100 metres away" (on the same boat as Conde)*

*Jill Ikin - estimate only by writer - 600 metres plus*

*Therefore only one of the 4 witnesses was "several hundred metres away".*

*Another Response to Tasmania Police Media Release from the lead Investigating Inspector dated 25 Au*

**28Aug2014: Police complaint to 60 Minutes**

Assistant (Police) Commissioner Donna Adams sent a letter of complaint to Laura Sparkes (60 Minutes Show).

**\*36\*323-**

Donna Adams' letter appears to be a rewrite of Inspector Powell's 25Aug2014 "*Tasmania Police statement 2 – Susan Neill-Fraser Case*". Powell's original text is preserved in Adams' letter below by my use of *blue* font, text of Powell's that was deleted from the Adams' letter is shown below in *blue* with a single strikethrough and additions to Powell's original text are shown in *red* font.

*Thursday, 28 August 2014 - 12:12 pm.*

*The following letter of complaint has been sent by Assistant Commissioner Donna Adams in response to the numerous inaccuracies made in last week's 60 Minutes program.*

*28 August 2014*

*Laura Sparkes  
60 Minutes Show  
PO Box 27  
WILLOUGHBY NSW 2068*

*Dear Ms Sparkes*

***~~Response to claims regarding conviction of Susan Neill-Fraser~~***

*On behalf of Tasmania Police I would like to express disappointment in the biased reporting of the 60 Minutes program relating to the conviction of Susan Neill – Fraser for the Murder of Robert Chappell.*

*There were **numerous** inaccuracies in the story regarding the evidence presented at the trial, and the report failed to mention any of the evidence that points to the guilt of **Ms** Neill-Fraser.*

*It's important to point out that Neill-Fraser was found guilty by a Supreme Court jury, her appeal was dismissed **by the Court of Criminal Appeal** and a Coroner's investigation, which reviewed all the available evidence, supported the findings of the criminal proceedings.*

*~~It is not possible to summarise many weeks of evidence in a few words but the Court of Criminal appeal did. We would invite anyone with any misgivings to read that report.~~*

*Tasmania Police has no concerns about the soundness of the Supreme Court judgement in this matter, the investigation, or the evidence tendered to the court.*

*We understand the position of Susan Neill-Fraser's family in the defence of their mother during what is a difficult time for them. However, we stand by the integrity and thoroughness of the investigation, and the efforts of the investigation team including the forensics experts, and the prosecution of the case by the office of the DPP.*

*It is disappointing that 60 Minutes did not seek comment from Tasmania Police to add balance to this story.*

*What was described in the program as “new and compelling evidence” regarding DNA and screening tests for blood was actually presented in the trial of Ms Neill-Fraser.*

- *It has been claimed that a fundamental flaw in the case is that a screening test was used to positively identify blood in the yacht’s dinghy. This is simply not true.*
- *At no time in the trial did the forensic scientist state that blood was found in the dinghy.*
- *It was explained to the jury that screening tests used on the dinghy were not specific for blood, and can react with other substances.*
- *The forensic scientist who examined the dinghy told the court that on further examination in the laboratory no red/brown staining, typical of blood, was found in the dinghy.*

*“The inflatable dinghy had many areas that were positive to luminol, a screening test for blood but not a conclusive one.” (Reasons for Judgement, Court of Criminal Appeal.*

- *DNA material found on the Four Winds that matched a teenage girl could have been deposited on the boat as a result of primary or secondary transfer (neither can be ruled out). There is insufficient information available to determine exactly how or when this DNA material ended up on the boat.*
- *The 60 Minutes program misrepresented the findings from an expert forensic report from Victoria Police by suggesting that the report contained compelling new DNA evidence that the teenage girl was definitely on the 'Four Winds'. Instead, this report clearly lists both primary and secondary transfer of the teenage girl's DNA as “plausible explanations” for finding her DNA on the boat. The teenager was not a suspect.*
- *During the trial, the forensic scientist gave an example of shoe transfer as one of many possible explanations as to how the teenage girl's DNA may have ended up on the boat. It was never asserted before the jury that shoe transfer was the only explanation for the DNA result. There is no evidence to support any particular mechanism of primary or secondary transfer of her DNA.*

*“...it is apparent that a quantity of a human biological substance or fluid was either deposited directly onto the starboard deck of 'Four Winds' or indirectly via an unknown mechanism.(i.e. secondary transfer).” (Victoria Police Forensic Services Department, 11 July 2014)*

- *The itinerant man who has been recorded under various spellings of the surname Roe (Wroe, Roe and Rowe.) became known to police but was never a suspect. After the conviction, he was identified as someone who may have been in the area on that night. He was interviewed and volunteered his DNA. His DNA and fingerprints were checked against any outstanding forensic exhibits from the ‘Four Winds’ – with no match. This man informed police that he was leaving the state *due to a number of unrelated personal issues.**
- *The assertion that burglaries on boats were common is inaccurated. Police had made enquiries and established that there ~~had been no reported~~ had not been any reported break-ins of vessels in this area for the three months prior to Mr Chappell’s disappearance.*
- *It was ~~inferred~~ implied in the 60 Minutes story that Neill-Fraser left the yacht about 2pm. However Ms Neill-Fraser has already agreed she would have been on the yacht a lot later than 2pm, as a witness assisted her to put her dinghy in the water at about 2pm and she was then seen heading out to the yacht.*

### ***EVIDENCE POINTING TO NEILL FRASER***

- ~~There is clear evidence from a key witness that Neill Fraser previously sought to have Mr Chappell murdered in a similar way.~~
  - ~~There is evidence from two witnesses that Neill Fraser told them her relationship with Bob Chappell had been over for some time.~~
  - ~~Neill Fraser initially said she was home all evening, but later admitted she returned to the area of the dinghy late that night after her car was found on CCTV.~~
  - ~~A witness saw a female, during the night, travel in an inflatable dinghy from the area where the accused dinghy had been tied towards the yacht. This was also at a time when Neill Fraser ultimately admitted being in the area.~~
  - ~~A red jacket located near the scene returned a high grade match to Neill Fraser's DNA. Neill Fraser initially denied the jacket was hers but later changed her story.~~
  - ~~Neill Fraser had no apparent hand injury at lunch time on Australia Day but obviously had some injury the following day when speaking to police at the scene.~~
  - ~~Neill Fraser admitted she was arguing with Bob Chappell on the morning of Australia Day.~~
  - ~~Attempts by Neill Fraser to infer that the boat had been broken into whilst in Queensland which she knew not to be correct.~~
- ~~It should also be remembered that many witnesses give varying accounts of descriptions and what they have seen. In regard to possible sightings of the yacht or other dinghies it should be remembered that some of the witnesses were several hundred metres away from the location of the 'Four Winds'. Ms Neill-Fraser's trial heard from many witnesses over 3 and a half weeks, and the jury found Ms Neill-Fraser guilty of murder after considering all the evidence presented.~~

*We would encourage anyone with misgivings about the case to read the judgement of the Court of Criminal Appeal which summarises the evidence.*

*<http://www.austlii.edu.au/au/cases/tas/TASCCA/2012/2.html>*

*Your story was selective, biased and did not represent a balanced representation of the facts.*

*In the interests of restoring some balance, I request that you address these issues in the next 60 Minutes program, and place links to both this letter and the judgement of the Court of Criminal Appeal on your website.*

***Inspector Peter Powell***  
***Chief investigator on the Bob Chappell murder***

*Yours sincerely*

[signature]

Donna Adams  
Assistant Commissioner  
Crime and Operations.

**?Sept2014:** Stephen Gleeson is interviewed by Police Sergeant Rogers regarding Gleeson's [31Aug2014] assault on Chris Goss, for which Gleeson subsequently went to prison. [ Victim unable to recall alleged attack with antique iron, court ... and Hobart man jailed for more than five years for bludgeoning ...] Lifu Mai Stevenson present at Gleeson's when assault happened.

**9Sept2014: Tassie to adopt Right to Appeal law**

*Tasmania is set to become the second state in Australia to adopt the Right To Appeal law.*

*Attorney-General Dr Vanessa Goodwin announced at Budget Estimates on 9 Sept 2014 that she would change Tasmanian law to allow for a criminal case review if new evidence comes to light after normal appeal rights are exhausted.*

*She said: "The only avenue currently available to a convicted person in Tasmania after normal appeal rights have been exhausted is to petition the Governor or the Attorney-General to exercise the royal prerogative of mercy. We believe it is appropriate that decisions on such appeals be given to the judiciary to determine, not the governor or attorney general of the day."*

*The Tasmanian decision to bring in the Right To Appeal (R2A) legislation is the first breakthrough in a national campaign by Civil Liberties Australia to "mirror" the South Australian provisions throughout every state and territory of Australia.*

[...]

*President of CLA, Dr Kristine Klugman, and CEO Bill Rowlings briefed Dr Goodwin on the R2A legislation in August 2013 when she was Shadow Attorney-General. She immediately expressed "in principle" support for the equity of the proposed change.*

*At the same time, CLA briefed then-Tasmanian Labor leader Lara Giddings, now Shadow AG, and Greens leader Nick McKim. As both also expressed strong "in principle" support for the new law, a Bill is expected to receive fairly quick passage through the Tasmanian Parliament once introduced.*

[ <https://www.cla.asn.au/News/tassie-to-adopt-rights-to-appeal-law/#gsc.tab=0> ]

## 2015

**12Jan2015:**

Meaghan Vass posted a photograph of herself onto her Facebook page. The photo was taken at around that time.



**EXHIBIT #R01? – PHOTO FROM FACEBOOK SHOWING MEAGHAN VASS Profile, updated 11Jan2015.**

**28Apr2015: Tim Ellis and the Australian Womens Weekly...**

*• From: Tim Ellis*

*Sent: Tuesday, 28 April 2015 10:17 AM*

*To: Horsburgh, Susan*

*Subject: Neill- Fraser*

*Dear Mr Horsburgh,*

*My former PA has passed on your request for contact. I have not commented publicly on this matter before as I was a prosecutor, but will consider some limited contribution, perhaps just background correction if given the opportunity. If you care to tell me via email what you would like consideration of comment on, I will reply. I trust you are aware the trial transcript is available on the Tasmanian Times Website ( it does not contain interviews of Neill-Fraser by Police and the body of some agreed statements and facts however ), as is a link to the Court of Criminal Appeal judgment, also available on Auslii website. Both are necessary checks on the Neill-Fraser supporters' claims.*

*Yours faithfully,*

*Tim Ellis*

**4May2015: 10:08 PM, Horsburgh, Susan wrote:**

*Dear Mr Ellis,*

*As you know, Neill-Fraser's supporters have many concerns about her case, and a balanced article requires the opposing view. Could you please comment on the questions below?*

- 1. What is your reaction to news that Sue Neill-Fraser will push to have her case returned to court via the proposed right-to-appeal legislation?*
- 2. What, in your opinion, was the most damning evidence against her?*
- 3. What was your wrench theory based on?*
- 4. You suggested in your opening address that there were "some indications of blood" in the dinghy. Was that a reasonable statement when confirmatory tests for blood were negative?*
- 5. In your closing address you mentioned Neill-Fraser's "involvement with the disappearing young Mr O'Day". What was that based on?*
- 6. Why was Phillip Triffett put up as a credible witness considering his history of death threats to Neill-Fraser and Bob Chappell years earlier? Why wasn't the court told this?*
- 7. Do you think the homeless people on the foreshore the night of Bob Chappell's disappearance were properly investigated?*
- 8. In your opinion, is it possible that Neill-Fraser is innocent?*

*If you could please get back to me by the end of tomorrow (May 5), it would be most appreciated.*

*Yours sincerely,*

*Susan Horsburgh*

**5May2015: Tim Ellis wrote at 12:15 p.m:**

***Dear Ms Horsburgh,***

*In answer to your questions;*

*[1. What is your reaction to news that Sue Neill-Fraser will push to have her case returned to court via the proposed right-to-appeal legislation?]*

*1. I will be interested to see in full the "fresh and compelling evidence" to be produced if the legislation proceeds. There is said to be such evidence <http://www.abc.net.au/news/2015-04-01/new-laws-could-allow-convicted-murderer-sue-neill-fraser-furthe/6363452> by Mrs Etter, and a report from Victorian Police Forensic Service Department is often mentioned as being that (eg by the film critic writing in *The Australian* of the 25th March 2015) but so far as I am aware only excerpts from it have been released publicly, not the full report, which is somewhat odd. Perhaps you will be given a full and unedited copy, without limitation of its use, so as a responsible and ethical journalist you will be able to validate that what is claimed for it is indeed the case.*

*[2. What, in your opinion, was the most damning evidence against her?]*

2. In a circumstantial case each juror is entitled to give such weight and importance to each circumstance as they believe it is entitled. For example, one juror might think it most important that Ms Neill-Fraser says she tied up the vessel's tender at the Royal Hobart Yacht Club but after Mr Chappell's disappearance it was found not tied up, but with its rope in the tender, on the beach where it was often launched ( and indeed where it had been launched by Mr Chappell and Ms Neill-Fraser on the morning before the discovery of Mr Chappell's disappearance ) that being to where it could not have drifted had it simply become loose from its moorings. That juror might think that the chances of someone unconnected to the Four Winds stealing that very tender from the Yacht Club and using it on the very night Mr Chappell disappeared could not possibly be a coincidence and coupled with other evidence was the most important for that juror. Other jurors might think the fact that Ms Neill-Fraser changed her story of where she was on the afternoon and evening previously, usually in response to being confronted with further evidence, to be of more importance ( I trust you are aware that originally she said she left Mr Chappell on board following an argument in the afternoon, tied up the tender and then drove to Bunnings where she stayed browsing until it was starting to get dark, then went home where she stayed all night; when told Bunnings closed early that evening she said she might not have been there for the "hours" she had claimed but repeated she did not leave home after returning from Bunnings; later still when told that security cameras failed to show her at Bunnings at all she said she may have been mistaken about being there; later when told a car similar to hers had been photographed in Sandy Bay that evening she told some people, but not initially the Police, that she drove down to Marrieville Esplanade in the night, looked out to where the Four Winds was moored, and drove home. In a later interview with Police she said she tied up the tender in the afternoon and walked home to West Hobart, she said she could not remember where she had parked, or whether it was daylight or dark. She said she walked down to the car later that evening, realised she didn't have her keys, walked back home and back again after having gone down to the beach and seen homeless persons around a fire near the sheds, but it was too dark to see the yacht. She then drove home, she said. ) Other jurors might have found her inability to explain why a call was made from her home - she being the only person there - at 3.08am on the 27th January ( the day the Four Winds was found sinking ) to \*10#, the function of such a call being to retrieve the number of the last unanswered call to the landline to be the most damning evidence, coupled of course with other evidence. Other jurors may have considered the unchallenged expert evidence that only someone with intimate knowledge of the Four Winds ( which Ms Neill-Fraser had ) would have known the location of the seacock under the flooring in the for'ard part of the yacht, and which served no apparent purpose, which had been opened to let the seawater in as well as cutting a pipe to the same end. There was a wealth of evidence any or all of which might have reasonably been considered by all or any of the jurors to have been the most damning. It is their opinion as those who have heard and seen all the evidence and who are charged with making the decision which is important, not mine. A balanced article of the kind you intend to write would reflect that wealth of evidence, as I trust you will.

[3. What was your wrench theory based on?]

3. I am disturbed that you use the phrase "your wrench theory ". I never advanced any such "theory". I will refer you to the transcript, the availability of which I have previously alerted you to, but first I point out that it was never the Crown case and it was not and is not essential to the valid conviction of Ms Neill-Fraser that the prosecution produce a murder weapon or prove a manner of death. The position in this respect is no different to the conviction of Bradley Murdoch for the murder of Peter Falconio, a wholly circumstantial case with no weapon or manner of death claimed or proven, and a case on which I believe the Womens Weekly has run

*articles but never questioned the validity of the conviction.*

*The transcript is, I have advised in earlier correspondence, at the Tasmanian Times website:*

*<http://tasmaniantimes.com/index.php?/article/the-sue-neill-fraser-trial-transcript-/>*

*and the Court of Criminal Appeal decision is here:*

*<http://www.austlii.edu.au/au/cases/tas/TASCCA/2012/2.html>*

*I am using page numbers from the transcript:*

*At 1197 Ms Neill-Fraser raised in cross-examination that wrenches had gone missing from the yacht and claimed that was while it was at Goodwood, well after Mr Chappell's disappearance. She had not previously told Police that.*

*At 1297, I suggested wrenches were on her mind throughout the trial "because it was a wrench wasn't it, or a similar sort of tool with which you struck Mr Chappell from behind and killed him? "*

*That was all that was put in cross-examination: hardly a "wrench theory".*

*In address at 1392 and 1407 I linked the claim she had made with missing wrenches with her description of what was happening between her and Mr Chappell on what on her own version was the last time she saw him alive - he was working on an electrical panel and "giving her the usual harangue" and "snapping at me like a crocodile", they had a row, she was working on the washing machine and she was "in the way of the tools" and they were "her tools too".*

*There was no "wrench theory" formulated or advanced. From the opening I told the jury the Crown did not set out to prove exactly how or with what Mr Chappell was killed, but that he was killed by Ms Neill-Fraser. It was no part of the jury's function to make a finding that a wrench or any other particular weapon was used. At 1392-3 I suggested that the fact that the body was missing pointed to Ms Neil-Fraser rather than a stranger ( as the jury knew that where Mr Chappell was working a stranger would have to come down a ladder directly in front of him to reach him; carpet tiles from that exact spot were proved to have been removed and, like the body, never found ). The complete passage is:*

*"But here comes the – here is perhaps the significance of there being no body found. Why, if this is a complete stranger to Mr Chappell and a complete stranger to the boat, would there be no body left on board? That doesn't make sense, does it. But if in fact it was someone who was closely connected to the boat, closely connected to Mr Chappell, and who would be able to be behind him without raising his attention because they're known to be in that space, where there's only one way in. She's walking backwards and forwards and delivers blow – a blow or blows, or maybe stabs him with a screwdriver, I don't know, he doesn't look round, and so the body doesn't have any marks of what you'd expect if someone had come down there, a stranger; intent on doing him harm, the body I suggest would have marks consistent only with being delivered by someone who he knew to be there, who he knew and expected to be behind him."*

*Please note the phrase "a blow or blows, or maybe stabs him with a screwdriver, I don't know".*

*At 1392 and twice, briefly at 1407 are the only mention I made of wrenches in closing and I have given you the only reference I made in the cross-examination.*

*I trust you can see that the phrase you have chosen to use, "your wrench theory" is quite wrong.*

*I have a prior engagement now and I am becoming apprehensive that the length of my eventual reply will prove too much for Gmail.*

*I will send this now and the rest if I am able to complete it in the disappointingly short time you have given me to do so.*

*Your sincerely,  
Tim Ellis*

**5May2015: Tim Ellis wrote, at 5:09 p.m:**

*Dear Ms Horsburgh,  
Before I resume, might I refer you to Para 148 of the Court of Criminal Appeal decision as to the phrase “your wrench theory”?  
To resume :*

- 1. What is your reaction to news that Sue Neill-Fraser will push to have her case returned to court via the proposed right-to-appeal legislation?*
- 2. What, in your opinion, was the most damning evidence against her?*
- 3. What was your wrench theory based on?*
- 4. You suggested in your opening address that there were “some indications of blood” in the dinghy. Was that a reasonable statement when confirmatory tests for blood were negative?*

*[4. You suggested in your opening address that there were “some indications of blood” in the dinghy. Was that a reasonable statement when confirmatory tests for blood were negative?]*

*4. To have left it there as you have “quoted” might not have been a reasonable statement , however the full statement at 71, 15-30 of the transcript is:*

*“But the tender itself was also subjected to a screening test for blood called luminol, and what happens with luminol is you put it – you put it on objects where there might have been blood and turn off the lights and it gets lum – it goes luminous in the presence of blood, and so that reacted quite strongly, the tender and the inside of the tender for the presence of blood, and swabs taken from the tender were found to match, with a high degree of probability, Mr Chappell’s DNA. But on the other hand another screening agent for blood taken on that tender showed negative and one of the forensic scientists looked under the microscope to try and find some – what they look for is red/brown indications of blood and couldn’t find any, so some indications of blood, his DNA, but others – others, no.”*

*The evidence was presented the same way - completely honestly and openly. These tests had been done, with that result. In these CSI days the jury expects to be told in full of all tests and examinations carried out, and this jury was. Never did I suggest there was proven to have been blood in the tender. It was never claimed on appeal to the Court of Criminal Appeal or for Special Leave to the High Court that I did nor that I could be understood to have done so, nor was it claimed there or at trial that the evidence was objectionable. Your selection of one phrase , out of context and without acknowledging that the context gives a different meaning is exactly what the Neill-Fraser supporters have been doing, and I must say I wonder if you have checked the primary sources of their claims before referring them to me.*

*The whole question of whether there was blood in the tender is not one of crucial relevance to conviction in any event. The evidence*

*necessary to the conviction of Ms Neill-Fraser might be said to fall broadly into two parts - that proving Mr Chappell is dead, having been murdered being part 1 and that proving Ms Neill-Fraser murdered him being part 2. To prove how the body was disposed of is no part of the necessary case of murder; blood in the tender might have arisen if the body was placed there, not wrapped say in a spare sail or other material, and bled or blood was transferred. Those events if they occurred are only events after the murder and therefore not directly relevant or necessary to a valid conviction of Ms Neill-Fraser. It was not necessary nor was it part of the Crown case to prove how or where the body was disposed of. The absence of Mr Chappell's body from the immediate vicinity of the yacht's mooring was a fact proven by evidence of searching and of course it was necessary to present to the jury evidence of the searches made in that respect as part of the evidence that Mr Chappell was dead. How the body came to be somewhere else and where that somewhere else was is not something the Crown was obliged or attempted to prove.*

*[5. In your closing address you mentioned Neill-Fraser's "involvement with the disappearing young Mr O'Day". What was that based on?]*

*5. Again, I refer you to the transcript. The ONLY reference is at 1394, a fleeting reference but what it picked up on is something Ms Neill-Fraser had herself volunteered in a previous interview or statutory declaration to Police ( not contained in the transcript but shown to and given to the jury. I am at a disadvantage not presently having access to those documents, but I am sure a request under the Right to Information Act will give you the exact context and reference if you are interested in such accuracy. If Ms Etter is co operating with you, she will have it too ) namely that she had been involved in some way as a peripheral witness in the police investigation of the disappearance of a young man named O'Day, son of a well known private investigator, last seen in the vicinity of the Tasman Bridge. It was thought likely but not certain he had suicided but no-one saw him do so and his body was never recovered. The jury could not conceivably have taken my fleeting comment in any other way but that she knew from that involvement that doubt can remain where a body is not recovered. There was no other mention of the matter at trial, and it could be understood in no other way. It was clearly taken that way too by Ms Neill-Fraser and her defence team, as there was no objection or request for clarification or correction at trial. Her very experienced legal team on appeal made no point of this as they knew there was none to be made. Again, this is a case of her supporters trawling the transcript for phrases to be taken out of context.*

*[6. Why was Phillip Triffett put up as a credible witness considering his history of death threats to Neill-Fraser and Bob Chappell years earlier? Why wasn't the court told this?]*

*6. Phillip Triffett was put up as a witness but that he had previously some traffic convictions and a possession of property charge ( although not conviction for that ) which might adversely reflect on his credit was disclosed to defence and the jury. When it emerged after he gave his evidence that in one of his police involvements he inquired as to possible advantage to himself in the evidence he could give, a fact unknown to me previously, I had additional statements of Police who had been involved taken and disclosed to defence and recalled him so he could be further cross-examined.*

*Your question presumes that I had reliable admissible evidence or there was evidence other than what Ms Neill-Fraser had asserted in interview ( the exact detail of which I do not now recall except that it was exceedingly bitter and played to the jury - see transcript 1388/35 ) after she learned Mr Triffett had spoken to Police about her. I did not have such evidence and no such evidence was ever supplied to me. Mr Triffett's former partner had made some kind of statement which may have touched on this, I do not recall, but she*

*was unable to be called and unable to be a reliable witness for the medical reasons given to the jury in certificate form at 563 of the transcript.*

*Mr Triffett was called as a witness and it was not suggested to him by Ms Neill-Fraser's lawyer, a Senior Counsel, that he made a threat to kill her or Mr Chappell. Your question offensively suggests I was aware of such information and hid it or didn't disclose it when the fact is Ms Neill-Fraser by her lawyers was perfectly free to put such allegations to him and to call evidence in support but did neither.*

*[7. Do you think the homeless people on the foreshore the night of Bob Chappell's disappearance were properly investigated?]*

*7. The question of homeless people on the foreshore never arose for investigation until more than two weeks after Mr Chappell's disappearance when it was mentioned for the first time by Ms Neill-Fraser in the course of admitting to a journalist that which she had previously and repeatedly dishonestly denied to police, namely that she went to the foreshore that evening.*

*A witness who had been there, Mr Hughes, said he was at the rowing sheds, where Ms Neill-Fraser asserted she saw "homeless people" around a fire, for twenty minutes on the same night and around the same time and saw no-one (379/9) except a female figure in an inflatable dinghy with a motor come from the Royal Yacht Club towards where the Four Seasons was moored.*

*No witness on the scene reported signs of a recent fire at the foreshore the next day.*

*Police made all proper, available and reasonable enquires as to the location of the "homeless people" only Ms Neill-Fraser belatedly claimed to have seen. As you ask the question I wonder what more you say they could have done but did not do.*

*[8. In your opinion, is it possible that Neill-Fraser is innocent?]*

*8. I believe Ms Neill-Fraser was properly convicted on the evidence at trial, and her appeal was properly and unanimously rejected and her application for Special Leave to Appeal to the High Court was properly rejected.*

*I trust this has been of assistance in presenting a "balanced article"; might I suggest that balance requires an understanding of the whole of the evidence against Ms Neill-Fraser?*

*Your sincerely,  
T J Ellis S.C.*

**20Jun2015:** see: <http://www.tasmaniantimes.com.au/index.php/article/tim-ellis-and-the-australian-womens-weekly->. Tim Ellis wrote to Tasmanian Times, discussing his input into an Australian Womens Weekly article :

*Dear Editor,*

*Apparently an article in the Australian Women's Weekly is soon to be published concerning Ms Neill- Fraser. I do not know how balanced it might be.*

*I was asked to comment and I enclose below an email string between the author and me; it might be interesting to see how much actually makes it to the article.*

*Regards,  
Tim Ellis*

Read: ***The emails in order ...*** [http://www.tasmaniantimes.com.au/index.php/article/tim-ellis-and-the-australian-womens-weekly-\[The correspondence/emails are produced above, at the entries for 28Apr2015, 4May2015 and 5May2015\]](http://www.tasmaniantimes.com.au/index.php/article/tim-ellis-and-the-australian-womens-weekly-[The%20correspondence/emails%20are%20produced%20above,%20at%20the%20entries%20for%2028Apr2015,%204May2015%20and%205May2015])

**27July2015:** Australian Womens Weekly published “[Tasmanian grandmother jailed for a brutal murder, but did she do it?](#)”  
Jul 27, 2015 **4:23pm** /By Susan Horsburgh [[There might have been an earlier publication than this 27Jul2015 edition, however, read it here, at: https://tinyurl.com/y9v6psa2](#) ]

Extracts relating to Tim Ellis's contribution:

*Mr Ellis has not commented publicly on the Neill-Fraser case before, but agreed to answer The Weekly's questions via email. “I believe Ms Neill-Fraser was properly convicted on the evidence at trial,” he says.*

*He disputes criticisms that he created a murder scenario, arguing that “it was not and is not essential to the valid conviction of Ms Neill-Fraser that the prosecution produce a murder weapon or prove a manner of death”.*

*In this respect, her conviction is no different to that of Bradley Murdoch for the 2001 murder of British tourist Peter Falconio – “a wholly circumstantial case with no weapon or manner of death claimed or proven”, he adds. [[This seems to be the only 'Ellis input' that made it into the AWW article. Read the full article here at: https://tinyurl.com/y9v6psa2](#)]*

**17Sept2015:** The Premier of Tasmania introduced into the House of Assembly on 17 September 2015 the *Criminal Code Amendment (Second or Subsequent Appeal for Fresh and Compelling Evidence) Bill 2015* (No. 42 of 2015) (**the Bill**) which makes amendments to the *Criminal Code Act 1924 (Criminal Code)* to provide a convicted person the right to make a **further appeal on the basis of fresh and compelling evidence**, even after ordinary appeal rights have been exhausted. (***New Criminal Procedure Bill in Tasmania:*** <https://www.timebase.com.au/news/2015/AT366-article.html> )

[The amendment to the Criminal Code was brought in by the Minister for Justice, the Honourable Dr Vanessa Goodwin. It became law 2Nov2015.](#)

**17Sept2015:** The Mercury published the following article: [Right to appeal legislation was tabled in Tasmanian parliament, giving Neill-Fraser a final chance to win her freedom.](#) [[have a look at it here ... https://tinyurl.com/y7zfqh6m](#) (it will cost \$...) or a government press release here ... <https://tinyurl.com/ya2f9rlr>]

**2Nov2015:** the Amendment to the Criminal Code Act (1924) came into effect [Criminal Code Amendment (Second or Subsequent

Appeal for Fresh and Compelling Evidence) Act 2015]:

**402A. Second or subsequent appeal by convicted person on fresh and compelling evidence**

(1) In this section –

*convicted person* means a person who, before a court of trial, has been –

(a) convicted of a serious crime; or

(b) acquitted of a serious crime on the ground of insanity –

whether that conviction or acquittal occurred before or after the commencement of this section;

*fresh and compelling evidence* has the meaning given by subsection (10) ;

*serious crime* means a crime punishable upon indictment listed in Appendix D .

(2) The Court may hear a second or subsequent appeal by a convicted person if the person has been granted leave to appeal under this section.

(3) A convicted person may apply to a single judge for leave to lodge a second or subsequent appeal against the conviction on the ground that there is fresh and compelling evidence.

[...]

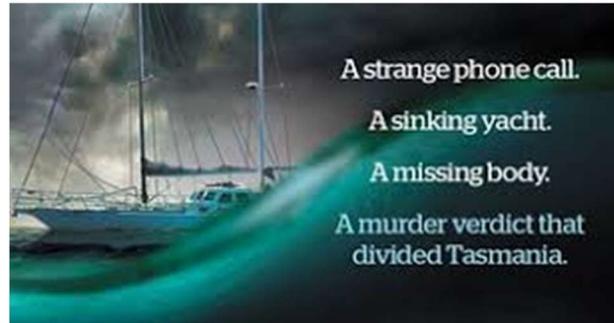
**00Xxx2015** [Nov-Dec] Neill-Fraser filed an application seeking leave to lodge a second appeal.

## 2016

**22Apr2017** 1<sup>st</sup> Directions hearing for 2<sup>nd</sup> appeal application: Mr Percy, appearing by video from WA, represented SN-F in the first [?] directions hearing before Justice Shan Tennent. DPP Daryl Coates said that he could not proceed until documents were filed that were in accordance with the rules of evidence. Justice Tennent said while the documents gave the 'general idea' of their case, it did not provide an admissible form of material in 'any way, shape or form'. She adjourned the case for a further directions hearing and asked Neill-Fraser's team to file an application book of admissible evidence. ['Neill-Fraser appeal returns' Examiner 22 April 2016]

**7May2016** The SMH (Good Weekend) and The Age published an article “Waters of Doubt” /The article’s authors, GW deputy editor Greg Callaghan and court reporter Emma Partridge. [see: SMH pulls Neill-Fraser article, apologises to Tim Ellis ... /Ben Lohberger on Tasmanian Times <http://www.tasmaniantimes.com/index.php/article/SMH-pulls-Neill-Fraser-article-apologises-to-Tim-Ellis> ]

**13May2016** GW editor, Amelia Lester, revealed to *The Guardian* that 'Waters of Doubt' was being reviewed and would not be available online during the review:



A strange phone call.

A sinking yacht.

A missing body.

A murder verdict that  
divided Tasmania.

**SMH:** *Waters of Doubt : A strange phone ca...*

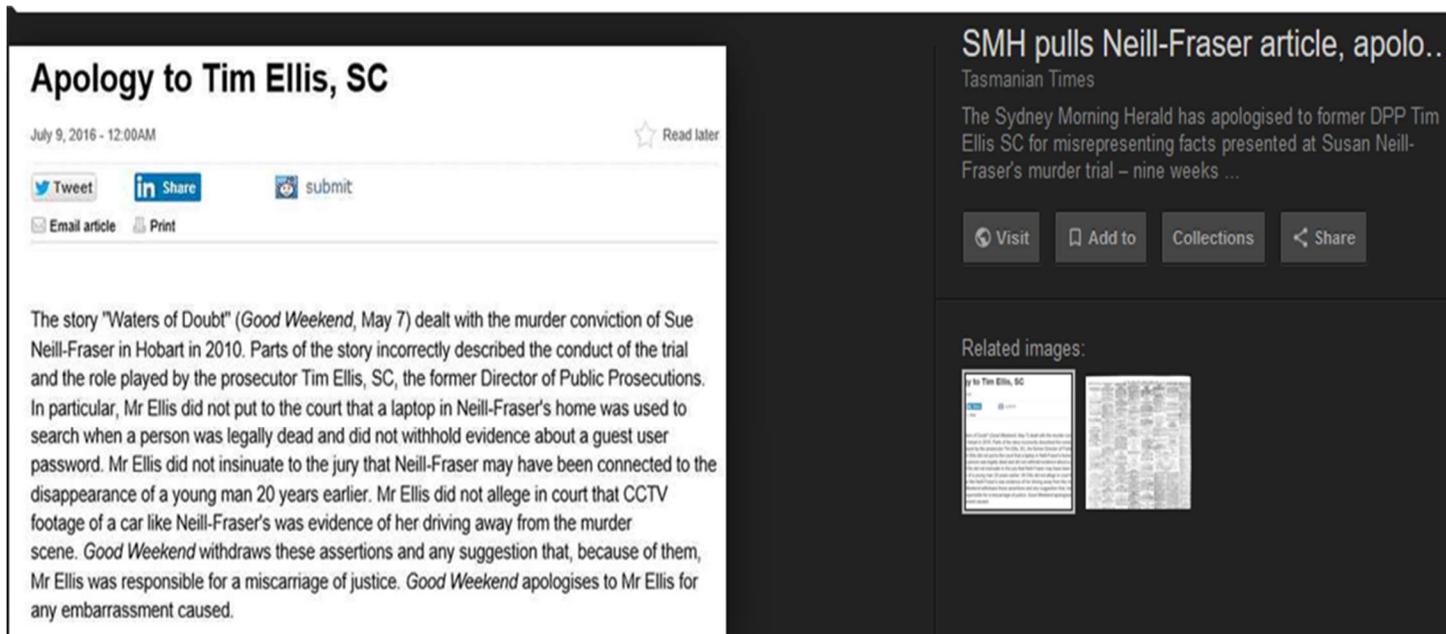
### **Good Weekend's murder mystery**

We'd love to know what went on behind the scenes at the Good Weekend when its cover story "Sue Neill-Fraser and the murder that divided Tasmania" was published in the Sydney Morning Herald and the Age on 7 May.

Written by Greg Callaghan the story was about a trial in Tasmania in 2010 in which Neill-Fraser was found guilty of murdering her partner, Bob Chappell, on board the couple's yacht on Hobart's River Derwent. The story has been covered by multiple outlets as it has been labelled a miscarriage of justice on the scale of a Lindy Chamberlain. But the Callaghan story completely disappeared from the website shortly after it was published.

GW editor Amelia Lester wasn't giving anything away when we asked what happened. "*We are reviewing the story and during this time it won't be available,*" Lester said. [ <https://www.theguardian.com/media/2016/may/13/-readers-complain-the-age-sacking-arts-writer-the-weekly-beast> ]

**8Jul2016** Apology to Tim Ellis from SMH: 'The story "Waters of Doubt" (*Good Weekend*, May 7) dealt with the murder conviction of Sue Neill-Fraser in Hobart in 2010. Parts of the story incorrectly described the conduct of the trial and the role played by the prosecutor Tim Ellis, SC, the former Director of Public Prosecutions. In particular, Mr Ellis did not put to the court that a laptop in Neill-Fraser's home was used to search when a person was legally dead and did not withhold evidence about a guest user password. Mr Ellis did not insinuate to the jury that Neill-Fraser may have been connected to the disappearance of a young man 20 years earlier. Mr Ellis did not allege in court that CCTV footage of a car like Neill-Fraser's was evidence of her driving away from the murder scene. *Good Weekend* withdraws these assertions and any suggestion that, because of them, Mr Ellis was responsible for a miscarriage of justice. *Good Weekend* apologises to Mr Ellis for any embarrassment caused.'



This image from *Tasmanian Times*: *SMH pulls Neill-Fraser article, apologises to Tim Ellis ...* (11Jul2016)

**11July2016** Between this date and 16June2017 Stephen Gleeson had 20 visits in prison from Colin McLaren, Barbara Etter or Jeff Thompson, which resulted in a 58 page document/affidavit.

**13Sept2016** Barbara Etter took an affidavit from Stephen Gleeson, in which he confirmed his earlier statements that he was intoxicated on the night of 26 January 2009, and slept in his car on his own. He did not state that he had seen any people that night, or that anyone was in the car with him.

<https://tasmaniantimes.com/2018/06/supreme-court-of-tasmania-comments-on-passing-sentence/> or <https://tinyurl.com/y4wda4ag>

## 2017

**Karen Keefe**, who had met SNF while in Risdon Prison, was released and subsequently met Meaghan Vass. Vass did not know Keefe.

They were introduced by a mutual friend [Ronald MacKenzie]. Keefe told Vass she [had been] in jail with Neill-Fraser and was helping her. [According to Vass] Keefe did "Not straight away" raise the Neill-

Vass met Keefe through "another friend of Ronald's." Keefe did "not straightaway" raise the Sue Neill-Fraser case. She [at some stage] told Vass that she had been in jail with Neill-Fraser, that they'd become friends, that she was [in Coates's words] "doing that to help

Fraser issue.

Sue Neill-Fraser”which was why she wanted Vass to say that she was on the boat. McKenzie [was] a member of the Devil’s Henchmen.

McLaren first spoke to Meaghan by phone - check the transcript/Southern Justice for date etc

### My original pencil notes

‘Keefe wrote the statement,...told Vass she'd have to say she was on the boat, introduced her to Colin McLaren said he was a private detective, said “there would be money” ‘

### My own written up notes:

‘Vass was introduced to Colin McLaren by Keefe, who told her that he was a private detective working on the case, ...’

### My own summary, based on my written up notes:

‘Keefe had introduced her to Colin McLaren, she had said he was a private detective, and she had said “there would be money” ‘

### Lynn Giddings’ shared take on that statement

‘Karen Keefe, who had introduced her to Mr Colin McLaren, a private detective working on the case, ...’

**\*For further information on this topic see Andrew Urban’s ‘Sue Neill-Fraser author Colin McLaren to be silenced?’**

[ <https://wrongfulconvictionsreport.org/2019/01/27/sue-neill-fraser-author-colin-mclaren-to-be-silenced/> ]

**\*\*See also:** *Security and Investigations Agents Act 2002* –

3. Interpretation [*inquiry agent & inquiry agent activities*],

4. Requirement for licence and

21A. Employing unlicensed person

41. Exemptions [41 (1)(h), 41 (1)(l)]

**\*\*\* I don’t know whether McLaren holds an Inquiry agent licence.**

### Coates’ leading question to Vass

And did he say he was a private detective working on the case? ... ..Yes.:

**It should be noted that whether or not this was the question that Coates put to Vass, or whether it was actually...**

And did she say he was a private detective working on the case? ... ..Yes.

**...Vass’s evidence about the issue of money quite definitely indicates that it was McLaren, not Keefe, that raised this issue during their meeting at the Best Western:**

“He did say that there would be money.”

**...Vass’s evidence suggests that it was McLaren – not Keefe – who said he was a Private Detective. McLaren’s book Southern Justice gives no info. On this question,**

### McLaren in evidence to Coates:

...How did you got about this investigation?.....I call it research, your Honour, and it keeps coming back as “investigation.”

‘I always maintained an open mind, as any detective should, or as any researcher for a book should.’

### Percy submission:

[McLaren] ...’was conducting this investigation as he would, I’d suggest, any other in respect of which he was being remunerated, whether privately or in his previous capacity.

**16Jan2017:**

**16Jan2017 (Mon):** Colin McLaren's first direct contact with Ms Vass was on 16 January 2017. That contact was by way of a conversation between Ms Vass and him over his mobile telephone. In his affidavit, he reports the verbatim conversation [of which Brett J notes that McLaren gave evidence that he made contemporary notes of the conversation] as follows:

"**Meaghan:** We were there on the yacht partying. I can't remember but I have to think about it, Paul and Sam and me. There was a fight on the other yacht.

**McLaren:** *Four Winds?*

**Meaghan:** *The old guy's yacht, next to Paul's.*

**McLaren:** *How'd you get onto the Four Winds?*

**Meaghan:** *I can't swim, I didn't swim. We got a dinghy.*

**McLaren:** *What happened next on board?*

**Meaghan:** *A fight. Fuck. I saw it but I fucked off. Took off.*

**McLaren:** *How?*

**Meaghan:** *In the dinghy, fucked off.*

**McLaren:** *What happened to Paul and Sam?*

**Meaghan:** *Don't know. They went back to Paul's yacht. I took off."*

[ <http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&synonyms=0&query=neill-fraser> ]

Meaghan Vass (30Oct2017) told the court that "*Karen fucking Keefe got with Colin McLaren, they wrote up this together.*"

At one stage, McLaren and Keefe wanted to take Vass down to a hotel on the waterfront to talk with her, but she refused to go.

**17Mar2017 (Fri)**

Colin McLaren met Vass [ Neill-Fraser v Tasmania [2019] TASSC 10 (21 March 2019) [\[2019\] TASSC 10](#) ]

[It's not known to me whether these 17Mar and 18Mar dates signify two separate meetings, or whether one of the dates is incorrect. The 17Mar date is given by Justice Brett, the 18Mar date is given by Tom Percy, Q.C.]

**18Mar2017 (Sat)**

Colin McLaren met Meaghan Vass at the **Best Western Hotel** 18Mar2017.

Vass told him that she couldn't "*...recollect these people and as far as [she was] concerned, this occasion never happened.*" [At that stage of her examination, no people unknown to her had been

[The possible confusion of dates is echoed/paralleled by Justice Brett's reference to subsequent meetings taking place on 17Apr2017 and on 18Apr2017 – see relevant entry for those dates]

mentioned, save for a Justice of the Peace, called Mitchell. It is possible that Vass is referring to those persons said in her statement to have been with her on the Four Winds ... as in: ***I was there with people I will not name.*** - see transcript of statement below, 27 or 28Apr2017

The hotel is at 156 Bathurst St and was formerly known as the Mercure. Ronald 'Sharkie' McKenzie drove her in.

As well as Colin McLaren, Eve Ash was present: there were cameras. They wanted to know whether she'd been on the boat. She "just didn't say anything" and ran off.

**17Apr2017:** "Mr McLaren had subsequent meetings with Ms Vass at a hotel in Hobart on 17 and 18 April 2017."

[ <http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&synonyms=0&query=neill-fraser> ]

[These and the earlier (17/18Mar) possible confusion of dates is echoed/paralleled by Justice Brett's reference to subsequent meetings taking place on 17Apr2017 and on 18Apr2017 **and**. see the relevant entry for those dates]

**18Apr2017:** "Mr McLaren had subsequent meetings with Ms Vass at a hotel in Hobart on 17 and 18 April 2017."

[ <http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&synonyms=0&query=neill-fraser> ]

**21Apr2017:** McLaren "drafted what he describes as *"a plain paper statement about what Meaghan had initially told me about being on the Four Winds yacht with two men"*. His evidence was that he [subsequently?] presented this statement to Ms Vass, who required certain changes to be made. He made the changes and she signed the statement. He then gave the statement to a lawyer, Jeff Thompson. Mr McLaren says that he had no further role in drafting or handling the statement. "

[ <http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&synonyms=0&query=neill-fraser> ]

**27Apr2017:**

*"On the application, the applicant SN-F tendered a document which purported to be a statutory declaration by Ms Vass, signed on 27 April 2017. The inference is that this document reflected the statement which had been prepared by Mr McLaren. The document asserted that Ms Vass was "on the Four Winds yacht on the night of Australia Day 2009". It further asserted that she was there "with people I will not name", was scared and was not prepared to provide any further details. It further asserted that "the lady Sue Neill-Fraser*

**27 or 28Apr2017**

Meaghan Vass signed at statutory declaration on this day

She was at Rosie O'Donnell's home when she signed. Rose [sic] and Jeff Thompson were present. He was already there when Vass arrived.

Thompson had the stat. dec. already typed up.

Ronald McKenzie was there. Rosie was not in the room. Vass was

*was not on the yacht". It does not, however, refer to the claim made to Mr McLaren in the telephone conversation of 16 January that she had seen a fight aboard the yacht."*

[ <http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&synonyms=0&query=neill-fraser> ]

not asked to read it, just to sign it. Nobody explained to her what an indemnity application was. Ms/Mrs Mitchell J.P. was not present.

[According to her recollection] a Justice of the Peace called Mitchell was not present. [Mr Percy in examining Vass had referred to both the 27<sup>th</sup> and the 28<sup>th</sup> – the 27<sup>th</sup> seems more likely]

A friend and associated of Vass, Matthew Davidson was present when Vass signed the 27Apr2017 stat. dec.

**The statement began with the following...**

*I'm making this statement of my own free will on the understanding this statement will be used for the purpose of an indemnity application made on behalf*

**and included**

*I further understand there is no guarantee as to the success of that application –*

**and further included:**

*The contents of this statement constitutes the evidence which I would be prepared to give in the event that I'm called as a witness in any further proceedings in relation to this matter.*

**and further included:**

*My name is Meaghan Vass.*

The following transcription of the statement as prepared by Colin McLaren by dictating to Eve Ash on keyboard, was gathered by my viewing a movie shown in court Wed22/8/2018). I render the audio of that part of the movie – based on my notes taken in court - thus:

*My name is Meaghan Vass.*

*My date of birth is 14 October 1993.*

*I'm 23 years old.*

**and further included:**

*In 2010 I was told that my DNA was found on the Four Winds yacht off Sandy Bay Hobart*

**and further included:**

*I was on the Four Winds yacht on the night of Australia Day 2009*

**and further included:**

*I was there with people I will not name. I am scared. I do not want to give any details except that I was on the yacht.*

**and further included:**

*The lady Sue Neill-Fraser was not on the yacht.*

**and further included:**

*I have never met her, I do not know her, I just know she is in prison.*

**and further included:**

*And I have thoughts about her every day for the past eight years.*

**and further included:**

*Nobody understands my grief.*

**and further included:**

*I do not want to say anymore I want to be left alone.*

*I am 23 years old.*

*In 2010 I was told my DNA was found on the Four Winds yacht off Sandy Bay.*

*I was on the Four Winds yacht on the night of Sunday, 26 January, 2009.*

*I was there with people I won't name, I don't want to give any details, except that I was on the yacht.*

*Ms Neill-Fraser was not on the yacht.*

*I have never met her, I don't know her, I just know she is in prison. I don't want to say anymore or why I was on the yacht.*

*Meaghan Vass*

[At McLaren's direction, four line-spaces were to be left for her signature]

[It is inferred and added to the transcript: <26 January> and in the last line, the word <or>: these (and a reference to 'four line spaces' now included 'from memory') were not present in previous notes of the audio – 2Sept2018].

Prior to this date, Karen Keefe made a statement up and she (Vass), though it was false, had to go along with it. [*None of that was true. I was made to sign it out of fear*]: Mercury (Hobart, Australia) - October 31, 2017 Author/Byline: PATRICK BILLINGS ] She was never promised money for the statement. Someone had threatened to "*put her in the boot of a car*" if she did not. [from: Neill-Fraser appeal begins Advocate, The (Burnie, Australia) - October 31, 2017 Author/Byline: Rob Inglis .

Vass [30Oct2017] told the court [A2A] that the [parts of her stat. dec. relating to being on the yacht] were false, though she didn't *"know whether she [Neill-Fraser] was on the boat or not, I can't remember"* and said that the *"I have never met her, I do not know her, I just know she is in prison."* part of her statement was true. She said that Karen Keefe had made up the statement, had threatened to put her [Vass] in the boot of a car, so she [Vass] signed it out of fear.

**The Threat:**

Vass was *"pretty sure"* that the threat that Karen Keefe told Sharkie that she would put Vass in the boot of a car if she didn't sign the statement. [Thus, it seems possible that the 'car boot threat' was not made directly(if at all?) to Vass by Keefe.]

<p>She was never promised or offered money in return for giving the statement.</p>	<p>Vass said that Karen Keefe was also offered money in relation to the statement.</p>	<p>[Vass evidence: 2<sup>nd</sup> Appeal application Oct2017: "He did say there would be money," she later told the court.] Mr McLaren's mention of money was in reference to the publicised reward of \$40,000 for information leading to the release of Neill- Fraser.</p>
------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>The people present were Mr MacKenzie [according to Vass's 2017 2<sup>nd</sup> Appeal application hearing evidence, he was: a member of the <b>Devils Henchmen</b>. (outlaw bikie gang). ] and the lawyer, <b>Jeff Thompson</b>, but not Ms Mitchell, the Justice of the Peace. She does not know <b>Miss Mitchell</b> (a JP): that person wasn't with her when she signed the stat dec.</p>	<p>They wanted to take her to a hotel at the waterfront, and that she did go, but MacKenzie [?] drove her ... it was to the [sounded like 'McCure Hotel'] ... [the Mercure Hotel? (now know as the Great Western?- or was it to Mures?)] Eve Ash was there, with cameras; Vass "[...] <i>didn't say anything</i>. There was just <b>Jeff Thompson</b>, Vass and a woman <b>Rosie O'Donnell</b> when the statement was signed. Vass had not seen it before. She has never told anyone she had been on the Four Winds nor has she told anyone that she had been on the Four Winds when Bob Chappell was killed. The value [significance?] of the stat dec wasn't explained to her. [It seems that the stat dec contained (something like?) this statement: "<i>I was on the deck of the Four Wind yacht on Australia Day</i>"]</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Meaghan Vass made/signed a/[this](#) statement (Stat. Dec.) [[Amongst other things, it \(apparently\) said that she had been on the Four Winds on the night of Australia Day, 2009.](#) and Neill-Fraser wasn't there.]

In the 27April2017 statement (signed on that date):

- Vass stated she was on the yacht on the night in question.

- Vass sought *an indemnity from prosecution* and stated that she *"was on the Four Winds yacht on the night of Australia Day 2009 with other people"*.

- She also stated that she was *"scared"*, that *"nobody understands my grief"* and that *"Sue Neill-Fraser was not on the yacht"*.

<https://www.smh.com.au/national/death-on-the-derwent-secret-file-could-prove-yacht-killers-innocence-20170822-gy1pix.html>

[[Further comment](#): at the time of writing – 2Sept2018:

- Colin McLaren remains *"outside this [Tasmanian] jurisdiction"* and has declined to testify.

- Eve Ash also feared arrest by TasPol. For some time (around the time of the charges/arrests of Gleeson, Keefe and Thompson) she did not return to Tasmania. In her mind, she had not done anything wrong, but feared the police, for their own reasons, would seek to arrest her, as they had arrested Thompson and Keefe and had charged the prisoner Gleeson)

- Tom Percy QC has committed to Justice Brett to seek an affidavit from McLaren within 28 days of 31Aug2018. It is noted that the film which shows McLaren dictating the text of the *'Vass Statement'* to Ash is in apparent contradiction to Vass's statements (31Oct2017):

- Vass in her court testimony had said that prior to 27 (28?)Apr2017, Karen Keefe made a statement up and she (Vass), though it was false, had to go along with it. Yet in the film shown to the court, McLaren is seen dictating [without reference to any document ... i.e. 'off the top of his head'] the statement to Ash, at a time when Keefe is said to have still been in jail.

- It is suggested that a message was smuggled out of prison by Keefe at some stage, but at this point in time it seems to remain only a suggestion, without a basis in evidence.]

**May-June 2017:** Mr Lorraine (who had not seen Detective Sinnitt's notes before the 2010 trial) received them from Barbara Etter at some stage in the last 6 months before he gave evidence at A2A 31Oct2017 (see: [Lorraine 27Jan2009](#), [31Jan2009](#)). Barbara Etter withdrew from Sue Neill-Fraser's legal team on or around 20Jun2017. The notes that Peter Lorraine got from Barbara Etter were blocked out in parts – he wasn't [aware of] what [was in] in the blocked out parts. *"Nor were we"* said Mr Percy (31Oct2017).

**8May2017:** Jeff Thompson took an affidavit from Stephen Gleeson (Barbara Etter had taken one on 13Sept2016) although at the time he had been told by Ms Etter he was not authorised by her to work on the Neill-Fraser case. Gleeson said, for the first time, that on 26 January 2009 he was woken up by someone tapping on the window of his car. He said the two people were Adam Yaxley and a girl. He said

he let them in his car and cooked them sausages on his gas cooker. He said Mr Yaxley and the girl had talked about breaking into yachts to steal things. He got back into his car, he said, and went to sleep. In his affidavit he said that Mr Thompson showed him a photo array, and that he signed the picture which he recognised to be of the girl. He signed his name next to a photograph of the girl. A photoboard containing eight photographs was annexed to his affidavit. His affidavit and the photoboard were provided to the Crown and filed in support of Ms Neill-Fraser's application to lodge a second appeal.

<https://tasmaniantimes.com/2018/06/supreme-court-of-tasmania-comments-on-passing-sentence/> or <https://tinyurl.com/y4wda4ag>

### **11May2017:**

*Background:* Robert Richter, Victorian Barrister and Q.C., having written to Tasmania's then Attorney-General, Brian Wightman [[c./before\\_16Aug2013](http://www.abc.net.au/news/2013-08-16/a-prominent-queens-counsel-calls-for-an-inquiry-into-a-tasmania/4891952) <http://www.abc.net.au/news/2013-08-16/a-prominent-queens-counsel-calls-for-an-inquiry-into-a-tasmania/4891952> ] had asked for a Commission of Inquiry.

*The meeting:* He [[subsequently](#)] met with the (Tasmanian) Premier, Will Hodgman, then acting Attorney-General Matthew Groom and Solicitor General Michael Farrell on 11May2017. ) **The** letter had a seven page letter attachment, **later** known as the '**Richter Dossier**'. It contained details of 'new and fresh evidence'. At the meeting, Richter presented the dossier and argued for Vass to be given immunity from prosecution: she was "*in danger and required protection as well as witness indemnity*".

The Richter Dossier is said to have exonerated Neill-Fraser and to have named the two men thought by his investigative team to have killed Bob Chappell. It also named Meaghan Vass as having been aboard the Four Winds at the time of the murder.

**see:** <http://www.themercury.com.au/news/opinion/charles-wooley-top-barristers-bid-to-revisit-murder-case/news-story/984733b4c62dfa624d8b2cb767dca7ec> and/or

Charles Wooley: Top barrister's bid to revisit murder case | The Mercury ]

**16Jun2017 (Fri):** Jeff Thompson visited Stephen Gleeson in Risdon Prison. Thompson showed Gleeson photo boards from which Gleeson apparently selected one by placing his initials next to it – supposedly identifying Adam Yaxley and/or the young man who'd knocked on his car window on the evening of 26Jan2009.

[STATE OF TASMANIA v STEPHEN JOHN GLEESON 6 JUNE 2018 COMMENTS ON PASSING SENTENCE MARSHALL AJ] XXN by DPP Coates (30Oct2017): <https://tasmaniantimes.com/2018/06/supreme-court-of-tasmania-comments-on-passing-sentence/> or <https://tinyurl.com/y4wda4ag>

16Jun2017: Between this date and 11July2016, Stephen Gleeson had 20 visits in prison from Colin McLaren, Barbara Etter or Jeff Thompson, which resulted in a 58 page document/affidavit.

**19Jun2017 (Mon):** Stephen Shields swore an affidavit. In it he said (concerning when Wroe's boat was slipped) "*At this time I cannot*

*recall whether this was before or after Bob Chappell's disappearance*" [

**20Jun2017 (Tue): Barbara Etter leaves legal team:** Barbara Etter, who has acted as solicitor for Sue Neill-Fraser (for 5 years?) has without public explanation, quit acting for SN-F. Mr Percy was told on Tue20Jun2017 of Barbara Etter's discontinued role.

[CASE CHAOS *Mercury (Hobart, Australia) - June 22, 2017* Author/Byline: DUNCAN ABEY]

[Barbara's withdrawal had been a shock to everyone and even, these several years later, even now no one knew why she had done so. Barbara had remained tight-lipped. Various people had posited their own theories, ranging from it being due to a final realisation of Sue's guilt through to the possibility that Jeff Thompson's 'unauthorised' Gleeson visit could have placed her in an untenable position.

**28Aug2017:** A letter from Mr Cangelosi (see reference to it at 4Sept2017) to Mark Miller, Principal Legal Officer [TasPol] referred to a statutory declaration by his client (Meaghan Vass) made on 27Apr2017. Upon receipt of Cangelosi's letter, Mr Miller inferred from it that Vass's declaration that she was on the *Four Winds* on the night of 26Jan2009 was false. [see entry for 4Sept2017]

**??Sept2017:** "*In September, her lawyers [Vass's?] got a letter from a police legal officer that they had evidence suggesting she made the statement under duress and could be guilty of perverting justice.*" **Anthony Dowsley**  
(Herald-Sun 7Dec2017: [http://www.heraldsun.com.au/news/law-order/bob-chappell-murder-top-cop-says-street-kid-was-at-crime-scene-aboard-luxury-yacht-four-winds/news-story/65efd48c9075d36547e458729527f799]

Vass found out about the \$40,000 reward (she told the 2<sup>nd</sup> appeal application court that she'd only found out about it "*fairly recently*").  
**04Sept2017:**

47 Liverpool Street Hobart  
(GPO Box 308)  
HOBART TAS 7001  
Phone (03) 6173 2382  
Fax (03) 6230 2202

4 September 2017

Simmons Wolfhagen  
GPO Box 146  
HOBART TAS 7001

Attention: Mr Cangelosi

Dear Sirs

**MEAGHAN VASS**

I refer to your letter of 28 August 2017.

I confirm that investigating officers wish to interview your client concerning the statutory declaration of 27 April 2017 referred to in your letter. I infer from your letter that the statement in the statutory declaration that your client was on the yacht *Four Winds* on the night of Australia Day 2009 is false. I also infer that if your client were called to give evidence in any future proceedings her evidence would accord with the evidence she gave at the trial of Ms Neill-Fraser and the contents of her statutory declaration of 23 March 2012. If your client made the statutory declaration of 27 April 2017 attributed to her, she would at face value be guilty of making a false statutory declaration and the crime of pervert justice. Tasmania Police is in possession of evidence suggesting that your client made the statutory declaration of 27 April 2017 under duress. Investigating officers wish to interview your client (not under caution) to confirm that this is the case.

Investigating officers also wish to interview Mr Cangelosi concerning a number of factual matters not subject of legal professional privilege, including when he was first retained to act for Ms Vass and by whom.

Could you please advise whether Ms Vass and Mr Cangelosi will take part in interview.

Yours faithfully

**MARK MILLER**  
Principal Legal Officer

??Oct2017: Meaghan Vass told police, in a written note, that she was not on the Four Winds on the night of 26Jan2009. (See *The Australian* (30Oct2017): ‘Partner guilty of killing our dad’ /Matthew Denholm (see: APPENDIX VIII) )

12Oct2017(2nd digit illegible, possibly 17.10.17 ): (TRANSCRIPT)

I (full name) <b>Meaghan Vass</b>	DOB [REDACTED]
of (address) -	occupation ⚡ [illegible]

[...]

Do solemnly and sincerely declare that (facts) **Damien showed me a statement . that I have read and wish to declare that it is false and ive never been on the boat - Colin offered money that i never received**

meaghan

Present: Angela Jane Atkins AJA..... [signature]  
Reginald Brandon Atkins RBAtk..... [signature]

Declared at (Place)	Signature	Date
Hobart	DG..... [signature mostly illegible]	17/10/2017

The placement of the word ‘meaghan’ within a circle suggests to me that having written the first sentence ‘*Damien showed me a statement . that I have read and wish to declare that it is false and ive never been on the boat*’, she may have ‘signed it’, effectively indicating that that was all that she had to state. Is it possible that the words ‘Colin offered me money that I never received’ were ‘squeezed in’ after she had signed it? If so, did she add the second bit ‘off her own bat’, or was she prompted? Is the above 'DG.....' signature that of

Damien George?

**Statutory Declaration**

I (full name) <u>Meaghan Vass</u>	DOB <u>[REDACTED]</u>
of (address) <u>/</u>	occupation <u>S</u>
can be contacted during working hours on (phone)	(email)

Do solemnly and sincerely declare that (facts): Damien showed me a statement that I have read and wish to declare that it is false and I've never been on the bank - Colin of Preet money that I never received.

Present: Angela Jane Atkins  
Megawide Brocklehurst Atkins

I make this solemn declaration under the Oaths Act 2001.		
Declared at (place)	Signature	Date
<u>[REDACTED]</u>	<u>[Signature]</u>	<u>17.10.17</u>
Witness the justice commissioner for declarations or authorised person)		
Name	Signature	Date

**18Oct2017:** Paul Galbally having [earlier?] visited Brent Brocklehurst, Constable Hart showed him some pix (2 female) (+some male pix) to try and identify the girl and the 'Michael ?' who with Stuart Russell, comprised the trio that Simon Pargeter [Pargiter?] had met on Dog

Beach on the evening of 26Jan2009. [said Brocklehurst in 2017: "*I was a bit shady with a definite on the photos.*" [Mercury: '*None of that was true...*' /Patrick Billings, 31Oct2017]

### **APPLICATION FOR LEAVE TO APPEAL: WITNESSES GIVE EVIDENCE at Supreme Court.[]**

**30Oct2017:** SN-F's application for leave to make a second appeal had proceeded beyond the directions hearing stage, and witnesses were now to give evidence before the Supreme Court's Justice Michael Brett. However, that morning's edition of *The Australian* published an article to the effect that Meaghan Vass:

- "*has in recent days told police, in a written note, that she was not on the yacht from which the 65-year-old disappeared on the night of January 26, 2009*"
- "*alleges one of Neill-Fraser's supporters, who cannot be named for legal reasons, offered her money to make the false declaration.*"
- "*whom police allege was coerced into making a false declaration for use in the appeal, has been called by Neill-Fraser's legal team to give evidence today.*"

The article further noted that police alleged that Meaghan Vass, who:

- "*was coerced into making a false declaration for use in the appeal, has been called by Neill-Fraser's legal team to give evidence today.*"
- and that:

- "*Perth silk Tom Percy and Melbourne criminal law specialist Paul Galbally — will call a new witness who claims to have seen Ms Vass with a group of males in Sandy Bay on the night of Chappell's disappearance.*"

The article also noted that:

- "*The Australian has seen evidence suggesting Ms Vass was absent from her accommodation on January 26, 2009, and was in the company of a known criminal.*"

[see *The Australian* (30Oct2017): '*Partner guilty of killing our dad*' /Matthew Denholm]

30Oct2017:

### **Application for leave for SN-F to make a 2<sup>nd</sup> appeal: Witness list and dates. [see: Appendix VI]**

2017 10 30 Mon

**Vass, Meaghan:** Homeless girl whose DNA was found on the Four Winds.

**Brocklehurst, Brent Thomas:** Hairdresser, Sandy Bay.

**Gleeson, Stephen John:** The homeless man living in car at Short Beach.

**Jones, Maxwell:** Forensic Police VIC. Author of 2 Reports.

30Oct2017: Meaghan Vass took the stand as the first witness called by the applicant (Counsel for Neil-Fraser). Vass told the court about a night (I didn't hear the date, if it was mentioned) when she had been absent.

[**Absent from where I could not tell – perhaps it was that night when she supposedly had the sleepover at Mt Nelson**]. She says that she had wanted to stay out at **Sam Devine's** place.

**31Oct2017:** Wroe met with the Director of Public Prosecutions (**Daryl Coates**).

**31Oct2017:**

**Application for leave for SN-F to make a 2<sup>nd</sup> appeal: Witness list and dates.** [see: **Appendix VI**]

2017 10 31 Tue

Jones, Maxwell: Forensic Police VIC. Author of 2 Reports.

**Lorraine**, Peter Derek: From Derwent Lane jetty saw 'old seafarer' on a boat.

**Hidding**, Eddy Robert: had Chandlery on Short Beach, knew Wroe & Maddock

**Shield**, Stephen: boat broker in Chandlery premises. Located SW nth of FW

**Catchpool**, Stephen: husband of Jane Austin, aware of people living in cars [and Wroe]

**Blackberry**, Shane M: boatswain at DSS. Knew Wroe, Didn't think SW slipped on 26Jan

**Smith**, Garry David: had yacht at marina, several times saw a dinghy tied to rowing club rocks.

## 2018

**6June2018** [STATE OF TASMANIA v STEPHEN JOHN GLEESON 6 JUNE 2018 **COMMENTS ON PASSING SENTENCE MARSHALL AJ** <https://tasmaniantimes.com/2018/06/supreme-court-of-tasmania-comments-on-passing-sentence/> [The comments can be found at **Appendix III** – at this stage (17/7/2019) they have not been examined for additions to this chronology]

**22Aug2018:** Dtv. Shane Sinnitt gives evidence to the Application for Leave to make a 2<sup>nd</sup> Appeal hearing in Supreme Court, Hobart. [see my '**22Aug2018+31Aug2018 -Sinnitt's evidence + some of Coates, Carr + Percy.odt**' notes for further details. **These notes have not yet been incorporated into this 'chronology' document 7Oct2018**]

**23Aug2018:** Mr Coates (according to SoSN-F) spent the day in making submissions to Justice Brett. [see my '**22Aug2018+31Aug2018 -Sinnitt's evidence + some of Coates, Carr + Percy.odt**' notes for further details. **Those notes have not yet been incorporated into this 'chronology' document 7Oct2018**]

**31Aug2018 2:15 p.m.**

**Launceston:** "Sue to be taken there, Mr Carr/Kerr to be there in person representing Tom Percy, and Tom to be via video from Perth, WA. [see my '**22Aug2018+31Aug2018 -Sinnitt's evidence + some of Coates, Carr + Percy.odt**' notes for further details. **These notes have not yet been incorporated into this 'chronology' document 8Oct2018**]

**18Oct2018:** following a disturbance in Moonah, Vass was charged following discovery of 3.8grams of cannabis in her handbag.

[<https://wrongfulconvictionsreport.org/2019/05/10/open-letter-2-to-tasmanian-attorney-general-re-taspol-meaghan-vass-in-matter-sue-neill-fraser/>]

**25Nov2018 (Sun):** Tributes to legal ‘legend’ David Gunson, SN-F’s trial lawyer, died.

*Mercury (Hobart, Australia) - November 28, 2018* Browse Issues

- Author/Byline: LORETTA LOHBERGER
- Edition: Hobart
- Section: News
- Page: 12

THE state’s Attorney-General, Elise Archer, has paid tribute to long-serving Hobart barrister and solicitor David Gunson, SC, who died at the weekend. “He acted in numerous high-profile criminal and civil trials over his long and dedicated legal career and was a formidable opponent, respected by so many in the legal profession,” Ms Archer said. “Mr Gunson was a friend of 25 years, and a professional and personal mentor who instilled strength, courage, decisiveness and humility.” Mr Gunson, 72, died on Sunday after a long illness. He was admitted to practice in 1971, and held a number of positions during his legal career, including Law Society president and Legal Aid Commission chairman. One of the most high-profile cases Mr Gunson was involved in was Susan **Neill-Fraser**’s 2010 murder trial at which he represented **Neill-Fraser** [...]

2019

**26Jan2019:** Mystery alive 10 years on

*Mercury (Hobart, Australia) - January 26, 2019* Browse Issues

- Author/Byline: JESSICA HOWARD
- Edition: Hobart
- Section: News
- Page: 15

*TODAY marks 10 years since Bob Chappell was last seen alive and the beginning of one of Australia’s most high-profile and intriguing murder cases. Mr Chappell’s wife, Susan Neill-Fraser, 64, is attempting to use laws enacted after her conviction to mount an appeal against the conviction for murdering the 65-year-old aboard their yacht Four Winds, which was moored off Sandy Bay, on Australia Day in 2009. Neill-Fraser was originally sentenced to 26 years’ jail with a non-parole period of 18 years, but had the sentence reduced on appeal to 23 years with a 13-year minimum. To overturn her sentence she needs to present “fresh and compelling” evidence. Neill-Fraser has always maintained her innocence and her supporters point to what they have said is a lack of evidence, including Mr Chappell’s body never being found.*

*Supporters of Neill-Fraser will host a gathering on Hobart’s Parliament Lawns from 10am today to promote her cause and to remember Mr Chappell. Neill-Fraser Support Group secretary Rosie Crumpton-Crook said the amount of time the latest appeal case had taken was concerning. “We’re going to fight until we get her out and she’s exonerated — but how long is that going to take,” she said. The appeal case resumes in the Supreme Court in Hobart next month.*

**29Jan2019:** *Southern Justice* /Colin McLaren is published. It's material parallels the evidence which he gave by video [A2A: 5-6Feb2019]

**30Jan2019 (Wed):** *Undercurrent*, a six-part series premiered on Channel Seven at 9:00 p.m. [ <https://www.who.com.au/a-new-crime-documentary-is-coming-to-channel-seven> ]. “*Undercurrent explores the infamous disappearance of radiation physicist Bob Chappell and the subsequent conviction of his partner Sue Neill-Fraser who is serving a 23-year jail sentence for the murder of her husband on their yacht in 2009*”.

First episode: “*A look into Sue’s unravelling, as others offer their take on her cunning and actions in the lead up to Bob Chappell’s murder, as well as questioning DNA evidence*”. [ <https://www.freeview.com.au/watch-tv/shows/562bf1c5-1959-4255-9611-b1a9ca5fe9fb> ]

??

**5Feb2019:** Paul Galbally (one of SN-F’s leave-application lawyers) came down to the cells (“before proceedings began”, i.e. before Colin McLaren began to give his evidence ) and told SN-F that “... *in Victoria, Megan Vass had just given a formal statement admitting she was on Four Winds with two others on the night Bob disappeared. However the team had decided not to drop this ‘bombshell’ during the hearing, denying Taspol detectives the opportunity to once again spring into action and pester her to change her story.*” [In his 21Mar2019 decision to allow the A2A, Justice Brett refers to an affidavit which he wrote purported to have been signed by Vass on 25Feb2019. This – along with the above ‘Galbally’ information – seems to suggest that Vass in association with *60 Minutes* had given a “*formal statement*” prior to Galbally’s visit to SN-F in the cells. It should then be distinguished from the affidavit referred to by Brett J as purportedly having been signed on 25Feb2019. Perhaps the “*formal statement*” was not a written document, perhaps it was simply taken to be/seen to be the statement/s made on camera to *60 Minutes* and broadcast on 10Mar2019 ... i.e. that the act of interview was itself the “*formal Statement*”. Please see entries for 25Feb2019, Appendix II & Appendix V.]

**5-6Feb2019:** Colin McLaren, who had days before - published *Southern Justice* [29Jan2019], as the final witness in the application for leave for SN-F to make a second appeal, gave evidence by video [5-6Feb2019]. Much of his evidence to the court was along the lines of what he had presented in his book.

**6Feb2019 (Wed):** [Services](#)

[Mercury \(Hobart, Australia\) - February 6, 2019](#)[Browse Issues](#)

- Edition: Hobart
- Section: News
- Page: 27

[Court 8, before Justice Brett.](#)

[Criminal Jurisdiction 9.30am - For hearing: Susan Blyth Neill-Fraser v State of Tasmania \(part-heard\).](#)

6Feb2019 (Wed): Justice Brett, having over two days heard evidence by video from the final A2A witness, Colin McLaren, reserved his

decision.

6Feb2019 (Wed):

*Undercurrent*, a six-part series continued on Channel Seven at 9:00 p.m. [ <https://www.who.com.au/a-new-crime-documentary-is-coming-to-channel-seven> ]. “*Undercurrent explores the infamous disappearance of radiation physicist Bob Chappell and the subsequent conviction of his partner Sue Neill-Fraser who is serving a 23-year jail sentence for the murder of her husband on their yacht in 2009*”.

Second episode: “*The investigation into Bob Chappell’s disappearance continues, and Sue’s two police interviews are discussed in Eve’s bid to uncover the truth*”. [ <https://www.freeview.com.au/watch-tv/shows/562bf1c5-1959-4255-9611-b1a9ca5fe9fb> ]

**13Feb2019 (Wed):** *Undercurrent*, a six-part series continued on Channel Seven at 9:00 p.m. [ <https://www.who.com.au/a-new-crime-documentary-is-coming-to-channel-seven> ]. “*Undercurrent explores the infamous disappearance of radiation physicist Bob Chappell and the subsequent conviction of his partner Sue Neill-Fraser who is serving a 23-year jail sentence for the murder of her husband on their yacht in 2009*”.

Third episode: “*A look at the mystery surrounding the disappearance of Tasmanian yachtsman Bob Chappell on the eve of Australia Day 2009*”. [ <https://www.freeview.com.au/watch-tv/shows/562bf1c5-1959-4255-9611-b1a9ca5fe9fb> ]

13Feb2019 (Wed): Meghan Vass posted on 13Sept2019 [ <https://www.facebook.com/meaghan.vassy> ] that:  
**Meaghan Vassy 13 February 2019 : In a relationship 13 February 2019**

**20Feb2019:** *Undercurrent*, a six-part series continued on Channel Seven at 9:00 p.m. [ <https://www.who.com.au/a-new-crime-documentary-is-coming-to-channel-seven> ]. “*Undercurrent explores the infamous disappearance of radiation physicist Bob Chappell and the subsequent conviction of his partner Sue Neill-Fraser who is serving a 23-year jail sentence for the murder of her husband on their yacht in 2009*”.

Fourth episode: “*Sue’s daughter Sarah Bowles recount the trial. The investigator speaks to Grant Maddock, a witness who was nearby on his boat*”. [ <https://www.freeview.com.au/watch-tv/shows/562bf1c5-1959-4255-9611-b1a9ca5fe9fb> ]

**25Feb2019:** Meaghan Vass purportedly signed an affidavit saying [according to Justice Brett in his decision to allow the application for leave to appeal...

(Paras 48 & 49: <http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&synonyms=0&query=neill-fraser> )]  
...that she was on the yacht with two identified males and she witnessed one of them assault Mr Chappell and that she saw a lot of blood.  
[ Neill-Fraser witness changes story again Mercury (Hobart, Australia) - April 16, 2019 ]

**27Feb2019:** *Undercurrent*, a six-part series continued on Channel Seven at 9:00 p.m. [ <https://www.who.com.au/a-new-crime-documentary-is-coming-to-channel-seven> ]. “*Undercurrent explores the infamous disappearance of radiation physicist Bob Chappell and the subsequent conviction of his partner Sue Neill-Fraser who is serving a 23-year jail sentence for the murder of her husband on their yacht in 2009*”.

Fifth episode: “*A revisit of the investigation into Sue Neill-Fraser who was charged with the murder of her partner who went missing*”.

[ <https://www.freeview.com.au/watch-tv/shows/562bflc5-1959-4255-9611-b1a9ca5fe9fb> ]

**Feb/Mar2019(?):** Meaghan Vass was interviewed by 60 Minutes Liam Bartlett. That interview went to air on March 10, 2019, but was recorded well before the March 8 police interview, after which police issued a statement to the effect that she had changed her story.  
<https://wrongfulconvictionsreport.org/2019/08/14/i-will-tell-the-court-meaghan-vass/#comment-7427>

**6Mar2019 (Wednesday):** *60 Minutes* screened promotional material regarding its forthcoming (Sun10Mar2019) ‘*Witness to Murder*’ program. The following was published in comments in Andrew Urban’s ‘*Wrongful Conviction’s Report*’:

<https://wrongfulconvictionsreport.org/2019/04/23/open-letter-to-tasmanian-ag-elise-archer-mp-re-taspol-meaghan-vass/>

*Evan Whitton (in an early foray onto the Tasmanian Times and quoting erstwhile Fleet-Streeter, Sol Chandler): “The oldest rule of journalism, and the most forgotten, is to tell the customers what is really going on. You do that by disclosing a new fact or a new pattern, or both. The pattern emerges when you put a lot of old facts into a strict chronology...”*

*A search of the print media gives the following assertions and dates:*

*Within 24 hours of 60 Minutes screening promotional material [Mar 6] regarding its forthcoming ‘Witness to Murder’ program, Vass was picked up at a bus-stop by police, handbag searched, taken to Glenorchy Police Station, interviewed and charged with possession of a small amount of marijuana [Mar 7].*

*The full 60 Minutes program was screened Mar 10 [In it, Vass said that: she knew who killed Bob Chappell and that it wasn’t Sue Neill-Fraser; that her companion had been sprung by Bob, an argument developed, Bob was struck quite a few times; that she saw a lot of blood; that she vomited.].*

*Following that, Assistant Police Commissioner Richard Cowling, was reported in The Advocate [Mar 12] as saying that:*

*“The version of events given by Ms Vass on 60 Minutes is [...] contrary to last week’s police interview.”*

*Yet, according to a Vass associate in Wrongful Convictions [Mar 13] Vass had made no comment when picked up, interviewed and arrested by police.*

*Matthew Denholm [Mar 14] [correction: Apr 14] wrote in The Australian: that he ‘understood’ Vass in that (Mar 7) interview to have told police that her (60 Minutes) claims were untrue and made (according to Denholm) to ‘make the case go away’. According to Denholm, what was true according to Vass was what Vass had said in court (on 30Oct2017). Denholm is more than a little ‘short’ on attributing sources for this article. It would not seem unreasonable to suggest that the actual source of the article was (one or more members of) TasPol. In an apparent bypass of a common journalistic practice, his article does not contain a response from Meaghan Vass, nor from anyone representing her.*

*In court [Apr 18] the prosecution told Deputy Chief Magistrate Daly that: key murder witness in the Sue Neill-Fraser case, Meaghan Vass, had said ‘No comment’ to everything put to her by police when she was picked up for questioning on Thursday March 7 [Urban: Wrongful Convictions : Open Letter... (Apr 23)]*

## CONCLUSION?

*Both Assistant Police Commissioner Richard Cowling's and Journalist Matthew Denholm's contributions are open to question. What I have so far found does not help me dispel the feeling that TasPol are at the least, engaging in some form of inept crisis management regarding the Neill-Fraser 2nd Appeal and the new evidence from Meaghan Vass.*

[...]

Reply

• *andrew says:*

*April 25, 2019 at 2:21 pm*

*For completeness, it should be added that on April 16, The Mercury repeated Denholm's story on page 12: "Neill-Fraser witness changes story again": "The key witness in Susan Neill-Fraser's appeal against her murder conviction has **reportedly** again changed her story"*

Reply

6Mar2019 (Wed): *Undercurrent*, a six-part series concluded on Channel Seven at 9:00 p.m. [ <https://www.who.com.au/a-new-crime-documentary-is-coming-to-channel-seven> ]. "*Undercurrent explores the infamous disappearance of radiation physicist Bob Chappell and the subsequent conviction of his partner Sue Neill-Fraser who is serving a 23-year jail sentence for the murder of her husband on their yacht in 2009*".

Sixth and final episode: "*The case of Sue Neill-Fraser and her partner Bob Chappell, who went missing and was possibly murdered, reaches its conclusion*". [ <https://www.freeview.com.au/watch-tv/shows/562bf1c5-1959-4255-9611-b1a9ca5fe9fb> ]

**7Mar2019 (Thursday):** "*Tas pol were informed of sixty mins story and asked to comment on Thurs which they declined.*"

(source: Andrea Brown (friend/associate of Meaghan Vass @ <https://wrongfulconvictionsreport.org/2019/03/12/police-respond-to-meaghan-vass-admission-on-60-minutes/> Andy says: March 15, 2019 at 11:09 pm )

and

*"DAMIEN GEORGE .... Meaghans mothers inspector police friend... Just so happend that i spoke with meaghans mum and she verified speaking with him the day before she got picked up by them regarding the worry and concern for her daughter. Pity Damien is on his own team. He is also the one that got the recantment from her last time all be it sitting in the Brunswick Pub with an already typed statement she just had to sign... Seems he was fairly confident. "*

*Andrea says:* April 17, 2019 at 10:28 pm [ <https://wrongfulconvictionsreport.org/2019/04/16/update-sue-neill-fraser-key-witness-denies-recanting-to-police/> ]

**8Mar2019 (Friday morning):** Meaghan Vass was arrested in Claremont (under an 'active warrant') and taken to Hobart, where,

following a search in which a small amount of cannabis was found in her purse/handbag, she was charged.

[see transcript in: <https://wrongfulconvictionsreport.org/2019/05/10/open-letter-2-to-tasmanian-attorney-general-re-taspol-meaghan-vass-in-matter-sue-neill-fraser/>]

and:

*“So Meaghan gets stalked by plain clothes detectives in an unmarked car at a bus stop... Claiming they have a Warrent for her arrest for fail to appear... A charge that she showed up in court for and her name wasn't read out... She was told she didn't have to even go... So in the car her bag is rifled through and they find one measly bud of marijuana and take her to glenorchy where those cops hand her to good ol Damian George who got her to recant her last statement.... She says no comment no comment and no doubt some expletives and is bailed...”*

(Andrea Brown, a friend/associate of Vass's ... <https://wrongfulconvictionsreport.org/2019/03/12/police-respond-to-meaghan-vass-admission-on-60-minutes/>

Andy says: ... March 13, 2019 at 12:48 am )

and:

The police interview on March 8, 2019, was recorded on camera as far as the bud of weed she was carrying – but after the video was stopped, she was asked by a detective (in reference to being on board *Four Winds* at the time of Chappell's death) to “*tell the truth*” – to which Vass replied: “*I already have.*”

(Andrew Urban, 14Aug2019) <https://wrongfulconvictionsreport.org/2019/08/14/i-will-tell-the-court-meaghan-vass/#comment-7427>

**10Mar2019 (Sunday):** *60 Minutes* screened an interview with Liam Bartlett and Meaghan Vass, titled: ‘*Witness to Murder*’

[<https://www.youtube.com/watch?v=YHkoS80Ln0w>] A transcript of the interview can be found in **Appendix II**.

Emily Jarvie for *The Advocate* wrote that this program was not screened in Tasmania and that it contained evidence of a new affidavit by key witness Meaghan Vass, which allegedly contained information about the events that took place on the *Four Winds*.

[ <https://www.theadvocate.com.au/story/5948663/high-profile-murder-case-interview-restricted-because-of-neill-fraser-appeal/> ]

Justice Brett said he did not view the *60 Minutes* program but was aware of its contents.

[ <https://www.examiner.com.au/story/5955754/information-in-60-minutes-segment-leads-to-re-opening-of-susan-neill-frasers-appeal/> ]

Emily Jarvie for *The Examiner* wrote that “*Upon seeing the program, Neill-Fraser's defence lawyers called the producers of the segment and gained a copy of Ms Vass' affidavit.*” and “*The court heard this affidavit and an affidavit from the person who witnessed Ms Vass make her statement, in order to explain the circumstance under which Ms Vass made the affidavit, will be made available to Justice Brett and the prosecution for consideration in the coming days.*” [see **25Feb2019 entry** ]

[ <https://www.examiner.com.au/story/5955754/information-in-60-minutes-segment-leads-to-re-opening-of-susan-neill-frasers-appeal/> ]

**11Mar2019 (Monday):** Emily Jarvie (*The Advocate*, 11Mar2019) wrote that:

*Assistant Commissioner Richard Cowling said police re-interviewed Ms Vass last week when the program's promotional material suggested a new version of events.*

*"The version of events given by Ms Vass on 60 Minutes is contrary to her previous police interview, contrary to her sworn evidence in court and contrary to last week's police interview," Commander Cowling said.*

*"We continue to have full confidence in both the original and current police investigators and reiterate that Sue Neill-Fraser stood trial and was convicted by a jury." ['New affidavits will be considered in Susan Neill-Fraser's appeal':*

[\[https://www.theadvocate.com.au/story/5948663/high-profile-murder-case-interview-restricted-because-of-neill-fraser-appeal/\]](https://www.theadvocate.com.au/story/5948663/high-profile-murder-case-interview-restricted-because-of-neill-fraser-appeal/)

**12Mar2019 (Tuesday):** Andrew Urban contacted Tasmania Police. He wrote:

*"When requested earlier today, Tasmania Police have declined to provide further particulars about their latest interview with Vass..."*

[\[https://wrongfulconvictionsreport.org/2019/03/12/police-respond-to-meaghan-vass-admission-on-60-minutes/\]](https://wrongfulconvictionsreport.org/2019/03/12/police-respond-to-meaghan-vass-admission-on-60-minutes/)

### **14Mar2019 (Thursday): Murder appeal twist**

*Mercury (Hobart, Australia) - March 15, 2019* Browse Issues

- Author/Byline: LORETTA LOHBERGER and CHANEL KINNIBURGH
- Edition: Hobart
- Section: News
- Page: 3

*"...But in the Supreme Court in Hobart [...] Neill-Fraser's lawyer Chris Carr asked for further affidavits to be tendered before Justice Brett made his decision. [...] "There was an episode of a current affairs program 60 Minutes on Sunday evening, which showed an interview with Meaghan Vass and revealed that she had made an affidavit concerning the events on the Four Winds on the night of January 26, 2009," Mr Carr said. [...] Mr Carr yesterday said he also hoped to obtain an affidavit from the person who took Ms Vass's affidavit, sworn in Sydney on February 25, "to explain the circumstances of the taking of the affidavit". Justice Brett agreed to receive the further evidence and adjourned the case until Thursday."*

14Mar2019: Emily Jarvie reported that Justice Michael Brett had accepted an application to reopen Sue Neill-Fraser's leave-to-appeal application in order to include new evidence:

*An episode of 60 Minutes that aired on Sunday night, but was not broadcast in Tasmania, presented evidence of a new affidavit by key witness Meaghan Vass which allegedly contained information about the events that took place on the Four Winds.*

*Justice Brett said he did not view the 60 Minutes program but he was aware of its contents.*

*Director of Public Prosecutions Daryl Coates did not object to the re-opening of the appeal.*

*Mr Coates said it was unlikely he would need to call Ms Vass back as a witness in court, however, said he would make that decision upon*

*receiving the new affidavits.*

*"It may well be that I won't have to cross-examine anybody," Mr Coates said.*

<https://www.theadvocate.com.au/story/5955807/information-in-60-minutes-segment-leads-to-re-opening-of-susan-neill-frasers-appeal/>

**15Mar2019 (Friday):**

Andrea Brown wrote

*"Tas pol were informed of sixty mins story and asked to comment on Thurs which they declined. Meaghan got nabbed on Friday morning and it aired on that Sunday".*

<https://wrongfulconvictionsreport.org/2019/03/12/police-respond-to-meaghan-vass-admission-on-60-minutes/> Andy says: March 15, 2019 at 11:09 pm

**21Mar2019:** SN-F: *"...Going into the courtroom in March for Justice Brett to deliver his final verdict I felt very anxious, and tension was also reflected in the sea of faces packed into the court. So many people who had fought alongside me for justice, nearly ten years for some, were there and I spied Barbara Etter, Emma and Sarah sitting nearby, just the other side of the thick glass partition through which we exchanged nervous smiles.*

*Those forty-five minutes were probably the longest of my life but upon reflection I think he did the right thing, starting with the reasons for my conviction in 2010, failed appeal in 2012 before going on to speak about the South Australian Further Right to Appeal legislation, comparing similarities in the applicable 'test', to ours. However at the time I thought his demeanour seemed fairly grim so prepared for the worst.*

*Then when he raised the discovery of Megan Vass's DNA on board Four Winds and the email Carl Grosser, forensic scientist from FSST, had sent to detectives, stating that it was 'more likely the sample had been deposited directly' I pricked up my ears. It was only at this point I realised that he had only too well understood the implications i.e. that investigators had been aware of the DNA problem before trial, but chosen to ignore it. He also touched on the DPP's assertion that it was just a 'red herring'. Why mention that particular embarrassment to Taspol if he didn't intend to grant us leave?*

*I listened intently as he went over Colin McLarens involvement in the case and Megan's subsequent admission and affidavit stating she was on our yacht that night with two men, there was a fight with Bob and a 'lot of blood'. Given the circumstances, he said he was satisfied that this constituted new and fresh evidence, and on that basis he was granting the application. After three books, 'Undercurrent' and 'Megan Vass's admission on '60 Minutes' the decision shouldn't have come as a surprise, but one never knows here.*

*The court was so silent that for a moment I wondered if I'd misheard the decision. I glanced at Emma and Sarah and saw shock mixed with relief etched on faces, a sentiment that was also echoed around the courtroom. Only then did it fully dawn that we'd just been given another chance. Arriving downstairs I was met by concerned, grim-faced officers. They'd assumed we hadn't been successful because they hadn't*

*heard the expected joyous uproar from the courtroom and it was heartening to see the frowns immediately replaced by broad smiles and congratulations once they discovered we'd won. [...]" [see: **APPENDIX V SN-F letter 19Aug2019.**]*

21Mar2019: Justice Brett granted Sue Neill-Fraser's application for leave to make a second appeal.

[ <http://classic.austlii.edu.au/cgi-bin/sinodisp/au/cases/tas/TASSC/2019/10.html?stem=0&synonyms=0&query=neill-fraser> ]

21Mar2019: *The Advocate* (Sue Bailey and Emily Jarvie) reported that:

*Assistant Commissioner Richard Cowling said Tasmania Police supported the legal process and was confident in the "integrity and thoroughness" of their investigations.*

*"Police reinterviewed Ms Vass earlier this month after 60 Minutes' promotional material suggested a new version of events," Assistant Commissioner Cowling said.*

*"Further evidence associated with that interview will be provided to the Director of Public Prosecutions."*

<https://www.theadvocate.com.au/story/5968281/neill-frasers-family-extremely-grateful-for-appeal-bid-win/>



## Media Release

Date: 21 March 2019

### **Bob Chappell case**

Tasmania Police is aware of the court's decision to grant leave to appeal in the Bob Chappell case.

Tasmania Police fully supports the legal process and remains confident in the integrity and thoroughness of the original and subsequent investigation teams.

Police reinterviewed Ms Vass earlier this month after 60 Minutes' promotional material suggested a new version of events. Further evidence associated with that interview will be provided to the Director of Public Prosecutions.

As the matter is now confirmed to proceed to appeal, it would be inappropriate to make further comment.

**Richard Cowling**  
**Assistant Commissioner**

<https://twitter.com/edithbevin?lang=en> Edith Bevin Verified account @EdithBevin Mar 20

**14Apr2019 (Sunday):** *The Australian's* Matthew Denholm filed a story suggesting that Vass recanted to police when questioned by police on or about March 7 or 8. He told Andrew Urban:

*"My information was clearly that she had lied (on 60 Minutes)."*

<https://wrongfulconvictionsreport.org/2019/04/16/update-sue-neill-fraser-key-witness-denies-recanting-to-police/>

**15Apr2019 (Monday):** *The Australian* (Matthew Denholm) published "Yacht murder witness changes her tune again" in which Denholm wrote:

*"However, The Australian understands Ms Vass — contacted by Tasmania Police after promotional material for the 60 Minutes story was aired — told officers her claims in the interview were untrue.*

*Ms Vass, whose DNA was found on the yacht, is understood to have told police she lied to the show because she felt it was the only way to make the case go away."*

[<https://www.theaustralian.com.au/nation/yacht-murder-witness-changes-her-tune-again/news-story/ac8ddeb423bd7c0befc6878770126928>]

although

Meaghan Vass "denied claims attributed to police in today's *The Australian* that she has recanted her 60 Minutes testimony admitting she was on board *Four Winds* at the crime scene on Australia Day 2009."

[<https://wrongfulconvictionsreport.org/2019/04/16/update-sue-neill-fraser-key-witness-denies-recanting-to-police/>]

**16Apr2019 (Tuesday):** *The Mercury* on-published *The Australian's* article from the day before, under the headline: *Homeless Girl in SNF case changes story again.*

Key Neill-Fraser witness understood to have changed her story again ...

[available by subscription at <https://tinyurl.com/y3g2hvjy>]

andrew says:

April 25, 2019 at 2:21 pm

*For completeness, it should be added that on April 16, The Mercury repeated Denholm's story on page 12: "Neill-Fraser witness changes story again": "The key witness in Susan Neill-Fraser's appeal against her murder conviction has **reportedly** again changed her story"*

<https://wrongfulconvictionsreport.org/2019/04/23/open-letter-to-tasmanian-ag-elise-archer-mp-re-taspol-meaghan-vass/>

According to Andrew Urban, Meaghan Vass [had on the previous day] denied recanting her 60 Minutes testimony and had named a Tasmanian detective she believed may have been behind "the latest move to discredit her".

<https://wrongfulconvictionsreport.org/2019/04/15/sue-neill-fraser-case-key-witness-denies-recanting-to-police/>

**18Apr2019:** Meaghan Vass appeared in court before Deputy Chief Magistrate Michael Daly on the two charges of possession of drugs.

The prosecutor, Miss Goodwin, tendered to the court a summary of facts (relevant to the charges). A transcript of Miss Goodwin speaking in court records that concerning the interview following the 8Mar2019 arrest, Vass agreed that the Ziplock bag and blue container containing a small amount of cannabis and some cannabis residue were hers. Prosecutor Goodwin told the court that Vass *“Provided no comment to all other questions put to her.”*

[<https://wrongfulconvictionsreport.org/2019/05/10/open-letter-2-to-tasmanian-attorney-general-re-taspol-meaghan-vass-in-matter-sue-neill-fraser/>]

It may be of interest to readers to know that Deputy Chief Magistrate Daly had, in an unrelated matter (November 2018), criticised TasPol’s practice of charging defendants a processing fee to be allowed to see the evidence against them; and in December 2018 said the *“bizarre nature”* of the police disclosure stance made him *“shake his head”*.

(Due to enter a plea on a drink driving charge, a lawyer had told Magistrate Daly that he and his client were ready to proceed immediately but could not because police had indicated documents requested would not be disclosed until closer to the hearing date. Magistrate Daly then ordered police to provide defence with the information).

The ABC report quoted Magistrate Daly as saying that *“My view of the police disclosure system is that it operates outside the law.”* The report also quoted Deputy Police Commissioner as saying in a statement that *“every attempt is made to disclose information in a timely manner”*.

<https://www.abc.net.au/news/2018-12-04/tas-police-operating-outside-the-law-deputy-chief-magistrate/10581068>

**23Apr2019:** Andrew Urban wrote an ‘Open Letter’ to Tasmanian AG Elise Archer MP re TasPol & Meaghan Vass and citing: *“what appears to be a failure by TasPol to adhere to the rule of law.”*

<https://wrongfulconvictionsreport.org/2019/04/23/open-letter-to-tasmanian-ag-elise-archer-mp-re-taspol-meaghan-vass/>

**10May2019:** Andrew Urban, in *“Open letter 2 to Tasmanian Attorney General Re TasPol & Meaghan Vass in matter Sue Neill-Fraser”* released a transcript of Prosecutor Goodwin (18Apr2019) telling Magistrate Daly that Meaghan Vass:

*“was cautioned by police and asked a series of questions and she agreed the items were hers.*

and that Vass had

*“Provided no comment to all other questions put to her.”*

<https://wrongfulconvictionsreport.org/2019/05/10/open-letter-2-to-tasmanian-attorney-general-re-taspol-meaghan-vass-in-matter-sue-neill-fraser/>

**18Jun2019:** Andrew Urban made a complaint to the Integrity Commission regarding Commander Cowling’s claim (on or about 10Mar2019) that Vass had recanted from her 60 Minutes statement.

<https://wrongfulconvictionsreport.org/2019/06/18/complaint-to-the-integrity-commission-tasmania/>

**2Aug2019:** *“...Sarah [Bowles, SN-F’s daughter] spoke to Paul Galbally who said our appeal papers were being lodged that afternoon, but*

*not to tell anyone until I was informed. Low and behold, the press found out within an hour and I only heard after ringing Emma, who had just watched it on the news. I can only conclude the Supreme Court leaks like the proverbial sieve. Now we have the not inconsiderable problem that many have a vested interest in maintaining my conviction. It's a curious thing about human nature that once people form a firm belief or view, they are very resistant to changing it, even in the face of irrefutable evidence to the contrary, and especially if they think changing their minds will reflect badly on themselves [...]*".

[see also ABC: Convicted murderer Sue Neill-Fraser lodges notice to appeal jailing over death of Bob Chappell]

Appeal likely in Mar2020: DAILY BRIEFING: Complex preparation means Susan Neill-Fraser's murder appeal will likely not be heard until March next year, and there is a call to ban the impersonation of foreign police.[TTasmania news: March likely month for Neill-Fraser appeal, move to ban impersonation of foreign police ]

2Aug2019: Papers for second appeal lodged with Supreme Court. Some details from Andrew Urban's *Wrongful Convictions Report* (same day, see in <https://wrongfulconvictionsreport.org/2019/08/02/sue-neill-fraser-appeal-papers-lodged/>):

The Notice of Appeal published in *The Mercury* includes the following:

There is fresh and compelling evidence that:

1.1: Meaghan Vass had boarded the *Four Winds*, and the deceased was attacked while she was on board.

Evidence led by the prosecution at trial in relation to:

- 1.2:
- 1.2.1: the results of, and inferences that could be drawn from, DNA testing;
  - 1.2.2: the results of, and inferences that could be drawn from, Luminol testing;
  - 1.2.3: a winching reconstruction of the *Four Winds* was misleading.

1.3: The dinghy seen near the *Four Winds* around the time the deceased was attacked was not the *Four Winds'* tender.

**14Aug2019:** Andrew Urban spoke with Meaghan Vass, on or just before this date. He reported that: Meaghan Vass says she will say in court what she said on *60 Minutes*, that she was on board *Four Winds* (the crime scene) when Bob Chappell was killed – and Sue Neill-Fraser (who has been convicted of his murder) was not.

*"Firstly I'd like to say that I have not made any statement of any kind to anyone since 60 Minutes.*

*"If I have to go to court I will say the same as I said to 60 Minutes – as it's the truth.*

*"I wish things would happen quicker for Sue as since 60 Minutes things seem to be taking too long to happen."*

<https://wrongfulconvictionsreport.org/2019/08/14/i-will-tell-the-court-meaghan-vass/#comment-7427>

**1?Aug2019:** In the week prior to 19Aug2019, SN-F in prison, sat down to make preparatory notes of a 'round robin' letter to friends and family.

**19Aug2019 (Mon.):** SN-F wrote a 'Round Robin' catch up message to friends and family: see **APPENDIX V SN-F letter 19Aug2019**.

**21Sept2019:**

Meaghan Vassy : *And I'm\*" cleaner " than ever at the moment ya smart fuck* 16w

**13Nov2019:** Andrew Urban (Wrongful Convictions Report...) reports Justice Wood has set aside 2-13Mar2020 for hearing of the Appeal [Sue Neill-Fraser appeal delayed to May 2020]

[Phoebe Hosier (ABC: <https://www.abc.net.au/news/2019-12-13/sue-neill-fraser-bob-chappell-murder-appeal-delay/11796718>)]

**13Dec2019:** Phoebe Hosier (ABC: <https://www.abc.net.au/news/2019-12-13/sue-neill-fraser-bob-chappell-murder-appeal-delay/11796718>) reported that in regards to the appeal date set down for Mar2020, Tom Percy QC (SN-F's) pro-bono lawyer would not be available till May 2020. Justice Helen Wood was apparently asked to set back the appeal hearing date because of Mr Percy's unavailability.

[<https://7news.com.au/news/crime/delay-likely-in-hobart-killers-appeal-c-604101> ]. The judge agreed to try and find a new date.

**31Jan2020:** 25May2020 date set for the second appeal [ <https://www.examiner.com.au/story/6607703/date-set-for-susan-neill-frasers-second-appeal/> and <https://www.abc.net.au/news/2020-01-31/sue-neill-fraser-appeal-set-for-may/11916376> ].

/...

**2020**

**20Mar2020:**

## STOP AVOIDING SUE NEILL-FRASER'S WRONGFUL CONVICTION



<https://www.facebook.com/221310474597819/photos/a.239768436085356/3001078286621010/?type=3&theater>  
posted by Eve Ash 20Mar2020 – cartoon by Miguel Robertson

**7Apr2020:** Due to courtroom complications brought about by the coronavirus pandemic, both DPP Coates and Defence Counsel Carr asked to the appeal to be delayed from its 25May2020 date. Mr Carr asked for a 2Nov2020 date, Justice Wood preferred it earlier and set a tentative date of 17Aug2020, preceded by a directions hearing 22Jun2020. (Mr Carr has a possible Melbourne jury trial clash in August, in which case the appeal will be in November.).

[<https://www.facebook.com/pg/Susan-Neill-Fraser-is-Innocent-577231585628691/posts/>]

[<https://www.examiner.com.au/.../susan-neill-frasers-second-.../> ]

**FINIS**



**Advice to the reader': This ends the narrative/chronology of gathered information. Snippets, an index of 'Who's who?' and a glossary 'What's what?' follow. Finally, a few Appendices...**

**This document attempts to gather as much as possible information available in sources (e.g. given in evidence at her trial, appeal, coronial report, or gained via RTI by Barbara Etter and revealed in other ways, e.g., in some subsequent interviews/documentaries where those who had had evidence to give were not called to do so, but subsequently were able to contribute. Some referencing is provided – particularly the material derived from within the trial transcript. Some sections and parts have been 'redacted'.**

### **SNIPPETS:**

HIS HONOUR: *Look there are people in the back of the court shaking their heads. Do not prompt the witness or I'll have you thrown out.*

.....  
*“The trouble is if you talk about something enough it becomes a memory”* – Susan Neill-Fraser: Court Transcript [20101011 1182 2]

.....  
MR ELLIS SC (to SN-F, referring to Mr Gunson): *No. Okay, tell me what avenue he's followed that you didn't want followed?*  
MR GUNSON SC: *That involves, with the greatest of respect, going into what's passed between my client and myself.*

.....  
Debra McHoul: *I certainly can't say that there was any blood present or not, because I haven't made any attempt to confirm it, but I do have a positive screening test.* - [Court Transcript 20100929 668 42]

.....  
*“And it's happened before. It's not the first time in the history of Hobart that boats have brought down drugs.”*  
[Brett Meeker: in 'Shadow of Doubt' / Eve Ash at 1:08:13]

.....  
*“What happened was over and over again it was alleged that Mum had lied...”*  
[Sarah Bowles: in 'Shadow of Doubt' / Eve Ash at 1:11:40]

.....

*“This whole thing should have been about what happened to Bob. I just find it very hard to deal ... so hard to accept that he's not coming back. I think if I could only find out what happened that night I could let go of some of the grief”.*

[Audio of SN-F: in 'Shadow of Doubt' / Eve Ash at 1:05:42]

.....

HIS HONOUR: *That's right. The – the Crown isn't free to recall anyone, the Crown can apply to recall anybody to give evidence in rebuttal; it's up to me whether to allow that and all the cases say that that power should be exercised sparingly.*

.....

MR ELLIS: On the second day of his XXN of SNF, Mr Ellis finished by asserting that on the afternoon – *“perhaps late afternoon”* ( 26Jan2009) - she had picked up something, and had struck Bob Chappell, intending to kill him and had actually thus killed him. He concluded his cross-examination with the words: *“If it please, your Honour.”* ..... before she was able to respond: *“this is just not true.”* Mr Gunson then began to re-examine SNF. He began by asking her a question about the number of watertight compartments in the FW. SNF was unwell and asked HH for (a five minutes) break. The request was granted, when the court reconvened, Mr Ellis somehow 'got the floor' again, Mr Gunson's REXN did not continue, instead Mr Ellis began a 'further-cross-examination' of SNF which was nothing more than an opportunity for Mr Ellis to make the final accusations that he had omitted to make before he had *‘if it please, your Honour’* concluded his XXN. [see: CT - 1351 3] [*two bites at the cherry*]

.....

Like in Dostoyevsky's *Brothers Karamazov*, she can't account (the 'star 10 hatch' number) for something that is held to be incriminating, just as in *Brothers Karamazov* the question of the accused saying that the gate was closed was used as an incrimination - given that another – Smerdyakov? (the guilty one) ... had testified that the gate was open.

.....

Eve Ash: *“I will do the conga with a line of supporters when the real facts about this case are openly reviewed at a full judicial enquiry and Sue walks out from behind the prison walls”.*

.....

Brent Thomas Brocklehurst (who apparently identified Meaghan Vass as being the young girl accompanying two men whom he saw along with his next door neighbour Simon Pargiter returning from Short Beach, his neighbour telling him that the three had come from nowhere on

a dinghy, at 7:00 pm or later, 26Jan2019): *MR PERCY QC: (Resuming): Do you have any connections with Mrs Neill-Fraser, Susan Neill-Fraser? .....I don't know her from a bar of soap.*

.....

Robin Wilson: “...*you know, no crime scene is pristine.*” [CT: Senior Constable Robin Wilson 1041 32]

.....

Tammy Hanson: “I was concerned and had to go away for a couple of weeks. We had to go into hiding. I rang Sue and let her know and she actually then said to me: *'If anything ever happens to Bob and I, or if any of us ever disappear, I have a letter saying that Phillip Triffett is to be investigated'*, and that **[gesturing emphatically]** is actually what I tried to tell the police, but they did not want to know about it. They actually cut me off and did not want to know about it.” [Tammy Hanson: in 'Shadow of Doubt' / Eve Ash at 1:15:19]

.....

Bob Martyn: “*He [Phillip Triffett] used this venue of being on the boat with Sue because he needed a credible place where he could be with Sue and have a private conversation. Phillip Triffett made a statement that he had worked on that engine. He described the motor as being a twin-cylinder Perkins, and I knew it wasn't a twin cylinder engine at all, it was just a single cylinder engine... I'd made repairs to the engine, and he'd never had his hands on it*” [Bob Martyn: in 'Shadow of Doubt' / Eve Ash at 1:10:50]

.....

Bob Martyn, during the application for leave to make a second appeal, explained to me the reasons for Bob [Chappell]'s children cutting themselves from Sue (and Emma and Sarah). He said that the money was the motivation, and he added 'in passing' about his friend Bob Chappell, that “*Bob was a socialist.*” ... as if the children of his friend were more concerned to get his money than with finding the truth about his disappearance. They were not, as I understood Martyn's words, like their father...

.....

Phillip Triffett: “*No one was present. Sue then started talking about Patrick again and how she wanted to get rid of him. I realised then that she was actually serious about it.*” [Text Image from Phillip Triffett's statement [?] in 'Shadow of Doubt at 1:10:38]

.....

Meaghan Vass: “*I have thought about her every day for the past eight years ... nobody understands my grief*” [in court, 30Oct2017,

referring to Neill-Fraser who at that stage had been in prison for eight years]

.....  
Paul Wroe: Of his yacht, the Southern Wright, he said "*It's easier to buy a boat than sell one*".

Paul Wroe: who [had] lived on a yacht at the Derwent Sailing Squadron for almost two years, told Danielle McKay (Hobart Mercury 30Jan2009 'Local seafarers harbour no fears'): "*It has all the mystery and intrigue of a book, but it doesn't make me afraid*".

Paul Wroe: he said that he had never used any electronic bilge pumps, no one ever told him how to sink a boat. "*I've become quite expert at running it aground, of course*" and that Police are "*an evil necessity, given some of their background*" and of his earlier (mainland) days, "*they were a law unto themselves*" Now [he said] the cops are more "*held to account*"

.....  
Evan Whitton (in an early foray onto the *Tasmanian Times* and quoting erstwhile Fleet-Streeter, *Sol Chandler*): "*The oldest rule of journalism, and the most forgotten, is to tell the customers what is really going on. You do that by disclosing a new fact or a new pattern, or both. The pattern emerges when you put a lot of old facts into a strict chronology...*"

.....  
DPP Daryl Coates to Stephen Gleeson, the 'homeless man'.  
*No, answer the question: are you prepared to lie to get Sue NeillFraser out? .....No.*  
Then later in XXN:  
*No. Answer the question: were you prepared to lie to help her out? .....Yes.*

.....  
Maxwell Jones EXD [by] Mr Carr [A2A]:  
Q [...] given the significant quantity of DNA, given the findings on that electropherogram, what's your opinion as to the relative likelihood of the primary deposit as against secondary transfer?  
A the simplest answer would be, well, it would indicate some sort of substance from primary transfer, something like a small bloodstain, or a small amount of saliva, perhaps saliva on a cigarette butt or chewing gum, that sort of thing. Secondary transfer wouldn't be something which would come to mind initially because it's not typical of secondary transfer DNA profiles.

Justice Brett - Mr Percy [A2A]:

HIS HONOUR: *The exclamation mark is not going to assist him, I'm allowing you to put these notes before him to draw his attention to what it might be suggested was said by him, the fact that someone else added an exclamation mark isn't going to help.*

MR PERCY QC: *Yes, I'm just trying to refresh his memory your Honour.*

HIS HONOUR: *I understand that.* ”

.....

Meaghan Vass: *Damien, I can't do this anymore.* – Mr Percy – Justice Brett [A2A] – Damien [George] [A2A]:

Questioned about her 27Apr2017 'I was on the *Four Winds*' statement, Vass had recanted, denying the truth of that statement and saying that she had made it out of fear of an alleged threat from Karen Keefe, of being put in the boot of a car if she didn't sign it. Earlier that morning, Mr Percy had learnt from reading *The Australian* newspaper that Vass had "*in recent days*" told Tasmanian police in a note that "*she was not on the yacht from which the 65-year-old disappeared on the night of January 26, 2009.*" Until then, it seems that Vass had been going to give evidence in support of her 'I was on the *Four Winds*' statement. [see full article at APPENDIX VIII] Mr Percy sought to ask her about different parts of her 27Apr2017 statement and she said that she had signed the statement out of fear. When Percy sought to take her through a particular section of her statement "*piece by piece*", she asked for a five minutes break, upon which, when granted by Justice Brett, she left the court and in passing a policeman seated at the rear of the court, was heard to say "*Damien, I can't do this anymore.*" [see: **George, Damien, in INDEX OF PERSONS**]

.....

Justice Brett: *Just stay seated please Ms Vass.* Meaghan Vass: – Mr Percy – Justice Brett:

Upon return from her '5 minutes' break, Mr Percy returned to asking Vass about particular sentences in her statement. She denied the truth of most of them, saying that she'd been forced to sign it out of fear of a threat by Karen Keefe to have her 'put in a car boot' if she didn't sign, that she had no memory, didn't know those people and that for her, the occasion never existed. Vass began repeating this to each of Mr Percy's questions about elements of her statement. Asked again about her "*And I have thoughts about her every day for the past eight years*", Vass is extreme agitation swept the papers (a copy of her statement?) from the desk-top/bench of the witness box and instinctively got up, left her seat, and went around the front of the witness box to pick them up. To which Justice Brett responded: *Just stay seated please Ms Vass.*

.....

Coroner Glenn Alan Hay: *...given the fetters placed upon me [...] I repeat that section 25 (4) of the Coroners Act 1995 does not permit a coroner to make any finding inconsistent with the result of the criminal proceedings. In my view a full public inquest could only be*

*contemplated if fresh evidence was forthcoming which either made it unlikely that Mr Chappell was dead and/or that Ms Neill Fraser was his killer and/or that he had died in other circumstances and/or it may be reasonably possible to comment on any matter connected with the death including the administration of justice. I am not so satisfied.*

.....

Grant Maddock paid close attention to his surroundings, i.e. the yachts around his yacht, *Apache*. He knew where everything was: Speaking of the 26<sup>th</sup> Jan 2009, he told the court “*If I was asked where each seagull was on that day around that time, I could have told you.*” [A2A]

Mr Shapiro then seemed to try and find a question to pin Maddock on this and asked

Q: “*You weren’t on your yacht when you and noticed the Four Winds almost sunk and police around it?*”

A: “*On the morning of the 27<sup>th</sup>*”

Q: “*Well, but you – if I can just cut you off there. You didn’t – you weren’t on your yacht one morning and noticed the Four Winds almost sunk and police around it?*”

A: “*I – I didn’t notice from my boat anything*”

Q: “*No okay, thank you, thanks?*”

R: “*Yeah.*”

[We will probably never know at what time Maddock got up on 27Jan2009... and if, why or whether he did not notice the sinking yacht, the police, etc.]

## GLOSSARY OF TERMS, ACRONYMS, PLACES.

- A2A** (acronym): Application hearing for 2<sup>nd</sup> Appeal [Sue Neill-Fraser's application for leave to make a second appeal on the ground of *fresh and compelling* evidence.]
- AA** (acronym): *Alcoholics Anonymous*: Stephen Gleeson in court (30Oct2017) mentioned that he'd attended an AA meeting, drinking cups of tea and eating biscuits.
- allele** a variant form of a gene. Some genes have a variety of different forms, which are located at the same position, or genetic locus, on a chromosome. Humans are called diploid organisms because they have two *alleles* at each genetic locus, with one *allele* inherited from each parent. <https://www.nature.com/scitable/definition/allele-48/> [see entry: *DNA analysis*:]
- AMSA** (acronym): Australian Maritime Safety Authority
- Allamanda** Private Hospital on the Gold Coast, in Qld, (also rendered in CT as *Alamander* and *Elandra*): Bob was hospitalised there for nose bleeding.
- background** In evidence, Maxwell Jones [A2A] used this term relating to the process of spraying with luminol. He distinguished between a reaction that might be produced when the luminol comes into contact with a substance *on* a particular surface (e.g. blood, horseradish; iron, copper and/or their compounds or bleach) and a reaction to a particular surface itself. Jones also used the term *background* to suggest that when luminol reacted with a substance and when a [subsequent] confirmatory test proved negative and further, when DNA is also obtained from the same area, it could be suggested that the luminol reaction was perhaps from blood [and that for some reason the confirmatory test had failed to identify latent blood residue. Perhaps we could take it that Jones was referring to the possibility of a 'false negative' [see glossary: '*false negative*']. Maxwell Jones said, albeit disconcertingly, that of "*A luminol reaction indicating possible presence of blood is negative, well – well if you get a – obtain a DNA profile from that, well there might be some value in suggesting that's from blood as opposed to an adjacent area. If you sample that and it's negative for DNA well that may indicate that there's no **background** DNA present on that surface.*" Here Jones seems to be indicating that regardless of whether blood is present on a surface, DNA may also be present as *background*, i.e. that its presence might be unassociated with the possible blood. Even that it may pre-date i.e. have been deposited earlier/prior to the deposit of the substance with which sprayed luminol had reacted.)
- Black Death** is an oyster fungus that can get into diesel fuel and can clog the fuel filters, preventing the diesel

getting through to the motor.

**blood stains**

see *directionality, drop staining, passive drops, perimeter stains, spatter stain* and *transfer staining*.

**Boat Sales**

sold Paul Wroe's yacht, *Southern Wright* [<https://tinyurl.com/yco3jjf4>].

**bulkheads**

in a *ship* serve several purposes: increase the structural rigidity of the vessel, divide functional areas into rooms and create watertight compartments that can contain water in the case of a hull breach or other leak. [from: Wikipedia]

**Carmarita**

name of the house on corner of Marieville Esplanade and Margaret St, on the fence of which the red sailing jacket was found.

**CJ**

(acronym): Chief Justice.

**cleat**

-(nautical) a device for securing a rope, usually fixed to a deck or spar, with two horns parallel to the deck or spar [google definition]  
-a T-shaped piece of metal or wood on a boat or ship, to which ropes are attached. [wikipedia]  
- A metal (usually) object around which a line can be fastened; as in: *He ran the dock line from a cleat on the boat to a piling.* [School of sailing: Glossary ]

**clinker dinghy**

where the edges of hull planks overlap each other. Also known as *lapstrake*.

**confirmatory test**

A positive result from a *presumptive test* for blood indicates the possibility that blood is present. A positive result from a confirmatory test allows one to conclude that blood is present.

[<https://forensicsforum.net/2017/03/17/an-overview-of-presumptive-and-confirmatory-testing-in-the-forensic-sciences/>]

A confirmatory test is one used in criminal investigations which will conclusively prove or fail to prove the presence, for example, of blood in a sample.

Confirmatory tests are required to confirm the analysis of a presumptive test. Confirmatory tests are more specific and precise. [[http://www.forensicbasics.org/?page\\_id=41#.XY-9umYRW00](http://www.forensicbasics.org/?page_id=41#.XY-9umYRW00)]

[Is it possible to include in one's understanding of some confirmatory testing is that it may be held to be confirmatory because it is a 'second opinion' - i.e. separate to an original presumptive test such as luminol. It seems to me that Hematrace (note: not hemastix!) is often held to be a confirmatory test, while yet (see following) being described as presumptive.]:

*The HemaTrace™ test is used to determine if a bloodstain is of human origin. This test is an antigen-antibody*

reaction. The antibodies are present on the HemaTrace™ card and if the antigen (the heme group of the Hemoglobin molecule) is present, then an antibody-antigen reaction occurs on the test site (T) of the card. The antigens and antibodies bind to each other and form a lattice (chain) which causes a pink dye band to be visible. The control region of the test strip should always have a reaction, and the pink dye band should be visible on both positive and negative results.

*Pink line in control region + pink line in test region = presumptively positive result for human blood\*.*

*Pink line in control region only = negative result for human blood.*

*\*Note: **both phenolphthalein and Hematrace™ are presumptive tests.** Further DNA testing can confirm these results.*

[ <https://dps.mn.gov/divisions/bca/bca-divisions/forensic-science/Pages/dna-serology.aspx> ]

cf. the ‘confirmatory’ claim [see at: <https://www.pathtech.com.au/product/aba-card-hematrace-lab/> ]

**CT** (acronym): Court Transcript of Trial.

**Dauntless** a 10m police vessel used as a 1st response vessel in Hobart, and there’s Vigilant, Fortescue and Van Dieman.

**degradation** “.....*Degradation in a DNA profile indicating that the sum breakdown of the DNA itself could be due to environmental factors and sunlight and things like that can do that or just age – age stains – or just mould and bacteria and things like that can degrade DNA.*  
*“People walking on it?.....Well, it can degrade. That's part of a physical degradation. It depends on the nature of that but it's not so much – well, it certainly can bring out some degradation but you would be thinking more about age, bacterial growth, ultraviolet light, environmental factors more so”.* [Jones: A2A]

**Derwent Sailing Squadron** (DSS): 23 Marieville Esplanade, Sandy Bay. TAS 7005.

**Devils Henchmen** an outlaw bikie group, of which Ronald MacKenzie (~~'Spike'~~ = 'Sharkie' was the president/member and who was associated with Karen Keefe and Meaghan Vass.

**Dinghy** aka: tender (used for transporting between shore and vessel), the FW dinghy tender was of a type known commonly by the brand name 'Zodiac'., which was the company which invented the first inflatable boats.

Dinghy – colour	Person	CT	Colour	Dinghy	- Note
	Sanchez, Caroline (Ann)	240 2	white with bluey grey stripes	the FW dinghy	-after 7:30 a.m. 25Jan2009
	Howard (water taxi)	368 33	white tender	the FW dinghy?	- morning 26Jan2009... 11:15 a.m.
	Balding (rowing coach)	186	grey with dark blue trim	the FW dinghy	- morning 27Jan2009... 5: 45 a.m.
	Balding (rowing coach)	880 19	grey with blue trim	the FW dinghy	- (in his email to members)
	Balding (rowing coach)	1029 45	pale grey/pale grey white/light grey	the FW dinghy	- (on being shown photos in court)

	Etherington (Constable)	468 12	grey and blue	the FW dinghy	- as he-SNF spoke, a.m. 27Jan2009
	Liaubon	370 29	white/light grey	the FW dinghy	- 11:30 a.m.-noon; &/ c. 2:00 p.m.
	Jane Powell	435 9	light grey, black outboard	the FW dinghy?	- some time after 1:30 p.m.
	Paul Conde	428 17	dark grey, battleship grey	another dinghy?	- 3:55 p.m.
	P36	1436 33	large, mid-grey	another dinghy?	- late afternoon, c.5:00 pm
	Daryl (& Wendy)	1023 19	grey with blue trim	afternoon/evening (using Sinnitt's description?)	
	Constable Williamson	232 1-6	blue and white	the FW dinghy	
	Mr Lorraine	510 35	dark in colour	a dinghy at another yacht?	
	Mr Lorraine	914 28	whitish cream to yellow	a dinghy at another yacht? (told this to Conroy?)	
	Conroy (Dtv.)	916 46-7	white with a blue trim	FW dinghy - flat, at Search&Rescue Depot Marine Pol.	
	Etherington (Constable)	475 20	blue and white	the FW dinghy	-agreed with Gunson as to colour.
	Sinnitt (from photos):	801 31	grey trim above blue trim	the FW dinghy	
	Sinnitt (from photos):	801 38	white	the FW dinghy	
	Sinnitt	808 33	white with blue trim	the FW dinghy	-(agreed c Gunson's description)
	Sinnitt (from photos?):	811 31	light coloured	the FW dinghy	
	Sinnitt (from photos?):	823 24	with grey trim	the FW dinghy	
	Christopher Dobyn:	802 34	light coloured	the FW dinghy	according to Sinnitt
	T. Plunkett	493 21	small, grey	the FW dinghy	- (to Mr Shapiro, at trial)
	T. Plunkett	496 3	white with blue trim	the FW dinghy	- ('Yes' in response to Gunson q.)
<b>Dinghy – colour</b>	<b>Person</b>	<b>A2A</b>	<b>Colour</b>	<b>Dinghy</b>	<b>- Note</b>
	Gary Smith		Light grey, faded	unknown inflatable	- c. 3 times on rocks on spit.

### directionality

[McHoul on blood – CT: 642 12 (see: *blood stains*): “*Well when you’re talking about – as I said, there are two broad groups of talking about blood stains, this is the second group that we’re talking about now. So we’re talking about drop type staining. When we’re talking about directionality with drops it’s all based on the shape of the drop itself. So those that I say appear to have hit the panel at approximately ninety degrees are approximately circular in – in their shape. When I say they exhibit other type of directionality that means that they’re elongated. So that means that they’re longer than they are wide. And if we drew a line through the longest part of the stain then that would give you the axis along which they’ve travelled. And sometimes you can tell, again by the shape of the stain, in which direction along the access – axis that they might have travelled.*”

### DNA

*DNA, or deoxyribonucleic acid, is the hereditary material in humans and almost all other organisms. Nearly every*

*cell in a person's body has the same DNA.* [<https://ghr.nlm.nih.gov/primer/basics/dna>]

**DNA analysis** any technique used to analyse genes and DNA. <https://medical-dictionary.thefreedictionary.com/DNA+analysis>

DNA analysis is the name given to the interpretation of genetic sequences, and can be used for a wide variety of purposes. It can be used to identify a species, but can also differentiate individuals within a species.

<https://dnatestingchoice.com/en-us/news/what-is-dna-analysis>

see entries here for some associated terms: *allele, background, confirmatory test, degradation, DNA, dropout, electropherogram, electrophoresis, false negative, false positive, ileal, ileal designation, ilium, luminol, peaks, presumptive test, stochastic variation, variable and variate.*]

**Dog Beach** aka 'Short Beach' & 'Errol Flynn Beach': the beach from the Rowing Club to the northern end of Marieville Esplanade

**DOO402** registration number of motor vehicle containing various items for forensic testing, inc. #113 1234 (swabs and samples taken from a blue jacket), a jacket taken from a (police?) motor vehicle (reg. DOO402)

**drop staining** [McHoul on blood – 642 12 (see *blood stains*): *“Well when you’re talking about – as I said, there are two broad groups of talking about blood stains, this is the second group that we’re talking about now. So we’re talking about drop type staining. When we’re talking about directionality with drops it’s all based on the shape of the drop itself. So those that I say appear to have hit the panel at approximately ninety degrees are approximately circular in – in their shape. When I say they exhibit other type of directionality that means that they’re elongated. So that means that they’re longer than they are wide. And if we drew a line through the longest part of the stain then that would give you the axis along which they’ve travelled. And sometimes you can tell, again by the shape of the stain, in which direction along the access – axis that they might have travelled.”*

**dropout** “Dropout” is defined in the [VPFSD] report as *“An extreme form of stochastic variation whereby a component of a DNA profile (allele) has failed to attain the required detection level”*.  
[see entry: **DNA analysis**: *allele, dropout, electropherogram, electrophoresis, stochastic variation, variable & variate*]

**dropout**: *Stochastic Effects during PCR Amplification Loss of a single allele is referred to as “allele drop-out” while loss of both alleles is termed “locus drop-out”. Stochastic (random) variation is a fundamental physical law of the PCR amplification process when examining low amounts of DNA. Scientific Issues with Analysis of Low Amounts of DNA*

*“In terms of drop-out, again it’s another indicator of weaker biological material, lesser biological material, or degraded material. You get some of the peaks starting to drop out, and you might see it where you’ve got two peaks at a type in there. One of those might not appear. That’s quite common too for a low-level DNA – the sort of DNA profile you might obtain from a touch. Skin contact, for example, degraded DNA.”*

- DSS** (acronym): Derwent Sailing Squadron, 23 Marieville Esplanade, Sandy Bay. TAS. 7005.
- electropherogram** DNA electropherogram: the graphical form of a DNA profile showing allele peak heights on the vertical scale and allele size on the horizontal scale  
[see: 1. Profile Plus; 2. B. Etter @ #47: <http://tasmaniantimes.com/index.php?/article/sue-neill-fraser-two-views-of-her-guilt/> ]  
[see entry: **DNA analysis**: *allele, dropout, electropherogram, electrophoresis, stochastic variation, variable & variate*]
- electropherogram**: <https://en.wikipedia.org/wiki/Electropherogram> : a record or chart produced when electrophoresis is used in an analytical technique, primarily in the fields of molecular biology or biochemistry.[1] In the field of genetics, an electropherogram is a plot of DNA fragment sizes, typically used for genotyping such as DNA sequencing.[2] Such plots are often achieved using an instrument such as an automated DNA sequencer. Such electropherograms may be used to determine DNA sequence genotypes, or genotypes that are based on the length of specific DNA fragments. These genotypes can be used for: genealogical DNA testing , paternity testing , genetic fingerprinting , phylogenetics and population genetics.*
- electrophoresis** [see entry: **DNA analysis**: *allele, dropout, electropherogram, electrophoresis, stochastic variation, variable & variate*]  
***electrophoresis**: <https://www.yourgenome.org/facts/what-is-gel-electrophoresis> : a technique commonly used in the lab to separate charged molecules, like DNA, according to size.*
- EPIRB** (acronym): Emergency Position Indicating Radio Beacon – found by a Mr Page at the Maning Reserve, Sandy Bay, handed in at Glenorchy Police Station. [An interesting article can be found at <http://www.glinds-diversions.com/snf/epirb.html> ] The EPIRB was a (then latest model) GME Classic 406 EPIRB.
- Errol Flynn Beach** aka 'Dog Beach' and 'Short Beach': the beach from the Rowing Club to the northern end of Marieville Esplanade
- ETA** (acronym): Estimated Time of Arrival
- exculpatory** *Exculpatory evidence* is evidence favorable to the defendant in a criminal trial that exonerates or tends to exonerate the defendant of guilt. [Wiki]

<b>EXN (EXD)</b>	(abbreviation): examination of (examined) a witness. [see also: <b>XXN</b> , <b>REXN</b> , <b>FUR EXN</b> and <b>FUR XXN</b> ]
<b>false negative</b>	a test result which wrongly indicates that a particular condition or attribute <u>is absent</u> . <i>"it's possible to have a false negative—the test says you aren't pregnant when you are"</i> . [read as c.f. : <i>"...the test said it wasn't blood when it was."</i> It's also probably worthwhile to research 'false positive' and 'null hypothesis'. While we're at it, consider 'guilty until proven innocent'.] [google definition: <a href="https://tinyurl.com/y2y62rzt">https://tinyurl.com/y2y62rzt</a> ] It also brings to mind the old aphorism/dictum: <i>'absence of evidence is not evidence of absence'</i> . We have a common way of expressing this in everyday English: <i>'just because you can't see it doesn't mean it's not really there'</i> . I don't want to write a whole essay on it just now, so perhaps I can make my point in this way, by rewording the expression thus: <i>'absence of evidence is <u>never conclusive</u> evidence of absence'</i> . No, I'm not sure about that either... how about: <i>'absence of evidence neither proves nor disproves absence'</i> ? Just to return to the <i>"...the test said it wasn't blood when it was."</i> example. Try this for wording: <i>'the test gave no reaction when applied to the substance'</i>
<b>false positive</b>	a test result which wrongly indicates that a particular condition or attribute <u>is present</u> . [ <a href="https://www.google.com/search?client=firefox-b-d&amp;q=definition%3A++false+positive">https://www.google.com/search?client=firefox-b-d&amp;q=definition%3A++false+positive</a> ] In relation to this, it should be noted that the use of <i>luminol</i> can produce false positive reactions. That is, luminol is very good at detecting blood, but also will give a positive reaction to horseradish, bleach, as well as iron and copper (and/or their compounds). [see <b>glossary entries: background and false negative</b> ]
<b>forepeak</b>	the front end of the hold in the angle of the bows of a ship.
<b>Fortescue</b>	Police Hobart Marine Rescue Vessel, , Craig Crawford its Master. Told the Court that the EPIRB has not been activated.
<b>Four Winds</b>	a ketch (i.e. a yacht with a main mast sail and a mizzen mast sail at the rear (aft=rear)) purchased by Bob Chappell and Susan Neill-Fraser . Reg No: PVO6D. Stephen Shield (from the Chandlery) located its mooring as being [ <b>out from and</b> ] somewhere in between the Derwent Lane Jetty and the Rowing Club. Grant Maddock said that it didn't have much free board for a boat of that size, being at first glance definitely slightly low in the bow.
<b>free board</b>	(nautical) A vessel's side between waterline and gunwale.
<b>Freycinet</b>	Police Vessel, used by Sgt. Pratt for grid search on Derwent on 27Jan2009.
<b>FSST</b>	(acronym): Forensic Science Service Tasmania.
<b>FW</b>	(abbreviation): <i>Four Winds</i> : a ketch i.e. a yacht with a main mast sail and a mizzen mast sail at the rear (aft=rear) .

Reg No: PVO6D

- FUR EXN** (abbreviations): further examination (of a witness). [see also: **EXN (EXD)**, **XXN**, **REXN** and **FUR XXN**]
- FUR XXN** (abbreviations): further cross-examination (of a witness). [see also: **EXN (EXD)**, **XXN**, **REXN** and **FUR EXN**]
- HC** (acronym): High Court.
- hemastix (HS)** a sensitive but “**not necessarily specific**” screening test for blood a ‘presumptive’ test:  
[ <https://www.youtube.com/watch?v=Uax90QN91Zc> ]
- hematrace** a '**confirmatory**' test for blood ... will test positive for human, apes' and monkeys' (higher primates) blood and that of ferrets. HemaTrace test strips are used to detect blood by indentifying the presence of human hemoglobin. See also **ouchterlony** test. [see: <https://www.pathtech.com.au/product/aba-card-hematrace-lab/> ]  
**yet also see:** [ <https://dps.mn.gov/divisions/bca/bca-divisions/forensic-science/Pages/dna-serology.aspx> ] in which hematrace is referred to as a **presumptive** test by the Minnesota Bureau of Criminal Apprehension [BCA].
- HH** (acronym): His Honour
- His Honour** (then) Justice Blow [20090922 His Honour 78 2]
- ileal** (adj.) of, relating to, or affecting the ileum [ <https://www.merriam-webster.com/medical/ileal> ]
- ileal designation** Jones explains this as a component of the Vass-deposit electropherogram of which two markers in the electropherogram (seen in a box just under two peaks in a ‘graph’: #17 and #18) denote ileal types which were inherited from the parents. The two show each of two types, one inherited “from the mother of the father” and the other from the mother.  
[**It is not clear if/how Jones’s use of the word ileal relates to the ileum.**]
- ilium** the last division of the small intestine extending between the jejunum and large intestine  
[ <https://www.merriam-webster.com/dictionary/ileum> ].
- J** (following a surname, an acronym/abbreviation): Justice (as in 'Bloggs J' = Justice Bloggs).
- Knopwoods Retreat** a pub in Battery Point Hobart. (sandstone pub, on the corner of Salamanca Place and Montpelier Retreat.) It was

called the *Knopwoods Retreat* until c. 11Dec2015, when, under new ownership, it was renamed *The Whaler*. It was at Knopwoods (23Apr2008) that Paul Wroe first met Steve Gleeson.

Knopwoods was on the corner of Montpelier Retreat and Salamanca Place (39 Salamanca Place.). It presently [2019] operates as under the name of '*The Whaler 1829*' which the ABC gives as its original name.

[<https://www.abc.net.au/news/2015-11-10/hobarts-iconic-pub-knopwoods-to-close-its-doors/6928826> ]



Centre of picture: *Knopwoods Hotel (now The Whaler 1829)*

<https://www.instantstreetview.com/@-42.886643,147.331753,150.23h,14.62p,0z>

**luff** - the leading edge of a sail; as in: *We have telltales just behind the luff of our headsail.* 2, the flapping of a sail; as in: *We can prevent luff in the sail by properly reading the telltales and adjusting course.* [School of sailing: Glossary ]

**luminol** a liquid chemical used as a screening agent for blood (see also *hemastix*).

*“These tests [[luminol](#), [hemastix](#) ...] are not specific for blood. Other biological materials, such as fruits, possess peroxidase activity, and oxidizing agents may be present on surfaces. Some laboratories have used two or more of the tests listed in the table and reported the second as confirming the first. However, since they are all presumptive tests, carrying out two or more tests does not substitute for or constitute a confirmatory test.”* [http://projects.nfstc.org/pdi/Subject02/pdi\\_s02\\_m02\\_02\\_a.htm](http://projects.nfstc.org/pdi/Subject02/pdi_s02_m02_02_a.htm)

***luminol*** : “...is a chemical which can be used to spray onto surfaces to detect possible traces of blood. It’s not specific for blood. It’s essentially a chemical that [...] can react with blood in such a way that it emits visible light, a pale blue luminescence”. [Maxwell Jones, A2A]

<b><i>Mara House</i></b>	accomodation for homeless/at risk young women: One of the places where Vass (the 'homeless girl') stayed.
<b>MAST</b>	(acronym): Marine and Safety Tasmania [ <a href="http://www.mast.tas.gov.au/">http://www.mast.tas.gov.au/</a> ]
<b>mast</b>	a tall upright post, spar, or other structure on a ship or boat, in sailing vessels generally carrying a sail or sails.
<b>MFI</b> (exhibit):	(acronym, possibly): 'Marked For Identification' ... and as a prefix attached to another letter, e.g. MFI – E - BOOK
<b>mizzen</b>	the rear or rearmost <b>mast</b> aft of the mainmast of a sailing vessel. [aft means: towards the stern (rear) of a ship.]
<b>MoJ</b>	(acronym): Miscarriage of Justice.
<b>No such address</b>	Unit 8, 7 Onslow Place, MT NELSON. The address at which Vass (the 'homeless girl') said she was at on the night of 26Jan2009 ... unit 8 could not be found by Detective Senior Constable Shane Sinnitt when he went to enquire.
<b><i>Observer</i></b>	Police vessel, transported pump to FW at Sandy Bay from Domain slip.
<b>ouchterlony</b>	a confirmatory test: The Ouchterlony test is used to determine if a blood sample is human or animal through the comparison of its reactions to specific antibodies.
<b>passive drops</b>	[Debra McHoul 643 22 (see <i>blood stains</i> )] “If you bleed from a wound and the blood falls to the ground just by the act of – falling under the act of gravity for example you get quite large stains, quite large drops, and they’re called passive drops. Now if that falling under the effect of gravity alone has been affected in anyway by a force, what happens is that the drops are broken up so that they become smaller and what you

see here, in my opinion, are smaller drops so you've had blood that's been acted upon by some force. And the smaller the drop the greater the force that's been applied to it to produce it."

*"Passive drops are drops of blood that are formed under the influence of only gravity. This is often observed in incidents involving moving injured persons."*

[<https://webcache.googleusercontent.com/search?q=cache:RJFaqdbC438J:https://www.ifscolorado.com/bloodstain-pattern-analysis/+&cd=15&hl=en&ct=clnk&gl=au&client=firefox-a>]

- peaks** on an electropherogram, [Jones, at A2A] the 'peaks' on the electropherogram's graph are indicative of a good, strong source of DNA.
- perimeter stain** [Debra McHoul 642 30 (see *blood stains*)] "*A perimeter stain is a stain that has dried to some degree and has then somehow been wiped or disturbed in some way, so that the majority of the stain has gone but it leaves a visible outline or a visible edge as to where the original stain was.*"
- PIL** (acronym): Police Investigation Log
- presumptive test** [aka 'screening test']: "A presumptive test is one used in criminal investigations which is not conclusive, but is used to screen for the presence of a substance. For example, a presumptive test may be used to determine the presence of blood, seminal fluid, or drugs. The results of a presumptive test will not conclusively prove or disprove the presence of the substance." - <https://definitions.uslegal.com/p/presumptive-test/> [see *confirmatory test*]  
**presumptive test:** A presumptive test is one used in criminal investigations which is not conclusive, but is used to screen for the [possible] presence of a substance. For example, a presumptive test may be used to determine the [possible] presence of blood, seminal fluid, or drugs. The results of a presumptive test will not conclusively prove or disprove the presence of the substance. [<https://definitions.uslegal.com/p/presumptive-test/>]
- Profile Plus** a 'quite expensive' DNA extractive/analytical tool. Max Jones (VPFSD) had used it since 2000-2003. It allows the production of a graphic result, an "*Electropherogram*". Jones' VPFSD Report (11Jul2014) made use of it. It seems that the earlier 'hybrid' report, developed in 2009/2010 by McHoul, McKenzie and Grosser, did not use *Profile Plus* and thus did not have electropherogram results.
- Purdon Dinghy** fiberglass dinghy, 2500 made by members of the Purdon family over 30 years, slipyard was at Battery Point. [There is mention in ...]

## Red Jacket

A red jacket was found rolled up on a fence on the corner of Marieville Esplanade and Margaret Street by Au Ming Hong, the occupant of the house on that corner. Au Ming Hong picked it up then replaced it on the fence. James Millar, at much the same time, was returning from walking and exercising his dogs at Marieville Explanade (27Jan2009, 10:30 a.m.) and found the jacket not folded, but draped over the fence. He didn't touch it, but returned to the group of police by the rowing sheds and told one of the officers about it. Five minutes after Au Hong Ming had replaced the jacket on the fence, Constable Plunkett came to his door, to ensure it wasn't his and to see if he'd seen it before. Mr Hong replied that it wasn't there the night before, but couldn't be sure of the time. Using gloves, Plunkett searched the jacket for identification and found a two dollar coin in one of the front pockets. He carried it open and bunched up, back from the house and placed it laying down 'like an open jacket' on a brown paper bag in Sgt Sulman's car boot. Members of Sue and Bob's family were shown the jacket in the boot, Sarah Mills picked it up to look at it. The jacket in Sgt. Sulman's boot was later given to Constable **Etherington**. **There was no blood detected on the jacket, though a 'long, dark, hair', which was not tested, was found on the outside of the jacket, some other hairs – possibly animal – which were also found on the jacket, were not tested. There was a “Mixed DNA profile on the jacket, “at least 3 contributors, male and female DNA present” on the jacket. “The component of the major profile appearing to come from a single individual matched the DNA profile of Susan Blyth NEILL-FRASER (1 in 100 million)”. [...]** **“Timothy Edward CHAPPELL and Robert CHAPPELL not excluded as possible contributors (random person 1 in 2)”** Sue [stated] that the red jacket was more than likely one of the six to eight old, spare jackets that they kept on the boat for visitors (see ROI 5 May 2009 p.14). She also [thought], like many other pieces of equipment, it may well have fallen out of the back of their vehicle whilst they were manoeuvring the dinghy. Such misplaced items were often left hanging on the fences for their owner's next visit. Sue also pointed out that the red jacket must have been quite an old one as one witness reported to police that Sue had been wearing a red jacket when she came into Brighton Council some “2-3 years ago” with her friend Bob [...]. Sue [stated] that this visit was actually back in the late 1990's. [Subsequently, the long, dark hair was tested and was matched to a woman who had been arrested for her part in a brawl 'across town' on the night of 26Jan2009 – See *Undercurrent* /Eve Ash Ep 3 & 4, also *Southern Justice* /Colin McLaren pg 104.]

**REXN** (abbreviation): re-examination (of a witness). [see also: **EXN (EXD)**, **XXN**, **FUR EXN** and **FUR XXN**]

**RHH** (acronym): Royal Hobart Hospital (includes the Holman Clinic).

**RHS** (acronym): 'right hand side'

**RIID** (acronym) Record of Investigation into Death [CORONER HAY: RIID 20140117]

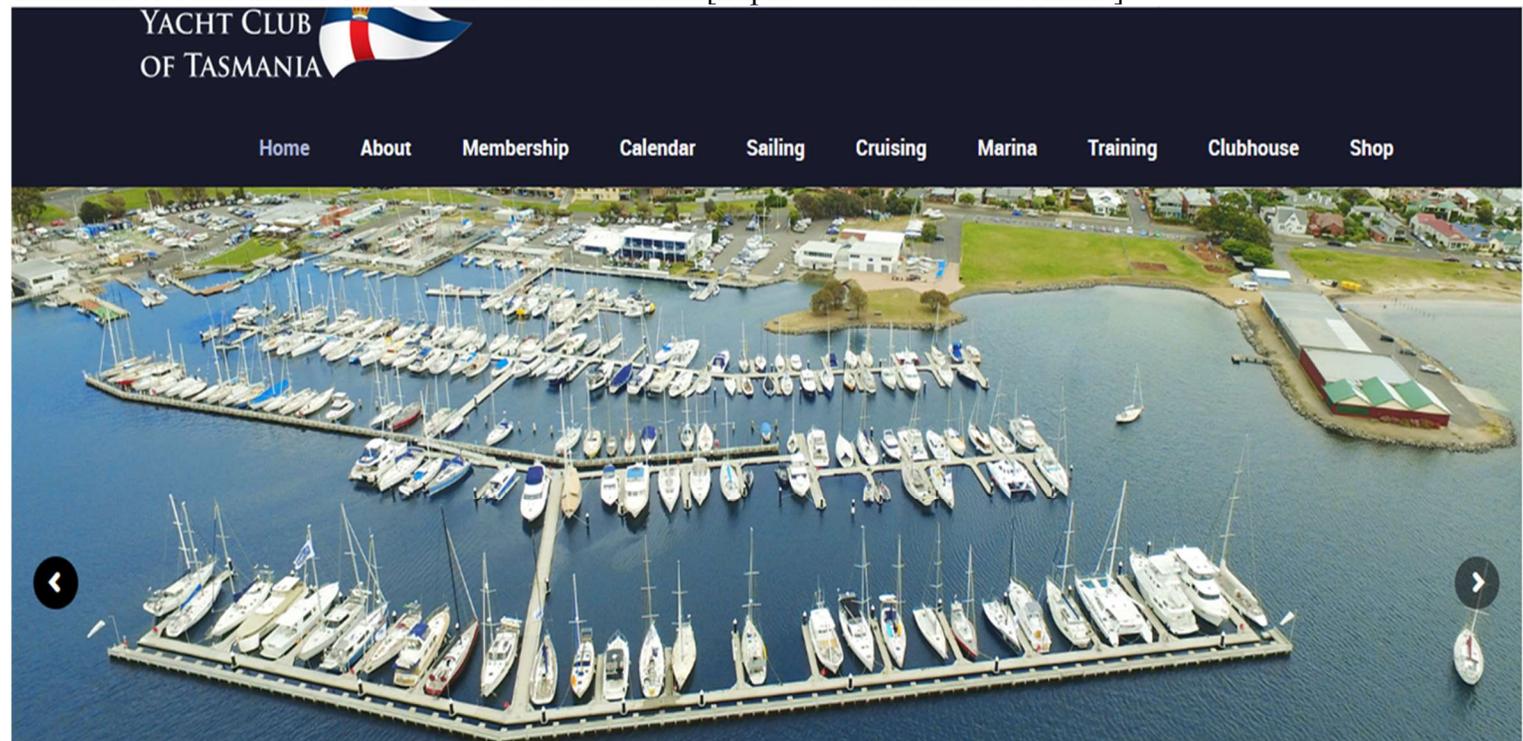
**ROI** (acronym): Record Of Interview

## RTI

(acronym): Right To Information: An Act which allows public access to certain info & which has replaced the FOI (Freedom Of Information Act)

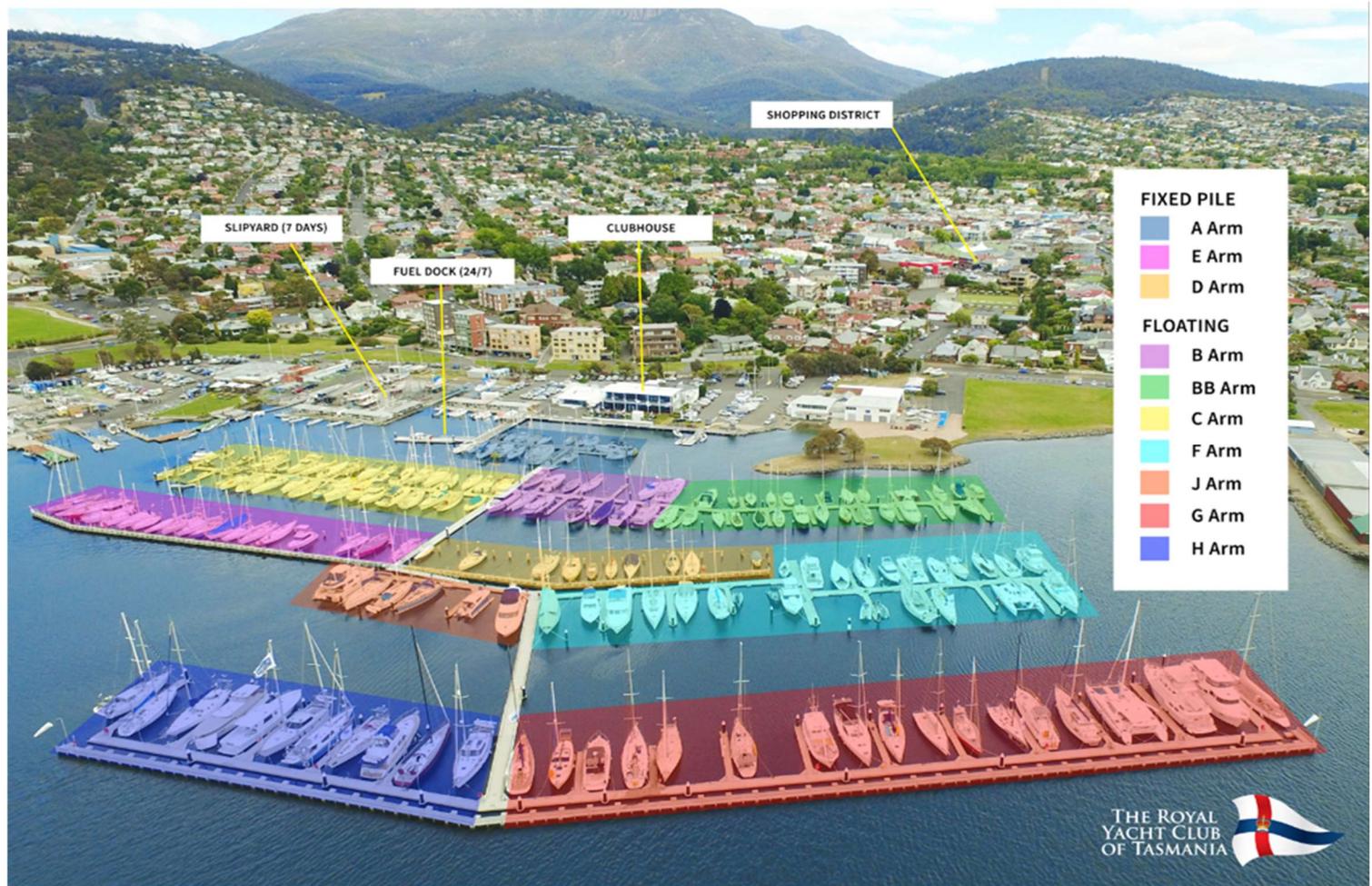
## RYCT

*Royal Yacht Club of Tasmania*: Marieville Esplanade, Sandy Bay, Hobart. A number of sailing clubs existed from 1859 onwards. In 1880, one of these, the *Derwent Sailing Boat Club* was ‘revived’ from an earlier defunct club and after some subsequent name changes, took/was granted its present name. Its first meeting took place at the *Nautilus Hotel*, later named the *Lord Nelson* and then later again *Knopwoods Retreat*. [see my entry for Knopwoods Retreat] Over the years, various premises were used for meetings and as headquarters till, in 1955, the club’s final move was to Marieville Esplanade. In 2007, *Tas Marine Construction Pty Ltd* [TMC] and/or its sister company SMC came to Tasmania to build the RYCT’s breakwater and marina.[<https://www.tasmarine.com.au/>]



This image is a screenshot taken from the RYCT website (2019). The outer edge of the marina is possibly what is referred to as the breakwater. [*The LIST* mapping service (<https://maps.thelist.tas.gov.au/listmap/app/list/map>) can provide aerial photographs of this and any area in Tasmania.] Images gained from [instantstreetview.com](https://www.instantstreetview.com) show the Nov2017 extent of the breakwater and marina to be the same as this image. Eddie Hidding [A2A] said that at the time in 2009 “*this wing down here and this had an – these have had extensions on, so this last wing wasn’t completed, these*

*were here but they've been extended*" [see entry for 22July2013]



<https://www.ryct.org.au/wp-content/uploads/2018/10/Marina-Map-0618.pdf>:



<https://www.ryct.org.au/wp-content/uploads/2017/11/MARINA-MAP-RYCT.pdf>

*Sandy Bay Bowling Club* 16 Margaret St, Sandy Bay. TAS. 7005. (aka: *Sandy Bay Bowls Club* & also, (latterly?): *Sandy Bay Bowls and Community Club*). A (unlocked) gate in Margaret St provides access to the greens and clubhouse, though most access

(and car parking) is via King St. For Simon Pargiter or Brent Brocklehurst to take their dogs to *Dog Beach* for a walk, the Bowling Club provided an easy short-cut to Margaret St, and thence to Marieville Esplanade. Their conjoined houses in King St adjoins the Bowling Club car park. According to Brent Brocklehurst, the Club is about 300-400m from the (Marieville) Esplanade.

- SBRC** (acronym): Sandy Bay Rowing Club
- self-tailing** - when trimming a line on a sailboat, the crew member turns the winch handle with one hand, while tailing (pulling on the loose tail end) with the other to maintain tension on the turns. Some winches have a "stripper" or cleat to maintain tension. These are known as "self-tailing" winches. [Wikipedia]  
- They allow one person to crank in without needing another person to tail, or without trying to do the difficult job of tailing while cranking. [googled: self-t...]
- Shadow of Doubt*** *Shadow of Doubt* is a documentary about the 23 year conviction of Sue Neill-Fraser - a circumstantial murder case with too much doubt. Produced and directed by Eve Ash, filmed over four years, set in HOBART, TASMANIA. [ [https://www.facebook.com/pg/Shadow-of-Doubt-135009013322665/about/?ref=page\\_internal](https://www.facebook.com/pg/Shadow-of-Doubt-135009013322665/about/?ref=page_internal) ] [**first screened 2013?**]
- sheet** - a line (rope, cable or chain) used to control the movable corner(s) (clews) of a sail. [Wikipedia]
- Shepherd direction*** a direction (in a circumstantial case) given by the judge to the jury that only those '*intermediate facts*' that were '*indispensable links in a chain of reasoning towards an inference of guilt*' needed to be proved beyond reasonable doubt. [ <https://tinyurl.com/yar32enw> ]
- Short Beach*** aka '*Dog Beach*' and *Errol Flynn Beach*: the beach from the Rowing Club to the northern end of Marieville Esplanade
- side-scan sonar** a large steel torpedo shaped object that's towed behind the boat at about 5 knots, it has a transducer on each side of it and it sends out sound waves at fifteen hundred metres per second. These sound waves bounce off objects on the seabed, come back to the sonar, that information is then transmitted through a cable up to the boat and the image is viewed as a waterfall on a computer.
- slipped** can refer to having moved a vessel from the water via a slipway for repair, maintenance.  
See: '*Environmental Guidelines for Boat Repair and Maintenance*'  
[[https://epa.tas.gov.au/Documents/Environmental\\_Guidelines\\_for\\_Boat\\_Repair\\_and\\_Maintenance.pdf](https://epa.tas.gov.au/Documents/Environmental_Guidelines_for_Boat_Repair_and_Maintenance.pdf)]  
"All boats registered through Marine and Safety Tasmania (MAST) require **slipping** over a two-year period; and

*“It is conservatively estimated that more than 2700 boats are **slipped** each year in Tasmania...”*  
*“A **Slipping** Register containing details on each boat **slipped**, including...”*

## slipyard

(marine): an area [adjacent to water]. Its uses include small scale boat building and maintenance. [Battery Point Slipyards Conservation Management Plan 2008: <https://www.hobartcity.com.au/files/assets/public/planning/planning-schemes/reports-and-studies/battery-point-slipyards-cmp.pdf>] Can also include a *hardstand* area [https://margatamarina.com.au/facilities/shipyard/] Associated terms: *slipway* (a sloping ramp into the water), *slip* (verb/noun: can mean a ‘berth’ at a pier or at a jetty, or a ‘berth’ out of the water – e.g. ‘on the hard’; can also (as a verb) mean the act of moving a boat into/onto a slip from which the other forms shown in this entry are derived) and *slipped*.

## SN-F

(acronym, also SNF): Sue Neill-Fraser, partner of Bob Chappell, accused and found guilty of murdering him; mother of Emma Mills & Sarah Fraser.

## *Southern Wright*

**[entry contains the headings: NAME, MOORINGS, USAGE, FEATURES, TENDERS & MISCELLANEOUS**  
**NAME:** The Mercury and The Examiner both report the name of the Paul Wroe's vessel as *Southern Wright*. Another source rendered it as *Southern Right*. The etymology of the name is uncertain. A possible explanation is:  
-Firstly, that the name *Southern Wright* is a reference to the southern right whale (*Eubalaena australis*), inhabiting the ocean areas which adjoin the southern parts of South America, Africa and Australia. [The spelling of Wroe's yacht: *southern wright* is commonly found in reference to *Eubalaena australis*, however, the dominant (and more correct?) form of the name for that whale seems to be *southern right* (without the W).]  
-Secondly, that the use of wright rather than right could perhaps indicate a pun: that is, that the vessel, being of human construction, could be thought of as southern wright in the way that shipwright refers to yacht/ship building. In other words, Wroe's vessel was perhaps built in the southern hemisphere.

Wroe: *“It was commissioned in South Australia. It was a Joe Adams' brand, and the previous owner before me changed it to Iruka which means dolphin in Japanese.” “All right.....And I changed it back because it had the plaque on the – on the head – on the wall which stated that it was commissioned on the – at South Australia Yacht Squadron on, um, 18th of – 18th of July 1991 or 1993.”*

Stephen Gleeson told the court that previously, the yacht had been called *Aruga*.  
the previous owner had given it a Japanese name Stephen Gleeson told the court (1Nov2017?) that he knew a man named Paul Wroe, who lived on a yacht called the *“Southern Wright”*. Earlier it had been called the *“Eureka”*. Eddy Robert Hidding, the manager of the Sandy Bay Chandlery [*between the marina and the rowing club sheds*] told

the *Application for a second appeal hearing (31Oct2017)* that he didn't know the name of Wroe's boat [it was: *Southern Wright, but not painted on*]

### **MOORINGS:**

**11Nov2007:** Paul Rowe bought the *Southern Wright*. Wroe told the court (1Nov2017) that he had used his inheritance from his Mum to purchase the vessel. He got it (the *Southern Wright*) on 11/11/2007 and told the 2017 (*Leave for 2<sup>nd</sup> appeal Application*) 2017 Court that he lived on the *Southern Wright* from this date (**11Nov2007**) till Oct2010.. He normally stayed in Sandy Bay where he had 2 moorings: one down of DSS, and paying Pam Genders **\$25.00 per week** for mooring.

**Jan2008:** Paul Wroe [i.e. *Southern Wright*] went to Constitution Dock for about a year. **Wroe said he was there from January 2008 and was not there on 27th January 2009.**

**Before...26Jan2009:** **Prior to Australia Day** Shield [A2A] said that in early 2009 Wroe had told him that he was going off the slip), [see photo: 29&30Dec2008: his boat was not on the slip then.

*“But you don't know where his boat was regularly moored in the early part of 2009?.....Well my recollection after – he was going off the slip – I understood he was going over in that vicinity, he probably – more to, can I show you on here.”*

[The mention of the fire damage which according to the evidence occurred **after** Aust. Day also ... mentions the *Southern Wright* being on the slip when Wroe first asked Shield to look over it.]

Paul Wroe had asked Stephen Shield to sell his boat *Southern Wright* for him. When Shield looked at it [at a later date?], it was too dirty to interest him. The boat was OK on the outside, **but was smelly and dirty, and had** fire damage. **He (Shields)** wouldn't sell it for him. Wroe wanted to moor his boat at the nice jetty opposite Robert Clifford's house at the bottom of Derwent Lane, but he (**Mr Shield?**) told him he couldn't so he (**Wroe**) said he'd go on a mooring. [**Robert Clifford: 'Bob Clifford', founder of INCAT.**]

Eddy Robert Hidding, the manager of the Sandy Bay Chandlery [**between the marina and the rowing club sheds**] told the *Application for a second appeal hearing (31Oct2017)* that Wroe slept on his yacht and would row from his boat to the little beach [**?aka: Short Beach**].

[Trying to understand Gleeson's evidence, there is the difficulty that the fire on board the *Southern Wright* had occurred after Australia Day 2009. But Shield said he saw fire damage when he inspected the boat before January **2008**. Did Gleeson get the date wrong or did he only learn about the fire after Australia Day, even though it had

occurred before Christmas? ]

## 26Jan2009 at Sandy Bay

Mr Wroe, who lived aboard his yacht Southern Wright at Sandy Bay when Mr Chappell disappeared,

Wroe said that on 26 January 2009, he was in the Sandy Bay area, on his boat and sleeping there in his bunk.

Counsel for Neill-Fraser, Tom Percy QC, has told the court that Mr Wroe's yacht, on which he lived, was in "close proximity" to the Four Winds on the night, and that Mr Wroe had a "criminal record for violence dating back some 40 years".

[**Witness denies link to yacht murder** *Australian, The/Weekend Australian/Australian Magazine, The (Australia) (Published as Australian, The (Australia)) - November 2, 2017* Author/Byline: MATTHEW DENHOLM TASMANIA CORRESPONDENT] [it must be noted that Tom Percy's contribution is an 'observation', rather than actual evidence, though Wroe's record was read to the court – see: Wroe, Paul in glossary.]

Q How close was the Southern Wright to the Four Winds?

A About a kilometre

Wroe agreed that In 2012 he did say it was about 300m. and suggested his boat was one kilometre from the *Four Winds*, because a representative from the prosecutor's office had told him that the previous day although he had previously told the police it was about 300 metres.

Blackberry didn't think Wroe had had his boat on the slip on Australia Day and was aware that Wroe was on Pam Genders' mooring for a while. [I can't work out if the 'Genders mooring' was just out from the DSS, or further north, upriver and past RYCT and past the rowing club sheds – i.e. off Derwent Lane very close to the *Four Winds*. From my reading it often sounds as if the Genders mooring was in the vicinity of that of the *Four Winds* – this is, not far downstream/south of the Derwent Lane jetty. Yet I perhaps recall in court that Shields or someone else pointed to a place on the overhead map/image as though to a/the mooring for the *Southern Wright* and that the place indicated was straight out (to the east) from the DSS. I subsequently asked one of the SN-F supporters about this and I recall perhaps that they confirmed the Genders' mooring as being out from the the DSS ... i.e. not in the immediate vicinity of the *Four Winds*. Other of my notes suggest that Wroe had moored at two different places in Sandy Bay. Certainly, it seems from Maddock's evidence that *Southern Wright* had been moored nearish to the *Four Winds* and had noticed it as absent immediately after that Australia Day weekend. ]

Stephen Shields place the *Southern Wright* to the west of the *Four Winds*. That means between the *Four Winds* and the (Sandy Bay/Battery Point) shore. On a further question from Mr Percy, he qualified this as being south-west of the *Four Winds*.

Grant Maddock's evidence (1Nov2017) suggested that the *Southern Wright* had been on the Genders mooring (26Jan2009) but was gone the next day.

**After ... 26Jan 2009:** He [Wroe?] said that He left the mooring some months after that Australia Day, that he didn't leave the next day [i.e. c. 27Jan2009] and that DSS records would show that it was slipped.

Eddy Robert Hidding, the manager of the Sandy Bay Chandlery [between the marina and the rowing club sheds] told the *Application for a second appeal hearing* (31Oct2017) that Wroe's boat (he didn't know its name [it was: *Southern Wright*, but not painted on]) was directly out from the sailing club and south of the *Four Winds*, about a kilometre apart. Hidding, asked what distance Wroe's boat was from the *Four Winds*, said he "wouldn't be able to have a stab at that honestly" and asked again whether it was 5 metres or five kilometres for example, estimated that it would be "in the kilometre type range." Hidding (pointing to the map in the court) showed the *Four Winds* as being north of the yacht club and the *Southern Wright* as being directly out from the yacht club and to the south of the *Four Winds*, "...in that kilometre range. Three quarters of a kilometre."

Paul Wroe [2<sup>nd</sup> Appeal application Court hearing - 1Nov2017]: His own boat did not have a name on it, but his tender was called *Dr Who*. The tender was purchased from a person working at the RYCT. [other evidence (Wroe: 31Oct2017 et al., ) suggests that on 26Jan2009 Wroe's boat may have been at Pam Genders' mooring]

He said that he didn't remember when he left Gender's mooring and was asked was it the 27<sup>th</sup> of Jan,[2009] [the notes do not record a response]

28Jan2009: Steven Gleeson noticed that Paul Wroe's boat [the *Southern Wright*] was gone.

[There is some confusion (in my mind) as to Wroe's moorings for the *Southern Wright*. At some stage it was at Constitution Dock, for some time, perhaps a year. It was also on Pam Genders' mooring which apparently is/was slightly north (upstream) of the *Four Winds* Mooring. It was also said to be moored at/near to the Derwent Sailing Squadron (DSS) and was also out of the water at the DSS, up on the slip/ i.e. 'up on the hard' (as SN-F said about the *Four Winds*). On this occasion, it is thought that Gleeson was referring to the Genders mooring (I'm presuming/assuming that the Genders mooring was not the DSS mooring). This seemed to be confirmed by Grant

Maddock's evidence (SNF application for 2<sup>nd</sup> Appeal hearing, 1Nov2017) which distinguished between *Southern Wright* being 'sometimes off Short Beach and at other times further up towards Derwent Lane'. The situation is clarified or perhaps further confused by Wroe's having (in a statement to police in 2012?) said that *Southern Wright* was 300m from the Four Winds, and (1Nov2017) told the court that his boat was one kilometre from the *Four Winds*, because a representative from the prosecutor's office had told him that the previous day although he had previously told the police it was about 300 metres. To further complicate, – one person has anecdotally said that the Gender's mooring was just off the DSS]

Wroe (told the Leave for 2<sup>nd</sup> Appeal application Court hearing 1Nov2017) that He left the mooring some months after that Australia Day, that he didn't leave the next day [i.e. c. 28Jan2009] and that DSS records would show that it was slipped. [Was he referring to the DSS mooring and avoiding the issue of whether the *Southern Wright* was actually at the Battery Point (Genders?) mooring that 26Jan2009 night? ]

The Southern Wright was in dry dock for 10 months.  
From the Dry Dock, the Southern Wright was towed to Derwent Lane wharf.

#### USAGE:

During this year he was convicted of operating the boat while intoxicated. Mr Wroe said that the tiller had snapped, that the water police [had come?]. Gleeson [Gleeson's name is taken from my court notes. Are they correct or was it Wroe who had been drinking?] was drinking. [Wroe told the (*Leave for 2<sup>nd</sup> appeal Application*) 2017 Court that He acknowledged that he had operated his boat under the influence of alcohol and was charged with being intoxicated while in charge of a vessel. He said that he was charged with having an unregistered vessel, not having a licence and with “*entering a prohibited s/place*” [i.e. inaudible... 'place' or 'space'?] ]

Blackberry didn't think Wroe had had his boat on the slip on Australia Day and was aware that Wroe was on Pam Genders' mooring for a while. He'd had a drink with Wroe at Derwent Sailing Squadron. At some stage, Wroe's boat had been on the slip for about six months and Wroe stayed on it most times while it was on the slip. Sometimes he'd come and go.

**29Dec2008:** Paul Wroe's boat [*Southern Wright had been*] blown ashore [on 29Dec2008] and that there was a newspaper article on the boat [see “*Ragged Rescue*” *The Mercury*, 30Dec2008]. When shown an article from the *Mercury* when he was blown ashore he said that he used a green kayak most because his dinghy was too cumbersome.

Paul Wroe was living on his boat the *Southern Wright* in 2009.

Eddy Robert Hidding, the manager of the Sandy Bay Chandlery [between the marina and the rowing club sheds] told

the *Application for a second appeal hearing (31Oct2017)* that Wroe slept on his yacht and would row from his boat to the little beach [*?aka: Short Beach*].

[*According to Mr Shield*] Wroe's boat was on the slip [*at the DSS?*], *before Australia Day*.

Blackberry had met him [*Wroe*] when Wroe had 'slipped' his boat at the DSS, though he didn't associate with him outside working hours. His boat had had a fire inside it.

Blackberry didn't think Wroe had had his boat on the slip on Australia Day and was aware that Wroe was on Pam Genders' mooring for a while. He'd had a drink with Wroe at Derwent Sailing Squadron. At some stage, Wroe's boat had been on the slip for about six months and Wroe stayed on it most times while it was on the slip. Sometimes he'd come and go.

Prior to Australia Day, Paul Wroe had asked Stephen Shield to sell his boat *Southern Wright* for him. When Shield looked at it [*at a later date?*], it was too dirty to interest him. Th[e boat was OK on the outside, *but was smelly and dirty, and had fire damage. He (Shields)* wouldn't sell it for him. Wroe wanted to moor his boat at the nice jetty opposite Robert Clifford's house at the bottom of Derwent Lane, but he (*Mr Shield?*) told him he couldn't so he (*Wroe*) said he'd go on a mooring. [*Robert Clifford: 'Bob Clifford', founder of INCAT.*]

Mr Shield located Wroe's mooring near to that of the *Four Winds*, between Derwent Lane and a bit north of the *Four Winds*.

Wroe told the court (1Nov2017) that he had two moorings for the vessel, for which he paid Pam Gender \$25 and had another mooring [*as well – near the DSS*].

He normally stayed in Sandy Bay where he had 2 moorings: one down off DSS, *and* paying Pam Genders *\$25.00 per week* for [*the other*] mooring.

**??Jan2009:**

[Wroe] [...] was living on a boat off Battery Point, [*according to Gleeson*]

**26Jan2009:** *Grant Maddock [2<sup>nd</sup> Appeal application: 1Nov2017]*: On the large photograph, he pointed to the position of this boat as being nearer to Battery Point than the Yacht Club. He had only seen Wroe there or at Constitution Dock. He had seen Wroe's boat on various moorings around the Sandy Bay area. It was sometimes off Short Beach and at other times further up towards Derwent Lane.

Gleeson, he [*Wroe?*] said, would come to the *Southern Wright* for a drink.

Mr Wroe said that Adam Yaxley was never on the Southern Wright [the notes read: 'need' rather than 'never'] but that Gleeson was. In Constitution Dock, some homeless people would come on.

Gleeson, he (Wroe) said, would come to the *Southern Wright* for a drink. [how did Gleeson get out to the Southern Wright? By 'borrowing a dinghy'? - see 16-19Jan2009 entry re Stephen Catchpool's stolen-then-returned dinghy – or was this a reference to the homeless men who would visit Wroe when the *Southern Wright* was at Constitution Dock?]

**27Jan2009 before 9:00 a.m. ?:** Eddy Robert Hidding, the manager of the Sandy Bay Chandlery [between the marina and the rowing club sheds] told the *Application for a second appeal hearing (31Oct2017)* that Wroe slept on his yacht and would row from his boat to the little beach [aka: Short Beach]. Wroe's boat (he didn't know its name [it was: *Southern Wright*, but not painted on]) was directly out from the sailing club and south of the *Four Winds*, about a kilometre apart. Paul Wroe [2<sup>nd</sup> Appeal application Court hearing - 1Nov2017]: His own boat did not have a name on it, but his tender was called *Dr Who*. It was purchased from a person working at the RYCT. [other evidence (Wroe: 31Oct2017 et al., ) suggests that on 26Jan2009 Wroe's boat may have been at Pam Genders' mooring]

**28Jan2009:** Steven Gleeson noticed that Paul Wroe's boat [the *Southern Wright*] was gone.

The Southern Wright was in dry dock for 10 months.

From the Dry Dock, the Southern Wright was towed to Derwent Lane wharf.

**30/31Jan2009:** Steve Gleeson saw Paul Wroe 4-5 days after Australia Day. Wroe had had a major fire in his yacht (Southern Wright). About the fire, Wroe told him “*We had a little party on board*”, and said he had fallen asleep and knocked the stove over. He had a fire on board [the *Southern Wright*] about 2009 or 2010, “*possibly ... 2009, 2010*”. end of May [may have been referring to the fire, or perhaps to a conviction in 2008]

**00Oct2010:** Paul Wroe [ He said he'd lived on his boat from 11th November 2007 until October 2010 ] was no longer living on the *Southern Wright*.

### FEATURES:

Grant Maddock He said [2<sup>nd</sup> Appeal application: 1Nov2017] that he knew Paul Wroe and had been aware of his boat, *Southern Wright*, for some time, having met him when he had recently purchased the boat, referring to it as an aluminium multi-chine vessel.

Mr Wroe told the court that the Southern Wright had foot bilge pumps. He said that he had never used any electronic

bilge pumps

**TENDERS:** Wroe had used more than one tender, both hard and inflatable. Although Maddock had been invited on board the boat, he did not think of Wroe as a friend and only had 'polite conversation' with him. He commented that Wroe had 'boozy' parties with friends on his boat in Constitution Dock, where Grant had often seen *Southern Wright*. He only went aboard it when Wroe asked him for advice re. selling it.

**29Dec2008:** When shown an article from the *Mercury* when he was blown ashore he said that he used a green kayak most because his dinghy was too cumbersome.

Eddy Robert Hidding, the manager of the Sandy Bay Chandlery [between the marina and the rowing club sheds] told the *Application for a second appeal hearing (31Oct2017)* that Wroe slept on his yacht and would row from his boat to the little beach [aka: Short Beach].

-Had a dinghy (with motor) it sank and was waterlogged ... he said he gave it to Shane Blackberry.  
-Mr Wroe said He met Shane Blackberry when he damaged his boat, sunk his dinghy and waterlogged the motor.

*Now you told us that you had a – a dinghy and a canoe?.....Yes, kayak.*

*A kayak sorry. You didn't have a motor in either of those?.....I had a motor on the – on the dinghy.*

*Yeah?.....But I'd taken it into the Royal Yacht Club and – had let out too much line on it and the boat went in underneath the wharf and when the tide had arisen it sunk – basically sunk my dinghy and waterlogged the motor and I gave the motor to Shane Blackberry the bosun.*

Sold *Doctor Who* to Gleasons [from my notes, it seems that Mr Wroe said that he gave the dinghy to Shane Blackberry and also said that he sold it to Stephen Gleeson] He said he sold the yacht in 2012 and he sold *Dr Who* to Gleeson. [by 'dinghy', was Wroe referring by any chance to his green kayak?]

**27Jan2009 before 9:00 a.m. ?:** Eddy Robert Hidding, the manager of the Sandy Bay Chandlery [between the marina and the rowing club sheds] told the *Application for a second appeal hearing (31Oct2017)* that Wroe slept on his yacht and would row from his boat to the little beach [aka: Short Beach]. Wroe's boat (he didn't know its name [it was: *Southern Wright*, but not painted on]) was directly out from the sailing club and south of the *Four Winds*, about a kilometre apart. Paul Wroe [2<sup>nd</sup> Appeal application Court hearing - 1Nov2017]: His own boat did not have a name on it, but his tender was called *Dr Who*. It was purchased from a person working at the RYCT. [other evidence (Wroe: 31Oct2017 et al., ) suggests that on 26Jan2009 Wroe's boat may have been at Pam Genders' mooring]

### MISCELLANEOUS:

He'd [Blackberry] had a drink with Wroe at Derwent Sailing Squadron.

He [Wroe] said that the next morning [27or28Jan 2009] he was questioned by Detectives at the DSS. He said he saw Gleeson the next day.

### **28Jan2009**

He [Wroe] agreed he had met with the Director of Public Prosecutions yesterday.[31Oct2017]

### **2010**

Paul Wroe knew Stephen Shields, the boat seller and ... In 2010 he decided to sell his boat [Southern Wright] and was repairing it for sale.

Paul Wroe [2<sup>nd</sup> Appeal application Court hearing - 1Nov2017]: Of his yacht, the *Southern Wright*, he said “*It's easier to buy a boat than sell one*”.

Paul Wroe: he said that he had never used any electronic bilge pumps, no one ever told him how to sink a boat. “I've become quite expert at running it aground, of course”.

Mr Wroe told the court that the Southern Wright had foot bilge pumps. He said that he had never used any electronic bilge pumps

### **Spare Time**

the yacht owned by Jane Powell and family. She who saw woman in dinghy going out on afternoon of 26Jan2009.

### **spatter stain**

“*A bloodstain resulting from a blood drop dispersed through the air due to an external force applied to a source of liquid blood*” [ <http://www.forensicsciencesimplified.org/blood/glossary.html> ]. [Debra McHoul 642 30 (see *blood stains*)]: “*If you bleed from a wound and the blood falls to the ground just by the act of – falling under the act of gravity for example you get quite large stains, quite large drops, and they're called passive drops. Now if that falling under the effect of gravity alone has been affected in anyway by a force, what happens is that the drops are broken up so that they become smaller and what you see here, in my opinion, are smaller drops so*

*you've had blood that's been acted upon by some force. And the smaller the drop the greater the force that's been applied to it to produce it. "*

**Stainforth Court** a block of units or flats on the Brooker Highway near Risdon Rd where Vass (the 'homeless girl') was when located by Dtv. Sinnitt.

**stochastic variation** is defined in the [VPFSD] report as a random variation in a DNA profile resulting from a low number of copies of DNA being detected for an allele relative to a partnering peak.

[see: B. Etter @ #47: <http://tasmaniantimes.com/index.php?/article/sue-neill-fraser-two-views-of-her-guilt/>]

[see entry: **DNA analysis: allele, dropout, electropherogram, electrophoresis, stochastic variation, variable & variate**]

The adjective “stochastic” implies the presence of a random variable; e.g. stochastic variation is variation in which at least one of the elements is a variate and a stochastic process is one wherein the system incorporates an element of randomness as opposed to a deterministic system. OECD Glossary of Statistical Terms - Stochastic Definition

**tail** - [verb] pulling on a line after the winch; as in: *With self-tailing winches on our boat the crew does not need to tail the lines.* [School of sailing: [Glossary](#) ]

**Taylor Bros** '*Taylor Bros Slipway and Engineering*': marine engineers, Battery Point Hobart: two of their workers who worked on FW were Goodfellow and Krakowiak.

**telltale** - a fine string or ribbon which may be located on a sail or in the rigging to help determine wind direction and proper sail trim; [School of sailing: [Glossary](#) ]

**transfer staining** [McHoul on blood ... 641 1 (see *blood stains*): *“Yes, certainly, when you're talking about red/brown staining or staining that you suspect to be blood, it can broken down into two broader categories; and the two broader categories are transfer type staining and drop type staining. So transfer staining is really exactly what it says. So what that means is that an object that's been wet with blood at the time has come into contact with another surface or another object and has transferred some of the staining to that”.*

**trim** - (nautical) to pull in or tension a line; as in: Trim the jib sheet to reduce the luffing. [School of sailing: [Glossary](#) ]

**Undercurrent** a six-part series commenced on 30Jan2019 on Channel Seven at 9:00 p.m. and concluded on 6Mar2019

[ <https://www.who.com.au/a-new-crime-documentary-is-coming-to-channel-seven> ]. “Undercurrent explores the infamous disappearance of radiation physicist Bob Chappell and the subsequent conviction of his partner Sue Neill-Fraser who is serving a 23-year jail sentence for the murder of her husband on their yacht in 2009”.

**variable**

A variable is a characteristic of a unit being observed that may assume more than one of a set of values to which a numerical measure or a category from a classification can be assigned (e.g. income, age, weight, etc., and “occupation”, “industry”, “disease”, etc. <https://stats.oecd.org/glossary/index.htm>

**variate**

In contradistinction to a variable, a variate is a quantity which may take any of the values of a specified set with a specified relative frequency or probability. The variate is therefore often known as a random variable. It is to be regarded as defined, not merely by a set of permissible values like an ordinary mathematical variable, but by an associated frequency (probability) function expressing how often those values appear in the situation under discussion. <https://stats.oecd.org/glossary/index.htm>

**voire dire**

*“A voir dire is essentially a trial within a trial, conducted so that a judge can decide, when evidence has been objected to, whether that evidence is to be admitted or not to be admitted”* - Justice Blow

**VPFSD**

(acronym): Victorian Police Forensic Services Department. (produced a Report 11Jul2014 on behalf of SNF).

**VWP**

(acronym): Victorian Water Police

**winch**

- a mechanical device that is used to pull in (wind up) or let out (wind out) or otherwise adjust the tension of a rope or wire rope (also called "cable" or "wire cable"). In its simplest form, it consists of a spool and attached hand crank. [wikipedia]  
- A mechanical device to increase the tension in a line consisting of a geared drum and handle; as in: A winch is essential for providing enough tension in sheets and halyards on most boats. [School of sailing: Glossary ]

**XXN**

(abbreviation/acronym): Cross-examination (of a witness).[see also: EXN (EXD), REXN, FUR EXN and FUR XXN]

## INDEX OF PERSONS

### TRIAL WITNESSES and/or 2<sup>nd</sup> Appeal Application WITNESSES, other persons et al..

- ?, **Alex** Jan 14 2009, Alex ? fixed hydraulics (on Four Winds) [Milazzo 20100924 281 38]
- ?, **Andy** a rigger, lived at the Newport Marina, who they got in to fix the spreader lights; Bob asked him about self-furling sails [SNF 20101011 1282 30]
- ?, **Emmi** SN-F's [and her brother Patrick's] German nanny from their Edinburgh days and who [in 2019] was living in Adelaide. When they had returned to Tasmania permanently, back in the late 1950s, Emmi, only nineteen then, emigrated with them to care for Patrick and her. In time, Emmi decided explore the outback, eventually marrying the manager of a small town hotel and making her life in Adelaide. In 2019 [following the *Undercurrent* and *60 Minutes* productions] SN-F received a card from her and in writing a 'round robin' letter to friends and family, said how "*it was lovely to hear from her, and she insists it was due to us that she had been able to make such a wonderful life with her own family here*". It was SN-F's first contact with her in sixty years! [see: Appendix V - **SN-F letter 19Aug2019**]
- ?, **Garry** Gleeson alleged to the 30Oct2017 court that Wroe and Chris Goss (for the bashing of whom Gleeson was then in prison) – both working for corrupt detectives in Hobart – killed a tenant upstairs called Garry, in Queen St, Sandy Bay.
- ?, **Jamie** a 240 V electrician, attended FW (with his electrician father), to work in conjunction with marine electrician, Norton Makepeace.
- ?, **Les** “[...] *The other one was a bloke called Les – [...] He's another ex-crim who Goss – he told Goss that he'd poisoned his step-brother. [...] he's killed the young bloke upstairs with Paul Rowe.*” This man [Les] visited Stephen Gleeson when he was in jail for the bashing of Chris Goss.
- ?, **Lynne** “*One was a woman called Lynne who lied on oath about Chris Goss when he murdered the lottery people's daughter. This woman visited Stephen Gleeson when he was in jail for the bashing of Chris Goss.*”
- ?, **Michael** was in the company of Stuart Russell and a young teenage girl, having “*come out of nowhere on a dinghy*” and meeting Simon Pargiter on Dog/Short Beach on the evening of 26Jan2009. [see Brocklehurst, Brent]
- ? **Mr X** the 'mysterious' Mr X, a deregistered police informant, provided info in Mar 2013 re sale of a dinghy, two homeless men and dark haired woman in a pub. [ The Girl with Dark Hair in the Sue Neill-Fraser Murder Case - Why was she not followed up? Posted by Barbara Etter APM on 10 September 2014 | 2 Comments. ] See also [CORONER HAY: RIID 20140117]

- ?, Paul** [Stephen Gleeson told the 30Oct2017 2<sup>nd</sup> Appeal court that] **Chris Goss** and a **Paul [...?]** were members of the Rebels [Outlaw Motorcycle Club]. He told the court that these men operated a brothel in Sandy Bay that was owned by a [Hobart?] detective.
- ?, Penny** (deceased by 2010) was a boat broker at Scarborough Marina: she didn't get the sale of the FW: and criticised the FW to Jim McKinnon.
- ? Person D** a long colourless *female* hair was found (a.m. 27Jan09) on the deck of FW, not yet matched to any known person. [CORONER HAY: RIID 20140117] [see Grosser 20100929 688, [Barbara Etter: in 'Shadow of Doubt' / Eve Ash at 54:40]]
- ? Person E** Meaghan Vass, 'the homeless girl', known as 'Person E', before her DNA was identified.
- ? Steve** ex navy, homeless person, had a yellow car. SNF assumed that he was one of the couple/two or three 'homeless people' that she saw standing in the dark, round a firepot, on Jan26-27 2009 at the rowing club. Steve [Gleeson] used to help them get the dinghy off and a friend of his. She stayed in the car for a few minutes, and because of their presence she did not drive down to the end of the spit. [see entry for: **Gleeson, Steven, Rowe, ?**]
- ?, Trixie** homeless woman living in a 4WD and/or SUV at Short Beach, prior to Bob Chappell's disappearance. [see index entries for 6Dec2008, 11Dec2008, 11Jan2009 and Mar2009 - [CORONER HAY RIID 20140117]]
- ?, Zeb** mentioned by Stephen Gleeson as living in government housing in Queen St, Sandy Bay. Gleeson was asked by Adam Yaxley to move Adam Yaxley's belongings to Zeb's address. [see in 'Index of Persons': Yaxley, Adam ]
- Adams, Donna** Assistant Commissioner, Crime and Operations. She wrote a letter of complaint to 60 Minutes (28Aug2014) using a rewrite of Inspector Powell's 25Aug2014 "*Tasmania Police statement 2 – Susan Neill-Fraser Case*".
- Anon/suppressed** 'mature woman of sound mind', made a stat. dec. on 25Nov2009, also a diagram of the FW & of a dinghy [Shapiro agreed facts: 20100923 225 3] Her information was [CT 225 21] that on 26Jan2009 at around 5:00 pm [Sinnitt 20101001 823 27], she was on a vessel that passed the FW, crossed on front of it, saw a grey [SINNITT 805 28] dinghy on the port side of the FW, near the stern. Also referred to as P36.
- Anonymous person** An anonymous person contacted defence, with the information that Phillip Triffett had asked if his evidence might help his own case [Urban 20150326 <http://tinyurl.com/zco38jn> ]

- Ash, Eve** cinematographer: produced '*Shadow of Doubt*'. eve@7dimensions.com.au Website: http://eveash.com  
She was present at the 11May2017 meeting with Hodgman, Groom and O'Farrell. See Richter / McLaren.  
Ash is a film-maker, and a friend and campaigner for Neill-Fraser. She is [was] making a documentary about the case with leading Australian television production firm CJZ and has filmed Vass in a hotel room. [see '*Undercurrent*' in Glossary]  
<https://www.smh.com.au/national/death-on-the-derwent-secret-file-could-prove-yacht-killers-innocence-20170822-gy1pix.html>
- A , Angela** Vass's mother [ <https://tinyurl.com/y64exak3> ]: 60 Minutes: A 10-year-old murder case and the call that could change everything
- Au Ming Hong** aka: Hong A.M. - a student, on whose fence a red jacket was found on the morning of 27Jan2009. He had not seen it there at 6:00 p.m. on the night before (the 26thJan2009) On the 27<sup>th</sup>, he had picked up the rolled-up jacket, then had replaced it on the fence.
- Austin, Jane** of Battery Point, took a photograph of a yacht which appeared to be sinking on 27th Jan 2009 at 8:08 a.m.[219 8]  
Wife of Stephen Catchpool [see: [Catchpool, Stephen](#)] [Is Austin possibly the '*Witness A*' who might have been referred to as such in Barbara Etter's blog-piece on the '*Weather beaten man*' ?]
- Balding, Daryl** rowing coach, SBRC: shown dinghy by Farmer, sees tied dinghy, takes policeman out to FW, watches, then when asked, boards FW.
- Balding, Wendy** wife of Daryl Balding. They contacted their 59 Rowing Club members notifying them that police were seeking information on a grey with blue trim dinghy on 26Jan(2009).
- Barrice (Barass), Greg** Victorian Water Police, was contacted by Conroy to arrange sonar examination. [Conroy 20101004 876 10] ['Victoria Police Underwater Security team']
- Barns, Greg** barrister, appeared before Michael Daly, Deputy Chief Magistrate, representing Meaghan Vass (18Apr2019) who was facing two possession-of-cannabis charges to which she pleaded guilty. Miss Goodwin prosecuted.
- Barrett, Fred** naval architect, prepared report on sinkage rate of FW for Tas Pol. His estimated times put the cutting of the pipe/opening of the sea-cock possibly between 6-7pm and 10pm on 26Jan2009.
- Bezzina, Charlie** former detective who had led the Homicide Squad. Worked with Colin McLaren, another former Victorian detective. Bezzina was working for Eve Ash when he met Brent Brocklehurst and showed him some photo boards, from which Brocklehurst selected two, and placed his initials next to one, said by one newspaper source and by Eve Ash to have been a photo of Meaghan Vass. [see entry below: Brocklehurst, Brent; and also: Brocklehurst evidence in A2A]

**Billings, Patrick** Reporter, *The Mercury*, Hobart. (2017...?)

**Blackberry, Shane** Boatswain at DSS 1997-2017, knew Paul Wroe when Wroe had his boat slipped at DSS. Did not know where Wroe was on 26Jan2009. Knew Peter Irwin (found apparently drowned by his boat at its berth at DSS) and knew Drew Edwards and his father. Also knew Grant Maddock. Blackberry was never contacted/questioned by police but later was contacted by Barbara Etter. Blackberry perhaps also knew Stephen Catchpool, the husband of Jane Austin who'd seen the 'weather-beaten' man and notes of Blackberry's evidence record that he told the court that police had come [to the DSS?] and asked Catchpool about an inflatable dinghy.

**A2A**: Lived at Lauderdale in 2009. He was a bosun at the Derwent Sailing Squadron. A bosun ran the slipway, slipped the boats and general maintenance. He was there at the DSS from about 1997 to about 2015. He didn't know Bob Chappell or Susan Neill-Fraser. He could not recall what he was doing on or about Australia Day, 2009. He would not normally be working on a public holiday such as Australia Day. During his employment at the DSS, he met a man, Paul Wroe, who was a member of the RYCT and who ended up slipping his boat at the DSS (bringing his boat out of the water onto the slip to do work on it in the slipyard – “*general maintenance and repair to the keel [having] hit something and to redo the anti-fouling.*”). He only knew him through the slipyard and did not associate with him outside of work hours “*or anything like that*”. He identified a photo of Wroe in court [exhibit A3] and said Wroe's distinctive features were a couple of missing front teeth and tattoos. Wroe didn't have a full beard, mainly just stubble [did not directly meet the question of whether Wroe at the time had a moustache]. Blackberry didn't ever sail on [Southern Wright], but had been in it. It looked like it had had a fire. [When it wasn't on the slip, most of the time it was out [on the water] just south of the slip area.] He did not think Wroe's boat was on the slip at the time of Bob Chappell's disappearance. He [Wroe] was on Pam Genders' mooring “*down near that [southern?] area for a while*”. Wroe used to wear a lot of black, black belt with studs. He wasn't clean shaven all the time and “*used to drink a fair bit*”. Blackberry drank with him only once, in the DSS clubrooms. Wroe had a green kayak, which he would tie up over at the RYCT. He bought the kayak from Wroe. Wroe also had a dinghy. Blackberry thought that *Boat Sales* ended up selling Wroe's *Southern Wright* boat [for Wroe]. Blackberry had known Peter Irwin, who he said had apparently fallen off his boat or fallen of the marina and drowned. Blackberry was aware of the *Four Winds* which he described as a “*largish cruising ketch*”. He had seen it moored, but never saw it sailing. He knew Paul Wroe, who lived on his boat [Southern Wright], even when it was on the slip. Blackberry also knew Grant Maddock, who owned a wooden boat called *Apache* which he used to slip at the DSS. Back in 2008-2009, B. thought Maddock's hair was longer than how it was there, in court in 2017. B. did not know where Maddock and Wroe were on Australia Day 2009. At the time, police did not speak to B. about Bob Chappell's disappearance. They asked him about a dinghy which Blackberry said was owned by a man “*by the name of Drew Edwards and his father and they had their boat on the slip at the DSS*”. Blackberry could not recall ever having been asked by police to make a statement about those matters, was not asked to give evidence at the trial and had made no 'contribution' till contacted by Barbara Etter.

- Blow, Alan** SNF trial judge, aka 'His Honour' and rendered as HH in the Court Transcript [20090922 His Honour 78 2]
- Bowles, Mark** husband of Sarah Bowles: SN-F's Son-in-law, appeared in 'Shadow of Doubt'.
- Bowles, Robin** 'true crime' writer: her books with sections dealing with SN-F include *Jail Birds*, *Accidental Death?* Her major work on SN-F is *Death on the Derwent*, published in 2019. SN-F wrote that Bowles was allowed occasional visits to her in prison and that she had come in several times prior to the final [**Colin McLaren's evidence by video?**] application hearing. [see: Appendix V **SN-F letter 19Aug2019**]
- Bowles, Sarah** daughter of SNF, wife of Mark Bowles, sister of Emma Meeker-Fraser/Mills/Fraser-Mieke.
- Bower, Hilary** Doctor, who advised in a letter that in her opinion, Maria Hanson's (Phillip Triffett's former partner) was unfit to attend court.
- Bovil, Andrew** a Detective (badge number 2030), who took original statement from Paul Conde [Sinnitt 20101001 809 32]
- Brett, Michael** Justice in the Supreme Court of Tasmania, began hearing SN-F's 2<sup>nd</sup> Appeal application in 2017. (See *Tennent, Shan*)

**Brettingham-Moore, John Hubert**: owned a large power boat in 2009. Having been out (possibly in the D'Entrecasteaux Channel), the weather was such that they decided to return to Hobart. He intended to go to his berth (in the second arm out of **the marina** ) at the RYCT, but anchored to the N or NE of it. Between 10 and 12 He saw a person [**Grant Maddock**] in a rowing dinghy who offered assistance. He declined Maddock's '*Thank you but no thank you*' offer of assistance. First thing in the morning, he up anchored and went back to his berth at the yacht club. Then **we** went to Chandlery, talked to the owner, "*no, that's not him*" [**u/k to whom this refers**] and heard about the chap who had disappeared. Eddie Hidding, a brother of a State Minister, was there. He had told the cops 'nearly "verbatim" and had two or three years ago [**i.e. 2-3 yrs before 1Nov2017**] made a statement to **Barbara Etter**. He had a partner with him, who had brought a friend along. His partner was annoyed that the police hadn't taken a statement from her as she knew more about the situation than he did.

**Brocklehurst, Brent** [Brent Thomas Brocklehurst] hairdresser, (then) of 1 Stanley St, Sandy Bay. He was roughly 38 in 2009 and had been living in Sandy Bay for "about 15 years ish." Had a pet dog 'Bob'. Did not open his hairdresser's shop nor walk the dog on Australia Day 2009. He had been listening to JJJ and having a beer. He thought it was about 7:00-7:30p.m. (because it "wasn't quite dark" and it was during 'daylight savings') ... he was out the front of his property, "*putting*

*stuff in the rubbish bin Monday night, like* ... when he saw his neighbour, Simon Partiger [Pargiter?] “coming up” [the street slopes down to the Bowling Club]. Pargiter was returning from walking his dog [on Dog Beach/i.e. Short Beach, Sandy Bay] about 7 p.m. or later (their then houses 1 & 3 are conjoined - Partiger had lived there longer than Brocklehurst).

Pargiter was in the company of three people that Brocklehurst had never seen before: Stuart Russell (in 2009 was “*exactly the same age as*” Brocklehurst”, i.e. “roughly” 38, Russell has since been jailed for murder), Michael ? (who Brocklehurst estimated to be about 5 years younger than himself, i.e. perhaps early thirties) and a 14-15 year old, “*plain Jane*” girl, pretty, with straight, dark hair in a bob – (i.e. *shoulder length?*) – and no shoes. Pargiter had told Brocklehurst that he met the trio on Short Beach where they had “*come out of nowhere on a dinghy*”. Brocklehurst told the 2017 court that he had no connection with Sue Neill-Fraser or her family.

Pargiter and the other three went next door, they were “*obviously vocal*” and they sounded as if they were “*just people getting drunk*”. Brocklehurst’s partner (on account of their young child sang out and asked them to quieten down. The ‘partying’ went on till midnight or so.

After that, from that time on, Russell stayed at Pargiter’s “*for a period*” of time. “*Over the coming weeks or month*” Brocklehurst saw the girl and the guy [Michael ?] came back once or twice, and after that Michael returned several more times, but it was mainly Russell that was around. Russell stayed at Pargiter’s for “*roughly*” 6 months.

Later, Brocklehurst spoke with Charlie Bezzina, acting for Neill-Fraser’s lawyers and was asked to try and identify the girl he’d seen that night. He was shown some photos and in court [30Oct2017] thought he remembered selecting two: due to that length of time he was “*a bit shady with a definite on the pictures.*” [Eve Ash in a personal communication told me that Brocklehurst, when first identified by one of her team, had identified Eve Ash, ‘100% sure’, but that by the time that he got to court (after TasPol) visit, he was “*not as solid.*”] Brocklehurst told the court that he put his initials next to one of those photos, photo #3, signifying that “*if there was one there that was anywhere similar to what I was looking for that would probably be it.*” He was also asked to try and identify some photos of males as well, (to try and identify the Michael who’d been with Russell and the girl) but [Brocklehurst told the 30Oct2017] “*because it was so long ago I could only go maybes*”.

Brocklehurst agreed that he had told Constable Hart [18Oct2017?] that “*the two females I picked out looked a bit like the girls identified when Charlie showed me some photos a month or so ago. I wasn’t certain the girls I identified to Charlie were the one I was referring to about her – who hung around with Michael in Sandy Bay back in*” [that was all that was read in court]

- Brown, Andrea** identifies herself [2018...] as a friend of Vass. See various comments of hers @ Andrew Urban's [ <https://wrongfulconvictionsreport.org/> ] *Wrongful Convictions Report*.
- Caruana, Patrick** AAP Journalist who appears on Eve Ash's '*Shadow of Doubt*'.
- Cartwright, Kim** DOB 22June1961, from Dog Beach, took some photos in the “very late afternoon” or “early evening” from the northern end of Dog Beach, , early evening, of the yachts and of her dogs with the yachts in the background. [Cartright 20100924 351 20]
- Casson, David** from Qld: brought FW to Hobart with Peter Stevenson; Casson's role in the delivery of the FW was involvement “with the engineering and mechanical operations of the vessel[Ellis 20090921 148 40]. DPP Ellis said that Casson would give evidence at the trial of a/the breakup between Bob and Sue [Ellis: Opening 64 17]. Stevenson and McKinnon were also said [by Ellis?] to know the relationship was over. Casson, at trial, did not give any evidence of a breakup.

### Catchpool, Stephen Corder

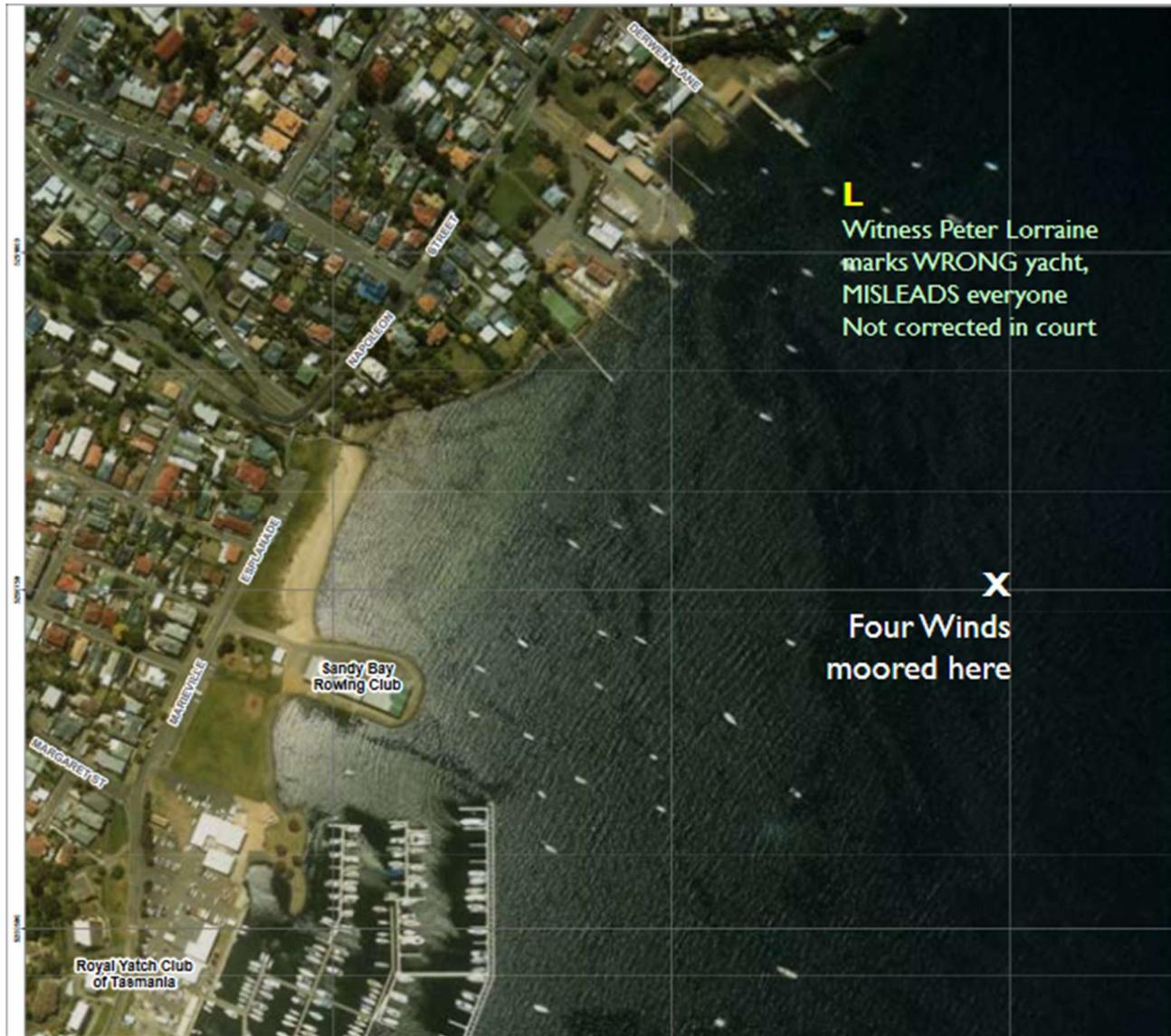
[A2A]: Stephen Corder Catchpool. In 2009 he lived in Napoleon St, Battery Point, with his wife, Jane Austin [see: Austin Jane]. They had a view over the bay, especially over Short Beach and the Marieville Esplanade area. They could see the rowing sheds. **On Australia Day 2009, [Catchpool had said ‘Yes’ in response to a question from Mr Percy: “Now, you remember there was an incident which occurred on Australia Day 2009”. Clearly, the sinking boat was seen on the morning of 27Jan2009, not on the Australia Day]** when they woke up they saw the [Four Winds] lying low in the water out at its mooring. His wife took some photos of it – there was a lot of police activity. They saw the boat from the top of their three story house which was at the very bottom of the hill in Napoleon St. He had seen the *Four Winds* before and would have recognised it. He didn't know how long it had been there. That same day (27Jan2009) he contacted the police and they came ‘to his premises’; xxn: . He did not make a statement (xxn: though his wife did) but gave them information about what he'd seen around the time in question. He had an eight foot six white fibreglass Purdon dinghy. It had a motor, but the motor wasn't with it. He kept the dinghy just in front, basically on the driveway of the house. If he wanted to take it out, he'd use the motor or put a mast in it. One night before Australia Day he saw it on the beach about fifty yards away. It had been taken without his permission. He imagined that it had been taken the day before he saw it. He didn't report it to police at the time. When asked in court, he said that it would have been 7-10 days before Australia Day.

**[It is possible that his purdon dinghy is the one referred to by Mr X who had stated in a letter to police that he believed “the Purdon Dinghy being sold by Steve may be involved in the disappearance of the Doctor off Four Winds.” Further discussion with Mr X by TasPol disclosed that the information supplied by Mr X in his letter of 20 March 2013 came**

from discussions he had with others in a hotel bar in or around August/September 2012 and on 9 March 2013. Mr X was spoken to by TasPol on 20 March 2013 and did not wish to be identified, was not prepared to make any further written statement and was not a willing witness.

[see: Coronial Findings:

[http://www.magistratescourt.tas.gov.au/about\\_us/coroners/coronialfindings/c/chappell,\\_robert\\_adrian\\_-\\_2014\\_tascd\\_04](http://www.magistratescourt.tas.gov.au/about_us/coroners/coronialfindings/c/chappell,_robert_adrian_-_2014_tascd_04)]



He was aware that there were people living in cars outside the rowing club sheds, on the northern side. From his house, he had a clear view of that side of the sheds. At the time, he didn't know their names. There were two cars: a lady (mid 50s) living in a Land Cruiser and a male (40-45) living in a yellow Ford. [The male in the yellow Ford would seem to be Stephen Gleeson who gave evidence to that effect the day before Catchpool. Gleeson (living in the

Ford) and the lady (living in the Land Cruiser) were apparently homeless.]

In court, Catchpool marked the position of the yellow car as “*about above the A*”

MR PERCY: “*So that yellow car was parked there, can you show us where that was parked?*”

MR CATCHPOOL: “*About above the A.*”

MR PERCY: “*The A in the Sandy Bay?*”

MR CATCHPOOL: “*I think so yeah.*”

It seems reasonable to infer that the court was using a photograph/image similar to the one shown above which has the words...

Sandy Bay  
Rowing Club

...superimposed above the rowing club sheds, which are on the ‘spit’ of land which projects out into the water from *Short Beach*. Of course, the ambiguity is that there are two ‘A’s in the words ‘Sandy Bay’, however the exact ‘to the metre’ position of Gleeson’s yellow car is not crucial, in my view it is sufficient to establish that Gleeson had his yellow car parked – not in Marieville Esplanade - but on the spit itself. Possibly the above image is originally that which was shown to Mr Catchpool in court, but that it has been later reproduced - by Eve Ash, perhaps - and similarly to that reproduction have been added the **L** (the position of the yacht observed by Peter Lorraine) and the **X** (the position of the Four Winds), which are incidental to this present ‘discussion’.

Another male came and visited from time to time. He did not at that time know their names. He thought the lady had one of those little gas cooking things.

He did not see younger homeless people frequenting the area. He was at work in Bathurst St during the daytime. The ‘guy in the yellow Ford’s’ visitor was an older male who would come every few days around that time. Shown a photo in court which Catchpool hadn’t seen before, he said of the person in the photo that it could well have been that person, ‘the visitor’. He said that the age was about right, that he had a moustache and was sort of gaunt looking. The visitor arrived in boats on at least two occasions: once in a dinghy with *Doctor Who* on the back (he recognised the name as being that of a yacht that belonged to people he knew) – he said it was about eight foot and blue - and another time in a thirty foot sloop (XXN: with which he wasn’t familiar) which ran aground.

**30Dec2008:** Article about Paul Wroe’s boat being blown ashore published in *The Mercury* (see below)



Paul Wroe: 'Ragged Rescue' (The Mercury, 30Dec2008):

*“WHILE some boaties were coping with the Sydney to Hobart race conditions, others had more domestic issues to tackle. A small yacht ran aground at Lindisfarne Bay yesterday, just off the Lindisfarne Rowing Club. Residents watched in sympathy as a man in a dinghy worked to release the yacht. Wind was gusting up to 41km/h yesterday in Hobart, the stiff breeze adding to the task. No serious damage was reported.*”



Catchpool was shown a black and white photo of a yacht which had run aground and asked if it was the same one that the visitor had run aground at Sandy Bay. Though not being able to identify it, he said of it that it was similar in size [it is somewhat disheartening to learn that at the hearing Catchpool was only shown a 'black and white' copy of the colour photo of Gleeson in the dinghy, alongside the *Southern Wright* which had run aground.] He gave this information to the police and prior to the trial contacted David Gunson [SN-F's legal team] by phone, giving him the same information [as mentioned above]. The only feedback/contact he had from anyone was from Barbara Etter, to whom he gave a statement. He guessed it was after SN-F was convicted.

[From Lynn's/my courtroom notes]:

his wife: Jane Austin; [see: Austin Jane]; was in Marine Terrace, a continuation of Napoleon St, Battery Point and saw a boat lying low in the water. His wife took photos. Police were everywhere. Had a view of Sandy Bay. On Australia Day morning saw a boat sinking from 3<sup>rd</sup> floor of his house at bottom of hill. [Australia Day, 26Jan2009, was a Monday. The Four Winds was found sinking on the morning of Tue27Jan2009]

He contacted the police on 27Jan, they came to his premises. and [he] gave them information but no statement was taken.

Around that [Jan 2009] time he had had found his own 8'6" fibreglass, motorised *Purdon* dinghy that he kept on his property, on the beach; it had been taken without his permission and had been gone about 24 hours. It had been taken about 7-10 days before Australia Day and [was] found on the beach at White [Park?]. He had not reported it missing to the police. It is possible that his *Purdon* dinghy is the one referred to by Mr X who had stated in a letter to police that he believed "*the Purdon Dinghy being sold by Steve may be involved in the disappearance of the Doctor off Four Winds.*" Further discussion with Mr X by TasPol disclosed that the information supplied by Mr X in his letter of 20 March 2013 came from discussions he had with others in a hotel bar in or around August/September 2012 and on 9 March 2013. Mr X was spoken to by TasPol on 20 March 2013 and did not wish to be identified, was not prepared to make any further written statement and was not a willing witness. [see: **Coronial Findings:**

[http://www.magistratescourt.tas.gov.au/about\\_us/coroners/coronialfindings/c/chappell,\\_robert\\_adrian\\_-\\_2014\\_tascd\\_04](http://www.magistratescourt.tas.gov.au/about_us/coroners/coronialfindings/c/chappell,_robert_adrian_-_2014_tascd_04)]

He was aware of people living in cars: a lady in a Land Cruiser, a male (40-45) in a yellow (Ford?) and a third older male who he noticed visiting him every few days. [i.e., the male in the yellow Ford] Mr Catchpool said that he thought the lady was in her mid-50s and had a gas-cooker.

He had no conversation with any of them and said he saw no homeless people [The male in the yellow Ford would seem to be Stephen Gleeson who gave evidence to that effect the day before. Gleeson (living in the Ford) and the lady (living in the Land Cruiser) were apparently homeless]

#### **THE VISITOR:**

Mr Catchpool was shown a photo and asked if the man in the photo could be Gleeson's older friend who would visit him every few days. Catchpool said it could be him ... the age ... the moustache, [illegible note]: gamest looking. Catchpool said the man in the photo could be the visitor who would arrive in boats – once in a blue dinghy which he was rowing, called *Dr Who* and another time in a 30' sloop which ran aground. [obviously Paul Wroe]

Mr Catchpool told the court that prior to the Trial, he had contacted Mr Gunson, but that Mr Gunson [Neill-Fraser's

defence lawyer at trial] didn't follow it up. He signed a statement and gave the police similar details as given today [in court]. He [said that he] never knew Sue Neill-Fraser. [that] He had no contact with Gunson during the trial but was contacted by Barbara Etter after Sue was convicted. [He said that] He signed a statement. Both he and his wife, Jane, spoke to police. He wasn't sure why Jane's statement was written and his wasn't.

Questioned by Mr Shapiro, Mr Catchpool said that it was a busy day at Sandy Bay on Australia Day. They both spoke to police, didn't make a statement. [It is unclear when Mr Catchpool and Ms Austin first spoke to police. The Sandy Bay Regatta (at Lower Sandy Bay) was held on that day.]

**Chamberlain, Lindy** (ex husband Michael) Australia's classic MoJ victim: a dingo took her baby Azaria at Ayers Rock-Uluru.

**Chappell, Claire** Bob's unwell daughter, also in CT spelt as Clare; daughter of Bob Chappell, sister of Timothy and Kate.

**Chappell, Bob** 7 Allison St, West Hobart. [the missing man], partner of SNF. Interests: smoking, cooking, workshop/tools. Drinker [Sinnit 20100930 734 39] previously married. Radiation physicist at Hobart's Holman clinic.

**Chappell, Kate** (Katherine): Bob Chappell's daughter, sister of Timothy and Claire. (Anne Sanchez went to stay with her on Bruny Is.)

**Chappell, Timothy** son of Bob Chappell, brother of Kate and Claire.

**Clarke, Anne** cousin of Paul Conde and wife of Thomas Clarke, saw dinghy on port side of FW at 3:55 pm, 26Jan2009

**Clarke, Thomas** 'cousin-in-law' of Paul Conde and husband of Ann(e) Clarke, saw grey coloured tender (dinghy?) on port side of FW at 3:55 pm, 26Jan2009

**Cloudsdale, Brett** moved into Simon Pargiter's after Stuart Russell had moved out in 2009. Cloudsdale died there (at number 3 Stanley)

**Coglan, ?** said to have shot Phillip Triffett in 1995, who is then looked after by Bob/SNF.

**Conde, Paul** brother of Ann Clarke, saw dinghy on port side of FW at 3:55 pm, 26Jan2009.

**Conroy, Simon** Detective Sergeant (also rendered in CT as Conway) accompanied SN-F onto FW on 28Jan2009 etc... Led the investigation, under supervision of DI Powell.

**Crawford, Craig** Constable Tas Police, Marine Services, master of the police vessel Fortescue.

- Crawford, Ewan** Justices Shan Tennent, David Porter and Chief Justice Ewan Crawford were the three (Full Court of Criminal Appeal) justices who rejected SNF's appeal which was heard on 11Aug2011.
- Crennan J** Justice of the High Court, who, alongside French CJ, refused SNF's application for leave to appeal to the HC [the application was heard 7Sept2012].
- Crittenden, Russell** ('Crichton') originally one of those who would deliver the FW, but later was unavailable [Stevenson 2010147 38]
- Croucher, Michael** barrister, appeared on behalf of SNF at Appeal, 11Aug2011 and at application for leave to appeal to the HC of Australia. Mr Croucher appeared with Ms Cuthbertson on behalf of the applicant (SNF).
- Cummings, David** was mentioned by Paul Wroe [at the (*Leave for 2<sup>nd</sup> appeal Application*) 2017 Court]. [Wroe had said about himself that he (Wroe)]: was not experienced with boats, that he hadn't had much to do with boats in recent years and doesn't know how to sail a boat, only how to motor it. He said Stephen Gleeson and David Cummings sometimes helped him to "sail" it.
- Cunningham, Ben** (Benjamin) A Marine Police Constable, with Constable Ashley Kent, got a pump at Hobart Domain Slip and accompanied Constable Jackman to FW where Constable Chris Lawler was present with another unknown officer. [Cunningham 20100928 568 12]
- Daly, Michael. F.** Deputy Chief Magistrate, before whom Meaghan Vass appeared (18Apr2019) on two possession-of-cannabis charges. She was represented by Mr Greg Barns and prosecuted by Miss Goodwin.
- Davison, Matthew** described by Vass [A2A] as a former friend/associate of Meaghan Vass. [possibly spelt Davidson? -]  
Davidson was present when Vass signed the 27Apr2017 stat. dec.
- Denholm, Matthew** Tasmanian correspondent, *The Australian* newspaper.
- Dennis, Bill** assaulted by Phillip Triffett, who was convicted 1995.
- Devine, Sam** a friend of Meaghan Vass. Vass wanted to stay out at Sam Devine's place on the night of 26Jan2009. The address given (by Mara House?) to Dtv Shane Sinnitt for Vass's 'sleepover', was 8/7 Onslow Place, Mt Nelson. It was revealed to the trial court (after Vass had given her evidence) that the address did not exist/could not be found. She said that she had wanted to stay out at **Sam Devine's** place. Mr Gunson's XXN of the evidence of S. A. Sinnitt (CT 754 31) is that Vass wanted to stay at a friend's place (a female):

*And was the name of the occupant of that address given to you as well?...The Christian name only.*

*Her Christian – right [...]* [It seems that the person at whose place Vass wanted to stay, was a female. Is the name 'Sam' a woman's name, i.e. 'Samantha'?]

- Dixon, Fabian** used to live near where SNF parked the car on the 26<sup>th</sup>, before she walked home [SNF 20101011 1254 18]
- Dobbyn, Chris** operator at Clean Lift [Conroy 20101001 848 15], self-employed marine surveyor, under-tow steered FW from Constitution Dock to Goodwood aka 'Derwent Park', conducted an insurance assessment as to why the boat sank/was sinking and his photos/CD of photos were tendered as exhibits P55 & P 56 [Dobbyn 20100927 401 4..., 402 1]
- Eiszele, Kim** Mercury photographer, took photos of some of the people on the beach, mid-morning of 27Jan 2009: see exhibits P50 & P 51 and CT 349 & 350.
- Edwards, ? & Drew** Shane Blackberry [told the court 31Oct2017 A2A- that he] knew Drew Edwards and his father. [The significance of this evidence was not obvious. Was the father the 'weatherbeaten man' who was seen by Jane Austin in a dinghy and seen a second time with a younger person in the dinghy (i.e. Drew Edwards?)] [Was the father the *Witness E* possibly mentioned in one of Barbara Etter's blog-articles, such as the 'Weather-beaten man'?]
- Ellis, Tim** then DPP, prosecuting the trial case in the Supreme Court, then at appeal, then at the High Court, succeeded by Daryl Coates.
- Ellison, Kris** Senior Constable, Marine Police.
- Etherington, Shane** Uniformed police constable, went with Stockdale to Marieville Esplanade, Daryl Balding and Constable Craig Stockdale then went out to the sinking Four Winds.
- Etter, Barbara** **APM** Lawyer and Justice Consultant. Tasmania's first Integrity Commission Chief Executive Officer.
- She set up a BEtter Consulting and later acted (for 5 years?) as solicitor for Sue Neill-Fraser.
- 11July2016...** Between this date and 16Jun2017 Colin McLaren, **Barbara Etter** or Jeff Thompson paid Gleeson 20 visits in prison. [A2A]
- She quit acting for SN-F in June 2017.

Mr Percy was told on Tue20Jun2017 of Barbara Etter's discontinued role. [CASE CHAOS Mercury (Hobart, Australia) - June 22, 2017 Author/Byline: DUNCAN ABEY]

- Farmer, Timothy** whose daughter was in the rowing club, was present at the SBRC on 27Jan2009, and saw the FW dinghy up against the rocks and tied it up.
- Fox, Tony** (Constable): a Crime Scene Examiner who was stationed at (Hobart) Forensic Services. He took photos (29Jan2009) at the Maning Reserve, Sandy Bay Rd & 18Mar2009 at Margaret St & Marieville Esp. etc...) [20100922 105 4] A constable in the Tasmania Police Force, stationed at Forensic Services Hobart as a crime scene examiner, he'd been there since 1997. He gave evidence in court solely by identifying photos that he took on 29Jan2009 and 18Mar2009: of an EPIRB at Maning Reserve off Sandy Bay Road and other photos which he took at the Margaret St and Marieville Esplanade area. Apparently(See: Ground 2) he also made a statement (4/3/2009) to the effect that regarding SN'F's diary, there was "no indication of the writing on the questioned document being completed on a different date". See:
- F , Emma:** daughter of SNF, sister of Sarah Bowles
- French CJ** Chief Justice of the High Court, who presided over SNF's application for leave to appeal to the HC [the application was heard 7Sept2012], and refused on that day.
- Geddes, Christopher** [also rendered as Geddies in the CT]: electrician, worked on FW unknown to McKinnon. This apparently contributed to McKinnon's feeling that someone was accessing the boat. Geddes made a stat. dec., probably 20 or 21Mar2009, [Shapiro agreed facts: 20100923 222 39]
- George, Damien** police officer: perhaps the one to whom Meaghan Vass appealed loudly when granted a 5 minute break in the A2A court. He was sitting at the back of the court, and Vass, upon leaving for a '5 minute break', is recorded as saying: '*Damien, I can't do this anymore*'. She then spoke to him '*briefly*', during the break, then returned to continue giving evidence. The question remains: what was it that she could not do 'anymore'? Said by Andy/Andrea Brown [ **March 13, 2019 at 12:48 am** ] to have attempted to question Vass about her 60 Minutes confession and/or affidavit made at that time (which it seems was sufficient to tip Brett J into granting the A2A).
- Genders, Pam** 'avid sailor', Had/has mooring in Sandy Bay, slightly north of the FW mooring. Her mooring was sometimes used by Paul Wroe who told the court (1Nov2017) that he normally moored in Sandy Bay, using 2 moorings: one down off (?) DSS, and [the other at the Genders' mooring] paying Pam Genders \$25.00 per week for mooring.
- Gill, Rhoda** family friend of Sue and Bob. Also friend of Bob Martyn.

## Gleeson, Steven.

[Stephen John Gleeson] one of the 'homeless men' who was living in a car at t. Rowing Club Area, told police that he was 'asleep' at the time. See also Yaxley, 'Trixie' & Rowe [CORONER HAY: RIID 20140117] His evidence at the Application for a 2<sup>nd</sup> Appeal was that he was not 'asleep' at the time... [see entries for Wroe, Paul and **Cummings, David**]

**Q:** how did Gleeson get to the Southern Wright for a drink? Did he 'borrow' a dinghy?

Stephen Catchpool (the man with the telescope, whose partner Jane Austin had seen the 'Weatherbeaten man) told the (31Oct 2017) court that ... Some 7-10 days before Australia Day (26Jan2009) Stephen Catchpool, then of Marine Terrace–Napoleon Street, Battery Point, had his 8'6" fibreglass, motorised *Purdon* dinghy that he kept on his property, on the beach; taken without his permission. It was gone about 24 hours. and [was] found on the beach at White [Park?]. He had not reported it missing to the police. Catchpool was aware of people living in cars: a lady in a Land Cruiser, a male (40-45) in a yellow (Ford?) and a third older male who he noticed visiting him every few days. [i.e., **visiting the male in the yellow Ford**] Mr Catchpool said that he thought the lady was in her mid-50s and had a gas-cooker. He had no conversation with any of them and **said he saw no homeless people** [**The male in the yellow Ford would seem to be Stephen Gleeson who gave evidence to that effect the day before. Gleeson (living in the Ford) and the lady (living in the Land Cruiser) were apparently homeless**] Catchpool never knew Sue Neill-Fraser.

A2A:

Gleeson told the court [30Oct2017] that he was then currently a serving prisoner at Risdon Vale, Hobart. Tasmania, having served by then 3 years and 2 months of ...

In January 2009 he was living in his yellow Ford sedan in Sandy Bay, and on the night of 26Jan2009 it was parked right outside the rowing club sheds in the car park there (on the side further away from the Casino & Yacht Club **i.e. on the northern side**). He always parked his car at the same location. He was an ex-serviceman, an ex-soldier and had not been employed (in 2009) for about fifteen years.

On 26Jan2009 he “*got on the drink, had a barbeque and went to the pub later that evening.*” He would ‘get on the drink’ “*pretty well every day*” and usually would do so on his own. He knew Paul Wroe who lived on a yacht called the *Southern Right* [see **Glossary entry**]. It was previously called the *Aruga*. By the day in question, Gleeson had known Wroe for about a year and said that he was a “*crim on the run from New South Wales*”. Shown a photograph of a man wearing a cap and having a moustache, Gleeson identified him as Wroe and said that that was “*pretty well how he looks*”.

Gleeson first met Wroe [**when his yacht was moored**] at Constitution Dock. Gleeson “*was put onto the boat with him by another operative working for the Federal Police on another case*” [!?!] Gleeson was put there because he (Wroe) was involved in organised crime. Gleeson lived on the boat there at one stage. Wroe was subsequently “*kicked out of*

*Constitution Dock for not paying rent, and he hijacked someone's mooring – empty mooring out off Battery Point end of Sandy Bay.*” Wroe used to moor “...on the battery [sic] point end of the Esplanade there with the yachts out there. Furthest out ones.” It was a fair way off shore, because it's shallow. From where Gleeson was in the car, it was a football oval distant, and probably half a football oval from the shore. In metres he supposed it was 500m. Shown a picture from the newspaper and an article entitled ‘*Ragged Rescue*’, Gleeson identified the *Southern Wright*, agreed that it was Mr Wroe's boat and said that Wroe had run it aground at Bellerive Point.

Gleeson also identified the *Four Winds*, saying that he thought it had been brought down from New South Wales four weeks before ‘the Doctor’ went missing. Paul Wroe had told him that he (Wroe) had been invited onto it when it was first brought down for something of a housewarming party on board the yacht. The *Four Winds* was usually moored in the bay [*Sandy Bay*]. Four weeks before Australia Day [i.e. around Christmas 2008] Wroe had pointed out the *Four Winds* to Gleeson, who hadn't noticed it before that.

On several occasions [“*half a dozen times or whatever*”] he had helped them (Sue “and her husband”) get the dinghy [off the trailer and into the water/out of the water]. He must have introduced himself to her, because Sue would say ‘G'day Steve’ type of thing. About three weeks before that Australia Day, Wroe was in his car with him and Gleeson asked him “*Where've you been*” to which Wroe replied that he'd been invited out to the *Four Winds* yacht and that it was owned by “the famous doctor”. He didn't know Bob Chappel by name, but when Paul Wroe told Gleeson about being invited onto the boat, Wroe had called Bob “a condescending old cunt” and said that ‘I'd like to rip his – the old teeth out with a pair of pliers’. [See other versions (e.g. ‘gold teeth’/‘gold pliers’) in the chronology proper] Gleeson said to him, “*So, you're drinking with the hob nobs now; not good enough to drink [plonk?] with the – with the homeless man in his car.*” Right?

Gleeson didn't know that Bob Chappell had any medical background or that he was called ‘doctor’ or anything like that. Australia Day [2009] was strange because, being on the books with ASIO, he'd been checked out by an ASIO officer and by a police officer in uniform “*first thing in the morning*”. A couple of hours later two policewomen drove past in a police car. One of them waved and smiled at him and he waved and smiled back. They knew he was there.

He bought a packet of sausages from Coles and with his portable gas cooker which he kept in the car and his frying pan he cooked himself up some ‘snags’, doing the cooking on the road, alongside the car. He didn't cook all the sausages. During the afternoon he got “*pretty full*” but “*not rolling drunk*” and then went to the food van in the city, where Paul Wroe normally went, though he wasn't there [on that occasion]. After that, Gleeson called in at a couple of pubs on the way back. Though he had a car licence, he was on foot, as he never used to drink and drive. He got back to the foreshore at about 10p.m. He climbed into the back of his car, he had “*a couple of towels up at the back windows of the car for a bit of privacy*” and because he'd “had a gutfull” he climbed into his sleeping bag.

He was almost asleep when there was “*bang, bang, bang, on the door of the car, on the window.*” There were two young people (“*a young woman and a young bloke or young bloke to me*”) who he’d seen before: they were wanting to see if they could heat up some food on the gas cooker. The young bloke’s name was Adam Luckhurst[?]. He had a unit in Sandy Bay, ‘up Churchill Ave way’ to which Gleeson had once been invited back for a drink. Shortly after, Luckhurst had his gear thrown out on the footpath for not paying his rent and he had asked Gleeson to pick up his gear and take it to Zeb’s place which was in the government housing in Queen St, Sandy Bay. Following a question from Counsel (30Oct2017), Gleeson agreed that Adam’s Luckhurst’s surname could actually be Yaxley [A2A]. Gleeson had seen Yaxley hanging around the area and it got to the point where he’d become a bit of a nuisance, though Gleeson still felt sorry for him.

The girl Yaxley was with was pretty young – about 15-16 years old. She was small and thin. “*she didn’t look like your real street person type of thing. More like someone that possibly – possibly some young person that – with the young blokes might have been taken with the street – street thing. Probably from a good home that wanted to do what she likes probably.*” [A2A]

Gleeson had seen her before with Yaxley and also with another young bloke over several months. They had been living in his van. [not clear whose van is referred to] Gleeson had once been asked to identify the (26Jan2009) male visitor from an array of photographs. He had done so, identifying one as Adam Yaxley (he pointed to it again -photo 4 - in court) and mentioning that he had thought it was the person, though detectives had told him he was wrong. Similarly, Gleeson (though he didn’t know her name) identified photo 3 of a second set of photos as being the young girl who was with Adam Yaxley.

The young man and girl had a bag of canned food with them. Yaxley wanted Gleeson to heat up some food, but Yaxley thought it would be easier just to do his sausages in the frying pan, rather than leave them go to waste. Gleeson poured a wine for both Yaxley and himself. He told the girl he wouldn’t pour her one, as she was too young and she’d replied that it was okay, that she didn’t like the stuff anyway. The cooking and eating took an hour, hour and a half and finished [perhaps] at 11:30 p.m. His two visitors were talking about [intending] knocking stuff off yachts. Gleeson thought to himself that that was probably what homeless people do. Yet otherwise he did not know of things being stolen from yachts, though he had wondered once about seeing a brand new pot and pan set on Paul Wroe’s boat – Wroe had said he’d got it from inside of the Royal Yacht Club’s rubbish bin, but it made Gleeson “*a bit curious about that*”.

The young couple left eventually and he went to bed.

The next morning [27Jan2009] Gleeson was woken by a knock on the [car] door. A fire officer asked if he could move his car. It was daylight, “*9 o’clock in the morning, whatever*”. He moved his car forward. There was a whole

heap of people. He asked what was going on and they pointed out to the *Four Winds* yacht and said that the boat out there was sinking. He could see that its bow was down in the water.

Just then Sue Neill-Fraser turned up with police and she came running over to him with words to the effect: “*Steve, he’s gone, he’s missing*”. The police asked him if he’d seen anything, but he told them they were really unlucky, that normally it wasn’t uncommon for him to be sitting up having a drink in his car at 2 o’clock in the morning. He was known for ‘encouraging’/moving on hoods [doing] graffiti on buildings or smashing glass. He hadn’t seen Paul Wroe that [previous] night. Wroe was not with those two younger people.

The next day [27Jan2009?], Wroe’s boat was gone. Wroe hadn’t come to shore, and his boat was not out there [on its mooring.] Wroe had a white, fibreglass *Purdon* dinghy.

During the next week, four or five days after Australia Day, Gleeson went down to Constitution Dock and found Wroe moored there. He got ‘permission to come aboard’ and found that there’d been a major fire inside the yacht. “*It was quite unusual.*” He asked Wroe “*What happened with the fire?*” and Wroe answered “*We had a little party*”. Gleeson asked *Who’s we?*” and he said “*Me and the bottle of whisky. I fell asleep and knocked the stove off over with my feet.* Gleeson found this “*unusual*”. Wroe did not say when the fire had happened. He stayed there at Constitution Dock for quite a while. Gleeson asked him how he was able to stay there without paying and Wroe told him that they were keeping him impounded there until he did pay. While Wroe was still at Constitution Dock, Gleeson started getting suspicious about him.

After a couple of months, Wroe returned to Sandy Bay. Gleeson stayed in touch with him until he (Wroe) left Hobart (about 6 months before Gleeson went to prison (three and a half to four years before he, Gleeson, was giving evidence in the 30Oct2017 court ... [Apr-Oct2014?](#)) By 30Oct2017, Gleeson had been in prison for three years and two months – which would indicate that Gleeson went to prison in Aug-Sept2014.

Gleeson had probably known Yaxley for 6 months before 26Jan2009. He told police that he’d known Yaxley for 10 months prior [[to that date](#)]. He saw Yaxley, who liked hanging around down around the yacht club, regularly. Yaxley was about 28 years of age, certainly not 15 years of age. Though when asked to identify this person from photographs in 2017, Gleeson knew it was Yaxley, but wasn’t sure about [picking out](#) a photo, given the passage of time. Gleeson saw Yaxley on 27Jans2009, but after that not regularly, if at all. (Gleeson had moved into a house.) He did see him once, about 6 months later [[July2009?](#)] in Elizabeth St. Subsequently Gleeson made two affidavits: one in 2016 and one in 2017. A few years before 2017, after resigning from the Noosa Shire Council on integrity grounds (relating to organised crime in the council), Gleeson applied to rejoin the army in Queensland. The Defence Department wanted to know what the integrity grounds were. Subsequently he was approached by ASIO. They sent him down to Hobart, telling him his two daughters were in trouble. Shortly after that he was approached by ASIO. On 26Jan2009 another

radio operative came down to Marieville Esplanade to see that he was in position there. The officer gave him orders to stay there to draw out Rebels bikies and corrupt police.

He quite liked Paul Wroe, “*he was a likeable character.*” On 11Dec2008, Gleeson spoke to Detective Puurand and told him that Wroe had ‘gone through’ a \$340,000 bank account and was at one stage “*planning a runner to New Zealand*”. Gleeson also told police [on another occasion?] that apart from the murder [of BobChappell?], Wroe had committed two others: a man who had drowned off DSS and another person who had drowned a few years before, off Constitution Dock. Gleeson told the 30Oct2017 court that Wroe and Chris Goss (for the bashing of whom Gleeson was then in prison) – both working for corrupt detectives in Hobart – killed a tenant upstairs called Garry, in Queen St, Sandy Bay. Gleeson believed Wroe was a “*serial killer*”.

At the time [2008-2009], Gleeson was giving information to the Australian Federal Police. On the afternoon, or the evening of 27Jan2009, Gleeson spoke to Detective Sam Sinnitt and told him that he was heavily intoxicated on Australia Day 2009, that he’d slept in the afternoon and got up and went to the pub. Adam Yaxley, who was in the car with Gleeson, told Sinnitt that he hadn’t been there the evening of 26Jan2009. Despite Yaxley and the girl having been there the night before (26Jan2009), Gleeson backed up Yaxley’s ‘I wasn’t there’. In court [A2A] Gleeson said he hadn’t lied, but that it was an “*oversight*”.

**? ? 2008:** Stephen Gleeson went to Police HQ (was interviewed/spoke to a policewoman) “*about Paul Wroe being a suspect*”. [A2A]. In 30Oct2017 was not sure if he included in that interview the reference to Wroe’s wanting to pull Bob Chappell’s teeth out with pliers. [Gleeson in court said that this interview took place “nine years ago”.]

**27 Jan 2009:** told Sinnitt that he didn’t know anything. [in court 30Oct2017, Gleeson qualified this by adding the words “*at that stage*” as if he was seeking to explain why at first he was saying that he was drunk/asleep and had seen nothing, but that later had come up with the ‘Yaxley & the girl’ account] [A2A]

**30 Jan 2009:** Four days after Australia Day, Gleeson was spoken to by Sergeant Sinnitt. He told Sinnitt that he had no information, that he [had been] intoxicated. [A2A]

**9Mar2009:** Gleeson (in Bedford St, Newtown) was spoken to by Sergeant Conroy and Constable Puurand. Gleeson told them that he hadn’t phoned in [to police] about seeing a person in a dinghy and didn’t know anything because he was drunk. He’d slept through. [A2A]

**8Mar2012:** Gleeson interviewed (on video) by Detective Inspector Powell and Detective Reardon

On 8Mar2012 Gleeson was interviewed by Detectives Powell and Reardon. Gleeson regarded that interview as corrupt and that it provided evidence of police corruption in the matter [A2A]

It is a confusing exchange: It must be pointed out that Australia Day 2009 was on the Monday. Powell and Reardon's first question in these excerpts which were read to the court was about the day before Australia Day (i.e. Sunday25Jan2009). Yet are we / was Gleeson meant to understand that they were really asking not about 'the day before Australia Day', but about Australia Day itself?

So the question '*Did someone else stay in the car that night...*' may have referred to Sun25Jan2009 or may have referred to Mon26Jan2009. However, the next police question 'On Australia Day or the next night?' seems to indicate that they are actually asking about the Mon26Jan or the Tue27Jan.

Yaxley was maybe in Gleeson's car, on the front seat on 27Jan2009.

Gleeson regarded the interview as corrupt because [A2A] though he was brought in to clarify some matters relating to Bob Chappell's disappearance...

(Detective Inspector Powell had said: “

*“Stephen, as I explained to you before we came into the room, we're just doing some follow-up inquiries in relation to the murder investigation in relation to Robert Chappell who went missing from Marieville Esplanade back in 2009, and there's really just some questions I'd like to ask you to clarify a couple of matters.”*). [A2A]

...However Gleeson said that, instead, he had been intimidated in a number of ways: that his criminal record for something dating back 26 years was brought up, that it was suggested that he had done something to the young girl [who had been mentioned as coming to his van with Yaxley ... or to a young girl from 26 years ago] [A2A 74: 1-5] and suggested (in Gleeson's words) that he *“was some sort of paedophile living in a car preying on young kids”* [A2A] On account of this intimidation, Gleeson just wanted to get out of the interview room and said that that was why he'd said that Yaxley wasn't there on the night of the 26Jan2009.

**EXCERPTS QUOTED IN COURT (30oCT2017) BY DPP COATES:**

POWELL: *Stephen, as I explained to you before we came into the room, we're just doing some follow-up inquiries in relation to the murder investigation in relation to Robert Chappell who went missing from Marieville Esplanade back in 2009, and there's really just some questions I'd like to ask you to clarify a couple of matters.”*

POLICE: *You told us the day before Australia Day that you'd been on the beer, on the booze and you got drunk and you slept in your car that night, got in your car?*

GLEESON: *Yeah.*

POLICE: *To sleep?*

GLEESON: *Yeah, yeah.*

POLICE: *Did someone else stay that night in the car or were you just on your own?*

GLEESON: *No, I think he might've been in the car in the front seat.*

POLICE: *On Australia Day or the next night?*

GLEESON: *The next day.*

POLICE: *At the time you told detectives you were drunk and slept in your car, I guess if you'd seen anything that night you would have told them at the time?*

GLEESON: *Yes.*

POLICE: *So you didn't see anything that night that you're aware of?*

GLEESON: *Just a shame I was smashed that night.*

POLICE: *You're telling me now that you don't remember anything now than what you told the police before?*

GLEESON: *No, [I can't] remember anything more.*

POLICE: *If I said to you at the time this man going missing did you know any young girls, 14/15 year old girls that were either hanging around or hanging around down there at Marieville?*

GLEESON: *No. There was some young boys, but I don't know their names. From well-to-do families just, like, knocking around.*

**8Mar2012:** During the interview with Powell and Reardon, Gleeson [told the 30Oct2017 court that he] did not think of mentioning that Yaxley and the young girl had been talking about breaking into yachts. As for telling Powell and Reardon that he didn't remember anything more, Gleeson seemed to explain this by saying that he "*wanted to get out of there*", because he had been threatened [by bringing up his past record, by asking him about young women, and then by asking him about buying milkshakes for young boys] In the past he'd had a job done on him by detectives and that's why he'd received a massive compensation pay-out of one and a half million dollars. [A2A]

Gleeson thought the boys were 14/15/16 year olds. Gleeson was beautifying the area there and they'd helped him out in the gardens, so by way of thanking them he took them to McDonalds for milkshakes. They'd asked him if he could buy alcohol for them: he said 'No' but offered to shout them some McDonalds instead. [A2A]

Gleeson came back from an AA meeting. Chris Goss and Gary [Garry] was drinking with Yaxley, up in his room. Gleeson heard a ruckus, didn't want to get involved because he'd been drinking cups of tea and having biscuits and went into his unit. Gary got taken to hospital. The murders with Paul Rowe [Wroe] and Chris Goss had been swept under the carpet. Chris Goss was working for the Rebels in a brothel in King St, Sandy Bay, "*owned by these detectives we're discussing with underage prostitutes*". [A2A]

In prison, Gleeson had two visitors (before Etter, McLaren & Thompson): [A2A]: "*One was a woman called Lynne who lied on oath about Chris Goss when he murdered the lottery people's daughter. The other one was a bloke called Les – [...] He's another ex-crim who Goss – he told Goss that he'd poisoned his step-brother. [...] he's killed the young bloke upstairs with Paul Rowe.*"

At some stage between 11Jul2016 and 16Jun2017, a 58 page affidavit by Gleeson was prepared [by Etter, Thompson/McLaren?], which, when given to the courts in preparation for the [2<sup>nd</sup>] appeal, resulted in Rebel bikies putting out a hit on him – both in and out of prison – since then he had been under protection. At some stage, Jeff Thompson leaked information to the underworld in an attempt to have Gleeson killed to prevent him from being in the A2A court. [A2A]

Some six months after Gleeson was asked if he could help [by Barbara Etter? ... 11Jul2016? ...therefore Jan2017?] Colin McLaren told Gleeson that Paul Wroe was on the boat with Meaghan Vass and Adam Yaxley when Mr Chappell disappeared. [A2A] [Though McLaren is the name raised by DPP Coates, he (A2A) may have been referring to Mr Thompson. In *Southern Justice*, (pp115-116) McLaren mentions that on one of his visits to Gleeson in the prison, he was accompanied by Jeff Thompson who had brought with him some folders of photos from which Gleeson identified Paul Wroe and also identified a photo of the girl he had cooked sausages for who was going to break into yachts ... it was (according to McLaren) a photo of Meaghan) Vass. Gleeson (in court 30Oct2017) said that McLaren had said that

Wroe was on the boat with a person called ... Adam Lucks. [A2A] DPP Coates corrected him over the name, suggesting Yaxley, to which Gleeson agreed. Gleeson's knowledge of Yaxley seems questionable, given that (in the transcript at least) the forms of name he is recorded as using are Buckhurst, Luckhurst and now Lucks. ] Gleeson said to McLaren that that confirmed his suspicions about Wroe. Thompson had brought up the question of Yaxley and the girl breaking into yachts. Paul Wroe had mentioned it as well. Gleeson had thought Yaxley and the girl had been talking about breaking into yachts in the marina, rather than "out on the water" [A2A]. Until McLaren had mentioned it to him, he hadn't brought it up before as he hadn't seen too much relevance about it.

DPP Daryl Coates [A2A] to Stephen Gleeson, the 'homeless man'.

*No, answer the question: are you prepared to lie to get Sue Neill-Fraser out? .....No.*

*And then later, separately...*

*No. Answer the question: were you prepared to lie to help her out? ..... Yes.*

<p>Court Notes A2A</p> <p><b>Coates:</b> Well, didn't you say to Mr Thompson when he was asking you to identify some photographs, and you couldn't, didn't you say to him you <b>will</b> if it helps Sue Neill-Fraser?</p> <p><b>Gleeson:</b> ..... <b>Yeah, that is true.</b></p> <p><b>Coates:</b> <b>Yeah?</b></p> <p><b>Gleeson:</b> ..... <b>Yes.</b></p> <p>So, you <b>were</b> prepared to lie to help her out?.....<b>Let's put it this way –</b> <b>No. Answer the question: were you prepared to lie to help her out?..... Yes.</b></p>	<p>ABC Aneeta Bhole [<a href="https://tinyurl.com/y5hkje4a">https://tinyurl.com/y5hkje4a</a>] <b><u>Sue Neill-Fraser appeal: Key defence witness tells court he is willing to lie for her</u></b> Under cross examination Gleeson admitted he would be prepared to lie to free Neill Fraser. <b>Coates:</b> Well, didn't you say to Mr Thompson when he was asking you to identify some photos and you couldn't, didn't you say to him you <b>would</b> if it helps Susan Neill Fraser?</p> <p><b>Gleeson:</b> <b>That's correct</b></p> <p><b>Coates:</b> So you'd <b>be</b> prepared to lie to help her out?</p> <p><b>Gleeson:</b> Yes</p>
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On my reading of the court transcript, Gleeson has – clearly, in my view – distinguished between having been prepared to lie to help Sue out ... at the time of the McLaren-Thompson visit to him in Risdon and not being prepared to lie there in the court on 30Oct2017.

#### **SOME OF GLEESON'S CONTACTS WITH POLICE & DEFENCE**

**?Sept2014:** Gleeson was interviewed by Sergeant Rogers about the assault for which Gleeson was in prison. He told Rogers that on the day Mr Chappell disappeared he consumed more alcohol than normal due to its being Australia Day 2009, that he passed out in that area of Marieville Esp. and was asleep [in the car][A2A]

**11July2016...** Between this date and 16Jun2017 Colin McLaren, Barbara Etter or Jeff Thompson paid Gleeson 20 visits in prison.

**????2016:** Gleeson made an affidavit to Barbara Etter. [A2A] Barbara Etter said to Gleeson: *“Think carefully, Steve. Think about everything. Even something that you might not think is important.”*  
[It was this from Etter that Gleeson used to explain how it was that he finally recalled the 26Jan2009 late evening visit from Yaxley and the girl]

**16Jun2017:** the end-date? of the visits to Gleeson from Etter, McLaren and Thompson. McLaren (*Southern Justice* pg 115) tells of being with Thompson, **on this day** visiting Gleeson in prison and Gleeson identifying ‘Pablo’ (Wroe) and Meaghan Vass from photo folders. McLaren doesn’t mention the identification of Adam Yaxley. [Alternatively, the joint visit may have occurred earlier, and Thompson may have made the 16Jun2017 visit on his own – which might explain why McLaren doesn’t mention Yaxley being identified ... only ‘Pablo’ and Vass.]

**30OCT2017** Gleeson was brought to the Supreme Court and gave evidence to the Application for Leave (to make a 2<sup>nd</sup> Appeal on behalf of Susan Neill-Fraser

#### **SYNOPSIS OF GLEESON'S EXCHANGES WITH POLICE ET AL.**

<b>Date</b>	<b>spoke to police et al.</b>	<b>-about:</b>
11Dec2008	Dtv. Puurand	-Wroe'd gone thru \$340,000, planning runner to NZ
27Jan 2009	Dtv.Sinnitt	-got drunk, slept till morning
30Jan 2009	Dtv.Sinnitt	-got drunk, slept till morning
9Mar2009	Dtvs.Conroy & Puurand	-got drunk, slept till morning
8Mar 2012	DI Powell & Dtv.Reardon	-got drunk, slept till morning, remembered nothing else
?Sept 2014	Sgt Rogers (Goss assault)	-got drunk, passed out, saw nothing
13Sept 2016	Barbara Etter	-intoxicated, slept in car on own, visitor not mentioned
8May 2017	Jeff Thompson	-asleep, woken by Yaxley & girl, cooked sausages

16June 2019 Jeff Thompson  
30Oct 2017 Justice Brett's court

-ID'd a young man as the one he called Yaxley  
-memory&police threat reason for not mentioning Yaxley

**Goodfellow, Alan** [shipright, Taylor Brothers, worked on FW on 14Jan2009.](#)

**Goodwin, Jacquie?** (Miss): Prosecutor Goodwin, appearing (18Apr2019) before Deputy Chief Magistrate Daly in relation to the two drug charges against Vass, noted to the court that Vass, when arrested, had admitted that the drug items were hers, but that she “*Provided no comment to all other questions put to her.*” Vass was represented by Greg Barns. She pleaded guilty to both charges [see transcript in Andrew Urban's 10May2019 ‘*Open letter 2 to Tasmanian Attorney General Re TasPol & Meaghan Vass in matter Sue Neill-Fraser*’<https://tinyurl.com/yyhv83ol> ]

**Goodwin, Dr Vanessa** - former Tasmanian Attorney General. She introduced (17Sept2015) an amendment (s402A) to the *Criminal Code Act 1924* which allowed for second and further appeals on fresh and compelling evidence. It became law 2Nov2015.

**Goss, Chris** [[Stephen Gleeson told the 30Oct2017 2<sup>nd</sup> Appeal court that](#)] Chris Goss and a Paul [...?] were members of the Rebels [Outlaw Motorcycle Club]. [Gleeson told the court that](#) these men operated a brothel in Sandy Bay that was owned by a [Hobart?] detective. The Rebels put a hit out on him [and/also] Jeff Thompson leaked the information to the underworld “*so he wouldn't be here today*” Gleeson told the court that he was now under protection.

[Gleeson told the 30Oct2017 court that Wroe and Chris Goss \(for the bashing of whom Gleeson was then in prison\) – both working for corrupt detectives in Hobart – killed a tenant upstairs called Garry, in Queen St, Sandy Bay.](#) [A2A ]

Gleeson was interviewed about the bashing by Police Sergeant Rogers in Sept 2014. [A2A]  
Victim unable to recall alleged attack with antique iron ... - ABC  
Hobart man jailed for more than five years for bludgeoning ...

**Grant, Gary Ronald** legal partner of Phillip Kimber, fellow executor and trustee of Bob Chappell estate.

**Grosser, Carl** [Forensic Scientist, at FSST, DNA profiler \(matching samples\). He gave evidence at the trial concerning the Vass DNA as well as other items.](#)

**Haeussler, Klaus** a German yachtsman (wife: *Maria*) who left Hobart at 9.50 am on 27 January 2009, yacht was *Ludus Amoris*. Was this the man seen by Peter Lorraine at 5:00 p.m. 26Jan2009, 'pottering around' on the back of a yacht (*Ludus Amoris*) [source: B*E*tter Consulting mentions this is noted in the PIL, Dtv. Sgt. Conroy mentioned. Link to info is via cached

article from the now 'temporarily closed' BETter Consulting website 2Jul2018].

Here is the link, use the cached facility:

<http://www.betterconsult.com.au/blog/technical-competence-in-the-sue-neill-fraser-case-and-yet-another-possible-lead-not-followed-up/>.

Here is an excerpt from the BETter Consulting blog:

*“Technical Competence in the Sue Neill-Fraser Case and Yet Another Possible Lead Not Followed Up”*

*The interaction between Conroy and Gunson at court on the Lorraine sighting is very interesting in light of the entry in the Police Investigation Log for 13 February 2009 (at p.24) where at 12.17 pm Conroy is recorded as receiving an email from Mr Klaus Haeussler, a German yachtsman who left Hobart **at 9.50 am on 27 January 2009. He said that he could recall the name of the vessel Four Winds but nothing further.** The PIL entry says that they were in the Royal Yacht Club of Tasmania but I understand that yachties often tie up to spare moorings for longer stays. It seems from research on the Internet that the man and his wife were in a white two-masted yacht or ketch named Ludus Amoris with a striking similarity to the Four Winds. See <http://gigharbor.patch.com/groups/around-town/p/gig-harbor-final-stop-for-seafaring-retirees> (including the photos). It seems from the records available to Defence that this line of inquiry may not have been followed up by Police (although we do not have access to the relevant Duty Allocation sheet DA67).]*

Here are some elements and excerpts from email communication [2017] between Dr Peter Lozo and Klaus Haeussler:

Haeussler informed Lozo that they never used their dinghy during their stay in Sandy Bay because their yacht was berthed in the marina.

he could have been spotted on his yacht when it was in a different location, namely when he was getting fuel.

Had given an opinion to Barbara Etter that it would have been difficult.

He saw[/had seen] the possibility of a body part getting stuck in the 3-step staircase.

*“I would say a (average) woman is not strong enough to carry a body manually on deck! The companionway is too steep.*

*It is not easy for somebody alone to winch a corpse out of a cabin and up the stairs on deck. Ideal it would be if the rope has a straight direction to the winch and meets the winch in an horizontal angle. If the angle is not right there is the problem that the rope around the winch creates a wooling (don't know the right term in English) and blocks itself on the winch.*

*To pull a corpse up the companionway would be easiest when laying planks above the stairs (which needs careful preparations and material on board), otherwise the object gets stuck at each new step. If you have time you can do it by hoisting the corpse each time over the next step manually. But if you don't have a self tailing winch (Four Winds had no self tailing winches as I know) the rope slips from the winch in the moment you don't hold it tight at the outgoing side of the winch. So in this case it is a tiring job for a single hander. Better there is a second person. Then it is easygoing if (!) the arrangement with the winch is correct.*

*To move a corpse over board into a inflatable is no problem when you have it on deck. You just roll it under the reeling into the inflatable. An inflatable (rubber dinghy) hardly flips over. It is very stable! That's why most experienced sailors prefer it to an aluminium dinghy (in opposition to Australian sailors which prefer alu dingis)."*

*"Somebody claims to have seen me on the yacht as a "rather tall man". I'm 174 cm and my wife was laughing when reading this ..."*

Excerpts from the Haeusslers' book: *Hidden Paths, Sailing the Backyards of the World:*

*"Just when we arrived back to Hobart, we were hit by a terrible storm. LUDUS AMORIS is well prepared for such a situation because we have huge fenders which proved themselves once again. Things looked quite different on the neighbouring boats. The swell in the marina was considerable and the boats heeled over dangerously. Their miniature fenders just skidded up onto the jetty and let the hulls chafe against the wooden planks. The crew of the Royal Yacht Club of Tasmania had their hands full preventing more damage to the yachts. In the town, big gum trees lay across the streets. On Mt Wellington, the wind measured 157 km/h almost 100 mph. And in the marina, we had 55 knots, which means wind force 10. Soon we were on our way back up north, down the Derwent River and to the Denison Canal..."*

[pg 271 mentions filling the 'day tank' with diesel; ]

### **Day of chaos WINDS UP TO 157KM/H HIT STATE**

Newspaper January 23, 2009 | Mercury (Hobart, Australia)

*Devastating winds gusting up to 157km/h brought chaos to Tasmania yesterday felling trees, causing widespread blackouts and sparking a bush fire that closed the main highway between Hobart and Launceston.*

*[<https://infoweb-newsbank-com.instance5.ezproxy.education.tas.gov.au/apps/news/document-view?p=AWGLNB&t=pubname%3AAHMB%21Mercury%2B%2528Hobart%252C%2BAustralia%2529/year%3A2009%212009/mody%3A0123%21January%2B23&action=browse&format=text&docref=news/125E3D3FFA549630> ]*

[See also: 'State lashed by blistering gale' (Mercury 23Jan2009)]

**Hanson, Maria** former friend of SNF and former partner of Phillip Triffett.

**Hanson, Tammy** family friend: aka Kate, daughter of Maria Hanson, appeared in 'Shadow of Doubt' against Phillip Triffett.

- H** , Yvonne former wife of Bob Chappell, mother of Kate, Claire & Tim?
- Harris, David** from Taylor Bros., joins Krakowiak and Goodfellow on FW 14Jan2009.
- Harrison, Rebecca** family friend, appears on 'Shadow of Doubt'.
- Hart, ?** Police constable to whom Brent Brocklehurst spoke [18Oct2017?]. Brocklehurst told the constable:  
*the two females I picked out looked a bit like the girls identified when Charlie showed me some photos a month or so ago. I wasn't certain the girls I identified to Charlie were the one I was referring to about her – who hung around with Michael in Sandy Bay back in [that was all that was read in court; the 'Charlie' that is mentioned is likely to be Charlie Bezzina who after the failed first appeal, worked with/for Colin McLaren, Eve Ash or Barbara Etter]*
- Hay, Glenn** The Coroner at the time: *“For all intents and purposes an inquest into the suspected death of Mr Chappell had commenced as at 1 September 2009.”*[CORONER HAY: RIID 20140117] It was adjourned, then Hay resumed his investigations in 2013 and published his findings against SNF in his *“Record of Investigation Into Death (Without Inquest)”* (17Jan2014).
- Hayes, Helen** mother of SNF and of Patrick.
- Hayes, Thomas** ancestor or SNF, one of the first free settlers to arrive in 1804.
- Herron, Richard** in a SBRC runabout, near Battery Point, tells John McMillan about the sinking yacht, asks was he going to it.
- Herzeld, Dr** Ellis had decided against calling Dr Herzeld, who might have given evidence on 'negatively void particles'. [CT 32 32]
- Hidding, Eddy** [**Eddie Robert Hidding**]: Manager of chandlery business at Sandy Bay in 2009. Knew Paul Wroe who had been a client of his over probably a 12 month period [A2A], had sold Bob and Sue a boat fender. No knowledge of homeless people or of burglaries in the area. Had a business partner, Michael Werne in the brokerage. Stephen Alexander Shield also worked from the brokerage.
- The business was called the *Bay Chandlery* [A2A] Its windows looked *“straight out over the park”*. The closest shore *“would be 20 metres”*. The business sold equipment to the yachting industry and boat equipment. In 2009, he had run the business for five years. He also had a marine services business at the Battery Point slipyard. The *Bay*

*Chandlery* closed as a result of the world economic downturn. Hidding knew Paul Wroe who was [A2A]: *“Short in stature. Bit rough around the edges. He was always extremely pleasant to us. He needed items for his boat during that period of time. Always paid me before anything left the shop.”* He was different, but gave them no problems as a client. *“He was a certainly a character and he would have stood out in a crowd.”* [A2A] Hidding, asked what distance Wroe’s boat was from the *Four Winds*, said he *“wouldn’t be able to have a stab at that honestly”* and asked again whether it was 5 metres or five kilometres for example, estimated that it would be *“in the kilometre type range.”* Hidding (pointing to the map in the court) showed the *Four Winds* as being north of the yacht club [A2A] and the *Southern Wright* as being directly out from the yacht club and to the south of the *Four Winds*, *“...in that kilometre range. Three quarters of a kilometre.”* [A2A] [see this file’s entry for *Southern Wright*, section on...]

**His Honour**

(then) Justice Blow [20090922 His Honour 78 2]

**Hong, Au Ming**

aka: Au Ming Hong - a student, on whose fence a red jacket was found. He had picked up the rolled-up jacket, then replaced it on the fence.

**Horsburgh, Susan**

a journalist writing for the Australian Women's Weekly, who contacted Tim Ellis (c. April2015), with questions for an upcoming article in that magazine.

**Howard, Rodney**

water taxi operator at Sandy Bay, at about 11:15am, 26Jan2009, while taking passengers past FW, saw a white 8'-10' dinghy *“lashed to the stern”*[Howard 20100924 367 08]

**Hughes, John**

between 11:30pm and 12 midnight, he saw a dinghy travel from the direction of the Yacht Club, about 50 metres from the shore, going *“north east towards the eastern shore”*.He made an anonymous phone call from the University library *“a couple of days later”* to police. 29Jan09 [Ellis 20090921 66 06] [Hughes 376... 378 14] Came into Police Station c. 10Mar2009, Det. Puurand took statement from him. [Conroy 20101004 875 10] He gave evidence at the trial (CT 376 28...) He testified he saw dinghy (c. 11:30-12:00pm, 26Jan2009) guided by possible female, towards FW [Ellis 20090921 66 6]

NOTES from CT re what he did & what he saw at the rowing Club [CT 377 10- ]:

He *“drove down to the Marieville Esplanade and to the rowing sheds.”*

He went there *“occasionally, to relax.”*

*“It was between half past eleven and twelve o’clock. ”*

He *“knew it was the time because [he] had a clock in the car.”*

With him, he *“had a coffee, a Farmers Union iced coffee”*

He *“parked the car at the end of the rowing sheds”*.

In the court-room, he marked that place on a copy of a/the map with a small cross, next to the ‘Y’. [The <Y> in

<SANDY> or THE <Y>in <BAY>?]

He “*may have got out of the car at some stage to stretch [his] legs*”.

He “*noticed a dinghy*” [...] “*about fifty metres offshore.*”

It was going “*north east towards the eastern shore*”.

“*There was one person in the dinghy.*”

“*The person had the outline of a female, but [he couldn't] be definite.*”

Asked “*Did you hear anything that was associated with seeing the dinghy*”

he replied, “*There was an outboard on the back.*”

Asked “*did you hear the sound of the outboard?*”

He replied “*It was reasonably quiet*”.

And then: “*The boat was only going at a slow speed.*”

The boat appeared to have come from the direction of the Yacht Club ... “*from towards the Royal Yacht Club.*”

He “*couldn't see it because the rowing sheds were in the way until it got out in front of [him].*”

At that point he noticed it.

He saw no one else down there that night and did not see anyone standing around fires, “[he couldn't] remember though”.

The dinghy which he saw was “*a rubber inflatable.*”

He could not say what colour it was, for example, whether it was black, white or green.

He said of its length that he estimated that “*it was about three to four to five metres.*”

He paid “*not a great deal*” of attention to the dinghy.

When he first saw the dinghy, it was not something particularly unusual as far as he was concerned – it hadn't passed the end of the reclaimed land where the rowing shed were built. The dinghy was slightly to his right and was “*at least fifty metres out*”, possibly further, though “*not to a great extent*”.

“*It may have passed between a few yachts.*”

Mr Hughes marked a photograph with a small circle, indicating the approximate area that the dinghy had been in when he saw it – he said, before he did so “*in [between] those two yachts out there*”. [correction: ‘*between*’ is added]

The dinghy travelled into the group of yachts that were moored off Marieville Esplanade and disappeared from view.

Of the dinghy's occupant, Mr Hughes said that “*they were seated [...] towards the back [...] in the dinghy.*” They were not on the side of the dinghy, but sitting down in it, presumably on a seat or on the floor.

It was very dark, though helped to a degree by the lights of Sandy Bay.

He could not describe the person nor say if they were wearing a beanie or a jacket.

The person “*had the outline of a woman*”.

He could not remember the colour of the outboard, though he said that “*it was reasonably quiet*”.

There were no cars [other than his own] parked there [in the area of the rowing club sheds]: “[...], there weren't any other cars parked there.” [On being questioned, he qualified this by saying that he “[*didn't*] *remember any vehicles parked there*” but couldn't be 100% emphatic about it.]

He was there from about 11:30 pm till about midnight but could not say when it was - within that 30 minutes – that he saw the dinghy.

He did remember that there were cars parked in the Marieville Esplanade area. He would go there occasionally to relax. He thought that he may have got out of the car and been outside it when he saw the dinghy, though was not absolutely sure. Was he near the car: He said “I would have been standing next to it” and “I would have been standing next to the car because I would have got out of the car just to stretch my legs. He would have been out of the car for “probably only a few minutes”. [The ‘*would have*’ formula used by Hughes seems problematic and was challenged briefly by Mr Gunson at trial.]

Concerning how long he was at the rowing club sheds for, he had previously said “ “I wouldn’t have been anymore than twenty minutes, half an hour”. Asked specifically about whether he’d told police that he’d looked at his car clock that night and thus had established the time, he replied that he knew the time frame because, as he told the court “ I’m always looking at the clock in my car.”

On XXN, Hughes agreed that he’d told the court that he had had the feeling that the person was a female, and that he couldn’t be definite because it was dark.

The dinghy was moving at a fairly slow speed.

He couldn’t remember when he’d seen the dinghy while he was there at the rowing club sheds.

He didn’t remember anyone else being in that area – was almost 100% definite

He heard an outboard, but couldn’t remember if it was before he sighted the dinghy. It wasn’t a roaring noise, but he could hear it.

According to records (A2A) Mr Hughes was not called to give his evidence again at the Leave Application hearings. Grant Maddock, who had sculled his dingy out from that same marina exit-way, gave evidence at the A2A of hearing Brettingham-Moore’s motor cruiser trying to come in, and had sculled out, deviating from his way to his own yacht, to offer assistance to Brettingham-Moore. It is not unreasonable to suggest that the ‘outboard motor’ heard by Mr Hughes may actually have been that of Brettingham-Moore’s motor-cruiser which was manoeuvring just beyond the last marina pontoon, not that much more distant than the dinghy which he said was 50m away from him. – sounds can carry across water.

It, may be important to note that Mr Hughes was almost 100% certain that there were no cars other than his own at the rowing sheds that night and that there were no other people present. Perhaps, like Barbara Zochling, he didn’t know what day it was – after all, the actual ‘Australia Day’ seems to get easily lost on that long-weekend in January. Mr Hughes’s evidence does not sit with that of Steven Gleeson and that of Sue-Neill Fraser’s. Gleeson was there. His car was there. Sue saw him(?) and some others with some sort of fire stove (gas cooker) there in the dark, when she walked down after that disturbing phone call. That’s the evidence. Whatever Mr Ellis said, it was not evidence.

Author Robin Bowles (personal email communication 12Apr2020) writes about Hughes’ differing accounts:

*My history of this account was gleaned as follows:*

*Hughes gave THREE versions of that night to police.*

*I know abt the first one from Sue, as follows:*

*He rang in anonymously from a phone box. Police traced box to SB foreshore. Said he'd seen someone rowing out to the boat while he was having his drink etc in car. Police told her abt this and challenged her. That's when, instead of KEEPING QUIET! She said couldn't have been me, no rollocks, etc.*

*Police advertised, begged 'witness', any witnesses, but esp him, to come forward.*

*He did. Made first official statement In which I think he either confirmed he was the anonymous phone box caller or police referred to it. they usually put name, occupation and then write 'I have previously made a statement on this matter and now wish to add something' or words to that effect. That's how they keep track of a series of 'further and better particulars' emerging over the course of massaging the evidence. He was equivocal abt rowing and sex of person in dinghy in that First statement.*

*Later made Second official statement, now with motor and female person in dinghy. This, of course, is the one used in the trial. Jury had no knowledge of previous two versions.*

*Sarah sent me all the statements which is how I know all this. And how I got his name, ph no and address. lives in SB. I tried to interview him, but he wouldn't talk. Did get his brother one Monday evening, doing his relief babysitting of Mum and he did talk a bit. That is in my book. Hope this helps clarify. I might be able to find the statements, but not until end of May. Big project on just now. .*

*[See below 10Mar2009 and Hughes' evidence at trial - CT: Trial Day 5: Mon27Sept2010, pp 376...]*

*NEED A GLOSSARY FILE ON ALL HUGHES ENTRIES 27JAN2009...>*

**Ikin, Jill**

Was a manager on duty at the Wrest Point Casino on the afternoon of 26Jan2009. Saw grey alum. dinghy from >600m. Phoned police a few days later, this call was not entered in the PIL, though it was noted somewhere, as she was much later contacted and gave a statement 2Oct2009. She also spoke/is heard on 60 Minutes? and mentioned in the Coroner's Report, but was not called at the trial.

**Informant to police** gave information about 2 men and woman in a pub? (perhaps same as ? Mr X)

**Irwin, Peter**

**30Sept2008:** The body of Peter Irwin, Hobart businessman and sailing identity, was found in the water near the boat Zereba, on which he was living. It was at the Derwent Sailing Squadron, adjacent to the RYCT. Police at first treated the death as suspicious, due to a trail of blood and an injury to the deceased, but later Dtv. Inspector Peter Powell ruled out any suspicious circumstances. [see personal file: *Peter Irwin – drowned at DSS 30Sept2008.odt* and hear D.I. Powell interviewed by ABC at **Audio:** Tasmania Police Det. Inspector Peter Powell talks to the ABC's Mark Smith. (ABC News) ] Shane Blackberry [Bosun, DSS] knew him and knew that he had apparently fallen off his boat or fallen into the marina and drowned [A2A]

- Isles, Dr Jonathon** wrote to Det. Sinnitt 30<sup>th</sup> Oct 2009 [Shapiro agreed facts: 20100923 224 11] – exhibit P33 (copy of the letter). Dr Jonathan Isles, Bayside Medical Centre, Sandy Bay. SNF's GP?
- Jackman, Craig** Const. with Marine and Rescue Services, Hobart; skipper of Marine Police boat Observer, with Kriss Lawler, is called to sinking, go to Observer (with Ben Cunningham?) and proceed to Battery Point.
- Jackson, Danny** Detective Const., he met Const. Purcell 29Jan2009 at Goodwood: they took a sniffer dog onto the FW and “conducted a search the best we could.” There was still water on various parts of the floor of the yacht and the dog wouldn't enter those areas.
- Johnston, Loretta** ex *The Examiner* journalist. Covered the SN-F trial. *See entry for 'Lohberger'*.
- Jones, Max (Maxwell Kevin):** Has/had worked in Victorian Police Forensics for 31 years. Had been published in *Nature*, had been involved with DNA since it first became available as a forensic tool. He became involved in the SNF case when the director of Victorian Forensics asked him to do so.[Presumed] author/producer of the VPFSD Report, (11Jul2014). Jones produced two reports (4Apr2014 & 11Jul2014: [A2A]). At the time of the first report he did not have an electropherogram from Forensic Science Service Tasmania (FSST) [A2A]. He gave evidence on 30Oct2017 and was cross-examined and re-examined on the following day: 31Oct2017. His evidence at the 2<sup>nd</sup> Appeal Application hearing was that “*On face value*” ‘*you’d think that [it – the Vass deposit] had been a primary sample, but [he couldn't] entirely rule out secondary, but it would require an entirely specific set of circumstances*’ ... He told the court that with regard to the age/degradation of the Vass DNA deposit, it would be a matter of days, not weeks. He said: “*I would be tending towards a shorter time*” (2-3 days) Coates quoted his report: “*There is very little signs of degradation.*” [A2A] [McHoul took the Vass sample on 30Jan2009, after 1:30 a.m. some three and a half days after the 'dark grey' dinghy was seen at around 5:00 pm alongside the Four Winds.] Jones was asked whether it was more likely that the deposit was only 1 or 2 days old, to which he agreed, though qualifying his answer by saying that its age was possibly “*a little longer*”. He said “*you would expect quite significant degradation after say, seven days. So it gets into that grey area of say three to four days, whether or not biological material would survive in such a quality as - as shown by the DNA profile produced from it.*” and “*I would be tending towards a shorter time, if - and I can't say that that's two days or three days, but the longer you go on, say up to the four days, the more original biological material that must have been there on the deck in the first place.*” [A2A]
- Keefe, Karen** (former?) girl-friend / long term partner of Ronald 'Sharkie' McKenzie. Also fellow prison friend of SN-F in Risdon prison. Was instrumental in Vass signing the 'I was on the yacht' statement (27Apr2017) which Vass later repudiated, saying that she'd signed it out of fear, due to threats from Keefe that she (Vass) would be put in a car boot if she didn't.
- Kelly, Dr. Laurie** a friend of Paul Stevenson's. Bob was treated for nose bleeding, at his practice in Southport, then next morning Laurie

personally treated him and then referred Bob to specialist who placed him in the Alamander Private Hospital.

- Kent, Ashley** accompanied Const. Ben Cunningham to Hobart domain Slip, to get a deisel pump. After pumping out the FW, he and Const. Lawler discovered the cut pipe and the open seacock. When the diving platform arrived (at about 12:20, 12:30 pm, it was placed close to the FW, and Kent and Const. Williams then “*dived to the bottom of the mooring and commenced a circular arc search around the vicinity of the vessel*”. Police Sgt. Pratt told the court that it was Constables Williams and *Russell* whose search he supervised. [Pratt 583 14]
- Kerr, James** photographer for the Mercury, took photos (exhibits #P19 & #P20) on 27<sup>th</sup> Jan [20100923 218 10]
- Kimber, Phillip** legal practitioner (Butler McIntyre & Butler): prepared 2002 will for Bob, which was superceded in 2004.
- King, Richard** a friend of/informal counsellor to Claire Chappell. He called the Allison St landline early in the afternoon on the day of Bob's disappearance, wanting to talk to Bob about Claire(20090126), but there was no answer. He called again that night, at 10:05 pm and spoke to SNF for c. 25 mins. That call ended at 10:30 pm. King then called Tim Chappell.
- Krakowiak, Nathan** (also in CT rendered as Karakowiak): a mechanical fitter, employee of Taylor Bros., went with Alan Goodfellow to the FW on 14, 15 & 16 Jan2009.
- Lawler, Chris**(Kris?) Marine Police, entered the Four Winds and discovered the cut pipe.
- Lawrence, Christopher** (Dr): State Pathologist “*practising as a forensic pathologist since 1989 and I’ve been the State Forensic Pathologist since 2002*”. He gave evidence that (in the absence of Bob Chappell's body) such a man (a '65 year old, somewhat frail, heavy smoker') could have been killed by a single blow to the back of the head, with a blunt instrument... and the injury could leave little external blood.
- Leen, Terry** acting on behalf of SNF, inspected the FW to report on damage to the vessel and to reduce the risk of loss on board the vessel (e.g. the motor that had been flooded by salt-water). [Dobbyn 20100927 409 17]
- Leggett, Peter** Police Constable, made stat. dec. 23 Nov 2009 [Shapiro agreed facts: 20100923 223 34]
- Liaubon, Christopher** canoeist who saw the FW dinghy at noon, then helped SNF launch it c. 2:00 pm.
- Little, ?** aka 'Yaxley': was one of the 'homeless men' in the Sandy Bay Rowing Club area. See also *Gleeson, Trixie' & Rowe* [CORONER HAY: RIID 20140117]

- Lohberger, Ben & Loretta.** Husband Ben Lohberger took ‘the guilty’ view in the Tasmanian Times article: *Sue Neill-Fraser: Two views of her guilt*. In that same article [ <https://tasmaniantimes.com/2014/08/sue-neill-fraser-two-views-of-her-guilt/> ], Andrew Urban (of the *Wrongful Convictions Report*) took the ‘innocent & a miscarriage of justice view. Loretta (nee Johnston) has worked as a journalist for *The Examiner* (Loretta Johnston) and subsequently, under her married name Lohberger, for *The Mercury*. She is now (2020) at the ABC.
- Londsdale, Belinda** was a barrister, who was working in chambers with Tom Percy and, is now [18Sept2017] a district court judge: <https://www.lawyersweekly.com.au/wig-chamber/21905-new-judicial-appointments-welcomed-in-wa> (source: email,
- Long, ?** Police Detective, mentioned by Coroner Hay in relation to 'Mr X', a (deregistered later?) police informant.
- Lorraine, Peter** [**Peter Derrick Lorraine**, a Health Manager, who is now living in Blackman's Bay but who used to live at Ouse and would come into Hobart for the weekends. ] **was out on his regular walk from 1 Collins St to the jetty at Derwent Lane, Battery Point, on 26Jan2009. When at the jetty he saw an old man on the deck of a yacht some 80 metres off the jetty, c. (at about) 5:00 pm 26Jan 09.** [Peter Lorraine's evidence was used - perhaps erroneously - to establish the last sighting of Bob Chappell. However, it is not certain that Peter Lorraine had actually been viewing the Four Winds, which was several hundred metres [60 Minutes: 320m] away on an angle from that Battery Point jetty, but had been watching a man on another –much closer– yacht which was straight out from the jetty.
- Lozo, Peter [Dr]** South Australian, Applied Physicist/Perceptual Scientist; critic of Neill-Fraser/her supporters. [see Tasmanian Times] [Glenelg: <https://homelottery.com.au/wp-content/uploads/thrf-2018-3-winners-v4b.pdf>]
- Contacted Klaus Haeussler and received a reply concerning the mooring of his yacht (*Ludus Amoris*) at the Sandy Bay marina and also the question of whether it was possible to winch a body up the companionway steps of a yacht and then get it into a dinghy. (see: *Haeussler, Klaus* in *Index of Persons*)
- Luckhurst, Adam** young man about whom Stephen Gleeson gave evidence (30Oct2017). Gleeson agreed that his name might actually have been Adam Yaxley. The forms Buckhurst and Lucks were also raised in the A2A hearings, as variants for the ‘Luckhurst’ name. According to CORONER HAY: RIID 20140117, Yaxley also was known as Little [See the entry for **Gleeson, Stephen** and **Yaxley, Adam**].
- Lynch, Monique** Monique Rose Lynch [**unconfirmed**] a fellow prisoner of SN-F’s during 2019[?]. Her following comment was published in Facebook – Sue Neill-Fraser Support Group - [https://www.facebook.com/Sue-Neill-Fraser-Support-Group-742127032506721/?\\_\\_tn\\_\\_=%2CdkCH-R-R&eid=ARCHyptSvvo6v4uadCo8ae6Ts-qV97liCULLuetrSf5HupJZIBKXgmOgx5VPZSlosYkPkqRRZT2COZRK&hc\\_ref=ARTH4TsBd085JHUMdb8iyhFtZnNqtdgn48cAnSDtb07L27nlNcL5pSApOy-VhQru-hM&fref=nf&hc\\_location=group](https://www.facebook.com/Sue-Neill-Fraser-Support-Group-742127032506721/?__tn__=%2CdkCH-R-R&eid=ARCHyptSvvo6v4uadCo8ae6Ts-qV97liCULLuetrSf5HupJZIBKXgmOgx5VPZSlosYkPkqRRZT2COZRK&hc_ref=ARTH4TsBd085JHUMdb8iyhFtZnNqtdgn48cAnSDtb07L27nlNcL5pSApOy-VhQru-hM&fref=nf&hc_location=group):

*"Finally a date set for Sue Neill Fraser!! I will be there every day as a support and as a close friend, you shared so much with me and so many women in that jail and I still can't swallow the harsh reality that you have had to live in that terrible jail for the past 10 years. It brings tears to my eyes. You are the kindest most selfless woman I've ever met and you always had time for me.*

*Instead of letting this injustice turn you bitter and cold which 99% of other people in your situation would have done, you gave hope to those who had none. You thought of others before yourself and you never winged or carried on about your position in life. You truly are my inspiration and you helped me get through my time knowing that I was able to know the truth about you as a person and as a whole. I pray for you every night and I will continue to pray every day and night until the trial start's. But please know that there are thousands of us out here that know you and we also know the sickening truth that lays behind the biggest cover up/injustice in Tasmania to date.*

*I love you and once I'm off perole I will be coming to visit you. May the Lord let the truth finally be brought to the light, the real criminals need to be persecuted. And if your out there and reading this I hope in your heart you know that even though you have let her sit in prison for 10 years, she still holds no hate or anguish for any of you. But the truth will either set you free.. or eat you alive”.*

**Maczi, Peter**

fingerprint specialist, working for Tasmania Police. He examiner the EPIRB and a number of screwdrivers for fingerprints, an outboard motor, a fuel pump, a fuel can, a pair of oars, a latex glove and wooden stairs (all associated with the FW). He also received a number of envelopes containing fingerprint 'lifts', taken by (police) officers. These, from Mssrs Casson, Stevenson, Tim Chappel and Ms Neil-Fraser were for comparison purposes. The fingerprints of Mr Page were found on the EPIRB – he was the person who had found it. The finger prints of SNF were not found on any of the items examined, including the FW itself. Mssrs Casson and Stevensons' prints were identified on the FW.

## Maddock, Grant

[A2A] **Maddock, Grant Douglas:** [In court (1Nov2017), Maddock was short, slim, wearing a short sleeve working-shirt, and had short white/grey hair]

In 2017, Grant Maddock told the court of Justice Brett that he was an artist, who lived in and was born in Hobart. He had resided [2017] on his yacht *Apache* for the last eighteen years. Often anchored within the CBD, at the time in question, 2009, he had a permanent mooring off the Royal Yacht Club in Sandy Bay. *Apache* is a 31 foot timber sloop, built in 1961, varnished with a sandstone coloured deck. At the time, he had a fibreglass clinker dinghy with a plumb bow, approximately 9 feet in length. It was not motorised, it was a rowing dinghy. It was not inflatable, though it had a canvas coloured foam fender around the gunwale of the boat. [A photo of him (A12) in the dinghy was shown – it had been taken at the February 2011 Wooden Boat Festival] In the photo he had 2 years growth of hair which had grown since he'd got it cut short (as he regularly did) after the events of 2009. His hair was partly blond from the sun and 'salt and pepper'. He is 171 cm in height, slim build and usually around 63 kg. Other than the length of his hair, his present appearance is extremely similar to that of 2009.



Stephen Shield had told the court [A2A] that Maddock: “*kept a bike chained up to a tree just in front of the Chandlery area there on the rock (indistinct words) under a tree and then if he came ashore he’d pull the dinghy up there and tie the dinghy or chain the dinghy up and go off on the bike.*” (see Index...: Shield, Stephen [A2A])

He’d been aware of the *Four Winds* since it had first arrived in Tasmania, having seen it from Betsey Island (in Storm Bay, off South Arm) as it sailed past. He hadn’t seen it before and paid attention to it on its regular moorings off Battery Point. It didn’t have much free board for a boat of that size, being at first glance definitely slightly low in the bow.

He had experience in sailing over his entire life and all generations of his family had significant sailing people in it.

*Apache* was due east of the old RYCT wall and slightly to the west of ‘this corner of the marina’. [A2A]

*Four Winds* was on a permanent mooring just slightly offshore from the slip yards at Battery Point. Maddock, shown A9 in court and asked where the *Four Winds* was in relation to a red dot on the image, said he thought it was 50 to a little under 100m further out from the *Four Winds* position, he thought the *Four Winds* mooring slightly more to the north west, i.e. slightly closer to the public jetty or Derwent Lane.[A2A] Saying that it was one of the outer moorings, he put the distance from shore at 200 metres. He regularly sailed past it, as well as rode [rowed?] and kayaked past it. However, he did not recall speaking to anyone on board, though it was possible that if someone had been present when he went past, he would ordinarily have waved. As it turned out, he would have met Susan Neill-Fraser some 30 years previously, when he had visited his friend (Sue’s ex husband) Brett Meeker at Sue and Brett’s Cambridge property, 1985 or 1986. He’d only recently remembered that, and also, as far as he could remember, he’d never met Bob Chappell.

When the *Four Winds* was removed [27Jan2009] to the low loading dock, just outside Constitution Dock, Maddock happened to be present and had a conversation with a police (a sergeant he thought ... a Sgt Conroy). He told him of a/some photo/s which had just been taken, with *Four Winds* in the background. He asked the sgt. whether he wanted them and Sgt. Conroy said Maddock could email them through, which he subsequently did. Maddock believed the photo was date stamped the 25<sup>th</sup> or 26<sup>th</sup> of January 2009.

He had been aware of the *Southern Wright* for some time – before it had come into the ownership of [Paul Wroe]. [A2A]. It was possibly an Adams design, reasonably distinctive, an aluminum multi-chined (hull ‘comes down in angles’) which was unusual in a boat of that size. In January 2009 it was on one of a few different moorings:

1 [One] that the owner used, directly off the headland between Short Beach and the Battery Point slipyards. A few

moorings were there at the time.

2 At other times it was more directly off the boatyards, on an inshore mooring, fairly close in towards Taylor Brothers (going south from the public jetty in Derwent Lane is Mure's, then Taylor Brothers. Southern Wright was most often there, but sometimes used what would appear to be vacant moorings in close vicinity.

Around that time he met *Southern Wright's* owner, Paul Wroe. Maddock said [A2A] that Wroe used more than one tender over time, that initially he used a hard tender and at some point Maddock believed that Wroe had an inflatable tender. Maddock said that Wroe constantly made a lot of changes to the vessel, that it was never in the same state of repair or had the same equipment over time. [Maddock's remark in context would seem to include the tender.]

3 Maddock also saw *Southern Wright* moored at *Constitution Dock*. At that time Maddock had his boat there, not so much through the summer but later on in that year in particular also and "Mr Wroe would bring his boat into *Constitution Dock* quite often with a large group of friends and they'd proceed to have boozy parties."

He was acquainted with Wroe though he did not want to have any sort of close friendship with him. They would quite often pass each other at the dock and have a polite conversation. Maddock had been on the *Southern Wright* on just one occasion, at Wroe's invitation, to give him an opinion on what he should do with the boat.

On Australia Day 2009, Maddock was on board his boat and believes to the best of his recollection that he went sailing, alone, just within the Derwent River area. He got back to his mooring late at night, after dark. After he'd got back on his mooring – it was a fairly breezy night – he saw the lights of a vessel hovering amongst the moorings as if they were unsure how to proceed. It seemed that they were trying to decide whether to go into the RYCT [marina] or the breeze strength being maybe too strong [to manoeuvre], whether to try and 'pick up a mooring'. To see if they needed any sort of assistance, he rowed over to the boat from his mooring. Maddock's boat was just out to the right (i.e. beyond and to the east of the last line of boats at the marina. The other vessel was initially downwind of Maddock entering the moorings. [The wind after 7:30 p.m. had swung and now was coming from the east ... i.e. an offshore breeze: <https://www.wunderground.com/history/daily/YMHB/date/2009-1-26> ] The other boat was motoring ahead and Maddock rowed alongside it and remained alongside as they motored ahead. They discussed what the person in charge of that boat would do [John Brettingham-Moore]. Maddock only knew JB-M by sight – not by name – same with the boat, which had been in Hobart for a long time and which he would recognise.

It [going to JB-M's boat] was very late, around midnight – which is why he took notice of the vessel (at that time of day/night, people don't come in all that often).

He was asked about the incident some years later, by his friend Bob Martin [also rendered as Martyn?] and subsequently by Barbara Etter.

His boat had been broken into whilst on the slipyards at the Derwent Sailing Squadron. On a number of occasions he'd had his dinghy stolen from the RYCT. Once it was retrieved by police. He had not had any theft occur from his boat while it was on its mooring.

In the late morning of 27Jan2009, Maddock was visiting a friend in the corner of Constitution Dock. The friend regularly moored there. A mutual friend, whose name he did not remember, came to the boat and commented that a boat had been found sinking at its mooring and something was happening with it and it was going to be towed around to Constitution Dock, to outside Constitution Dock. Maddock and the friend that he was visiting, when they became aware that the vessel had been brought alongside, went over to see what was happening. They viewed the boat. Susan Neill-Fraser and her daughters were being led on board as he and his were standing there. Sgt. Conroy was standing to one side in the corner of the dock and Maddock politely asked him 'what happened to the boat? I hear it was sinking and you're pumping it out.' Sgt. Conroy replied that there was someone missing and that the lines had been cut on the boat. Apart from offering his photos [with the *Four Winds* in the background] later on he had had nothing further to do with the police investigation at all, had not made a statement to the police and had had not been called at the trial to give evidence.

[XNN]:

Around that time Maddock would sometimes tie up his boat, *Apache* at the Constitution Dock. He [in court] had seen the photo of his small clinker dinghy. A year 'before that time' [of Bob Chappell's disappearance] he'd injured his right arm and had fractured a bone in it – it had partly healed. He was then [in 2009] waiting on surgery for it. The photo of his dinghy showed just one oar in it. Maddock said that [at the time of the photo] he was sculling the dinghy. At the time [2009], depending on the weather conditions, Maddock would get around in the dinghy by either sculling or rowing with two oars. If the breeze was particular strong, sculling would be more difficult, so he would use two oars. In lighter airs he would scull. He avoided rowing because he didn't want too much repetitive action on his wrist so that when he was required to row he could. He would use his left hand to scull, with the oar going straight out the back of the dinghy. Pivoting the oar out of the aft end of the dinghy, the oar ends up going in a figure eight motion. In calm conditions sculling is not particularly slower than rowing. Actually, he had won the sculling race at the Wooden Boat Festival a number of times. Not wanting to over use his damaged wrist he had learnt at that time to scull very well.

Maddock had a dog that lived with him on *Apache*. When he left the boat he usually took the dog with him, though sometimes not. He believed that it was on Australia Day when he met Mr Brettingham-Moore and had tried to ascertain when the '*Four Winds* in the background' photos were taken, but over those number of days he was sailing from his mooring at Sandy Bay and believed it was on his boat on the night of Australia Day and that would have been when he saw Mr Brettingham-Moore. Over a period of nine years it was possible that some small error of memory could creep in, but he had spoken to friends in whose company he was at the time, analysed photos that he still had

from either side of those days.

When Mr Brettingham-Moore came in, it was a bit windy, as Mr Maddock agreed in answer to Mr Shapiro's question [A2A]

Maddock also agreed that not being able to go into his berth in the marina because it was a bit windy and rough, Mr Brettingham-Moore stayed out and anchored. Maddock told the court that "*there was fairly substantial cold air drainage that happens overnight. You'll have a sea breeze during the day and you'll get a reversal of the wind at night. It was quite strong on that evening.*" [A2A]

He paid close attention to his surroundings, i.e. the yachts around his yacht, *Apache*. He knew where everything was: "*If I was asked where each seagull was on that day around that time, I could have told you.*"

Maddock didn't notice anything from his boat (on the morning of the 27<sup>th</sup> ... or 'one morning', as Mr Shapiro ineptly questioned Maddock whether he wasn't on his yacht one morning and noticed the *Four Winds* almost sunk, police around it and a lot of activity. [A2A]

At the time (around Australia Day), Maddock used to see Paul Wroe's yacht, the *Southern Wright* on a mooring that was right down near the Casino – at the time Wroe was using a 'sit on top' kayak as a tender. However, Maddock said that Wroe was not always on that mooring. After that Aust. Day time, Wroe definitely did move his yacht to up at the northern end of the bay, however, although Maddock had seen Wroe using the mooring near the Casino around the Australia Day time, Maddock said that Wroe had also used moorings at that northern end of the bay at that time.

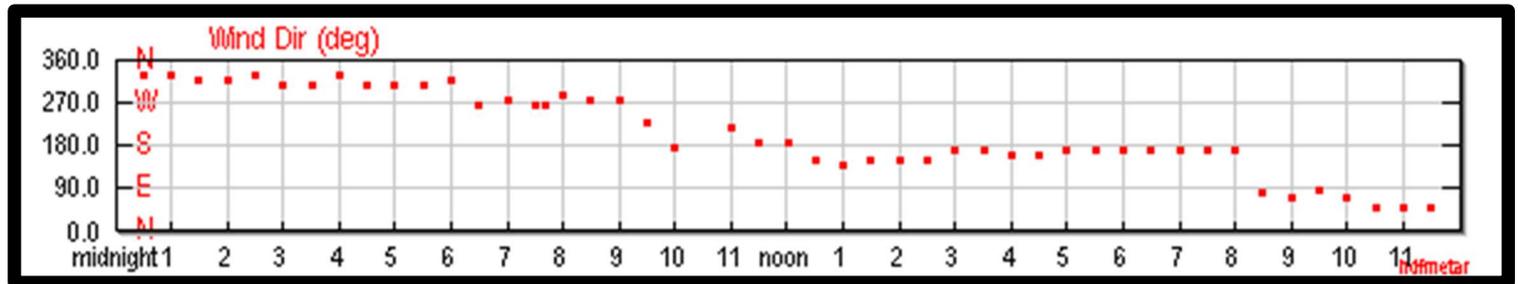
Maddock told Justice Brett that on the night of Australia Day 2009 when he believed he went to offer Mr Brettingham-Moore assistance, his yacht *Apache* was on his mooring and he left from that in his dinghy. He then added that very often he would get his shopping done at the Sandy Bay Woolworths. If he'd sailed in late, he'd make sure he'd get there before the store closed which was around midnight and then he would return to the boat with the dinghy. It may have been when he was returning to the boat that he noticed Brettingham-Moore or it could have been shortly after. Brettingham-Moore was motoring into the moorings, Maddock would have been rowing with two oars (not sculling) because it was pretty windy. He had no outboard motor. He could just as easily have been sculling or rowing. The distance wasn't very far and it was windy.

#### **DISCUSSION:**

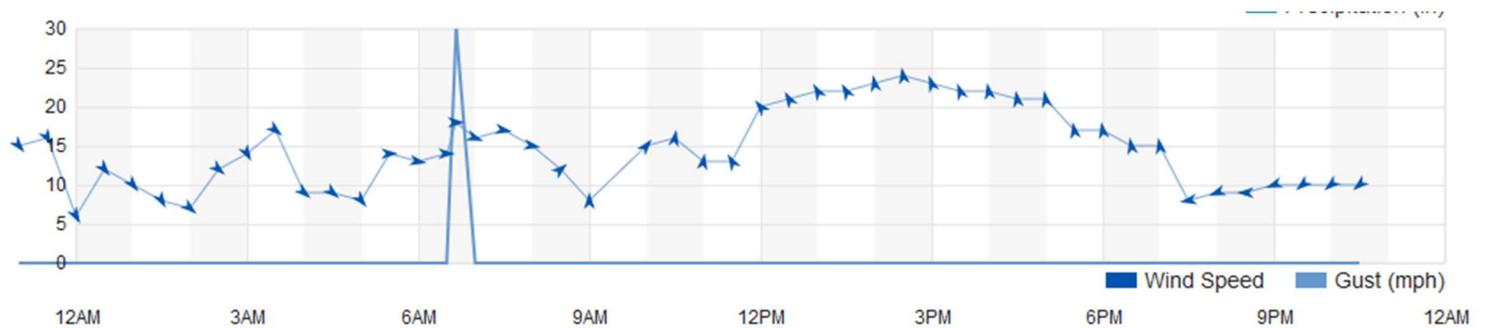
Grant Maddock paid close attention to his surroundings, i.e. the yachts around his yacht, *Apache*. He knew where everything was: Speaking of the 26<sup>th</sup> Jan 2009, he told the court "*If I was asked where each seagull was on that day around that time, I could have told you.*" [A2A] Mr Shapiro then seemed to try and find a question to pin Maddock on this and asked:

Q “You weren’t on your yacht when you and noticed the Four Winds almost sunk and police around it?” A “On the morning of the 27<sup>th</sup>” “Well, but you – if I can just cut you off there. You didn’t – you weren’t on your yacht one morning and noticed the Four Winds almost sunk and police around it?” “I – I didn’t notice from my boat anything” “No okay, thank you, thanks? “Yeah.” [We will probably never know at what time Maddock got up on 27Jan2009... and if, why or whether he did not notice the sinking yacht, the police, etc.]

How do we understand terms like ‘a bit windy’?



Weather Underground: Hobart Wind Direction Chart for 26Jan2009: <https://tinyurl.com/yattopec>. [W.U. c. 2017?] [Australian Eastern Standard Time]



The Beaufort scale			
Beaufort Number	Description	Km/h	Visual
0	calm	0 - 2	smoke rises vertically
1	light air	2 - 5	smoke drifts slowly
2	slight breeze	6 - 12	leaves rustle
3	gentle breeze	13 - 20	leaves and twigs in motion
4	moderate breeze	21 - 29	small branches move
5	fresh breeze	30 - 39	small trees sway
6	strong breeze	40 - 50	large branches sway
7	moderate gale	51 - 61	whole trees in motion
8	fresh gale	62 - 74	twigs break off trees
9	strong gale	75 - 87	branches break
10	whole gale	88 - 101	trees snap and are blown down
11	storm	102 - 115	widespread damage
12	hurricane	116 - 130	extreme damage

The Beaufort scale: [http://www.zonein.com.au/natural\\_disasters/beaufort\\_scale.htm/](http://www.zonein.com.au/natural_disasters/beaufort_scale.htm/)

**Makepeace, Norton** self-employed marine electrician, SNF called him in late December, 2008 about some electrical problems on the FW. On 6Jan2009 Bob Chappell took him to the FW to sort out the problems with the alternator. During his second inspection (16Jan2009), he removed the stair and some of the panels, which he replaced (temporarily) with just a few screws each [Makepeace 20100924 364 5...]

**Martin, Robert** ('Bob') friend of Bob Chappell's since c.1972. He was present at Allison St with Emma, Sarah and SNF when Det. Constable Melissa Milazzo & Det. Shane Sinnitt attended to 'gather material' and informally interview SNF on 5Feb09.

**Martyn?, Bob?** a business associate, property developer; SNF did a Brighton subdivision with him [see Martin Robert?]

**Martyn, George?** family friend, appears on 'Shadow of Doubt' – experiments on lifting weights out of the FW [see Martin Robert?]

**Maxwell, Michael** Sgt/Constable: coordinating forensic examination of FW, Robin Wilson ('fingerprinter') worked under his direction.

**McElwee-Page, Robert** this person was mentioned as being included by name in Chris McKenzie's report, along with David Casson, Robert

- McEwen, Jim** Chappell, Tim Chappell, Susan Neill-Fraser, and Peter Stevenson, with regard to (DNA) reference samples taken (for the purpose of exclusion?) [McKenzie 20100929 679 46; Grosser 20100929 699 15] did engineering work on the FW in Qld. [148 12] ... **Jim McKinnon?**
- McHoul, Deb** Forensic scientist attends/examines FW twice, found the Vass deposit, contributed to a forensic report, gave evidence at the trial. [Redburn 200990921 84 44]
- McKenzie, Chris** Forensic scientist (Forensic Science Service Tasmania), examined the torch in company with Constable Redburn, 09July1Report [Redburn 20100922 93 45]
- MacKenzie, Ronald** aka '*Sharkie*': until/beyond the time of the Vass 27Apr2017 'I was on the yacht' statement, was the President of the *Devil's Henchmen MotorCycle Club*. [A2A and Colin McLaren's '*Southern Justice*' material suggests that he encouraged Vass to sign the statement, so that it would lift from her whatever burden she was carrying in relation to her DNA being found on the *Four Winds*.] [not Sharkie's exact words; also see entry for *Sharkie*]. According to Vass [A2A] he became friendly with her in 2017, and less so with Karen Keefe.
- McKinnon, Jim** (James) deisel mechanic who worked on the FW when it was in Qld, gave evidence regarding SNF's claimed breakins, and breakup.
- McLaren, Colin** [from Wikipedia]: *is an Australian documentary film maker, crime writer and former police detective sergeant and task force team leader*. With Robert Richter, he attended the 11May2017 meeting with Premier Hodgman, acting Attorney-General Groom and Solicitor-General O'Farrell. Richter and he were both working *pro bono*. McLaren tracked Vass down, in doing so having to deal with the outlaw bikie club, the *Devils Henchmen*. McLaren compiled the *White Paper* for Richter. Eve Ash was also present at the 11May2017 meeting.  
[<https://www.smh.com.au/national/death-on-the-derwent-secret-file-could-prove-yacht-killers-innocence-20170822-gy1pix.html> ]
- Met Meaghan Vass at the Best Western hotel [A2A]18Mar2017.
- 11July2016...** Between this date and 16Jun2017 **Colin McLaren**, Barbara Etter or Jeff Thompson paid Gleeson 20 visits in prison. [A2A]
- Seems to have worked with *Charlie Bezzina* after the failed first appeal, for or in conjunction with Eve Ash and/or Barbara Etter – more likely Ash.
- Published *Southern Justice* [29Jan2019]. Gave evidence by video [5-6Feb2019] as the final witness in the application for leave for SN-F to make a second appeal. Much of his evidence to the court was along the lines of what he had

presented in his book.

- McMillan, ?** an oncologist at hospital with whom Bob, fell out. [SN-F 20101011 1274 5]
- McMillan, John** commercial diver, would use Taylor Bros. workshops: got pumps and got them going on FW Jan 27
- McVeigh, James** Owner of a company called *'Reality Cruises'* nephew and business associate of Peter Stevenson who was one of the yacht delivery crew.
- Meeker, Brett** former husband of SN-F, father of Sarah Bowles and Emma Fraser-Meeker (also rendered as Meeker-Fraser).
- Meeker-Fraser, Emma** daughter of SNF (see **Mills, Emma**), sister of Sarah Bowles: see also & prefer: Fraser-Meeker, Emma
- M..., John Paul** owner of the Scarborough (?) marina where FW was first, before being moved to Newport.
- Mikulski, John (?)** Det. Sen. Const. searched Triffett's premises (7Jan2009?) [Triffett 201000930 827 27]
- Milazzo, Merissa** Dtv Constable, she with Conroy visit FW 27Jan09, Constitution Dock, she & Det. Sinnitt visit SNF at home 5Feb2009
- Millar, James** found red sailing jacket on corner of Marieville and Margaret 'Camarita', tells Const. Plunkett
- Millen, Nicholas** found a black, fleecy lined jacket on Droughty Point, 28Jan09, It is held at Bellerive police station (miscellaneous receipt 214264) (see police investigation log entries for 02Feb2009, 15Apr2009: believed by Coroner not to be Bob Chappell's missing black jacket. [CORONER HAY: RIID 20140117]
- Mills, Emma** SN-F's daughter (see **Meeker-Fraser, Emma**), sister of Sarah Bowles
- Mitchell, Ms/Mrs** Justice of the Peace, apparently not present when Meaghan Vass signed the 27/28Apr2017 'I was on t. yacht' statement.
- Morton, Shane** Leading Sen. Const., Vic Underwater Police: Thur16Apr2009 went to Hobart, liaised with Dets. Sice and Sinnitt, commenced a sonar search Sat18Apr2009 in Sandy Bay between Battery Point and Wrest Point Casino, an area of 1.852m (a nautical mile) x approx ½ a nautical mile. The search continue on the 19<sup>th</sup>, and with the police divers, on the 20<sup>th</sup> and 21<sup>st</sup>, mainly downstream from the FW.
- Murfett, Andrew** Local Resident – comments on the trial in *Shadow of Doubt*

- Needham, Lindsay** Const. Forensic Services Hob. [Needham 20100923 235 5] took photos on FW at Prince of Wales Bay at Derwent Park
- Neill-Fraser, Helen** mother [since dec.] of Sue N-F, lived in Marieville Espl., btn Queen St and Marsden St (?) opposite poles, nos 12, 14 or 16
- Neill-Fraser, Patrick** brother of SNF, said by Phillip Triffett to have been the object of a murder plan authored by SN-F
- Neill-Fraser, Sue** 7 Allison St, West Hobart. partner of Bob Chappell, accused and found guilty of his murder; mother of Emma Mills & Sarah Bowles...
37. Sue ran a successful horse riding school business for many years, raised two girls she put through private school, involved herself in property development, and paid off her own farm, on which she did extensive improvements. Yet Rule wrote a demeaning description: “*Her main accomplishments had been taking equestrian courses.*” [Breaking the Rules in the Sue Neill-Fraser case / Eve Ash] [see also within whole document: SNF, aka SN-F] 19<sup>th</sup> Aug 2019
- Newbury, Daniel** Senior Constable, his stat. dec. 19 Mar 2009 was 'taken in' at the trial. [Shapiro agreed facts: 20100923 223 34]
- Newton, Rob** SNF's doctor. SNF at trial said that she thought Newton would have made a note of her wrist's detached bone. [SNF 1201 31] However, The Coroner reported that “The [Doctor's report given to police] report did not disclose a history of any such injuries.” [HAY: RIID 20140117]
- Novotny, Michelle** a forensic document examiner, examined a SN-F 2009 diary copy, found no evidence of 'added entry' [CORONER HAY: RIID 20140117] NB: according to the Coroner, the diary she examined was a copy that SNF had made from photocopies taken before she had handed over the original 2009 diary to police. By mistake, according to the Coroner, for the purposes of Novotny's examination, the police supplied her with the copy, rather than the original. The Coroner reported that “*I assume the original diary can be made available for inspection upon request to the Supreme Court. I decline to make that application.*” HAY: RIID 20140117]
- O'Donnell, Rosie** a friend of Ronald 'Sharkie' MacKenzie. It was [Vass: A2A] at Rosie's place that Meaghan Vass signed the 27Apr2017 statement with Geoff Thompson though Rosie was not present/not in the room when Vass signed it.
- Ogilvie, Felicity** ABC reporter, interviewed SNF 13Mar2009, inadvertently told DI Peter Powell that SNF had been to Marieville Esplanade that night (26/27Jan2009) [CT 65 28] Because SNF insisted to Ogilvie that that disclosure had been off the record, Ogilvie declined to give police a statement on the matter [Ogilvie 592 1...]

**Operation Ransack** was the name given to the Police Investigation regarding Bob's disappearance.

**P36** 'mature woman of sound mind', made a stat. dec. on 25Nov2009, also a diagram of the FW & of a dinghy [Shapiro agreed facts: 20100923 225 3] Her information was [CT 225 21] that on 26Jan2009 at around 5:00 pm [Sinnitt 20101001 823 27], she was on a vessel that passed the FW, crossed on front of it, saw a grey [SINNITT 805 28] dinghy on the port side of the FW, near the stern. Also referred to as **Anon/suppressed**.

**Page, Robert** his were among a set of elimination fingerprints amongst those taken from the FW; he found/his prints were on the EPIRB, which was found at the Maning Reserve around 2 to 2.30 pm on 27 Jan, according to his statement. [Also cited in CT as *Robert McElwee-Page?*]

**Pargiter, Simon** lived in 3 Stanley St, Sandy Bay. Seen by his neighbour (Nos. 1 & 3 are conjoined) Brent Brocklehurst 7 p.m. or later on 26Jan2009 returning from walking his dog at Dog Beach/Short Beach, Sandy Bay and in the company of Stuart Russell (since jailed for murder), Michael ? and a 14-15 year old "*plain Jane*" young girl with straight, dark hair in a bob – shoulder length – and no shoes. Pargiter had told Brocklehurst that he had met the trio on Short Beach where they had "*come out of nowhere on a dinghy*". [Other possible renderings of his name are **Partiger** and **Pargeter**. An online search has revealed little, though a **Simon Russell Pargiter** has been found, whose obituary records:  
*Born in England on 23 May 1957*  
*Passed away on 11 May 2014*  
*Aged 56 years*  
(see: <https://www.heavenaddress.com/Simon-Russell-Pargiter/473595/photos>)  
[His house now ( early 2019) seems to be an AirB&B) A plaque near the front door give the name of the cottage as '*The Parge*']

**Partos, George** previous-but-1(?) owner of FW; he was contacted by SNF for info on condition of FW [Shapiro agreed facts: 20100923 220 10] [Tanner, Partos, Snowden, Chappell/Neil-Fraser]

**Peet, Fiona & John** best mates of Bob [Sinnitt 20100930 734 30]  
Was reported thus in *The Advocate* (21Mar2019):  
Fiona Peate, friend of both Neill-Fraser and Bob Chappell, said she believed Neill-Fraser was innocent.  
*"It's not possible she could have done this,"* Ms Peate said.  
*"What she's been through is beyond the pale."*  
[<https://www.theadvocate.com.au/story/5968281/neill-frasers-family-extremely-grateful-for-appeal-bid-win/>]

<b>Percy, Mr Tom</b>	QC, barrister, involved in 2 <sup>nd</sup> Appeal hearings before Justice Brett (and Shan Tennent J) for Sue Neill-Fraser.
<b>Pergus, Maryann</b>	work associate of Bob Chappell.
<b>Person D</b>	a long colourless <i>female</i> hair was found (a.m. 27Jan09) on the deck of FW, not yet matched to any known person.
<b>Person E</b>	Meaghan Vass, before her DNA was identified (see <i>Vass, Meaghan</i> )
<b>Plunkett, Todd</b>	Police Const, then of Glenorchy CIB, Crime Response Unit; he located red jacket, placed it in the boot of Sgt's vehicle
Porter, David	Justices Shan Tennent, David Porter and Chief Justice Ewan Crawford were the three (Full Court of Criminal Appeal) justices who rejected SNF's appeal which was heard on 11Aug2011.
<b>Powell, Jane</b>	yacht owner, returning to Sandy Bay marina, sees woman in light grey dinghy with black outboard in white wet weather jacket heading out [Powell 20100927 435 5-19]
<b>Powell, Peter</b>	Detective Inspector, OIC of investigation, learns from Olgilvie of the SNF visit to Marie Esplanade, wanted a statement from Olgilvie... With Detective Reardon he conducted a video interview (8Mar2012) of Stephen Gleeson.  Powell left the police force in 1998, later rejoined it. [see here from 1999: <a href="https://www.examiner.com.au/story/642699/drug-squad-clean-out/">https://www.examiner.com.au/story/642699/drug-squad-clean-out/</a> ]  See his LinkedIn bio: <a href="https://au.linkedin.com/in/peter-powell-365a5643">https://au.linkedin.com/in/peter-powell-365a5643</a>
<b>Pratt, John</b>	Police Sgt, a diver and dive supervisor, on another nearby vessel, Freycinet, with Const. Round when Wilby goes out to FW 27Jan09
<b>Purcell, Brian</b>	Police Constable, Dog Handler Unit, conducted (29Jan2009) an unproductive search with dogs on the FW ... (for drugs?) but there was water still in the bow, and some in the saloon.
<b>Puurand, Julian</b>	Police Officer, (Detective): took a number of statements from various witnesses during the investigation. Went (20-23Mar2009) with Sgt Conroy to Qld and Syd to interview various people, including Anne Sanchez.
<b>Reardon, ?</b>	Police Detective and Detective Inspector Powell conducted a video interview (8Mar2012) of Stephen Gleeson.
<b>Redburn, Melanie</b>	Constable, Forensic Services, Hobart, 1 <sup>st</sup> witness at the trial, took photos and fingerprints 27Jan, 28 <sup>th</sup> Jan, 30Jan(?) and

with Deb McHoul on 3Feb 2009: FW + Quicksilver Dinghy [Redburn 79 5... ]

- Reuter, Klaas** made statement to Conroy about the FW pumps (*Australia-wide Boatsales Office at Newport Marina*) [CT222-35] Showed SNF the operation of the plumbing on the FW, including the location of the cut pipe and of the seacock.
- Reynolds, Mark** Expert witness, gave evidence over two days (30 & 31Oct2017) to the effect that the luminol tests (in the dinghy) proved nothing at all and that while unable to rule out the Vass DNA being a secondary deposit, he thought that it was more likely that it was primary – i.e. deposited directly by her.
- Rheiner, Robbie** 'sold' to SNF and Bob his still current survey of the FW, using Jeff Rowe as an intermediary.
- Richardson, ?** Sgt: State Security Unit, responsible for Dog Handling Unit (sniffer dogs onto FW)
- Richter, Robert** Victorian Barrister and Q.C., wrote to Tasmania's then Attorney-General, Brian Wightman [c. **Aug2013**] asking for a Commission of Inquiry. This letter had a seven page letter attachment. It contained details of 'new and fresh evidence'. On **11May2017**, in the (Tasmanian)Premier's Murray St office, [**Richter, accompanied by Colin McLaren**] met with Will Hodgman (the Premier), acting Attorney-General Matthew Groom and Solicitor-General Michael O'Farrell. He: expressed his concern that there had been a miscarriage of justice, offered a detailed investigative dossier exonerating Neill-Fraser and naming the two men his team believed killed Bob Chappell. The 25 page dossier [aka the 'White Paper'] named Meaghan Vass as having been aboard the Four Winds at the time of the murder and who was "*in danger and required protection as well as witness indemnity*". [He] requested the Government institute a judicial inquiry, even a Royal Commission if they preferred, **and** suggested recruiting investigators with more experience in complex murders than could be expected in Tasmania **and** the inquiry be led by someone removed from local pressures, possibly a Director of Public Prosecution from another state.
- See:**  
<http://www.abc.net.au/news/2013-08-16/a-prominent-queens-counsel-calls-for-an-inquiry-into-a-tasmania/4891952>  
**and...**  
***Top barrister bid to revisit murder case*** / Charles Wooley (SLT/LINC library members' resource):  
<http://infoweb.newsbank.com.instance1.ezproxy.education.tas.gov.au/resources/doc/nb/news/1665DDF4F8507D18?p=AUNB>  
**and...**  
<https://www.smh.com.au/national/death-on-the-derwent-secret-file-could-prove-yacht-killers-innocence-20170822-gy1pix.html>

**Ringrose, ?** The ROI dated 4 March was transcribed by Ringrose on 21 August 2009. She transcribed from CD: HO1/178/09. Both original DVD's remain in the exhibit register of the Supreme Court – P68 and P70.[CORONER HAY: RIID 20140117]

**Roberts, Bruce** designer of the 'Roberts 53' (the *Four Winds* was a Roberts 53)

**Rogers, ?** Police Sergeant who interviewed Stephen Gleeson in Sept 2014 over an assault on Chris Goss.

**Round, ?** Constable, with Pratt on Freycinet police vessel 27Jan2009.

**Rowe, ?** Detective who with DtvS Sinnitt and Puurand accompanied D.I. Powell when he arrested SN-F.

**Rowe, Jeffrey** yacht broker at Scarborough (Newport Marina, Redcliff Qld) through whom the FW was purchased. Gave evidence at trial that he had had some calls from SNF, in one, on Jan 8, she had told him that she and Bob had broken up.

**Rowe, Yvette** wife of Geoff Rowe (the FW yacht broker). She first showed SNF and Bob the FW.

**Rowe, Paul** associated by Coroner with Yaxley (aka Little) & Gleeson (the homeless men) and Trixie (who'd gone to NZ) [CORONER HAY RIID 20140117] – also rendered [more correctly] by Coroner as 'Wroe' [see: [Wroe, Paul](#)]

**Russell, ?** one of two (see: *Williams, Kent*) Consts said to have performed dive search around FW mooring, deployed by Sgt Pratt.

**Russell, Stuart Barry** said by Brent Brocklehurst to have been with another man 'Michael' and a teenage girl on the Sandy Bay [Dog Beach] foreshore, having "*come out of nowhere on a dinghy*". [also, see link: Williams, Brett (PDF, 370.1 KB) who was murdered by Russell (at Eggs and Bacon Bay) on Fri 16Dec2011. Before this, in mid 2011, Russell had been an inpatient at a psychiatric unit in Hobart.

**Sale, Ian, Dr.** (Consulting) Psychiatrist, also prepares forensic reports; seen by SNF, recommended by Rob Walters, SNF's doctor [see 'Rob Newton' who is also identified as SNF's GP - [SNF 1201 31]]

**Sanchez, Anne** (1<sup>st</sup> name actually Caroline): older sister of Bob Chappell [Sanchez 20100923 238 5...] also rendered as Ann.

**Shapiro, Mr** Prosecution Counsel, conducted some of the examination of witnesses during the trial.

## 'Sharkie'

a friend of Meaghan Vass: a Devil's Henchman bikie boss called "Sharkie". [According to Nino Bucci, SMH: [Death on the Derwent : In Search of the Truth – Here]] 'Sharkie' is a 'Devil's Henchman bikie-boss: "Vass, at this stage, was sharing a boyfriend with the inmate, a Devil's Henchman bikie boss called "Sharkie".' During Vass's evidence (30Oct2017) Vass named 'Ronald McKenzie.' as a friend of Karen Keefe, who came and saw her when Keefe got out of prison, Keefe was a friend of [inaudible ... name uncertain – perhaps it was 'Ronald MacKenzie.']. [A2A]: Sharkie was a friend of Meaghan Vass.

## Shield, Stephen

12:45 pm: **Stephen Alexander Shield** [A2A] told the court that he was was a boat broker for 20 years in Sandy Bay who worked out of the Chandlery near or with Eddy Hidding. In 2009, he was operating in the chandlery, selling on commission; his desk faced the front of the building. He knew SNF who called into the brokerage regularly, they talked about yachts that were for sale for 12 months prior to Australia Day 2009. She came into the brokery on approximately 10 occasions and he had showed two likely yachts to her and Bob Chappell. but they bought one in Queensland.

Mr Shield also knew Paul Wroe, who came in on occasions. Wroe had asked him to sell his boat for him prior to Australia Day 2009, but when he looked at it, it was too dirty to interest him. The boat was OK on the outside, but was smelly and dirty, and had fire damage. He (Shields) wouldn't sell it for him. Wroe wanted to moor his boat at the nice jetty opposite Robert Clifford's house at the bottom of Derwent Lane, but he (Mr Shield?) told him he couldn't so he (Wroe) said he'd go on a mooring. [Robert Clifford: 'Bob Clifford', founder of INCAT.] Mr Shield located Wroe's mooring near to that of the Four Winds, between Derwent Lane and a bit north of the Four Winds. Mr Shield said Wroe was scruffy, smelly, of untidy appearance and had bad breath. He recalled that he had been banned from drinking at the Derwent Sailing Squadron and the Royal Tasmanian Yacht Club. [Royal Yacht Club of Tasmania]

Mr Shield said he knew Grant Maddock; he had a distinctive yacht of varnished timber, named *Apache*. He described Grant as thin and fit, slightly longer hair than now: shoulder length now. [Media reports – and Maddock's own evidence, given later - record Maddock as having shoulder-length hair in 2009. In court (1Nov2018), Maddock was short, slim, wearing a short sleeve working-shirt, and had short white/grey hair.] Mr Shields added that Grant Maddock (had) had a boat 'out from the marina'. Mr Shields told the court that he had not been questioned by the police and didn't attend the trial.

Shield made an affidavit on 19June 2017

## Sice, Andrew

Detective-(Constable?) on the SNF case.

## Sinnitt, Shane

Detective, he and Det. Milazzo visit SNF at home 5Feb2009 etc...

**Smith, ?**

Detective Sgt, given a list by Jim McKinnon of the mechanical problems on FW [McKinnon 20100928 535 10].

**Smith, Chris**

59 years of age, has lived in Hobart since 1993.

Came to fix bilge pump on FW when at Constitution Dock 27Jan09.

-manager of *Cleanlift*, did/does evaluations for insurance, bought the *Four Winds* when it was put up for tender.

Gave evidence 1Nov2017 to 2<sup>nd</sup> Appeal application hearing re his involvement with the sinking yacht (27Jan2009), his assessment that it had been scuttled, his finding skin and hairs on the forward hatch and coins on the deck of the FW.

**Smith, Gary**

**31Oct2017 Gary David Smith [A2A]** : had been a business man till he sold his ship chandlery business which was called *Marineline*. He had sold it to John Brierley “*eighteen months ago*” i.e. around about March 2016. He lived in Hobart and had done so “*...all my working life.*”. From June 2011, *Marineline* was located on the foreshore near Battery Point in Napoleon St. The building had a white perimeter [?] and the Muirs Boat Yard jetty was just below it. He lived at Unit 3/10 Nelson Road, Sandy Bay. In January 2009 he had a share in a boat called *Fork in the Road*. It was usually berthed in berth 23F at the RYCT, in the second row of boats, behind the old sea-wall. When going out in his boat to race, starting off Casteaux [D’Entrecasteaux channel?] he would see the *Four Winds*, on its moorings, “*it looked like a twin masted cruising sailing yacht.*” He had launched his boat in August 2008. In court and shown a diagram (Exhibit 9) he said that the red dot [apparently] indicating the position of the *Four Winds* was beyond the outer lines of the other boats, whereas he would have thought that it was probably “*in a little bit further than that, just a little bit.*” [see similar image in the entry for 26Jan2009] Over several days he saw (coming down Queen St and turning right [into Marieville Esplanade] to go to the RYCT, “*where the Hutchins Rowing sheds and the scout hall is*”, an old type of motorised inflatable boat, seemingly tied up to the rocks [at a point next to where Stephen Gleeson’s yellow car would park] and he thought, “*Why would you tie a plastic membrane inflatable boat up against sharp rocks with oysters?*” and having seen it over several days thought that someone wasn’t looking after their boat, the sea breeze coming in there and it banging up there against the rocks. Smith said that its position (compared to the words ‘Sandy Bay’ on the map image [Exhibit 9?] was probably in line with the letter ‘D’ in ‘Sandy’.) He had been in a vehicle when his attention had been caught by it, him thinking that it banging up against the sharp, bluestone rocks meant that it had either come off a boat or that [if it had been left there by someone, ] someone had been “*pretty irresponsible*”. He saw it at least three times on different days, it must have been in the afternoon, because a sea breeze was coming in. From his business (then in Argyle St) he’d come down to Sandy Bay from work. [He may have been on the road in Marieville Esplanade when he saw the inflatable boat.] It was some 100-70 metres from him in his vehicle. It looked old, not new, because “*once they get old, they fade and they show marks and that on them.*” He could recollect that it was a light grey. He wasn’t close enough to see if it had any markings on it. “*It looked like – it was tied to a rock, there was a rope and it was banging in the rocks*”. He thought that “*someone’s inflatable’s not going to stay blown up very long*”. He couldn’t say whether he’d seen it on Australia Day [2009]. They wouldn’t have been working on that day, though he might have gone up to the business, he probably would have gone down to

his yacht [at RYCT; on Aust. Day] though he couldn't say that it was on this day that he saw the dinghy. He had seen the dinghy around three times over several days in January, before the incident on the *Four Winds*. The dinghy was old, i.e. it did not look like a new inflatable. He had earlier [not to the court] said that it was 'scruffy', 'shabby' and agreeing to this, he called it 'faded'.

He was shown photos of a [the *Four Winds*] dinghy and called it "*an inflatable in a reasonably good condition*". He agreed that it had markings and said that it had the '*Quicksilver*' brand name, with which he was familiar, being in the marinas industry. He said that the photo seemed to look like *Short Beach* and that [this] dinghy looked like it was "further out" (near the letter A in the word <Bay> in the words <Sandy Bay> [i.e. 'further out' along the spit than the dinghy which he had seen had been, though the distance between the two positions would in my view (using the LISTmap measuring tool) be approximately 20-25 metres.] The dinghy that he had seen was facing the other way, i.e. its outboard motor facing the road [Marieville Esplanade] and its bow facing towards where the sea breeze was coming from. Being 70 metres from it, he did not recall whether it had stripes or not and asked about the two 'pontoons' [i.e. pointy, rear projections of the inflated tubing along the sides of the *Four Winds* dinghy] said that these were typical of 80% of inflatables and in that sense it was a normal inflatable and that the dinghy he had seen was a normal inflatable. He had been driving slowly, and from 60, 70 metres away had glanced [at the dinghy], he had not been close enough to read any signs on the dinghy. Each time he had seen the dinghy, its bow was facing into the sea-breeze and the starboard side was banging into the rocks, whereas the *Four Winds* dinghy shown in the photograph was around the other way.

XXN: [His evidence about when he saw the dinghy] was that it was "*in late January*". It could have been on Jan 26, he definitely saw it on one of the days, the tide was out and it was a stiff sea breeze. It could have been the same dinghy as that [the *Four Winds* dinghy] shown to him in photos. He remembered it being tied up to the rocks, an outboard on it, each time it [the dinghy he had seen] was facing the other way and looked like someone didn't care about it.

[From notes]:

local businessman: appeared on '*Shadow of Doubt*'; he saw a "*scruffy looking grey*" dinghy "*rubber ducky*" sitting along the rocks on quite a few days. **Smith gave evidence 31Oct2017:**

Garry David Smith was a business man in ship chandlery. He sold his business, 'Marine Line', 18 months ago [i.e. in 2016] to John Riley. In January 2009, he had 50 per cent share in a yacht at the Yacht Club [RYCT?] and pointed to the position of his mooring at the Marina on the large photo. He described the *Four Winds* as a twin-mast cruising/sailing yacht. He launched his own boat in August 2008 and started racing and when racing in 2008-9, would go out and return past the FW. Asked if he noticed anything different or unusual in January 2009, he said that when coming down Queens St... ..he saw an inflatable [dinghy] tied up to the rocks[...] at the rowing shed. ...he had seen an inflatable boat tied up on the rocks beside the Hutchins School rowing

shed. He saw it several times on several days banging up against the sharp rocks. He didn't think the owner was a responsible person. He described it as old, faded, inflatable and with a motor. It wasn't new, showing marks on it, a light grey colour, shabby, no markings that he could recall that might have given it a name, though he said that it was maybe 170 m away, too far to see markings. Smith said that he had seen it banging on “*sharp bluestone rocks*” that he saw it at least three times on different days when there were sea breezes. He said that he'd seen it around to the 20<sup>th</sup> (Jan2009) It was there on 20th January for several days, not every day. Smith thinks this was before Bob Chappell disappeared / before the FW incident . Asked whether the dinghy was scruffy, shabby, he replied “*Yes, faded*”. He said that he had never seen the FW dinghy and when shown a photo of the *Four Winds'* dinghy, *Quicksilver*, he said it looked in pretty good condition (by comparison assumed) He referred to it as: “*an inflatable in a reasonably good condition*” and asked about the dinghy that he had seen, said “*I don't recall whether it had stripes or not*” and that it was 60-70 metres away, certainly not close enough. However [of the FW dinghy], he added: “*This particular boat looks like it's in pretty good condition*” After confirming his information to Mr Shapiro, also a prosecutor, in cross-examination, that he was driving past one day when the tide was out and there was a breeze, he saw the boat tied up to the rocks and thought it looked like someone didn't care about it, Q Shapiro: It was in late January? A Smith: “*it just looked like someone didn't care about it*”

- Snowden, Steven** Previous owner (his partner Geraldine a co-owner) of FW, Made statement to Dtv Sgt Conroy [Shapiro agreed facts: 20100923 221 33] [Tanner, Partos, Snowden, Chappell/Neil-Fraser]
- Sparkes, Laura** 60 Minutes executive to whom Donna Adams (Assistant Police Commissioner) complained (28Aug2014) about the 24Aug2014 TV show.
- Steane, Paul** Police Sgt, OIC Police Dive team, worked with the Victorian dive team 17April2009
- Steve and Mary** best mates of Bob [Sinnit 20100930 734 30]
- Stevenson, Lifu Mai** present at Stephen Gleeson's unit when Gleeson bashed Christopher Goss [ Victim unable to recall alleged attack with antique iron ... - ABC ]
- Stevenson, Peter** one of the yacht delivery crew, told detectives about the FW floor panel and the electrical panel [Ellis 20090921 63 35] His role in the delivery of the FW was “responsibility [...] for the passage plan and navigation and [involvement] with the safety aspects of the boat” while **David Casson's** was involvement “with the engineering and mechanical operations of the vessel[Ellis 20090921 148 40]

- Stockdale, Craig** Uniformed police constable, went to Marievile Esplanade with Constable Etherington, then with Daryl Balding went out to the sinking Four Winds.
- Sulman, Andrew** Police Sergeant, in charge of police at Marievile Esplanade, liaised with Det. Wilby, was given SNF's mobile by Constable Stockdale.
- Tanner, Bob** previous-but-two owner of the FW [Tanner, Partos, Snowden, Chappell/Neil-Fraser]
- Taylor Bros** '*Taylor Bros Slipway and Engineering*': marine engineers, Battery Point Hobart: two of their workers who worked on FW were Goodfellow and Krakowiak.
- Tennent, Shan** Justices Shan Tennent, David Porter and Chief Justice Ewan Crawford were the three (Full Court of Criminal Appeal) justices who rejected SNF's appeal which was heard on 11Aug2011. Tennent was also the Justice originally hearing the 2<sup>nd</sup> Appeal application, until she recused herself after a defence application.
- Thompson, Jeff** lawyer, charged with pervert justice: [Stephen Gleeson told the 30Oct2017 2<sup>nd</sup> Appeal court that] Chris Goss and a Paul [...?] were members of the Rebels [Outlaw Motorcycle Club]. Gleeson told the court that these men operated a brothel in Sandy Bay that was owned by a [Hobart?] detective. The Rebels put a hit out on him [Gleeson] [and/also] Jeff Thompson leaked the information to the underworld “*so he wouldn't be here today*” Gleeson told the court that he was now under protection.  
Thompson was instrumental in getting Meaghan Vass to sign the 27Apr2017 'I was on the yacht' statement at Rosie O'Donnell's place. [A2A]  
**11July2016...** Between this date and 16Jun2017 Colin McLaren, Barbara Etter or **Jeff Thompson** paid Gleeson 20 visits in prison. [A2A]
- Triffett, Phillip** former partner of Maria Hanson, testified of SNF's desire to kill her brother Patrick Neill-Fraser and Bob Chappell.
- Triffett, Brian** nephew of Phillip Triffett: Phillip received MDF stairs from him. [Triffett 201000930 833 11]
- Urban, Andrew** media personality who post-trial took up SNF's cause, e.g., in the Australian 20150325, pg 11 and here: <http://tinyurl.com/zco38jn> . Wrote *Murder by the Prosecution* (Wilkinson, Melbourne 2018): blogs under “Wrongful Convictions Report [<https://wrongfulconvictionsreport.org/>]
- Vass, Meaghan** [Meaghan Elizabeth Vass]: her DNA was found on the deck of FW, this homeless girl first referred to as *person E*, before her DNA was identified. DOB 14Oct1993. 30Oct17: now 24yo, no fixed address.

[A2A]: has lived basically in the northern suburbs, New Town, Moonah, Glenorchy. Also (she thought it might have been after the trial) in Sandy Bay [p 32.]

Did not know Stephen Gleeson, Paul Rowe or Adam Yaxley [A2A]

Angela Atkins – Vass’s mother [ <https://tinyurl.com/y64exak3> ]: *60 Minutes: A 10-year-old murder case and the call that could change everything*

### **Vass and the Law**

**29Sept2010:** At the trial of Neil Fraser, Vass said that she’d never been on the *Four Winds*.

**27Apr2017:** Vass signed a stat. dec. saying she had been on the *Four Winds* on Australia Day 2009. [A2A]

**04Sept2017:** Vass to be interviewed by police? No. Principal (Police?) Legal Officer, Mark Miller wrote to Vass’s then solicitor, Fabiano Cangelosi requesting an interview with Vass: it did not take place [A2A]

**##Oct2017:** Police receive a note saying that Vass was going to repudiate her 27Apr2017 stat. dec.

**30Oct2017:** At the A2A hearings, Vass gave evidence saying her 27Apr2017 statement was all lies.

**18Oct2018:** Vass [arrested & bailed?] for possession of cannabis... to receive a summons. ‘*Complaint 92 of 2019*’ [ Urban ‘*Open Letter...*’ <https://tinyurl.com/yyhv83ol>] ]

**25Feb2019:** Vass makes affidavit - apparently along the lines of what she told *60 Minutes*. [this source unknown, but later Justice Brett (21Mar2019) says that it “purports to have been signed on 25 February 2019” (see his decision to allow the 2<sup>nd</sup> appeal at [2019] TASSC 10 )].

**06Mar2019:** [Wed.] *60 Minutes* shows weeknight previews of its coming ‘Vass says she was on boat’ screening. [ <https://www.9now.com.au/60-minutes/2019/extras/clips/clip-cjswww4r1000m0jmo2939ubkx> ]

**07Mar2019:** Vass picked up by police for questioning (Urban in 23/4/2019: *Open letter to Tasmanian AG Elise Archer MP re TasPol & Meaghan Vass*) [see: <https://tinyurl.com/y628ndwl>]

**08Mar2019:** Police picked up Vass on a street in Claremont. According to Prosecutor Goodwin, they arrested her on an ‘active warrant’ (alleged failure to attend court), found cannabis in her handbag, took her to Hobart Police Station where she was asked a series of questions [by Damian George] and while she agreed the items were hers, according to Prosecutor Goodwin (18Apr2019) she “*Provided no comment to all other questions put to her.*” [see transcript in Andrew Urban’s 10May2019 ‘*Open letter 2 to Tasmanian Attorney General Re TasPol & Meaghan Vass in matter Sue Neill-Fraser*’ [ <https://tinyurl.com/yyhv83ol> ] ‘*Complaint 2891 of 2019*’

- 10Mar2019:** 60 Minutes screens Liam Bartlett's interview with Vass – she says she was on FW, SN-F wasn't there, saw Bob Chappell being killed. [ <https://www.youtube.com/watch?v=YHkoS80Ln0w> ]
- 11Mar2019:** Police media statement? [if there was a M.R., it is not available on TasPol website] Assistant Commissioner, Richard Cowling, is thought to have made a statement: (see Urban at *Open letter to Tasmanian AG Elise Archer MP re TasPol & Meaghan Vass*)
- 12Mar2019:** *The Advocate's* Emily Jarvie wrote that Commander Cowling claimed that Vass was re-interviewed last week after 60 Minutes “*promotional material suggested a new version of events*” and claimed that Vass had recanted: “*The version of events given by Ms Vass on 60 Minutes is contrary to her previous police interview, contrary to her sworn evidence in court and contrary to last week's police interview,*” *Commander Cowling said.*” [ ‘High-profile murder interview restricted’ *The Advocate* ]
- 13Mar2019:** A friend of Vass's, Andrea Brown, claimed publicly [in Urban's *Wrongful Convictions Report* @ March 13, 2019 at 12:48 am and again @ March 21, 2019 at 10:03 pm ] that Vass had said no comment to all that she was asked by police officer Damian George. This claim was later corroborated (18Apr2019) by prosecutor Goodwin in court. Goodwin, who had told the judge that while admitting that the drug items were hers, Vass had provided no comment to all other questions put to her on March 8. [see entry below: 18Apr2019 and [see transcript in Andrew Urban's 10May2019 ‘Open letter 2 to Tasmanian Attorney General Re TasPol & Meaghan Vass in matter Sue Neill-Fraser’ <https://tinyurl.com/yyhv83ol> ]
- 15Apr2019:** Matt Denholm in *The Australian* wrote that he understood that Vass had been contacted by Tasmania Police and had told them that her claims in the *60 Minutes* interview were untrue. [*Yacht murder witness changes her tune again* <https://tinyurl.com/y44frdqx> ]
- 18Apr2019:** Prosecutor Goodwin, appearing before Deputy Chief Magistrate Daly in relation to the two drug charges against Vass, noted to the court that Vass, when arrested, had admitted that the drug items were hers, but that she “*Provided no comment to all other questions put to her.*” Vass was represented by Greg Barns. She pleaded guilty to both charges [see transcript in Andrew Urban's 10May2019 ‘Open letter 2 to Tasmanian Attorney General Re TasPol & Meaghan Vass in matter Sue Neill-Fraser’ <https://tinyurl.com/yyhv83ol> ]

**Wagner, ?**

transcribed the CD HO1/348/09 of the Conroy & Sice interview on 7Jul2009  
Both original DVD's remain in the exhibit register of the Supreme Court – P68 and P70.[CORONER HAY: RIID 20140117]

**Wahl, Fallon**

from Tasmania Fire Equipment, identified type of (9kg capacity - 14kg all up) extinguisher, and later supplied one to Det. Sgt Conroy [Conroy 20101001 861 30...]

**Walters, Rob**

SNF's doctor, who refers SNF to psychiatrist Dr Ian Sale (see also *Rob Newton* – which is possibly correct name)

**Watson, Sgt** Forensic Bureau; directed Sgt Michael Maxwell to complete the fingerprint examination of the FW

**Webster, ?** Magistrate at SNF's preliminary (pre-trial) hearing.

**Werne, Mike** the other broker in Stephen Shield's brokerage office (which was at the Sandy Bay chandlery).

**Whitman, Kerry** Senior Sgt, Forensic Services Hobart: it was asserted that she edited CDs and DVDs in relation to the murder investigation as per written instructions and verbal assistance from Detective Sinnitt. [spelling? ... *Whitman* ?]

**Whittle, ?** 1/C Constable: does an analysis of the Allison St computer (finds four user accounts, passwords changed 18Jan2009)

**Wilby, Mark** Dtv, with Plunkett, attended Marieville Esplanade a.m. 27Jan2009, spoke to SNF, later mets Milazzo, Conroy et al. at on FW at Constitution Dock [Milazzo 20100924 278 26]

**Witman, Kerry** (Senior Sgt,Forensic Services) 5April2010 statement: that she edited CDs and DVDs in relation to the murder investigation as per written instructions and verbal assistance from Detective Sinnitt. [spelling? ... *Whitman* ?]

**Williams, Brett** murdered by Stuart Russell [see: Williams, Brett (PDF File, 370.1 KB) **or** [https://www.magistratescourt.tas.gov.au/\\_\\_data/assets/pdf\\_file/0019/412480/Williams,-Brett-Edward-SJC.pdf](https://www.magistratescourt.tas.gov.au/__data/assets/pdf_file/0019/412480/Williams,-Brett-Edward-SJC.pdf)]

**Williams, C** one of two (Russell) Consts performed dive search around FW mooring, deployed by Sgt Pratt.

**Williamson, John** Constable,finger print section,gave evidence located16prints when atGoodwood29Jan09 [Williamson 20100923 228 1]

**Wilson, Robin** Senior Constable, Forensic Services, Hobart. 'Fingerprinter'

**Wilson, Dr Roger** ear nose throat surgeon, Southport, Qld, wrote letters to Isles & Sinnitt [Shapiro agreed facts: 20100923 224 26, 40]

**Witness A** saw 'Weatherbeaten Man' in dinghy coming from direction of FW: Jan 26 19:45-20:30; also on Jan 28 at 6 pm.

**Witness E** man seen on Jan 28 by Witness A (**not the Weatherbeaten man of 26Jan?**): was identified through Pol. enquiries at DSS

**Woodhead, Heidi** (nee Barnes): Police Constable at Forensic Services. She forensically examined FW at Constitution Dock [Woodhead 20100922 96 20]

## Wooley, Charles

journalist, media personality: has involved himself through 60 Minutes and The Mercury, supporting Neill-Fraser's innocence; e.g. see Top barrister bid to revisit murder case *Mercury (Hobart, Australia) - August 19, 2017*

## Wroe, Paul

[see Bib./Resource entry for link:

Paul Wroe: who [had] lived on a yacht **at the Derwent Sailing Squadron for almost two years**, told Danielle McKay (Hobart Mercury 30Jan2009 'Local seafarers harbour no fears'): *"It has all the mystery and intrigue of a book, but it doesn't make me afraid"*.

**also see: Rowe, Paul.** Associated by Coroner with Yaxley (aka Little) & Gleeson (the homeless men) and Trixie (who'd gone to NZ) [CORONER HAY RIID 20140117] – also rendered by Coroner as 'Wroe'. Said to have been present at Sandy Bay/the foreshore when Bob Chappell disappeared.

[According to Paul Wroe], was born on 24 April 1957. On 10 August 1967, his father changed the spelling of the family name by deed poll to Rowe, then in 1996 he reverted to the original spelling. He said he was unemployed but did labouring work if employed. In 2009, he was living on his boat, 'Southern Wright'. **In court, he** had a big bushy beard and told the court, he lived in Congupna, Victoria.

**He normally stayed in Sandy Bay where he had 2 moorings: one down of DSS, and paying Pam Genders \$25.00 per week for [the other] mooring. Then he went to Constitution Dock for about a year. He said he was there from January 2008 and was not there on 27th January 2009.**

**He said that he didn't remember when he left Gender's mooring and was asked was it the 27<sup>th</sup> of Jan,[2009] [Observer's notes do not record a response]**

In response to a question, Mr Wroe said that he didn't know (Eddy) Hidding, though He had purchased a Mercury motor from Eddie Hidding for \$2000. He Was unemployed **and** living off an inheritance from his mother and drinking all day, every day. He said that knew Stephen Shields, the boat seller and that In 2010 he decided to sell his boat and was repairing it for sale. He knew Shane Blackberry.

When shown a photo of himself **in 2009 with no beard** and with a moustache, he didn't recognise himself **until prompted by Mr Percy.** *"I don't know this person"* he said, then agreed it was himself.

He had noticed the *Four Winds* had 2 masts and identified it from a photograph; he knew about the Australia Day incident [**'The Australia Day' incident? The Four Winds was found sinking on the morning after Australia Day, Tue27Jan2009. What incident was Mr Wroe referring to: Bob's possible murder (26?Jan) or the sinking FW.. (27Jan)?**].

In the days after Mr Chappell's disappearance from the Four Winds, and before Neill-Fraser was charged with murder, Mr Wroe was interviewed by the Mercury.

*"It has all the mystery and intrigue of a book, but it doesn't make me afraid,"* he said about

the incident.

**[Accused to get his day in court**

*Mercury (Hobart, Australia) - November 1, 2017*

Author/Byline: PATRICK BILLINGS ]

He said he'd lived on his boat from 11th November 2007 until October 2010.

He acknowledged that he had operated his boat under the influence of alcohol and was charged with being intoxicated while in charge of a vessel. He said that he was charged with having an unregistered vessel, not having a licence and with “*entering a prohibited s/place*” [i.e. inaudible... 'place' or 'space?'] He said that in 2008 he was convicted of operating the boat while intoxicated. Mr Wroe said that the tiller had snapped, that the water police [had come?]. Gleeson [read: Wroe?] was drinking.

He met 23/4/08 Gleeson at Knopwood's hotel. At the time Gleeson was living in his yellow XF Ford Falcon and cooking on a “*Gas Mate*” gas stove, in or near to car.. He visited him a couple of times a week and said they were both alcoholics. Wroe said: “*not chronic but I was an alcoholic for sure*”.

He said that he was not experienced with boats, that he hadn't had much to do with boats in recent years and doesn't know how to sail a boat, only how to motor it. He said Stephen Gleeson and David Cummings sometimes helped him to "sail" it.

Mr Wroe told the court that on 30Dec2008, his boat [had been] blown ashore [on 29Dec2008] and that there was a newspaper article on the boat [see “*Ragged Rescue*” *The Mercury*, 30Dec2008]. When shown an article from the *Mercury* when he was blown ashore he said that he used a green kayak most because his dinghy was too cumbersome.

He offered them/ was willing to give (the Police) his DNA when they contacted him at Constitution Dock April-May 09, before the trial.

He stated he had never met the Doc (Bob) or his wife and that he “*Never at all*” went on t. boat.

Wroe said that on 26 January 2009, he was in the Sandy Bay area, on his boat and sleeping there in his bunk. He said that the next morning he was questioned by Detectives at the DSS. He said he saw Gleeson the next day.

When questioned [*unclear if the questioning related to the Detectives at the DSS on 27Jan2009, or to being*

Mr Percy yesterday asked Mr Wroe if had ever said Chappell “*probably had it coming to him ... I always get the last laugh*”, to which Mr Wroe replied: “*No.*” Mr

questioned in court on this day, 1Nov2017], he denied ever being on the Four Winds and denied ever discussing it with Gleeson and denied he had said of Bob Chappell, "He had it coming to him; I've had the last laugh". He said: "I've told you that I've never been on the 4W at all" "I've never met the Doctor and I've never met his wife" and said that he intended to sue Gleeson for defamation.

Wroe said he intended to sue an earlier witness who had -described him to the court as a "serial killer". He denied this witness's claims that he had visited Chappell on the Four Winds, and that he had confided - about three weeks before the murder - that he wanted to rip Mr Chappell's "gold teeth out of his head with a pair of pliers".  
**[Witness denies link to yacht murder**  
*Australian, The/Weekend Australian/Australian Magazine, The (Australia) (Published as Australian, The (Australia)) - November 2, 2017 Author/Byline: MATTHEW DENHOLM TASMANIA CORRESPONDENT]*

He said that he didn't see homeless kids and that he didn't know Meaghan Vass. Gleeson, he said, would come to the Southern Wright for a drink. He said that He left the mooring some months after that Australia Day, that he didn't leave the next day [i.e. c. 28Jan2009] and that DSS records would show that it was slipped. He agreed he had met with the Director of Public Prosecutions yesterday.[31Oct2017]

FURTHER MEDIA REPORTS ON WROE'S EVIDENCE:

Paul Wroe, 60, yesterday told an appeal application by murderer Susan Neill-Fraser that he had never met Chappell and that claims by a previous -witness that he was a "serial killer" were -defamatory. "No, I never met the doc and I never met his wife," Mr Wroe told the Supreme Court hearing in Hobart.  
**[Witness denies link to yacht murder**  
*Australian, The/Weekend Australian/Australian Magazine, The (Australia)*

Neill-Fraser's counsel Tom Percy asked Mr Wroe if he had ever been on the Four Winds. "I've never been on the Four Winds at all," Mr Wroe said. "I've never met the doctor or his wife."  
**[Witness grilled in Neill-Fraser appeal**  
*Examiner, The (Launceston, Australia) - November 2, 2017 Author/Byline: Rob Inglis]*

A MAN accused of being a serial killer during a Hobart murder appeal says he is "devastated" by the wild claim and will take legal action. Over the past three days, Hobart's Supreme Court has heard sensational allegations about Paul Wroe - from him being a serial killer to wanting to rip murder victim Bob Chappell's "gold teeth out with pliers".  
 Mr Wroe, who lived aboard his yacht Southern Wright at Sandy Bay when Mr Chappell disappeared, yesterday got his chance to say his piece.  
 "I've never met the doctor and I've never met [Susan Neill-Fraser]," Mr Wroe said.  
 "Just for the record I intend to sue [the witness] ... for making defamatory accusations." Neill-

(Published as Australian,  
The (Australia)) -  
November 2, 2017  
Author/Byline:  
MATTHEW DENHOLM  
TASMANIA  
CORRESPONDENT]

Fraser's lawyers have sought to place others, including Mr Wroe, at the Sandy Bay foreshore around the time of the murder to raise doubt about whether she was responsible for the killing. On Monday, they called on Mr Wroe's old drinking buddy to place the 60-year-old at the foreshore. The witness did this but in a bizarre development also labelled Mr Wroe a serial killer responsible for up to four murders. The man also claimed he worked for ASIO and would lie to set Neill-Fraser free. Outside court, Mr Wroe said he was shocked when he read his old friend's claims. "*I read what he said and I was devastated by it,*" he said. "*I'm sorry about what happened and all that sort of thing, but I never met [Mr Chappell] and never met his missus.*" In court, Mr Wroe was grilled over his criminal record which dated back to the 1970s and included malicious injury, firearm offences and multiple police assaults. Mr Wroe said he could get violent when drinking in his younger days but was now "*old and mellow*". During his testimony Mr Wroe's memory ranged from recalling his friend's 2009 number plate but not recognising himself in a photo taken about the same time, prompting laughter in the court. He denied ever saying he wanted to extract Mr Chappell's teeth and said he'd never broken into yachts or knew Meaghan Vass.

[**Witness rocked by killer claims** Mercury (Hobart, Australia) - November 2, 2017 Author/Byline: PATRICK BILLINGS]

Mr Wroe confirmed he had a string of past convictions, including for assaults and malicious wounding, notably stabbing a bouncer in 1997, but said most were from his youth in the 1970s, when he would "get lippy" with police while drunk.

[**Witness denies link to yacht murder**

Australian, The/Weekend Australian/Australian Magazine, The (Australia) (Published as Australian, The (Australia)) - November 2, 2017 Author/Byline: MATTHEW DENHOLM TASMANIA CORRESPONDENT]

Counsel for Neill-Fraser, Tom Percy QC, has told the court that Mr Wroe's yacht, on which he lived, was in "close proximity" to the Four Winds on the night, and that Mr Wroe had a "criminal -record for violence dating back some 40 years".

**Witness denies link to yacht murder** Australian, The/Weekend Australian/Australian Magazine, The (Australia) (Published as Australian, The (Australia)) - November 2, 2017 Author/Byline: MATTHEW DENHOLM TASMANIA CORRESPONDENT]

Following a comment/objection under Section 31A [of the Evidence Act?], Mr Tom Percy went through Wroe's prior conviction sheet. He has pages of charges including malicious injury, assaulting police, escape from lawful custody, possessing and using a firearm, malicious wounding, contravening a violence order, stabbing a bouncer and numerous fines:

27Nov73 was convicted of malicious injury, of assaulting police,  
22Jan 75 stealing car  
Mar75 2 x assault & malicious injury  
77 2 x assaulting police  
1 x assaulting police  
escaped custody prison farm  
Feb77 escaped custody – No [Wroe denied this conviction? ]  
? 78 2 x assaulting police = jail  
Oct78 assaulting police  
85 2 x assaulting police, resisting arrest, malicious injury  
87 assaulting police, common assault,  
possession of gun, using without licence, usig [illegible]  
92 common assault – dismissed  
96 malicious wounding – jail  
2005 contravening DVO (his brother)

Q other convictions in Tas?  
A Just the boating conviction

He had served time in prison and said he changed for the better as a result. The offences were committed at various locations in NSW, Sydney and country areas. He denied knowing anything about Bob Chappell's disappearance.

Q How close was the Southern Wright to the Four Winds?  
A About a kilometre

He agreed that In 2012 he did say it was about 300m. and suggested his boat was one kilometre from the *Four Winds*, because a representative from the prosecutor's office had told him that the previous day although he had previously told the police it was about 300 metres.

<p>Doesn't accept that in younger years he had a tendency to violence when been drinking (i.e. stabbing a bouncer)</p>	<p>He agreed he had a tendency to violence when drinking and agreed he was more than likely drinking on Australia Day 2009.</p>
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Doesn't accept [that he still had the same tendency to violence either] in 2009 or now after he had been drinking.

THE yachtie accused during the Susan Neill-Fraser murder appeal of being a serial killer has strenuously denied the claim. Neill-Fraser's defence team has suggested Paul Wroe was near the Sandy Bay foreshore about the time of the 2009 murder – and a former friend claimed in court on Monday the 60-year-old was a serial killer. But in court yesterday, Mr Wroe, pictured, admitted that in his younger days he could get violent when drinking, but was now "old and mellow" – and no killer.

[**I AM NOT A SERIAL KILLER** Mercury (Hobart, Australia) - November 2, 2017 Author/Byline: PATRICK BILLINGS]

12:10 p.m. DPP Coates asked Wroe questions about his convictions [tending to downplay them]: The prosecution, shared by Mr Sharipo and Mr Coates, went through the prior conviction sheet pointing out that most convictions for assaulting police were committed when he was young; he had no prior convictions for burglary or stealing. He went to prison for malicious wounding and had treatment for his

addiction to alcohol; on release he was under supervision of a probation officer for 3 years. He said that he had come to Tasmania via Devonport [the Bass Strait ferry out of Melb?] and had used his inheritance from his Mum to purchase the vessel, for which he paid Pam Gender \$25 and had another mooring [as well].

He met Gleeson in 2008 and he knew a person called Yaxley. Adam Yaxley was approx 27 years old at the time. He Never saw any teenage girls hanging round with [incomplete note]

Saw FW 25Jan17 doing down river towards Bruny Island. Didn't see it come back. It was the first time he'd seen it.

He said that the first time he had seen the yacht was on Australia Day. [Where was Wroe, to have seen the FW for the first time, on Aust. Day?' Was it 2009?]

Mr Wroe told the court that the Southern Wright had foot bilge pumps. He said that he had never used any electronic bilge pumps, no one ever told him how to sink a boat. *"I've become quite expert at running it aground" 'of course"*

He said that he hadn't seen Gleeson on the evening of 26Jan [2009, i.e. Australia Day]

Mr Wroe said that Mr Gleeson had told him (on 28Jan2009) about the Four Winds 'circus' and about the police being around. he spoke to police at the Sailing Squadron on 27 January. [but] Didn't see Gleeson on 27Jan09. When he saw Gleeson on 28th, he told him he should have been there the previous day for "the real circus".

The Southern Wright was in dry dock for 10 months.

Mr Wroe mentioned a person by the name of Terry Bower.

In Oct 2010 Paul Wroe checked into the Shamrock.

Of the Southern Wright, he said *"It's easier to buy a boat than sell one"*.

From the Dry Dock, the Southern Wright was towed to Derwent Lane wharf.

Mr Wroe said he didn't know Bob Clifford's residence..

Had a dinghy (with motor) it sank and was

Mr Wroe said He met Shane Blackberry when he damaged his

waterlogged ... he said he gave it to Shane Blackberry.	boat, sunk his dinghy and waterlogged the motor.
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Mr Wroe said that he Gave DNA once (day of video) in 2012. At a video [taped] record of interview with police taken in 2012 - some 3 years after Bob's disappearance, he gave a sample of his DNA voluntarily. The Police told him he did **not** have to, but he gave the DNA anyway. [this 'not' word was not present in Obsever's courtroom notes]

Sold *Doctor Who* to Gleesons [from my notes, it seems that Mr Wroe said that he gave the dinghy to Shane Blackberry and also said that he sold it to Stephen Gleeson] He said he sold the yacht in 2012 and he sold *Dr Who* to Gleeson. [by 'dinghy', was Wroe referring by any chance to his green kayak?]

Mr Wroe said that Adam Yaxley was never on the Southern Wright [observer notes read: 'need' rather than 'never'] but that Gleeson was. In Constitution Dock, some homeless people would come on. He didn't know many people in Hobart, kept pretty much to himself. Was friends with the Bosun [Derwent Sailing Squadron], Shane Blackberry.

Q YOUNG teenagers he didn't know any?

A No

RXN Mr Percy...

Mr Wroe said that in 2008, DNA wasn't taken for boating offences.

He said that Police are “*an evil necessity, given some of their background*”

20 years [later, he could say that ], going to jail was a really good lesson for him.

[The police were an] Evil necessity in those days “ <i>they were a law unto themselves</i> ”	When he assaulted police in response to rough handling, he thought they were an evil necessity; he downplayed his violence, saying he had mellowed now that he was more mature; whereas he used to be a law unto himself.
----------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Now [he said] the cops are more “*held to account*”

Q ... A No knives now, no.	He had an 8" knife with a 6" - 7" blade for cutting ropes. He has had no guns since 1980s.
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12:37 Wroe goes. As he left the court, he got a little 'thumbs up' sign from the prosecutor. His record of prior convictions was received.

[According to Stephen Gleeson], when Wroe was 'kicked out of Constitution Dock', he "*hijacked a mooring at Sandy Bay*". Wroe was involved in organised crime. Gleeson [had...] suggested to police [Dtv. Puurand] that Rowe had killed a man [Chris Kotsford? see *Index of Persons: Irwin, Peter*] who drowned at the Derwent Sailing Club and another man [Gary] who drowned at Constitution Dock, describing him [Rowe or the man who drowned at Constitution Dock?] as a serial killer. Wroe had once run aground at Bellerive. When he was kicked out of Constitution Dock, he hijacked a mooring off the Battery Point end of the Esplanade. Gleeson also told the 2<sup>nd</sup> Appeal application court that prior to 26Jan09, (just after the boat arrived) Wroe had been invited onto the Four Winds for a 'house warming'. He later told Gleeson ("*Scuse my language*" prefaced Steve) that [Bob] was a "*condescending old cxnt.*" and that he would "*like to rip his teeth out with a pair of gold pliers*".

[According to Eddy Hidding], who knew Paul Wroe as a client over a 12 month period:

Rowe was "*Short in stature, a bit rough round the edges*", but pleasant, he always paid and was no problem to them. Wroe slept on his yacht and would row from his boat to the little beach between the Chandlery and the Rowing Club.[A2A] Wroe's boat (he didn't know its name [it was: *Southern Wright, but not painted on*]) was directly out from the sailing club and south of the *Four Winds*, about a kilometre apart. [other evidence (Wroe: 31Nov2017, Blackberry, Maddock? et al., ) suggests that on 26Jan2009 Wroe's boat may have been at Pam Genders' mooring].

[According to Stephen Shield], prior to Australia Day [2009], Paul Wroe had asked Stephen Shield to sell his boat Southern Wright for him. When Shield [had?] looked at it [at a later date?], it was too dirty to interest him. The boat was OK on the outside, but was smelly and dirty, and had fire damage. He (Shields) wouldn't sell it for him. Wroe wanted to moor his boat at the nice jetty opposite Robert Clifford's house at the bottom of Derwent Lane, but he (Mr Shield?) told him he couldn't so he (Wroe) said he'd go on a mooring. [Robert Clifford: 'Bob Clifford', founder of INCAT.] Mr Shield located Wroe's mooring near to that of the Four Winds, *between Derwent Lane and a bit north of the Four Winds*. Shield described the location of the *Southern Wright* after it came off the slip as "*southwest of approximately where I recall Four Winds was.*" [A2A] Mr Shield said Wroe was scruffy, smelly, of untidy appearance and had bad breath. He recalled that he had been banned from drinking at the Derwent Sailing Squadron and the Royal *Tasmanian Yacht Club*. [Royal Yacht Club of Tasmania] On 19Jun2017, Shield had signed an affidavit which included the words (in reference to when Wroe had his boat there on the slip): "*At this time I cannot recall whether this was before or after Bob Chappell's disappearance*" [A2A 161 27-28]. He did not see Wroe's boat at the Derwent Lane jetty, but he "*certainly saw it out on the mooring*" [A2A] [the question must be where this mooring was. Mr Shapiro, virtually in the same breath, brought up the other mooring that Wroe had apparently used, that of Pam Gender's mooring, wich was said to be further south, off the DSS.]

[According to Shane M. Blackberry 31Oct2017] Wroe had a couple of front teeth missing and tattoos, didn't have a beard and he didn't shave every day. He had a black belt with studs and drank a lot. Blackberry had met him when Wroe had 'slipped' his boat at the DSS, though he didn't associate with him outside working hours. His boat had had a fire inside it. Blackberry didn't think Wroe

had had his boat on the slip on Australia Day and was aware that Wroe was on Pam Genders' mooring for a while. He'd had a drink with Wroe at Derwent Sailing Squadron. At some stage, Wroe's boat had been on the slip for about six months and Wroe stayed on it most times while it was on the slip. Sometimes he'd come and go.

**30/31Jan2009:** Steve Gleeson saw Paul Wroe 4-5 days after Australia Day. Wroe had had a major fire in his yacht (*Southern Wright*). About the fire, Wroe told him *"We had a little party on board"*, and said he had fallen asleep and knocked the stove over. He had a fire on board [*the Southern Wright*] about 2009 or 2010, *"possibly ... 2009, 2010"*. *end of May* [*may have been referring to the fire, or perhaps to a conviction in 2008*]

**24Dec2008-00Jan2009:**

Just after the boat [*Four Winds*] arrived, Wroe was invited onto the 'Four Winds' for a house-warming. [According to Gleeson, denied by Wroe]

### **Yaxley, ?/Adam**

aka 'Little': one of t. homeless men in RowingClub area. See also Gleeson, Trixie' & Rowe [CORONER HAY: RIID 20140117] [Gleeson said (to police and later to the court?) that it was Adam Yaxley, in the company of a young girl, who knocked on the window of his car late that 26Jan2009 night. However, subsequently when presented with photo boards for identification purposes, he appears to have chosen a photo of Sam Devine as being that of the person who had come to his car. - (A2A). ] Gleeson said that he was a martial arts expert [A2A]

aka Buckhurst/Luckhurst/Lucks: [*see: Gleeson in INDEX OF PERSONS*]: Gleeson was almost asleep when there was *"bang, bang, bang, on the door of the car, on the window."* There were two young people (*"a young woman and a young bloke or young bloke to me"*) who he'd seen before: they were wanting to see if they could heat up some food on the gas cooker. The young bloke's name was Adam Luckhurst [*first rendered in the court transcript as 'Buckhurst'*] He had a unit in Sandy Bay, 'up Churchill Ave way' to which Gleeson had once been invited back for a drink. Shortly after, Luckhurst had his gear thrown out on the footpath for not paying his rent and he had asked Gleeson to pick up his gear and take it to Zeb's place which was in the government housing in Queen St, Sandy Bay. Following a question from Counsel (30Oct2017), Gleeson agreed that Adam's surname could actually be Yaxley [A2A].

### **Zochling, Barbara**

[dec.] Following an accident, she had been treated at the Holman Clinic/Royal Hobart Hospital by Bob Chappell in 2002 and 2004 . She knew him as Robert Chappell or Dr Rob Chappell. On the morning of [*Sun25Jan2009 or*] Mon26Jan2009 (the Australia Day long weekend), she saw Bob Chappell on Short Beach. Behind him was a woman who was talking in a loud, raised voice. Zochling believed that it was the morning of Mon26Jan2009 that she had seen Bob Chappell, and gave evidence at trial to that effect, [*however anecdotal information suggests that it was on the morning of Sun25Jan2009 that Zochling saw him*]. Her evidence was also that the woman speaking loudly/with a raised voice was definitely not Susan Neill-Fraser. [*It is suggested that after giving evidence, outside the court*

Zochling identified the woman she had seen as Ann Sanchez, Bob's sister who was visiting Sue and Bob at the time and who, on Sun25Jan2009, had accompanied them to the FW for a day-trip by sea to Bruny Island.]

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### In text Reference:

Text with square brackets, i.e. [A2A], indicates evidence given during the Leave Application for a 2<sup>nd</sup> Appeal hearings

**Index of persons:** names of those in the entries are by default, in black font. Those who gave evidence at the trial appear in blue, the names of those who gave evidence at the A2A hearings appear in blue with broken underlining and the names of those who gave evidence at both the trail and the A2A hearings appear in blue with unbroken underlining, e.g.

**TRIAL WITNESSES and/or 2<sup>nd</sup> Appeal Application WITNESSES, other persons et al...**

**APPENDIX I**  
**Amended grounds for 1<sup>st</sup> Appeal.**

IN THE SUPREME COURT OF TASMANIA  
COURT OF CRIMINAL APPEAL

No. 929 of 2010

Between:

**SUSAN BLYTH NEILL-FRASER (Appellant)**

**and**

**THE STATE OF TASMANIA (Respondent)**

**NOTICE OF APPLICATION TO AMEND NOTICE OF APPEAL**

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Date of Document:	23 June 2011	
Filed on behalf of:	The Appellant	
Prepared by:	<b>Mackie Crompton</b>	Solicitor Code:
	Barristers & Solicitors	Tel: (03) 6236 9366
	NAB House	Fax: (03) 6236 9355
	Level 5, 86 Collins Street	Ref: Craig Mackie
	Hobart, Tas., 7000	

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**TAKE NOTICE** that, at the hearing of the appellant's appeals against conviction and sentence on 11 August 2011, or on a date directed by the Court, the appellant will apply to the Court of Criminal Appeal to amend the notice of appeal against conviction and sentence (dated 10 November 2010) by **substituting** the following grounds of appeal:

**Conviction Appeal**

Ground 1: A miscarriage of justice resulted from the prosecutor's failure to recall Meaghan Vass, and/or from the learned judge's refusal to recall Ms Vass or to direct that she be recalled, following disclosure, during the subsequent evidence of Detective Sinnitt, of matters concerning the whereabouts of Ms Vass on 26 January 2009, which matters had not been disclosed to the appellant until after Ms Vass gave evidence (T 767-774).

Ground 2: A miscarriage of justice resulted from:

- a) cross-examination of the appellant which suggested that, after the disappearance of Dr Chappell, in order to provide corroboration for her claim of an earlier break-in on the yacht, the appellant made a false diary entry purportedly on 10 January 2009 (T 1307-1309) – in circumstances where the prosecution was in possession of a statement of Constable Tony Fox (dated 4 March 2009) containing the opinion that there was “no indication of the writing on the questioned document being completed on a different date”; and
- b) the failure of either the prosecutor or defence counsel to bring to the attention of the judge and the jury the existence of Constable Fox's opinion.

Ground 3: The learned trial judge erred:

- a) in failing to direct that, in so far as the prosecutor suggested, in cross-examination of the appellant and/or in his final address, that the appellant sought to lay a false trail to divert police by making the diary entry purportedly of 10 January 2009 after the disappearance of Dr Chappell and by deliberately touching the winches on the yacht so as to make “sure her mark was on [them]” despite being told not to do so by police (T 1217, 1307-1309, 1386, 1395 & 1413), those suggestions should be ignored; or
- b) in failing to give directions in accordance with *Edwards v The Queen* (1993) 178 CLR 193 or *Zoneff v The Queen* (2000) 200 CLR 234 in respect of the foregoing suggestions.

Ground 4: The learned trial judge erred:

- a) in leaving manslaughter and the heads of murder not involving an intention to cause death given that this was a “murder-or-nothing” case (T 729, 1519-1520, 1532, 1542-1545 & 1549); or
- b) in directing, in answer to the jury's question on the difference between murder without an intention to cause death and manslaughter, that “likely means something could well happen” (T 1542-1543).

Ground 5: The learned trial judge erred:

- a) in failing to instruct the jury that they could not accept the hypotheses, raised by the prosecutor in cross-examination of the appellant and in his final address, to the effect that the appellant had used a wrench to kill Dr Chappell (T 1297, 1392, 1493 & 1506) and that she had employed yellow rubber gloves found in the galley of the yacht (T 1346 & 1414); and
- b) in re-directing, in answer to the jury's question on the difference between murder without an intention to cause death and manslaughter, by reference to the example of “hitting a man on the head with a wrench” (T 1542-1543);

as those hypotheses amounted to speculation because there was no evidence that Dr Chappell was struck by a wrench and the evidence

showed that the DNA of Timothy Chappell, not that of the appellant, was found on the gloves.

Ground 6: The learned trial judge erred in his directions on circumstantial evidence:

- a) by directing to the effect that the facts and circumstances from which the conclusion of guilt is drawn need only be “established to the satisfaction of the jury” (T 1504; Memorandum for Jury at [5]-[7]); and
- b) by failing to direct that the jury could not return a verdict of guilty unless (i) they were satisfied beyond reasonable doubt of the facts essential to their reasoning towards proof of each element of the offence and (ii) they rejected beyond reasonable doubt the appellant’s evidence denying guilt.

Ground 7: The learned judge erred in failing to direct the jury that, before they could use evidence of motive to kill in proof of intentional murder, they must be satisfied beyond reasonable doubt that the appellant had a motive to kill Dr Chappell (T 1381-1382 & 1515-1519).

Ground 8: The learned trial judge erred in admitting the evidence of Phillip Triffett to the effect that, in the 1990s, the appellant had voiced to him a plan to kill her brother, and then transferred that plan to Dr Chappell, in a manner similar to that which, the prosecution alleged, actually occurred in respect of Dr Chappell in 2009 (T 43-45).

Ground 9: A miscarriage of justice resulted from the failure of defence counsel to adduce evidence that the appellant had no prior convictions and was of good character (T 1565) and to seek a direction on good character.

Ground 10: An aggregate of the errors or defects identified in other grounds of appeal caused the trial to miscarry.

### **Sentence Appeal**

Ground 1: The head sentence and the non-parole period are manifestly excessive, particularly in view of the circumstances of the offence, appellant’s age and her previous good character.

Ground 2: The learned judge erred in taking into account as an aggravating factor “the inconvenience and expense of the investigation that [the appellant] made necessary” by disposing of the body (T 1565).

Dated this 23<sup>rd</sup> day of June 2011



## APPENDIX II

Transcript: Vass on 60 Minutes.

Transcript of 60 Minutes' Liam Bartlett interviewing Meaghan Vass: screened 10Mar2019.

<https://www.9now.com.au/60-minutes/2019/episode-6>

also available at :

<https://www.youtube.com/watch?v=YHkoS80Ln0w>

### Part I

LIAM BARTLETT: *So, you know who killed Bob Chappell?*

MEAGHAN VASS: *Ah, yeh.*

LIAM BARTLETT: *And it certainly wasn't Sue Neill-Fraser?*

MEAGHAN VASS: *No.*

LIAM BARTLETT: *If what you're saying is true, then...*

MEAGHAN VASS: *Why would I have reason to lie?*

LIAM BARTLETT: *Then Sue Neill-Fraser has been in jail for nothing*

MEAGHAN VASS: [appears to be considering this proposition, her gaze is 'reflective']

LIAM BARTLETT: [Bartlett quickly prompts her] *What do you think about that?*

MEAGHAN VASS: *I think it's horrible but*

LIAM BARTLETT: *Why should we believe you, now? Give me one good reason!*

MEAGHAN VASS: [indistinct] *I don't, I don't have a good reason, really, you know* [indistinct/rushed: reviewing the 60 Mins clip suggests the following]: *"but I'm hoping you do because I've realised that it's the right thing to do and I'd like to see her home with her family."*

LIAM BARTLETT: *Tell me a bit about what life was like for you in Hobart, around that time*

MEAGHAN VASS: *Ah, I was living in women's shelters, and, on the streets, [it was] pretty hard*

LIAM BARTLETT: *Very hard. Why, why was that? Did you have problems at home?*

MEAGHAN VASS: *Ahm, yeh. Family relationship breakdown – at thirteen – ahm and that resulted in womens shelters and*

LIAM BARTLETT: *That's very difficult, isn't it, for such a young girl too*

MEAGHAN VASS: [indistinct: 'yeh'?] *it's been pretty massive.*

LIAM BARTLETT: *Why's it taken you this long to speak up?*

MEAGHAN VASS: *I don't know, I've had - I've lost my father, I've been living on the streets, I've been hounded by everybody. It's the right thing to do. I...*

LIAM BARTLETT: *What, what sort of things have you had to put up with?*

MEAGHAN VASS: *Well I've had no shelter, I've had no safety. I've had no, no, I haven't been able to fend for myself, probably I've had no one to turn to.*

LIAM BARTLETT: *Do you trust the police?*

MEAGHAN VASS: *No, not really* [with a wry/bitter smile, wiping the tears from her face].

LIAM BARTLETT: *Are you clean now?*

MEAGHAN VASS: *Yes – yeh.*

LIAM BARTLETT: *How long have you been clean?*

MEAGHAN VASS: *Oh, only recent. Ah yeh, it's been hard* [with a smile of self reflective memory] *it's been hard* [whispered].

LIAM BARTLETT: *You're still trying to stay off it?*

MEAGHAN VASS: [she nodding]

LIAM BARTLETT: *It's a struggle, isn't it? I can see that*

MEAGHAN VASS: [she nodding and again – as she has done throughout the interview – meeting the eye of the interviewer, she now silent]

LIAM BARTLETT: I can see that

MEAGHAN VASS: [she quietly keeps herself just millimetres from breaking up]

LIAM BARTLETT: *Do you think think this will – this will help you?*

MEAGHAN VASS: [she nods]

LIAM BARTLETT: *Telling the truth will help you? Will help you with that struggle*

MEAGHAN VASS: *Yeh I'm hoping, anyway.*

LIAM BARTLETT: *So, on that day, why did you decide to go out into the bay?*

MEAGHAN VASS: *I would have been along with him, um, I reckon, um no doubt he would have been knocking things off boats; um for money to get on, get on the piss and that being the case, I would have, you know, gone along, [indistinct] me that but, not so that I would so*

*much steal, but [y'know?] to have a drink or*

LIAM BARTLETT: *You were just tagging along*

MEAGHAN VASS: *Yeh! Yep. It was something that they – he'd do often.*

LIAM BARTLETT: *If they knew Bob Chappell was on board, would they have*

MEAGHAN VASS: *probably not*

LIAM BARTLETT: *Got on that yacht?*

MEAGHAN VASS: *I mean, I can't answer for them, I suppose but – [indistinctL: 'probably not'].*

LIAM BARTLETT: [interlude/overspeak: Bartlett's question, if there was one, not screened]

MEAGHAN VASS: *I remember being on board, and the person that I was with had obviously been spotted by Bob – I don't know – being told to piss off, they've had an argument, it's escalated, he's hit Bob – I don't know what with -*

LIAM BARTLETT: *So he struck him?*

MEAGHAN VASS: *Quite a few times I think. Probably twenty minutes or so*

LIAM BARTLETT: *Twenty minutes?*

MEAGHAN VASS: *Roundabout. I'm*

LIAM BARTLETT: *It went on for a while?*

MEAGHAN VASS: *Yeh. And then ah – I saw – saw a lot of blood [her mouth crinkling down in horror/disgust] – but I can't [indistinct: 'I can't ... give you more than that?'] I can't remember.*

LIAM BARTLETT: *The guy you were with, was hitting Bob Chappell?*

MEAGHAN VASS: [She nods]

LIAM BARTLETT: *Can you remember what he was hitting him with?*

MEAGHAN VASS: *No.*

LIAM BARTLETT: *And did you try to break it up?*

MEAGHAN VASS: *I, I would have told, would have told the bloke I was [indistinct: 'seeing?'] to stop or to calm down, but there's, there's only so much I could do. I'm only small and he's a bigger bloke. [Indistinct: 'Also?'] I couldn't get him to calm down, you know -*

LIAM BARTLETT: *When you say there was a lot of blood, were you downstairs, were you on the deck, were you in the cabin?*

MEAGHAN VASS: *I'm – aah ... .... on deck I think.*

LIAM BARTLETT: *And what was your reaction to that?*

MEAGHAN VASS: [indistinct: *'It's when?'*] *I've thrown up, the vomit.*

LIAM BARTLETT: *So what mistake did Bob make? What did Bob do wrong?*

MEAGHAN VASS: *Nothing – oh*

LIAM BARTLETT: *Nothing at all?*

MEAGHAN VASS: [indistinct: *'well he?'*] *just told* [name withheld by bleeper] [indistinct words] *to piss off* [indistinct: *'I suppose'*]

LIAM BARTLETT: *He was just at the wrong place, wrong time?*

MEAGHAN VASS: *Yeh I s'pose* [indistinct words]

LIAM BARTLETT: *Do you know what happened to Bob's body?*

MEAGHAN VASS: *No. Not saying, but whatever's happened it's been horrible.*

LIAM BARTLETT: *What, what was the second man doing on the*

MEAGHAN VASS: *I go to the bloke that I was with*, [indistinct: **name (according to my poor notes) bleeped out in earlier version, now the 'bleeping' seemingly not present on the 60 minute website 12/3/2019!**] [...] *'s just called him down to the cabin*

LIAM BARTLETT: *Did you go back to shore, or while they were dealing with that or did you stay on the boat?*

MEAGHAN VASS: *I must have gone back to shore but I can't, I can't recollect how.*

LIAM BARTLETT: *But, but you know that Bob Chappell was killed by, by one of the men you were with? Is that what you're telling me?*

MEAGHAN VASS: *Yeh.*

LIAM BARTLETT: *Are you certain about that?*

MEAGHAN VASS: *Yes* [whispered]

LIAM BARTLETT: *Did you see Sue Neill-Fraser on that yacht?*

MEAGHAN VASS: *No.*

LIAM BARTLETT: *She wasn't there?*

MEAGHAN VASS: *Not that I can recall, no.*

LIAM BARTLETT: *If what you're saying is true, then an innocent woman has been sitting in jail for nine years*  
MEAGHAN VASS: *Yes.*

## **Part II**

LIAM BARTLETT: *What's that man doing now?*

MEAGHAN VASS: *ahm, not a real lot, I don't think*

LIAM BARTLETT: *And how angry is he going to be at you for telling the truth?*

MEAGHAN VASS: *Probably furious. I'd just like ...I'd just like to see her get home to her family.*

LIAM BARTLETT: *But why now, after ten years?*

MEAGHAN VASS: *Because it's the right thing to do, you know?*

LIAM BARTLETT: *But you, you could have done it eight years ago - nine years ago. You could have done it at the trial*

MEAGHAN VASS: *Can I stop please, now?*

LIAM BARTLETT: *Well, you can, but I just want you now to tell me from your heart.*

MEAGHAN VASS: *I've told you I have known, I don't have a legit, a legitimate reason for you but I'm saying for you that I'm, you know, I'm here and now I'd like her to go home. I'd like to see her home with her family.*

## **Part III**

LIAM BARTLETT: *The trial of Sue Neill-Fraser, you were sixteen, at the time.*

MEAGHAN VASS: *Yeh.*

LIAM BARTLETT: *Why didn't you tell the truth?*

MEAGHAN VASS: *Because, I was sixteen, I was homeless, I was scared, I, you know, it's been daunting,*

LIAM BARTLETT: *What were you scared of?*

MEAGHAN VASS: *I was scared of everything, I*

LIAM BARTLETT: *Tell me, explain that to me.*

MEAGHAN VASS: *Well, what if, you know, his reaction maybe,*

LIAM BARTLETT: *Who? The man who killed Bob?*

MEAGHAN VASS: *Yeah*

LIAM BARTLETT: *Did he tell you to shut up?*

MEAGHAN VASS: *Yes, now can I stop please?*

LIAM BARTLETT: *Why did you change your mind then?* [re her retracting her statement]

MEAGHAN VASS: [she shrugs, grimaces, looks at the floor]

LIAM BARTLETT: *Did anybody put pressure on you?*

MEAGHAN VASS: [shaking her head] *Just* [indistinct: *'in fear of the law'*] *I think.* [possibly: *for fear of the law, I think.*]

LIAM BARTLETT: *Why have you let her sit in a jail cell for all these years?*

MEAGHAN VASS: *I haven't been able, I haven't been able to recall all of this*

LIAM BARTLETT: *Haven't been able to or haven't wanted to?*

MEAGHAN VASS: *Probably haven't wanted to* [indistinct: *'I ...'*]

LIAM BARTLETT: *So why do you want why do you want to set the record straight now?*

MEAGHAN VASS: *Because it's the right thing to do, I s'pose.*

LIAM BARTLETT: *So, you know who killed Bob Chappell?*

MEAGHAN VASS: *Ah, yes.*

LIAM BARTLETT: *And it certainly wasn't Sue Neill-Fraser?*

MEAGHAN VASS: *No.*

LIAM BARTLETT: *What would you like to see happen to Sue Neill-Fraser?*

MEAGHAN VASS: *I'd like her to be able to go home to her family. I don't have one, you know... so, sorry ...*

LIAM BARTLETT: [indistinct: *'That's okay'?*]

MEAGHAN VASS: *...that's what I'd like and*

LIAM BARTLETT: *You know the names of the two men who were involved in this murder. What do you intend to do with this information?*

MEAGHAN VASS: *I don't want, I'm not confident um saying anything, yeh.*

LIAM BARTLETT: *But are you prepared to give those names to the police?*

MEAGHAN VASS: *No ... no, this is as far as ...*

LIAM BARTLETT: *Sooner or later for Sue Neill-Fraser to be released, you'll have to go back to a courtroom.*

MEAGHAN VASS: *Yeh.*

LIAM BARTLETT: *Will you be able to handle that?*

MEAGHAN VASS: ... [after a little time: Nodding]

LIAM BARTLETT: *You won't go back on your story again?*

MEAGHAN VASS: *No.*

LIAM BARTLETT: *How, how can you be so sure, this time round?*

MEAGHAN VASS: *I just, I just am.*

LIAM BARTLETT: [if Liam Bartlett had asked a question to engender the following response from Meaghan, it is not (any longer) heard/viewed - as far as I can tell – during this 60 Minutes Program. I'm confused. My 'first' transcript version has Liam Bartlett asking MV: “

*Why should anyone believe you?” ... yet it's not there now, so I don't know where this following response came from ... perhaps I am getting confused by 60 Minutes rescreening the sentence ... perhaps in something like a 'reprise', of a clip from a passage that wasn't shown earlier in the program.]*

MEAGHAN VASS: *I can't give a legitimate reason as to why anyone should believe me. And given my track record, yeh maybe they shouldn't. But I'm here now and I'm doing all I can. I can't, I can't do any more than*

LIAM BARTLETT: *Do you feel guilty for allowing an innocent woman to remain in jail?*

MEAGHAN VASS: *Yeh it's been pretty horrible, yeh.*

LIAM BARTLETT: *So the day Sue Neill-Fraser is released, for something she didn't do, will that be a happy day for you?*

MEAGHAN VASS: [nods]

LIAM BARTLETT: *What would you like to say to her?*

MEAGHAN VASS: *Dunno ... sorry for it all really. Mm, just hope she can go home to her family.*

LIAM BARTLETT: *You're sorry*

MEAGHAN VASS: [Nods]

LIAM BARTLETT: *For not speaking up?*

MEAGHAN VASS: [Nods]

### APPENDIX III

#### STATE OF TASMANIA v STEPHEN JOHN GLEESON 6 JUNE 2018 COMMENTS ON PASSING SENTENCE MARSHALL AJ

**Mr Gleeson, you have pleaded guilty to two counts of perverting the course of justice. The background to your offending is as follows. Between 26 and 27 January 2009, Mr Robert Chappell was murdered on a yacht which was moored off Short Beach in Sandy Bay. In 2010 Ms Susan Neill-Fraser was convicted of his murder. In 2012, the Court of Criminal Appeal dismissed Ms Neill-Fraser's appeal against her conviction, and the High Court refused special leave to appeal.**

In 2015, Ms Neill-Fraser filed an application seeking leave to lodge a second appeal. A significant issue at the trial in 2009 concerned the presence of DNA on the yacht from a homeless 15-year old girl. Ms Neill-Fraser's counsel raised the possibility that the girl had been on the yacht, and so the jury should have a reasonable doubt about Ms Neill-Fraser's guilt. Ms Neill-Fraser's legal team was shown a report from Tasmania Police that suggested that in January 2009, the girl was associating with a 16 year-old boy.

In January 2009, you were living in your car near the rowing sheds beside Short Beach. On a number of occasions you had spoken to Ms Neill-Fraser and Mr Chappell and helped them launch and retrieve their dinghy. In late January 2009 you spoke to the police and told them that you were heavily intoxicated on 26 January, and spent most of the day and evening in your vehicle sleeping. In September 2014 you were arrested in relation to a crime of violence and have been in custody at Risdon Prison since 2014. When arrested, you brought up the murder of Mr Chappell and said you were asleep in your car on 26 January 2009, and regretted being asleep because, if you were awake, you would have been able to see what had happened.

Between July 2016 and September 2017, you were visited in prison on 14 occasions by various people in connection with the Chappell murder. At the time Ms Barbara Etter was Ms Neill-Fraser's solicitor. You were visited by her and by a Mr Geoffrey Thompson. Mr Thompson is a solicitor with a practising certificate which allows him only to act for clients at a community legal centre. At the time he did volunteer work for Ms Etter.

**On 13 September 2016 Ms Etter took an affidavit from you in which you confirmed your earlier statements that you were intoxicated on the night of 26 January 2009, and slept in your car on your own. You did not state that you had seen any people that night, or that anyone was in the car with you.**

On 8 May 2017 Mr Thompson took a second affidavit from you, although at the time he had been told by Ms Etter he was not authorised by her to work on the Neill-Fraser case. In your 8 May 2017 affidavit, you said, for the first time, that on 26 January 2009 you were woken up by someone tapping on the window of your car. You said the two people were Adam Yaxley and a girl. You said you let them in your car and cooked them sausages on your gas cooker. You said Mr Yaxley and the girl had talked about breaking into yachts to steal things. You got back into your car, you said, and went to sleep. In your affidavit you said that Mr Thompson showed you a photo array, and that you signed the picture which you recognised to be of the girl. You signed your name next to a photograph of the girl. A photoboard containing eight photographs was annexed to your affidavit. Your affidavit and the photoboard were provided to the Crown and filed in support of Ms Neill-Fraser's application to lodge a second appeal.

Police received information that Mr Thompson was planning to visit you again to show you a photoboard to identify the person who was in your car with the girl. You had previously stated that the male in the car was Mr Yaxley, but it was the belief of those working with Ms Neill-Fraser that if you identified the 16-year old boy, that evidence would be compelling evidence on the application for her to lodge a second appeal. Police obtained a warrant and installed a camera and listening device to record the planned identification procedure.

On 16 June 2017 Mr Thompson visited you. He showed you two photoboards, each containing eight photographs including of the 16-year old boy. The first photoboard showed a recent photograph of the boy, while the second showed an older photograph of him. You were not shown any photographs of Mr Yaxley. You believed you were going to be shown photographs of Mr Yaxley so that you could identify him. Mr Thompson placed the first photoboard in front of you. You initially did not identify any of the photographs. You were then shown a second photoboard containing photographs from 2009. You failed to identify anyone again. Then, Mr Thompson pointed to the 16-year old boy's photograph on both boards. You then pointed to the photograph of the boy on the first photoboard and, comparing it to the photograph of the boy on the second board, you said, "This one looks more like him than that one." Mr Thompson asked you to sign over the photograph of the boy in the first photoboard, which you did. You did not identify the boy in the second photoboard, but Mr Thompson pointed to that photograph and said, "That was him there anyway." You replied, "Was it? I could recognise him for the purpose of getting her out." Mr Thompson declined your offer.

You told police you thought Mr Paul Wroe was involved in the murder of Mr Chappell, and that you believed an affidavit was being prepared for you to put to the Court concerning his involvement in the murder. You told police that, in your discussions with Mr Thompson, you believed your purpose was to identify Mr Yaxley. The photoboard identification of the 15-year old girl and the 16-year old boy was important evidence in support of Ms Neill-Fraser's application for leave to lodge a second appeal. Your identification evidence is the only direct evidence that places the girl near the crime scene on the night of the murder.

On 30 October 2017 you gave evidence before his Honour Brett J on Ms Neill-Fraser's application to file a second appeal. You identified the girl on the photoboard you had been shown by Mr Thompson. Under cross-examination you admitted identifying the 16-year old boy when you could not recognise him as the male who was in your car on the night of Australia Day 2009. You admitted that you identified the 16-year old boy and the girl because Mr Thompson had pointed to their photographs.

**Your offending is extremely serious.**

You made a false identification for the purpose of seeking a retrial for Ms Neill-Fraser. You falsely and dishonestly identified a photograph of the 16-year old boy as being a photograph of a person present near Short Beach on the night of 26 January 2009, or early in the morning of 27 January 2009. The Crown concedes that you were duped by Mr Thompson and you were vulnerable to suggestions by him. You have expressed remorse for your actions. You said you made a stupid mistake and you were tricked into doing it, having been under a lot of pressure at the time. You are entitled to the benefit on sentence that is obtained by guilty pleas. I also take into account that your offending was the result of pressure by others. You are currently serving a custodial sentence for committing an unlawful act intended to cause grievous bodily harm. Your earliest release date is 30 November 2019. You are eligible for parole, but have not applied.

**APPENDIX IV**

**Notice of [2nd] Appeal – 2 August, 2019**

IN THE SUPREME COURT OF TASMANIA

ON APPEAL TO THE COURT OF CRIMINAL APPEAL

BETWEEN:

SUSAN BLYTH NEILL-FRASER

Appellant

- and -

STATE OF TASMANIA

Respondent

NOTICE OF APPEAL

TAKE NOTICE that Susan Blyth Neill-Fraser (the Appellant) appeals to the Court of Criminal Appeal on a date to be fixed against the conviction imposed in the Supreme Court of Tasmania at Hobart on 15 October 2010 (File No. 929/2010). She was convicted of murder. She was sentenced on 27 October 2010 to 26 years imprisonment. A non-parole period of 18 years was fixed. On 6 March 2012, an application for leave to appeal this Court was granted ([2012] TASCRA 2). Her appeal against conviction was dismissed. Her appeal against sentence was allowed, and she was re-sentenced to 23 years imprisonment. A non-parole period of 13 years was fixed. On 21 March 2019, she was granted leave to commence a second appeal against her conviction ([2019] TASSC 10).

The Appellant appeals pursuant to 2402A of the Criminal Code on the ground that:

Ground 1:

Fresh and compelling evidence establishes that there has been a substantial miscarriage of justice.

Particulars:

There is fresh and compelling evidence that:

- 1.1: Meaghan Vass had boarded the Four Winds, and the deceased was attacked while she was on board.
- 1.2: Evidence led by the prosecution at trial in relation to:
  - 1.2.1: the results of, and inferences that could be drawn from, DNA testing;
  - 1.2.2: the results of, and inferences that could be drawn from, Luminol testing;
  - 1.2.3: a winching reconstruction of the Four Winds was misleading.
- 1.3: The dinghy seen near the Four Winds around the time the deceased was attacked was not the Four Winds' tender.

**DATED this 2nd day of August 2019**

**Galbally & O'Bryan Lawyers  
Lawyers for the Appellant**

**TO: Registrar, Supreme Court of Tasmania  
Office of the Director of Public Prosecutions**

**APPENDIX V**  
**SN-F letter:**

**22Oct2010 Letter from SNF, in Risdon:**

Susan Neill-Fraser  
Mary Hutchinson Womens Prison  
Risdon  
TAS 7015

22/10/2010

Dear Everyone,

What wonderful support you have given me; literally through 'thick and thin'. Don't really know how to thank you, except to say I am so very grateful. As you may imagine, I have had several 'down' days since the trial ended. Most of us doubted that there could actually be a conviction, due to the small matter of a total lack of evidence. Now, with the new and notorious 'label' of 'convicted killer', as trumpeted by that paragon of editorial integrity, the Mercury, I envisage a long struggle for justice, similar in some ways to the ordeal that Lindy Chamberlain was subjected to.

I am told this case was the first of its kind in Tasmania, based entirely on circumstantial evidence: no weapon, no motive and no body. The trial lasted four weeks with over fifty witnesses called by the DPP. On their own, it is unlikely that any of these witnesses would have influenced a verdict, and we chose not to call any as we would have immediately lost the right to final summation, which most barristers agree is a significant advantage. It became apparent however, during the third week, that our strategy allowed the Crown to take the high moral ground early on, and Tim Ellis, who I feel has missed his real calling as a brilliant Shakespearian actor, was able to perform a 'smoke and mirrors' trick, weaving a web of fantasy and convincing the jury that fiction was fact. I only wish he had been on my side and not that of the prosecution.

The jury were also overwhelmed by the sheer volume of information, masqueraded as evidence, with which they were confronted. I actually felt slightly sorry for them, in the end. Emerging twice from the jury room undecided, they asked questions which clearly indicated they did not understand the concept of 'links' in the 'chain of evidence', mainly because it did not in fact actually exist. Later, after fifteen hours of deliberating, they indicated that they were having difficulty reaching a decision. Justice Blow directed them to go and talk among themselves to try and reach a

unanimous verdict. Late on Friday night, in an exhausted condition, they returned a verdict of 'guilty of murder'.

The police immediately rubbed their collective claws together, congratulating themselves upon having achieved, in conjunction with the press and Tim Ellis, a verdict based on an effective character assassination of considerable proportions. A day later D. I. Peter Powell launched a vicious front page personal attack in the local press, and this, before the court process had finished. I tentatively touch my head every morning, fully expecting 'horns' to have erupted during the night!

Words cannot describe the horror of being accused, then wrongly convict of a crime which involves the suspected murder of someone close. Without the love and support of Emma and Sarah, my wonderful daughters, their husbands, Mark and Jeremy, my mother and brother, extended family and a determined group of friends and supporters, I would not have had the strength to continue. As it is I will fight on with renewed determination, through all legal channels available to me.

I am disappointed in the way justice has been dispensed and I believe the case should concern every thinking person in Australia. If this can happen to me, it can happen to anyone, and although I understand that I must physically accept the court's judgement, I shall continue to protest my innocence most vehemently. I loved Bob deeply and would never have harmed him. I now place my faith in the appeal process and can only pray that in the fullness of time I will be vindicated.

Sue Neill-Fraser

## APPENDIX VI

### Application for leave for SN-F to make a 2<sup>nd</sup> appeal: Witness list and dates.

2017 10 30 Mon

**Vass**, Meaghan: Homeless girl whose DNA was found on the Four Winds.

**Brocklehurst**, Brent Thomas: Hairdresser, Sandy Bay.

**Gleeson**, Stephen John: The homeless man living in car at Short Beach.

**Jones**, Maxwell: Forensic Police VIC. Author of 2 Reports.

2017 10 31 Tue

Jones, Maxwell: Forensic Police VIC. Author of 2 Reports.

**Lorraine**, Peter Derek: From Derwent Lane jetty saw 'old seafarer' on a boat.

**Hidding**, Eddy Robert: had Chandlery on Short Beach, knew Wroe & Maddock

**Shield**, Stephen: boat broker in Chandlery premises. Located SW nth of FW

**Catchpool**, Stephen: husband of Jane Austin, aware of people living in cars [and Wroe]

**Blackberry**, Shane M: boatswain at DSS. Knew Wroe, Didn't think SW slipped on 26Jan

**Smith**, Garry David: had yacht at marina, several times saw a dinghy tied to rowing club rocks.

2017 11 01 Wed

**Maddock**, Grant: sailor/artist: SW sometimes near Derwent Lane. Offered help to Brettingham Moore

**Brettingham-Moore**, John Hubert, rejected offer of help, visited Chandlery next morning, learnt of missing man.

**Wroe**, Paul: unemployed, lived on SW. Slept the night on his bunk on SW

**Smith**, Christopher: managed CleanLift Marine, Goodwood. Attended Constitution Dock 28?Jan. FW pumps feed wire disconnected.

2018 03 08 Thur

**Reynolds**, Dr Mark: Produced Report: *State of ropes & Winches & the Police Winching Test* and *Trace Blood Analysis*.

**Woodhead**, Constable Heidi: collected a grey hair from FW on 27Jan2009, Item #1 of her stat dec, not visible in photograph 2018 03 09

**Miedecke**, Sandra Jeannie: present when Maddock rowed out to Brettingham-Moore. Didn't remember (à la Puurand's phone note) if return was 24or26Dec18

2018 08 22-23 Wed & Thur

**Sinnitt**, Shane Anthony: Policeman (23 years) Dtv. Sgt. Became involved in case 27Jan2009, Now gives evidence on M. Vass, vomit rags...

2019 02 05-06 (Tue & Wed)

**McLaren**, Colin: wrote 'statement' for Vass to sign, involved c Charlie Bezzina in independent investigtn into Bob Chappel's disappearance

2019 03 14 (or later)

Vass, Meaghan: court reconvened to receive advice of an affidavit by her (25Feb2019) stating she *was* on the Four Winds.

## APPENDIX VII

### **Splatters of blood, missing carpet tiles on a \$200,000 yacht and what really happened to Bob Chappell**

**Andrew Rule**, Sunday Herald Sun

March 3, 2013 12:00am

- IT'S not that hard to kill a little, frail man in his 60s. Anyone with a weapon and the rage or ruthlessness to use it can take a life in the time it takes to read this sentence.

But scuttling an ocean-going yacht is harder. It takes inside knowledge to know where "sea cocks" are - and to cut the toilet outlet pipe to leak water into the hull.

Even then, it takes time to sink a 16m craft. Up to 12 hours, according to the naval expert Tasmanian police asked to inspect the ketch Four Winds when its new owner vanished late on Australia Day four years ago.

That's why it had not actually sunk by the time dawn broke over Hobart's Royal Yacht Club the next day, which must have dismayed the would-be saboteur.

If Bob Chappell was murdered on board - and police, a jury and appeal judges say he was - surely it was his killer who tried to scuttle the yacht, too.

Sinking it must have seemed a quick way to trash a murder scene so forensic sleuths would have trouble finding clues.

Even if a sunken yacht were found quickly, it would take hours to salvage and pump out, destroying evidence in the process.

But who knew a yacht would take so long to sink? At daybreak on January 27, 2009, Chappell's \$203,000 ketch was listing, but still far enough above the waterline for curious police to board it.

At first, it was a missing person case. It seemed possible Chappell had fallen overboard or staged his own disappearance after trying to scuttle the yacht. But, by the hour, it seemed more likely someone else was involved.

By day three, the words "foul play" crept into news updates about a mystery that had caught Tasmania's imagination.

Police did not reveal every sinister detail, but there were plenty. Such as blood spattered in the cabin, implying a blunt weapon attack.

Police thought it unlikely he had committed suicide or faked his disappearance. The spattered blood all but ruled out accidental drowning

And the fact five carpet tiles and a fire extinguisher were missing. When the yacht's dinghy was found, forensic tests showed blood in it.

The police suspected the carpet tiles had been ditched because they were bloodstained, and that the fire extinguisher would be an obvious choice to weigh down a body.

They learned the sea cocks had been modified in a way few people knew.

It looked as if Bob Chappell was not just missing, but murdered.

The respected chief radiation physicist at Royal Hobart Hospital seemed unlikely to be involved in anything criminal.

Police also thought it unlikely he had committed suicide or faked his disappearance. The spattered blood all but ruled out accidental drowning.

The first people investigators talk to when someone disappears is the last to see them alive, then their nearest and dearest: spouses, lovers, siblings and offspring. The homicide handbook says to eliminate them in order.

Police had two watertight reasons to talk to Chappell's de facto wife. She was not only his bed partner, but last to see him alive.

Sue Neill-Fraser was a textbook suspect - with pearls and hyphen.

Midsomer Murders had come to Tassie.



*Sue Neill-Fraser is serving 23 years for the murder of partner Bob Chappell.*

SUSAN Blyth Neill-Fraser gave the impression she had money to match her social position as a descendent of an old pioneer family. An impression strong enough for some to assert she would not have a financial motive for murder.

But it seemed that where Bob Chappell's charming partner of 20 years was concerned, the truth was elusive. Within days, police glimpsed another side to the charming woman who could not get her story straight.

The first policeman to talk to her the day after Chappell vanished saw she had her wrist strapped and a Band-Aid on her thumb.

The officer did not think about this until later, when he saw a photograph of her taken at lunch the day before - and realised there was no sign of Band-Aid or bandage. She must have hurt herself the night Chappell disappeared.

There were other odd things. A red padded jacket was found on the Sandy Bay waterfront near the yacht mooring. Neill-Fraser's adult daughters identified it as their mother's - but she denied it.

After forensics proved the jacket was hers, she admitted it.

The police installed listening devices and spoke regularly to Neill-Fraser while divers searched the River Derwent in vain, looking for a body.

Whereas other family members spoke of the missing Chappell in the present tense, his partner used the past tense, as if he was dead.

She also searched the internet in the first days, wanting to know how long before a missing person could legally be declared dead.

Some thought this a little calculating for a distraught woman hoping her man might turn up. It suggested she was keener on money - and more sure of his death - than she let on.

The police soon found what she already knew: that Chappell's will had been changed in her favour. She lied about knowing that, too.

When detectives took her onto the yacht, they told her not to touch the winch handle and other surfaces. She promptly disobeyed, effectively sabotaging forensic tests.

Police deduced that if Chappell had died in the cabin, a lone killer would have used the winch to haul the body up the companionway to drop in the dinghy and dispose of it.

Asked the next day about the previous afternoon, when Chappell had vanished, Neill-Fraser said she had browsed a Bunnings store for hours but had not bought anything.

She was definite about the Bunnings "alibi" then, but later retreated from it after learning she could not have been there for "hours" because the store had closed early - and she had not appeared on security film.

So what was she really doing that afternoon - and, vitally, that evening?

She told police she had stayed home all night after a telephone call that ended about 10.30pm. But telephone records showed that she had dialled the \*10# "callback" service at 3.08am to see if anyone had called.

It meant she had been out until 3am - and lied about it.



The search for Bob Chappell turned fruitless.

APART from revenge, the classic murder motives are sex and money. Sometimes both.

No one thought Bob Chappell, the mild-mannered, ageing medical boffin, had been killed in a fit of jealousy.

Financial motives seemed more likely - although evidence would be put that Neill-Fraser, 10 years younger than Chappell, also had tired of his "stinginess" and craved adventure. She told three men she was leaving him.

Neill-Fraser had been unlucky in love. Her first husband, Brett Meeker, was arty, American-born - and seven years younger. He was also a farrier.

Jurors had to decide if the witness was a villain keen to please the police - or the sort of villain a cold-blooded woman might approach to set up a death in the family

Love bloomed in the early 1980s when he came to her riding school at Bagdad, north of Hobart, to shoe horses. Her mother, Helen Neill-Fraser, opposed the match.

The couple had two daughters, Sarah and Emma, before parting. Neill-Fraser took up with a man different in all ways.

Bob Chappell was English-born and Melbourne-educated, a longtime radiologist at Hobart's Holman cancer clinic. He was dedicated to his work and well paid. His first wife, mother of his three grown children, had left.

Susan was "horsey" and outdoorsy. Her main accomplishment had been taking equestrian courses in Britain before returning to Tasmania.

She was the elder of two children of Tasmanian-born Helen Hayes, who had married a Scottish businessman in the 1950s. Helen brought Susan and her brother Patrick back to Tasmania after divorcing their father in Edinburgh about 1960.

Helen was briefly a "matron" at Geelong Grammar, but has lived for decades in the faded gentility of her waterfront house overlooking Sandy Bay.

The family has been around almost as long as Hobart has. Their ancestor Thomas Hayes' gravestone at St David's Cathedral states he was one of the first free settlers to arrive, in 1804.

Generations of Hayes avoided what used to be called the "convict taint". But it caught up with them in late 2009.

UNLIKE other states, Tasmania had never used circumstantial evidence to convict a murderer. That was no comfort to the prime suspect when she was arrested seven months after Bob Chappell's disappearance.

By then she had tangled herself in a web of contradictory stories that had one thing in common, a prosecutor later said: they showed "consciousness of guilt".

The head of the investigation, Inspector Peter Powell, says the case was like any other missing persons inquiry for six weeks - until Neill-Fraser admitted lying about her movements the night Chappell died.

On March 4, 2009, Neill-Fraser still insisted she had not left the house on the night. But five days later, she told her sister-in-law by telephone that she had lied. Police were recording the conversation.

Days later, she admitted to a reporter she had gone to the waterfront that night. One reason she had to change her story was the police had security film of a car identical to hers passing a local bank after midnight, when she had claimed she was in bed.

It would be six months before she was arrested, but from the moment she admitted lying, her story crumbled.

A three-week trial began in October 2010. A damaging piece of evidence came from a "colourful" identity - the partner of a former friend - who swore Neill-Fraser once had discussed getting rid of

her brother, Patrick, by pushing him from a boat so she could inherit all her mother's estate.

Jurors had to decide if the witness was a villain keen to please the police - or the sort of villain a cold-blooded woman might approach to set up a death in the family.

The jury returned a guilty verdict. But the fact it took 18 hours to reach suggested the defence had stirred up enough doubt to fuel a campaign by friends and family of the woman sentenced to 26 years, since reduced to 23.

Neill-Fraser's daughters Sarah Bowles and Emma Mills - attractive and articulate young women - are the most public faces of a campaign that has created a conga line of supporters.

They range from her mother's social circle to civil libertarians and activists who insist Neill-Fraser is on the list of wrongly jailed innocents.

Among lawyers agitating for a coronial inquest so that "new evidence" can be aired are those retained by Neill-Fraser and her long-suffering mother.

One of them is Barbara Etter, a former Western Australian assistant police commissioner who also happens to be suing the Tasmanian Government after being ditched as head of its Corruption Integrity Commission.

Two lawyers with political ambitions - Greg Barns and Madeleine Ogilvie - lead the push for an inquest they hope will produce material for a petition of mercy.

Neill-Fraser's supporters insist she is innocent, repeating her description of herself as Tasmania's "Lindy Chamberlain".

The lawyers are less shrill. At best, they think there was just enough doubt to scrape in a "not guilty" verdict.

Meanwhile, the best-dressed woman in Risdon Prison is keeping up standards. "She looks as if she's going to the golf club, not working in a jail vegetable garden," a lawyer says.

Bob Chappell's children maintain a dignified silence. His son, Tim, said last week the evidence and the verdict spoke for themselves.

## APPENDIX VIII

### ‘Partner guilty of killing our dad’

Newspaper October 30, 2017 | Australian, The/Weekend Australian/Australian Magazine, The (Australia)

Author: MATTHEW DENHOLM TASMANIA CORRESPONDENT, EXCLUSIVE | Page: 3 | Section: TheNation

618 Words

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Relatives of Hobart radiation physicist Bob Chappell remain “completely confident” he was murdered by his partner, Susan Blyth **Neill-Fraser**, as a witness undermines key evidence that was to form part of her appeal.

**Neill-Fraser**, convicted of Chappell’s murder by unanimous jury verdict in 2010, has always protested her innocence and will today make a second attempt to appeal her conviction in Tasmania’s Supreme Court.

However, in a blow to the appeal bid, a key witness — former homeless teenager Meaghan Vass — has in recent days told police, in a written note, that she was not on the yacht from which the 65-year-old disappeared on the night of January 26, 2009.

This contradicts an earlier statutory declaration by Ms Vass — planned for use in the appeal — suggesting she was on the yacht, moored in the Derwent River, off Hobart’s Sandy Bay, with two males, on the night in question, and that **Neill-Fraser** was not present.

Ms Vass’s new note to police alleges one of **Neill-Fraser**’s supporters, who cannot be named for legal reasons, offered her money to make the false declaration.

Chappell’s family, including son Tim and daughter Kate, are reluctant to fuel the media storm but confirmed that despite the enduring 9656controversy and recent calls for an independent inquiry, they did not believe there was cause to doubt **Neill-Fraser**’s guilt.

Tim Chappell told The Australian he remained “completely confident” in the guilty verdict against his father’s partner of 17 years, and in the evidence on which it was based.

“As far as I can see, there has been no evidence of any significance submitted that was not thoroughly dealt with during the original court case,” he said. “In relation to the impact on the family, the ongoing media attention that the case is getting is deeply upsetting for us and at times quite distressing.” **Neill-Fraser**, 62, is serving 23 years in Hobart’s Risdon Prison. She was convicted on circumstantial evidence, in the absence of a body or a murder weapon.

Ms Vass, whom police allege was coerced into making a false declaration for use in the appeal, has been called by **Neill-Fraser**’s legal team to give evidence today.

Now aged in her early 20s, she told **Neill-Fraser**’s trial that despite her DNA being found on the yacht, the Four Winds, she had never been

aboard. The Australian understands **Neill-Fraser's** lawyers — Perth silk Tom Percy and Melbourne criminal law specialist Paul Galbally — will call a new witness who claims to have seen Ms Vass with a group of males in Sandy Bay on the night of Chappell's disappearance.

The Australian has seen evidence suggesting Ms Vass was absent from her accommodation on January 26, 2009, and was in the company of a known criminal.

Evidence is expected to be given supporting the suggestion that several known criminals were in the area and that at least one may have intended to break into yachts. Another key ground of appeal is based on new expert evidence that **Neill-Fraser** could not physically have used a winch to remove Chappell's body from the yacht in the manner claimed by the prosecution at her trial.

One witness will give new evidence that he was the person seen rowing a dinghy in the area on the night, casting doubt on suggestions presented at the original trial that a rower sighted was **Neill-Fraser**.

Another appeal ground focuses on the failure of the trial to adequately canvass why Ms Vass's DNA was found on the yacht; a fact explained by the prosecution as likely scene contamination, due to a failure to quickly secure the yacht as a crime scene. However, **Neill-Fraser's** lawyers have decided against arguing police are in contempt of court by laying or flagging perverting justice charges against two would-be witnesses and a former lawyer working for **Neill-Fraser**.

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## Appendix IX

Coroner Hay: *Record of Investigation Into Death (Without Inquest) 17Jan2014*

### **Record of Investigation Into Death (Without Inquest)**

Corners Act 1995  
Coroners Rules 2006  
Rule 11

**I, Glenn Alan Hay, Coroner, have investigated the death of  
Robert Adrian Chappell**

#### **FINDINGS**

Formal findings I have made can be found at the conclusion of this document.

REASONS FOR DECISIONS AND FINDINGS AND GENERAL COMMENTS

#### **Background:**

On 1 September 2009 Tasmania Police (TasPol) gave notice to the coroner of the suspected unnatural or violent death of Mr Chappell having occurred in Tasmania during the afternoon or night of 26/27 January 2009. Mr Chappell had not been seen since that time and his disappearance was believed to be suspicious in that the circumstances of his disappearance suggested he had met with foul play. Extensive enquiries to that time had failed to locate any trace of Mr Chappell or any indication whatsoever that he might still be alive.

The coroner requested Tasmania Police to continue to investigate the suspected death. For all intents and purposes an inquest into the suspected death of Mr Chappell had commenced as at 1 September 2009.

On the 20 August 2009 Susan Neill-Fraser was charged with the murder of Mr Chappell, and she was remanded in custody.

As no findings had been made upon the inquest I adjourned it until after the conclusion of the murder proceedings.

Mr Chappell was a divorced man but had been in a relationship with Ms Neill-Fraser for approximately 18 years.

#### **The Trial of Ms Neill-Fraser for Murder:**

In October 2010 a jury found Ms Neill-Fraser guilty of murder. Mr Justice Blow conducted the trial. Ms Neill-Fraser was represented by Senior Counsel. It is inferred by me that she had in her possession prior to the trial copies of any relevant documentation or other material presented to the jury during the trial. I also infer those documents remain available to her and her current advisors.

On 27 October 2010 Mr Justice Blow convicted and sentenced Ms Neill-Fraser to 26 years imprisonment with effect from 20 August 2009 and she was not to be eligible for parole until she had served 18 years of the sentence.

In passing sentence Mr Justice Blow made the following comments (among others):

*It is clear from (the jury) verdict that they were satisfied beyond reasonable doubt that she murdered her partner of 18 years, Robert Adrian Chappell, on the River Derwent on the afternoon or night of 26 January 2009. Mr Chappell's body has not been found. The case against Ms Neill-Fraser was based entirely on circumstantial evidence. In my view that evidence establishes that Ms Neill-Fraser dumped the body in the river, and that she made an attempt to sink the couple's yacht in order to get rid of evidence and to divert suspicion from herself.*

*For sentencing purposes, it is appropriate that I make findings as to how, when and why the crime of murder was committed, to the extent that the evidence enables me to do so. I am satisfied beyond reasonable doubt that Ms Neill-Fraser attacked Mr Chappell on board the yacht, the Four Winds, which was at its mooring of Marieville Esplanade, Sandy Bay. The attack occurred in either the saloon or the wheelhouse, out of public view, when the couple were alone. Mr Chappell probably died on board the yacht, but I cannot rule out the possibility that the attack left him deeply unconscious, and that that drowning was the cause of death. I am satisfied beyond reasonable doubt that Ms Neill-Fraser used the ropes and winches on the yacht to lift Mr Chappell's body onto the deck; that she manoeuvred his body into the yacht's tender; that she attached an old-fashioned fire extinguisher weighing about 14 kg to his body; that she travelled away from the Four Winds in the tender with the body for some distance; and that she dumped the body in deep water somewhere in the river. The evidence upon which I have based these findings includes evidence as to blood found on the Four Winds, blood found on a torch on the Four Winds, the state of the ropes and winches on the Four Winds on 27 January 2009, the absence of the fire extinguisher and of sections of carpet from the saloon of the vessel, the finding of the tender on the morning of 27th of January, the scientific examination of the tender, DNA matching of samples from the blood of on the yacht and Luminol positive areas of the tender with Mr Chappell's DNA, and the evidence that Mr Chappell's body was not found in the sections of the river searched by police divers.*

*The Director of Public Prosecutions suggested that Ms Neill-Fraser killed Mr Chappell by hitting him to the head with a heavy wrench from behind. It is quite likely that that is what happened, but I do not consider that the evidence is sufficient for me to make detailed findings as to the manner of attack. I am satisfied beyond reasonable doubt that Ms Neill-Fraser attacked Mr Chappell, and that he must have been either dead or deeply unconscious when his body was hauled up onto the deck, manoeuvred into the tender, taken away, and the dumped.*

*On the basis of the evidence that I have referred to, I make the following findings;*

*Mr Chappell was alive at about 5 PM on 26th of January, when Mr Lorraine saw him, but was not seen alive by anyone other than Ms Neill-Fraser after that time.*

*Ms Neill-Fraser attacked Mr Chappell either between about 5 pm and about 9 pm, or at about midnight, either killing him or*

*leaving him deeply unconscious.*

*Ms Neill-Fraser returned to the Four Winds in his tender between 11:30 pm and midnight, and were seen by Mr Hughes during that journey.*

*Thereafter, Ms Neill-Fraser sabotaged the yacht, hauled Mr Chappell's body onto the deck, manoeuvred it into the tender, took it away, dumped it somewhere in the river and returned home by 3:08 am*

*I am satisfied beyond reasonable doubt that, before killing Mr Chappell, Ms Neill-Fraser had come to the conclusion that her relationship with him was at an end.*

*I am satisfied beyond reasonable doubt that Ms Neill-Fraser was well aware that she would be substantially better off with the relationship ending in death rather than separating and that she killed Mr Chappell with material gain in mind.*

*I am satisfied beyond reasonable doubt that Ms Neill-Fraser deliberately killed Mr Chappell for a reason, and that that reason had to do with her financial betterment-possibly a desire to acquire all the assets that she stood to receive upon his death, and at least a desire to place herself in a position where she could acquire Mr Chappell's interest in the Four Winds without having to borrow.*

*I am satisfied beyond reasonable doubt that Ms Neill-Fraser attempted to sink Four Winds in order to destroy evidence relating to the killing and to divert suspicion away from herself.*

*As a result of the means that she adopted to kill Mr Chappell and to dispose of his body, Ms Neill-Fraser made it necessary for the police to undertake a very time-consuming investigation. It involved a large number of officers making thorough enquiries over a long period.*

## **The Appeal by Susan Neill-Fraser to the Court of Criminal Appeal:**

Ms Neill-Fraser appealed against both the conviction and her sentence to the Court of Criminal Appeal. She was represented by Senior Counsel.

On 6 March 2012 the Court of Criminal Appeal handed down its decision, dismissing the appeal against conviction but allowing the appeal against sentence which was quashed and in lieu Ms Neill-Fraser was sentenced to imprisonment for 23 years from 20 August 2009 and that she not be eligible for parole until she has served 13 years of the imprisonment.

Crawford CJ delivered the primary judgement with which Tennent and Porter JJ agreed.

The Chief Justice essentially repeated the findings made by Blow J –

*The following facts were found by the judge and they are not challenged by the appeal.*

*The deceased was 65 years old. He had three adult children. He was a conscientious public servant, employed as a physicist at the Royal Hobart Hospital. He wished to complete a project involving the commissioning of a new machine used in cancer treatment before his retirement*

*The appellant attacked the deceased in either the saloon or the wheelhouse of the Four Winds.*

*The deceased probably died on the yacht, but it is possible that the attack left him deeply unconscious and that drowning caused his death. The appellant used the ropes and winches on the yacht to lift his body onto the deck; manoeuvred his body onto the yacht's tender; attached a 14 kilogram old-fashioned fire extinguisher to his body; travelled away from the yacht in the tender with the body for some distance; and dumped the body in deep water somewhere in the river. The deceased was either dead or deeply unconscious throughout those events.*

*The judge thought it quite likely that the appellant hit the deceased on the head with a heavy wrench from behind, but concluded that the evidence did not enable the making of a detailed finding as to the manner of attack.*

*It was found that the appellant travelled out to the Four Winds in the tender dinghy at about 2pm on 26 January. It was also found that the deceased was seen by a witness on the deck at about 5pm and that the dinghy was tied up alongside at that time. At some unknown time after that the appellant left the yacht in the dinghy, tied it to the wharf of the Royal Yacht Club and went home.*

*She was at home between 9.17pm and 10.34pm, during which time she spoke by telephone on the landline to three different people.*

*Between 11.30pm and midnight the appellant returned to the Four Winds in the dinghy.*

*Some time after that she drove home. At 3.08am on 27 January she made a \*10# call from the landline. A witness found the tender adrift, nosing up against rocks, at about 5.40am.*

*Based on those matters, the judge found that the deceased was alive at about 5pm and thereafter he was not seen alive by anyone other than the appellant. He was attacked by her either between about 5pm and about 9pm or at about midnight and killed or rendered deeply unconscious.*

*Between about midnight and 3.08am, she sabotaged the yacht, hauled the body onto the deck, manoeuvred it into the tender, took it away and dumped it somewhere in the river and returned home.*

*The judge felt unable to make a finding concerning whether there was a significant interval between the decision to attack the deceased and the time of his death.*

*It was found that before killing the deceased, the appellant had come to a conclusion that her relationship with him was at an end. He may not have known that their relationship had ended.*

*The judge said that the evidence suggested two possible motives for the murder of the deceased. One was a desire to acquire his interest in the Four Winds without having to borrow money to buy him out. The other was a desire to acquire his assets in accordance with his will, the terms of which she was aware. He had about \$800,000 in superannuation entitlements. He owned his West Hobart house. He owed \$160,000 on a bank loan. His net worth was over \$1.3 million. It was found that the appellant was aware of the benefits she was to receive. They included the house free of debt, his car, his personal possessions and 50 per cent of the residue of his estate. He had requested that his superannuation, which did not form part of his estate, be dealt with in accordance with the terms of his will. It was found that if their relationship had ended in separation rather than the death of the deceased, she would have been at a disadvantage.*

*His Honour concluded that the evidence did not enable him to make a precise finding as to what the appellant was thinking, other than that she was well aware that she would be substantially better off with the relationship ending in death, rather than separation. It was found that she killed the deceased with material gain in mind.*

*In substance, the evidence of Mr Triffett was accepted by the judge. As a consequence it was found that in the mid-1990s, the appellant told him of a plan to kill her brother on board a yacht she then owned, attach heavy objects to his body, throw the body into deep water and scuttle the yacht. In a second conversation she proposed that the plan be applied to the deceased. In the light of Mr Triffett's evidence, the judge inferred that the killing of the deceased involved the implementation of a plan that was concocted by the appellant "long ago".*

*The judge commented that he had the opportunity to observe the appellant during two very long police interviews, and he had seen her give evidence at the trial over several days. His Honour said that she seemed to be clever, very cool headed and well able to control her emotions. In his Honour's view, she would not have attacked the deceased unless she intended to kill him, had a substantial reason for killing him, was confident that she would succeed in killing him, and had a strategy to avoid punishment. A positive finding was made that the killing did not occur because of a loss of self-control, nor was it a crime of passion. It was an intentional and purposeful killing, deliberately committed for financial betterment.*

.....

*It was found that the appellant attempted to sink the Four Winds in order to destroy evidence relating to the killing and to divert suspicion away from herself. She opened a redundant seacock in a for'ard section of the vessel so that water flowed in. She cut a plastic pipe near the toilet with the result that water gushed in. She deactivated the automatic bilge pump and the automatic bilge alarm.*

*She removed some sections of carpet from the saloon. Some were simply able to be picked up, but one or more others were under some wooden fittings that had been screwed to the floor with the screws passing through the carpet. She unscrewed four screws in order to dispose of sections of the carpet.*

*In the following part of the comments on passing sentence, the judge made the statement that is attacked by the second ground of appeal. The passage is:*

*"As a result of the means that she adopted to kill Mr Chappell and dispose of his body, Ms Neill-Fraser made it necessary for the police to undertake a very time consuming investigation that involved a large number of officers making thorough inquiries over a long period*

Between paragraphs 10 to 74 of the written decision, Chief Justice Crawford set out in some detail the evidence given at the trial. The Court of Criminal Appeal dismissed the first ground of appeal which asserted there had been a miscarriage of justice because the prosecutor and/or the trial judge failed or refused to recall witness Ms Vass concerning her whereabouts on 26 January 2009. In dismissing this ground of appeal the Chief Justice stated that the appellant had failed to establish that there is a significant possibility, one greater than a merely speculative one, that the jury would have acquitted her if Ms Vass had been recalled - "It cannot be concluded that the verdict was unsafe or unsatisfactory or that a miscarriage of justice resulted."

Ground 5 of the of appeal asserted that the trial judge was in error in failing to instruct the jury that they could not accept hypotheses raised by the prosecutor to the effect that the appellant had used a wrench to kill Mr Chappell and that she had employed a yellow gloves found in the galley of the yacht. The Chief Justice dismissed this ground of appeal as no error of law had been made by the trial judge as asserted on the basis that His Honour made it clear to the jury that the use of the wrench was merely a theory and there was no evidence that one was used and the reference by counsel for the Crown to gloves was insignificant in the overall context of the trial.

Ground 8 of the appeal asserted the trial judge erred in admitting the evidence of Philip Triffett to the effect that, in the 1990s, the appellant had voiced to him a plan to kill her brother and then transferred that plan to Mr Chappell in a manner similar to that which, the prosecution alleged, actually occurred in respect of Mr Chappell in 2009. Giving detailed reasons, the Chief Justice rejected this ground.

Other grounds of appeal were also dismissed.

## **The Appeal by Susan Neill-Fraser to the High Court:**

Ms Neill-Fraser next applied for special leave to appeal to the High Court of Australia. She was represented by Senior Counsel.

The application was heard on 7 September 2012 and the application was refused on that day. It was put to the High Court that the case against Ms Neill-Fraser was mainly circumstantial; that DNA evidence had been found at the scene of the crime that matched another person, Ms Vass; that Ms Vass was 15 years old at the time of the deceased disappearance, and had been homeless since she was 13; that after Ms Vass gave evidence at trial, further evidence was given by a police officer suggesting that there were certain inconsistency in Ms

Vass' account of her location on the night of the deceased's disappearance but that evidence was ultimately ruled inadmissible and as a result a miscarriage of justice had resulted.

The applicant contended that there had been an application to the trial judge for leave to recall Ms Vass for the purpose of a further cross examination on the inconsistencies which was rejected and further, that on appeal to the Court of Criminal Appeal she contended that a miscarriage of justice resulted from the prosecutor's failure to recall Ms Vass.

The grounds of the application were explored at some length by their Honours of the High Court, as can be seen in their written reasons for decision. In rejecting the application the High Court said:

*"...in our view, this application does not give rise to a question suitable to a grant of special leave as the applicant has not shown that she was denied an opportunity to produce evidence on a point of substance which can be shown to have had a significant possibility of affecting the jury's verdict".*

## **Should the Adjourned Inquest Now Be Resumed and Should There BE A Public Hearing?:**

Since the conviction of Ms Neill-Fraser a number of members of the public have expressed their opinions either in writing to me, or through the agency of the solicitor for Ms Neill-Fraser, or via various media agencies that the jury decision was unsafe, unsatisfactory and contrary to the weight of available evidence. There has also been a significant amount of media interest in the conviction along similar lines. This interest has led to pleas to me and to others to hold a public inquest into the death or disappearance of Mr Chappell for various and diverse reasons and opinions, generally on the basis that it is more likely than not the holding of a public inquest will make findings exculpatory of the guilt of Ms Neill-Fraser. Given my views about my statutory duties, I am of the opinion that many of these pleas are misconceived and inappropriate.

Some of the public interest has been based clearly upon mere speculation and also without understanding the appropriate rules of evidence or statutory role, duty and requirements of a coroner in dealing with a case where criminal proceedings have resulted in a person being found guilty of the murder of the deceased/suspected deceased person.

In January 2013 enquiries were made by me of TasPol and the DPP and the investigation file was then made available to me for the purpose of my considerations pursuant to section 25(3) of the Coroners Act 1959. Coincident with this consideration and by letter dated 21 of March 2013, the legal representative for Ms Neill-Fraser wrote to me requesting me to resume the adjourned inquest and to hold an inquest hearing. It is also clear that members of her family also join in this request, as do other members of the public.

In very general terms it was asserted that the police investigation into the disappearance of Mr Chappell was incomplete and incompetent and the circumstances required further inquisitorial investigation. It was further asserted that there was a *"range of significant and fresh evidence"* and there are *"several other critical witnesses who were not called to give evidence at trial"* to the extent that when this evidence

is made available it will exculpate the guilt of Ms Neill Fraser.

I am not informed whether there has been any further application to re-open the criminal proceedings based upon this alleged or purported significant and fresh evidence. Assuming that is possible then it would be the more obvious step to take given the fetters placed upon me by sections 25 and 28 of the *Coroners Act 1959*.

Further, none of the grounds of appeal in the criminal proceedings appear to have raised issues of impropriety in either the police investigation or in the prosecution of the criminal proceedings.

In any event, Ms Neill-Fraser has been invited to present to me such alleged significant and fresh evidence and any other material relevant to the exercise of my powers and duties. Between March and approximately August of 2013 I received a voluminous amount of information, comments, submissions and requests from the current solicitor representing Ms Neill-Fraser, from members of the public and on one occasion (through her solicitor) I received correspondence from Ms Neill-Fraser. This has resulted in a significant amount of time and effort in review and checking and follow-up by me as assisted by Tasmania Police. Later I will set out in some detail examples of the alleged significant and fresh evidence and other submissions. I have not dealt with all of them. Others I did not read as they came embargoed with caveats such as (among others) “personal and in confidence” or “highly confidential” or “legal in confidence”. I considered that I could not complete my statutory and public duties by being hamstrung by such caveats and am also of the view it was not my duty to provide advice to Ms Neill-Fraser as to the legal effect upon her or any other person assisting her should I read and take into account and publish any such information.

A wide discretion applies in considering the answer to the question as to whether I should resume the inquest by holding a public hearing to hear evidence. In *Clancy v West* [1996]2VR 647 Tadgell JA observed (at 652):

*"It was notably recommended in the Norris Report that, save in cases where an inquest is made mandatory, a coroner should have an absolute discretion as to the manner of discharging the duty to investigate a reported death - whether by investigation short of a formal inquest, or by inquest.*

I have a discretion to make what are commonly called “*in-chambers*” findings as best I am able based upon the evidence and the material before me or alternatively to hold a public inquest to hear evidence relevant to the making of those findings.

At the outset I must make it clear that in my view it would be very unusual to hold a public inquest where there has been a full criminal trial followed by a conviction and unsuccessful appeals, as is the case here. This is particularly so given that section 25 (4) of the *Coroners Act 1995* does not permit a coroner to make any finding inconsistent with the result of the criminal proceedings. In my view a full public inquest could only be contemplated if fresh evidence was forthcoming which either made it unlikely that Mr Chappell was dead and/or that Ms Neill Fraser was his killer and/or that he had died in other circumstances and/or there were others who might be likely to have contributed to the cause of his death and/or it may be reasonably possible to comment on any matter connected with the death including the administration of

justice.

It is relevant to note that given the conviction of Susan Neill-Fraser for the murder of Mr Chappell and also given her current status as a convict I do not consider she is the senior or any other next-of-kin of Mr Chappell.

It is also most relevant to note that neither the senior next-of-kin of Mr Chappell nor any other member of his close family has sought nor requested there be any formal inquest hearing. To the contrary, the family of Mr Chappell are most concerned to end any of the formal processes surrounding his death so that they may grieve and move on with their lives as soon as they can.

I also note that during the four week criminal trial, the evidence of many witnesses was heard including extensive cross-examination as well as the evidence of many witnesses being placed before the jury by the consent of Ms Neill-Fraser without the need for those witnesses to be present and she also agreed to provide to the jury documents entitled "*Agreed Facts.*"

For the reasons which follow, I decline to hold any formal public inquest hearing. In my view I need go no further than the findings made upon the conviction of Ms Neill-Fraser and that I have sufficient information to permit me to make statutory findings where possible.

## **Statutory Requirements:**

By section 3 of the *Coroners Act 1995*, a 'death' is defined as including a 'suspected death'. By section 21 a coroner has jurisdiction to investigate a death if it appears to the coroner that the death is or may be a reportable death, that is, where the death is suspected to have occurred in Tasmania and appeared to be unexpected, unnatural or violent; or resulted from an accident or injury; or where the cause is unknown. In this case it is clear that there existed a reportable (suspected) death from at least 1 September 2009 if not before and that the coroner had jurisdiction to investigate it.

By S 24 of the Act a coroner with jurisdiction to investigate a death must hold an inquest (which includes but does not appear to be limited to a formal hearing) if it appears the cause of death occurred in Tasmania while the deceased ordinarily lived in Tasmania and the coroner suspects homicide. However that requirement is subject to section 25 which relevantly provides that if the coroner is informed a person has been charged with the murder of the deceased, the coroner must adjourn the inquest until after the conclusion of the proceedings with respect to that offence.

By section 25 (3), after the conclusion of criminal proceedings a coroner may resume the adjourned inquest if the coroner is of the opinion that there is sufficient cause to do so. However, by subsection (4), upon a resumed inquest the coroner must not make any finding which is inconsistent with the determination of the matter in the criminal proceedings

By subsection (7) criminal proceedings are not concluded until a further appeal cannot be made in the course of those proceedings without an extension of time.

In this case I am satisfied that no further appeal can be made in the course of the criminal proceedings without an extension of time. As I have said previously I am not informed whether there has been any further application to re-open the criminal proceedings based upon the alleged significant and fresh evidence or otherwise.

From information available to me at the time of writing there is nothing to display that Ms Neill-Fraser has made any application to the Supreme Court or any other court to re-open the criminal proceedings upon the basis that fresh, cogent, relevant and potentially exculpatory evidence is now available which was not otherwise available at the time of the original criminal proceedings.

By section 25(8), if I decide not to resume an inquest adjourned in accordance with section 25, then I must inform the Attorney General in writing.

By section 26, should I decide not to hold an inquest then I must record that decision in writing specifying reasons and notify the senior next of kin of the deceased person of that decision.

By section 27 a person who has a sufficient interest in the death may request the coroner to hold an inquest into the death and the written reasons for any decision in relation to such a request must be forwarded to that interested person. In this case and notwithstanding she is a convict; I have considered Ms Neill-Fraser has a sufficient interest in the death of Mr Chappell.

Whether I resume the inquest or not or whether I hold a public inquiry or not, I am still required by section 28 (1) to make various primary findings, if possible. That is, to find if possible the identity of the deceased; how the death occurred; the cause of the death; when and where death occurred; the particulars needed to register the death under the *Births, Deaths and Marriages Registration Act 1999*; and the identity of any person who contributed to the cause of death. Further, I must, whenever appropriate, make recommendations with respect to ways of preventing further deaths and make recommendations on any other matter that I consider appropriate and I may make comment on any matter connected with the death including public health or safety or the administration of justice. Except in the terms of the 'administration of justice' my primary duty is not to investigate or comment upon the police investigation or the way in which the prosecution was conducted.

By section 28(4) a coroner must not include in any finding or comment any statement that a person is or may be guilty of an offence.

To make any findings I must be satisfied on the balance of probabilities (s140 Evidence Act) and this remains so even where the matter to be proved involves criminal conduct. It does not require certainty to be the basis of my findings, as might be the standard of proof in a criminal proceeding. It requires me to be satisfied that it is more probable than not that the facts necessary to establish any findings existed. I am required to be actually persuaded of the occurrence of any fact or its existence before I can make any finding.

The criminal proceedings against Ms Neill-Fraser involved mainly circumstantial rather than direct evidence. In any proceedings before a coroner it will be sufficient that the circumstances surrounding the death or any suspected death raise more or less probable inferences required to be drawn. It is my view that following consideration of all the circumstances in a given case where any competing possibilities are of equal likelihood or the choice between them can only be resolved by conjecture, then findings cannot be made.

It is clear that by the finding of guilt of Susan Neill-Fraser the jury must have had no reasonable doubt that Mr Chappell was deceased and that he was murdered by her on board the vessel "Four Winds" on the night of 26/27 January 2009 and that his body was disposed of from that place at that time and his body has not since been discovered. None of those findings were changed by either appeal court and it is to be noted that, at least for sentencing purposes, Blow J was of the view - it is appropriate that I make findings as to how, when and why the crime of murder was committed, to the extent that the evidence enables me to do so. He went on to make the findings as are set out in some

detail above and those findings of fact were not challenged in either appeal nor did either appeal disturb the jury findings or the findings of Blow J.

In all of those circumstances my decision not to hold an inquest must be considered in the light of me being positively satisfied that there is sufficient cause to resume the adjourned inquest including that it is necessary or desirable in the interests of justice to do so, rather than adopting the findings made in the other proceedings. I am not so satisfied in this case.

## **Discussion:**

I have not been referred to any relevant Tasmanian common law principles which might assist in this case.

In *Taing & Nuon v Territory Coroner & Attorney-General for the Northern Territory* [2012] NTSC 58, two persons were discovered deceased and their deaths were treated initially as suspicious by police who undertook an exhaustive investigation. A coroner did not hold a formal inquest hearing and made findings on the identity of both deceased and the place and approximate time of death and found that the cause of death was undetermined. The family of each deceased applied to the Supreme Court for an order that a formal inquest be held. The families held deep suspicions that foul play was associated with each death. They submitted that the primary role of a Coronial investigation was to identify the root cause of the incident that precipitated death with a view to analysing systemic failures that contributed to the death and deciding remedial responses. It was alleged that investigating police had failed to properly investigate various relevant issues.

The circumstances are obviously different to the inquest before me. However, there are some persuasive observations to be taken from the decision.

As Blokland J said at para 12 –

*“I agree there is a need for next of kin to be satisfied that all proper inquiries have been undertaken to determine the cause of death, however there needs to be some real possibility shown that holding an inquest will achieve this objective. Regrettably in some circumstances this is not possible to achieve. The deep anxiety and suspicions held by the plaintiffs are not a substitute for evidence.”*

And at paragraph 13 –

*“...the plaintiff’s have not pointed to further evidence or how further evidence would be revealed by holding an inquest.....Both plaintiffs seek to agitate that the deaths were in fact suspicious and the result of violent acts or ‘foul play’. They submit an inquest would uncover the relevant facts in support of such a conclusion.”*

And at paragraph 42 –

*Having read the relevant analogous decisions from other jurisdictions, it seems the question of whether an inquest should be held... requires consideration of whether an inquest, relying on available, credible and reliable evidence could raise a real possibility of making a finding on a determined cause of death. If holding an inquest would be futile in terms of possibly leading to a finding on a*

*determined cause of death and nothing would be gained from holding an inquest, an order should not be made. Even if there were credible and reliable evidence raising a real possibility of shedding light on a particular aspect of the cause of death falling short of findings on a determined cause of death, that may well suffice depending on the importance of the factor.*

At paragraph 53 –

*The discretion needs to be approached assessing the strength of available evidence and determining after consideration, whether there would be any benefit in the holding of an inquest on whether it would be expected to yield further information that thus far has not come to light. Any benefit that can be ascertained to flow to the next of kin needs to be considered, particularly if the holding of an inquest will contribute to an important finding.*

At paragraph 54 and 55 –

*What would make the holding of an inquest “desirable” is that there be some practical benefit to the next of kin in terms of better understanding of what occurred to the deceased, or that there be a benefit to the general public, a section of it, or to the overall administration of justice. An inquest should not be held where it would clearly be a futile exercise. It is likely the discretion will in fact be exercised sparingly.”*

Hutley JA in **Bilbao v Farquar** (1974) 1 NSW 377 considered that a coroner, in deciding whether to resume an adjourned inquest should not be concerned with evidence that had been excluded in other proceedings as a reason not to re-open the inquiry but whether such evidence would have probative value to assist the coroner in the further inquiry. Importantly His Honour suggested there is no reason to reopen an inquiry if the coroner considers that further evidence would not assist the inquiry.

It was acknowledged in *Clancy v West* [1996] 2 VR 647 that there should be some comparison between relevant information that an inquest might be expected to yield and information otherwise obtainable. It is also apparent that a coroner in deciding whether to hold an inquest should consider the relative costs of holding one and/or doing without one, duly weighing the benefits (if any) which an inquest might produce against the disadvantages (if any) which investigation (or further investigation) short of an inquest might entail.

In **Veitch v the State coroner** [2008] WASC 187, there was discussion as to the possibility of a different outcome by virtue of the existence of a reputable body of evidence. Justice Beech held that in this context there should be a real or realistic possibility, not merely theoretical possibility, and that there should be cogent credible and reputable evidence. Any new evidence relied on must reach a threshold of some degree of cogency. The cogency of the evidence must be assessed before it is determined whether an inquest is justifiable.

So in my view the authorities indicate that if the holding of an inquest would be futile, a coroner would be justified in refusing to hold that inquest. A comment by Warren J in **Rouf v Johnstone** [1999] VSC 396 at para 36, also in somewhat different circumstances is still apt –

*“Upon scrutinising the factors relied upon by the plaintiff in support of the application I consider that all of the circumstances relied upon are highly speculative, based on hearsay on hearsay and constitute no more than a suspicion possibly propelled by inter-family ill-feeling. I consider that whether the circumstances are considered in isolation or, alternatively, considered on a collective and*

*interwoven basis there is insufficient evidence to warrant the exercise of the power under s. 18(3) of the Coroners Act.”*

## **THE APPLICATION OF THE STATUTORY REQUIREMENTS AND THE PRINCIPLES TO THE CIRCUMSTANCES IN THIS CASE.**

Having set out in some detail the results of the criminal proceedings and the findings made by the jury and by the sentencing judge which were not traversed in subsequent appeals, it is to be noted such findings were based upon the higher standard of proof, namely beyond reasonable doubt. In my view, it would be unusual to hold a public inquest where there has been a fully explored criminal trial based largely upon circumstantial evidence followed by a conviction with further opportunities to challenge the conviction by way of appeal, as is the case here. This is particularly so given that section 25 (4) does not permit a coroner to make any finding inconsistent with the result of the criminal proceedings. In my view a full public inquest could only be warranted in the public interest and contemplated if there was sufficient fresh evidence forthcoming not available in the criminal proceedings which either made it unlikely that Mr Chappell was deceased and/or that of Ms Neill-Fraser was his killer and/or others probably contributed to the cause of his death and/or that he likely died in other circumstances. A simple example may well be in the well-known ‘Azaria Chamberlain’ case following the discovery of the baby matinee jacket some time well after the earlier proceedings.

To that end Ms Neill-Fraser has been invited to provide to the coroner any such relevant material and a significant amount has been provided on her behalf. In my view, a significant amount of it seeks to re-agitate issues more properly the possible subject of grounds of appeal in the criminal proceedings. They have little apparent relevance to the findings a coroner may have a duty to make under the provisions of the Coroners Act.

Ms Neill-Fraser now asserts, either personally or through the agency of her solicitor who I infer was appointed following the unsuccessful appeal process or through the agency of members of the public who appear to support her, among other things and in summary format:

- the police investigation was not thorough, and
- the investigation was or may have been tainted by fraud, and
- the police investigation was compromised by procedural irregularity, including the non—disclosure of evidence and the failure to take statements from key witnesses, and
- there was possible embellishment of evidence, and
- *“a raft of new and fresh evidence not considered at the trial or subsequent appeals is now available. In this regard, Ms Eve Ash is able to provide powerful visual evidence of matters that are highly relevant to the investigation of the death”*, and
- given the entirely circumstantial case in the conviction of Ms Sue Neill-Fraser and the potential for a miscarriage of justice to have

occurred, particularly given the limitations of the adversarial criminal justice system, there is a high probability that the inquisitorial approach to the death of Mr Chappell will provide critical information concerning the manner and cause of death and the circumstances leading to his death, and

- there are numerous forensic advantages of holding an inquest, and “an inquest will address and allay the significant public concern and disquiet about this case” (it is assumed the so-called public concern and disquiet relates to the conviction for murder), and
- a full public hearing inquest “*could also well lead to important recommendations concerning the investigation of missing persons cases and major crime in Tasmania and to the broader administration of criminal justice*”, and
- the police investigation which concluded upon conviction cannot determine with sufficient certainty how the actual death occurred, the cause of death (including the failure to identify a weapon or manner of death), the actual time of death and the identities of persons who may have contributed to the cause of death or assisted in the disposal of his body, and
- Ms Neill-Fraser did not receive a fair trial or fair hearings in appeal courts because there was important and relevant evidence not made available to those courts which would have materially assisted in determining her involvement or otherwise in the death of Mr Chappell.

However, I digress to posit, are these not matters to be brought back before the Supreme Court and not properly the subject of an inquest?

- an inquest would uncover the relevant facts in support of a conclusion inconsistent with the guilt of Ms Neill-Fraser as having murdered Mr Chappell.

The assertions have very serious implications and on the face of them call into question the administration of justice in and about the criminal trial of Ms Neill-Fraser. I will now refer to specific examples put forward as to why a public inquest should now continue. They are by no means exhaustive of all arguments, submissions and reasons provided to date, but are in my view the most relevant.

1. Ms Neill-Fraser maintains more specifically that the police investigation was deficient or the verdict unsafe in that -

a. there is intelligence and information available that there was a woman involved with the disappearance of Mr Chappell who was associated to two homeless people known as Yaxley and Gleeson and that one of them may have been involved in the disappearance and may even have later accompanied the woman to New Zealand; that the woman left Australia shortly after Australia Day and went to New Zealand and she went by the Christian name of “*Trixie*”; yet police failed to investigate the involvement of these 3 persons and there have been lost or unexplored forensic opportunities to identify this woman, and

b. *‘there was also a very distraught and sobbing woman picked up by a taxi from RYCT between 11pm and 2am on Australia’.*

Having considered the police investigation I am satisfied there has been a proper investigation by police about these allegations both soon after the disappearance of Mr Chappell and subsequently and nothing has arisen to suggest they should be pursued any further. The person known as a Gleeson was spoken to by police officers during the morning of the 27 January. He stated he was and had been asleep in his motor vehicle at any relevant time and had no information to objectively assist in what may have occurred at or around the time of the disappearance. There is no other objective evidence available to suggest that he may not be telling the truth. It is apparent that Gleeson had lived in his car at the Sandy Bay Rowing Sheds site for some time and was known to be a heavy consumer of alcohol. He had associates known as Yaxley (aka Little) and Wroe who were also spoken to by police and who were also heavy consumers of alcohol.

There is nothing in their evidence or recall of events which could objectively permit any findings to be made on the balance of probabilities which might assist in this inquest. Their evidence could only be regarded as generally unreliable littered with speculation, hearsay and post-event innuendo. There is nothing in their evidence which might suggest they had any involvement with the Four Winds on the 26 or 27 of January. There is no acceptable probative value or weight or other worth in their evidence in the context of pursuing an inquest hearing. The identity of these witnesses were known to defence at the time of the trial and it was open for defence to have pursued them as potential witnesses, even if the DPP and police considered their evidence as less than relevant.

Further, in relation to the speculation about the woman who went to New Zealand at or about the relevant time. I am satisfied this was and has been properly investigated and has no relevance to any issue extant in relation to the disappearance of Mr Chappell. Because this woman left an apparently abandoned motor vehicle near the Sandy Bay Rowing Sheds she was posted as a possible missing person on 11 January 2009. She had not been seen since the end of November 2008. Enquiries were conducted and on 11 January 2009 it was confirmed that this woman was in New Zealand attending a family wedding on 6 December 2008 and was staying with family. She returned to Hobart in March of 2009 and was spoken to by police who established there was no link or connection to Mr Chappell or any other relevant person of interest and it was confirmed she was in New Zealand at any relevant time. The speculation that she left for New Zealand soon after Australia Day, is merely that – speculation without any foundation.

Following investigation there is no available information in relation to any person called “Trixie.”

Police have also investigated the report of the sobbing woman at the RYCT. As a result nothing could be discovered relevant to this inquest. It falls very firmly into the arena of mere speculation.

2. Ms Neill-Fraser now asserts that a potential witness, whom I will identify as Mr X, has come forward (in 2013) and *“he believes he holds critical information, even “the lynchpin,” as to what occurred on Australia Day 2009.”* It is also asserted that Mr X, *“provided a lengthy handwritten explanation to police as to what occurred (shortly after the 2009 incident it would seem) and gave a full description of a woman involved to the police but he refused to sign a statutory declaration.”* It is also asserted that Mr X has, sometime prior to 2 July 2013 been in contact with Tasmania Police and given them 3 sources of more information but police were just *“sitting on it.”* It is asserted that this is critical information not followed up by police and that Mr X’s 2009 evidence was never disclosed prior to the trial of Ms Neill-Fraser.

Having investigated these assertions I am satisfied that Mr X was a former registered police informant, having been de-registered following TasPol discovering that a statutory declaration provided by him in relation to an entirely unrelated matter was found to be false. Nevertheless he kept in touch with Detective Long from time to time.

It is incorrect that after Australia Day police typed a statutory declaration of his in relation to the Chappell matter. It is incorrect that the informant provided any description of a female or anything else said to be linked to the Chappell death or suspected death. However, it is correct there was a statutory declaration but on a quite unrelated matter.

Well after the trial leading to the conviction of Ms Neill-Fraser, Mr X did write to police on 20 March 2013 with one asserted piece of information relating to a dinghy being sold or having been sold by police. Without providing any information to lay any foundation or basis, he stated in his letter that *"I believe the Purdon Dinghy being sold by Steve may be involved in the disappearance of the Doctor off Four Winds."* Further discussion with Mr X by TasPol disclosed that the information supplied by Mr X in his letter of 20 March 2013 came from discussions he had with others in a hotel bar in or around August/September 2012 and on 9 March 2013. Mr X was spoken to by TasPol on 20 March 2013 and did not wish to be identified, was not prepared to make any further written statement and was not a willing witness.

On 20 March 2013, in describing persons present in the hotel bar some 3 weeks after August/September 2012, Mr X described two males as being drugged up and drunk and *"there was a dark haired female with tattoos with them. This female went from bloke to bloke. She was in her late 30's, long dark hair, good looking, and had big teeth."* Mr X went on to say that about 2 weeks later, Mr X was informed this woman had breached a parole condition and had gone back to prison. Following detailed investigation this is the only information provided by Mr X giving the description of any female possibly relevant to this inquest. There is nothing to suggest that this unknown female was in any way related to the disappearance of Mr Chappell, other than the speculation that the unknown female was in a hotel bar in late 2012 in close proximity to two drunk and drugged males who had a very loose connection by proximity to the events of 26/27 January 2009.

TasPol investigated further and concluded that no useful probative evidence had arisen or was likely to arise from the hearsay and unreliable so-called evidence provided. In all of the circumstances I cannot disagree with that conclusion. Having separately considered this information there is nothing within it which persuades me that it is any more than speculation and hearsay or that it is more likely than not to have a relevant bearing upon any findings I may be required to make pursuant to the Coroners Act. Mr X conceded that any information he had to impart was hearsay and he had no information to corroborate any assertion. The reliability of his evidence must also be considered in the objective context of his own reliability and credibility. It seems reasonably clear that the two males present in the hotel may well be Gleeson and Rowe, both of whom have been spoken to at length by TasPol who objectively considered that there must be questions as to their general reliability and credibility. There is just no probative weight in any information or suspicions surrounding either of them as having been involved in the death or suspected death of Mr Chappell.

3. Tasmania Police have refused access to key documentation such as;

a. a file in relation to a person known as Philip Triffett;

In relation to this, I note that two statutory declarations made by Mr Triffett and his sworn deposition were included in the Crown papers available prior to the trial and I reasonably infer that those papers remain in the possession of Ms Neill-Fraser or her advisors. The admissibility of the evidence of Triffett at the trial was the subject of a ground of appeal to the Court of Criminal Appeal, but was rejected. It was not a ground of appeal to the High Court. Having considered available documentation relating to Triffett, there is nothing within it which persuades me that any further ventilation will assist me in my statutory duties.

b. failing to disclose interviews conducted by police with Mr Gleeson and Mr Yaxley (also known as Mr Little), allegedly homeless men on Marieville Esplanade foreshore at a relevant time;

It is trite to say that not all evidence gathered by investigators will have sufficient cogency or weight or probative value to warrant producing in evidence. As I understand it neither of them gave evidence at the trial. Their names appeared on TasPol investigation running sheets and their identity known to defence counsel at all relevant times. I have already discussed the general lack of utility in their evidence and general unreliability in it. I have considered their detailed records of interview and other material about their relevant knowledge and have concluded there is nothing within them which persuades me that any further ventilation of them will assist me in my statutory duties. I can see no reason why the statutory declaration of Yaxley (aka Little) and the records of interview of Messrs Gleeson and Rowe cannot be made available.

c. failed to disclose interviews conducted with Ms Vass, the homeless girl whose DNA was found on the yacht;

This just cannot be correct. At pages 274 to 277 of the Crown papers is the Statutory Declaration of Senior Constable Sinnitt noting in some detail his investigations into the Vass DNA and noting that she declined to make a statement *“stating that she has no recollection of her movements at the relevant time and stating it would be a waste of time due to her having no knowledge of the matter.”* The Constable’s hand-written notes of his conversation with Ms Vass on 18 March 2009 were also in the Crown papers. It is also to be remembered that Ms Vass was aged just 15 years at the relevant time and had been homeless for some 2 years. I have previously noted that both appeals rejected submissions that her evidence should have been rejected. In my view, whether TasPol did or did not disclose interviews with Ms Vass before the criminal trial has no significance to my considerations. Having considered the available material, there is nothing more usefully to be gained in relation to the evidence of Ms Vass. There is no acceptable evidence to link Vass to any other person linked to the investigation or for any motive for her to be involved with the murder of Mr Chappell. Other than the DNA match there was no other link between Vass and the vessel. It is established that no less than 21 persons, including Police, Fire Officers, civilian witnesses and Ms Neill-Fraser had been on board the vessel between the time the vessel was found sinking to the time the sample of Vass’ DNA was taken from the deck on or about the 15 March. In the meantime the vessel had been moored at Constitution Dock and POW Bay. Vass denied having ever seen the Four Winds or been on it and denied having any knowledge of Mr Chappell. Her DNA may well have been placed on board the yacht simply by transference, but of course that is speculation. As Chief Justice Crawford said, Ms Neill-Fraser *“had failed to establish that there is a significant possibility, one greater than a merely speculative one, that the jury would have acquitted her if Ms Vass had been recalled.”* In all of those circumstances this

assertion and the submissions in relation to it must be rejected as being not relevant to my considerations.

d. key documents have been significantly redacted or blacked out by Tasmania Police and the coroner should have access to this additional information.

I am reasonably satisfied that I have had access to any and all available documents. I have no specific documents referred to me by those who assist Ms Neill-Fraser and infer that any such redacted or blacked-out documents arose from TasPol complying with obligations under the *Right to Information or like legislation*. I am not persuaded I should take this any further.

4. It is submitted that in the criminal trial Ms Neill-Fraser gave evidence that on 10 January 2009 she and the deceased discovered that the Four Winds had been entered and searched and that this was corroborated by an entry in her personal diary for that date. It is now submitted that this *“highlights concerns about the issue of drugs well before the events of Australia Day and indicates quite likely the yacht had been unlawfully entered several weeks before the disappearance of Bob Chappell and that it could well be consistent with people stealing from yachts, or homeless persons or others using the yacht to obtain supplies, or for somewhere to sleep for the night, particularly if they had access to a dinghy and the entry also indicates that trespassers had explored the boat, touching various items of equipment and even lifting floor hatches. This is important as the seacock that was used to attempt to sink the boat was found to be under a floor hatch.”*

It is submitted by Ms Neill-Fraser that the DPP contended at the trial the diary entry was a lie and another false trail by Ms Neill-Fraser and that the diary entry was squeezed in on that date and was clearly in 2 different pens. There was evidence from a document examiner to support this.

Having considered the diary entry I am not persuaded that it would satisfy me that on the balance of probabilities any of the submissions now made might be correct.

It is submitted that an April 2013 report by a forensic document examiner, Michelle Novotny establishes that the inks in the relevant entries are not distinguishable and there is no evidence to suggest the relevant entry had been “squeezed into” the entry for that date. She may well be correct about that because it subsequently came to pass that the original diary provided by TasPol to the legal representatives of Ms Neill-Fraser and inspected by M Novotny was the incorrect one. It seems that within days of the 27 January 2009, Ms Neill-Fraser volunteered to TasPol her 2008 and 2009 diaries to assist with investigations into his disappearance. She took a photocopy of the original 2009 diary and then transposed the diary entries for January into a new 2009 diary. In March of 2009, TasPol searched her premises and took into custody all diaries in her possession including the new or second 2009 diary. The original 2009 diary was tendered into evidence in the trial and to date remains within the Supreme Court as one of its exhibits.

I accept that TasPol in good faith provided what it thought was the original diary to the agents for Ms Neill-Fraser and there is nothing sinister in doing so. I assume the original diary can be made available for inspection upon request to the Supreme Court. I decline to make that application.

It is also submitted that this *“new material supports the theory that someone else visited the Four Winds yacht that day...”* At best it

is an unsupported theory. It is not probative of anything in any admissible sense.

Further, the question of the accused seeking to lay a false trail to divert police by making the diary entry was the subject of the appeal to the Court of Criminal Appeal (ground 3). That court rejected that ground of appeal. It was not a ground of appeal to the High Court.

5. It is asserted that the personal notebooks of the deceased were in the possession of Taspol but were never disclosed to defence counsel at or before the trial. It is maintained the accused handed 3 such notebooks to TasPol during the investigation. Without laying any basis for it, it is now the belief of the Ms Neill-Fraser that Mr Chappell may have recorded in those notebooks a range of important issues, including the possible disposal of the Four Winds out-of-commission fire extinguisher.

Those notebooks remain in the possession of TasPol and while some of the handwriting is hard to decipher I accept that they contain nothing of relevance to assist me further. Generally they contain notes about enquiries made before purchasing the yacht, what needed doing about or on the yacht; later notes about work planned and safety checks needed; entries or records of trips they had made and activities. There is no apparent entry relating to any fire extinguisher. There is nothing to suggest they may have had any relevance to the criminal trial or any coronial investigation. I can see no reasons why copies should not be provided.

6. It is asserted that the ships log – trial exhibit P 13 - “*may also provide critical information.*” Again, without laying any basis for, it is now the belief of Ms Neill-Fraser “that a review of this document may also provide critical information.” The log was an exhibit in the criminal trial and remains with the Supreme Court. I accept that it contains notes of problems Mr Chappell had with the vessel and the details of the trip from Queensland. Am not persuaded it has any relevance to the coronial investigation. I assume the original log can be made available for inspection upon request to the Supreme Court. I decline to make that application.

7. It is asserted that the TasPol Forensic Register includes an entry for the 4th of February 2009 – bedding – sheet (with red/brown stains) starboard aft cabin of yacht. The reference is 144314662.

Page 1021 of the Crown papers (Forensic Biology Report) and item “**No. 106 – sheet (with red/brown stains) – starboard aft cabin – Not examined**”. See also Forensic Exhibit Register item No. 144314662 same description appears under heading ‘bedding 04/02/2009’.

The bedding was not tested and continues to be held by TasPol Forensic Services. I accept that given the other evidence available, investigators made a judgment that it need not be tested. I am not persuaded there is any utility in going to that expense. I can see no reason why Ms Neill-Fraser could not now arrange to have that sheet tested.

8. The question has arisen whether a black jacket found by Mr Nicholas Millen on Droughty Point on 28 January 2009 held at Bellerive police station (miscellaneous receipt 214264) (see police investigation log entries for 2 February 2009 and 15 April 2009), was investigated by TasPol. The implication being that it was not.

That is not the case. Ms Neill-Fraser reported that a black jacket with no lining was missing from the yacht and it belonged to Mr Chappell. The jacket found by Mr Millen on 28 January 2009 was a polar fleece black jacket with a lamb's wool type lining and obviously dissimilar to the one reported as missing from the yacht. A statement was taken from Mr Millen and disclosed to defence. This jacket had no relevance. It remains irrelevant. The question about it is mere speculation with no foundation. The black jacket is still held by TasPol.

9. It is suggested that a fire extinguisher was found in the yard of Sandy Bay property around the time of the disappearance which was said to have been seized by police. It is suggested this finding was not in the police investigation log and was not followed through by Tasmania police.

A search of police records has not revealed any information regarding the supposedly extinguisher located in the yard. Records relating to other fire extinguishers located by members of the public are available and they were all discounted as they were the incorrect size or otherwise contained evidence post 27 January 2009. Given the lack of any formal record of this fire extinguisher it is more likely than not that it was immediately discounted as not being relevant upon inspection and accordingly was not formally recorded. There is no other information available in relation to it of any probative worth.

10. Copies of DVDs of recorded interviews between the accused and police in March and May 2009 are sought by Ms Neill-Fraser as it is asserted, without laying any foundation for it, that "*significant pieces of conversation appear to have been not included in the taped interviews for the benefit of the court.*"

It is very clear that the original DVD's were made available to defence counsel and the originals were tendered as exhibits in the criminal trial and remain with the Supreme Court. On the face of it serious allegations are raised in relation to the propriety of police officers in and about the investigation. There is no evidence to support the allegation the originals were edited or changed by TasPol. It might be that from time to time the DPP may edit copies of records of interview to delete agreed inadmissible material before it is played to a jury. I have no information about that possibility but in any event defence counsel had ample opportunity to take instructions and address any such issues before or during trial or subsequent appeal processes. I reject it.

11. It is also asserted that on 5 April 2010 Senior Sgt Kerry Whitman of Forensic Services Hobart said in a statement disclosed to the defence, but never called as a witness at the trial, that she edited CDs and DVDs in relation to the murder investigation as per written instructions and verbal assistance from Detective Sinnitt. It is said that a number of the discs were edited by removing specific parts of the audio file with the Nero WaveEditor program. Her statement is also alleged to support the allegation that all the "*product discs*" were duplicated after the editing process and consequently were edited discs and not a true copy of the original discs that were provided to defence counsel. It is asserted that Neill-Fraser has always maintained that sections of her DVD records of interview have been edited out.

These are on the face of it very serious allegations to make against the two police officers of having fabricated or interfered with

evidence in a homicide/coronial investigation.

The statutory declaration of officer Conroy, p 261 of Crown papers and officer Puurund page 284, notes that on 4 March 2009 Puurund spoke with the accused at the police station and it was recorded on discs H1/178/09. On 5 May Conroy and officer Sice conducted another ROI recorded on discs H1/348/09 - see page 263 of the papers. Page 285 Puurund states that on 20 August 2009 he asked the defendant to do another ROI but she declined.

The ROI dated 4 March was transcribed by Ringrose on 21 August 2009. She transcribed from CD numbered HO1/178/09. The 5 May ROI was transcribed by Wagner on 7 July 2009 from CD HO1/348/09.

Both original DVD's remain in the exhibit register of the Supreme Court – P68 and P70. It is clear to me that the statement of Sgt Whitwam relates to the formatting of CCTV footage obtained from third parties as well as listening device recordings so that they were in a format to be viewed by others and played in court. There is no evidence any records of interview have been edited in any way. No issue was taken at trial or in subsequent appeals in respect of this allegation. If she was not called as a witness in the criminal trial then I infer it was as the result of the approbation of Ms Neill-Fraser and her advisors following disclosure of the relevant discs and statements and other information.

12. It is contended that following subsequent analysis of statements made by witness Peter Lorraine compared to his evidence at the criminal trial, his evidence is quite unreliable, but it was presumably relied upon especially in ascertaining an approximate time as to when Mr Chappell was last seen alive. It is also suggested that the original notes taken by police officer Sinnit of his discussion with Mr Lorraine on 27 January 2009 was never disclosed by TasPol before the trial and that the original notes in fact contain more important detail than the entry contained in the formal police investigation log. It is asserted that as a result, the ethical behaviour of investigating police in omitting critical information from Mr Lorraine statement and the formal police investigation log must be questioned together with possible issues of suppression of evidence and non-disclosure.

The original notes and supplementary information are still available in police possession. I am informed and accept that defence counsel were aware of the notes prior to trial. In my view the contents of those notes would have had no real impact upon the evidence available. They can be made available if necessary upon request.

My investigations into these assertions do not permit me to draw any specific conclusions and in any event the question is more properly to have been addressed at the trial or subsequently. Like other witnesses, Mr Lorraine may well have been confused about the precise timings of events; however evidence from a nearby shop receipt placed him in the area at 5 pm. All of his statements were disclosed to defence counsel and it was open for him to have been cross-examined regarding any of these issues. Even if Mr Lorraine's evidence is found on the balance of probabilities to be unreliable I am of the view that it would make no positive difference to any findings a coroner may be required to make pursuant to the provisions of the Coroners Act.

13. It alleged there is concern that critical evidence from Dr Newton obtained by police was not made available to the court in relation to medical issues for the accused and there is a need for expert advice on the impact of shock anxiety and diazepam upon the accused's memory and the conviction should not be relied upon to negate the need for a full and open inquest due to memory issues for Ms

Neill-Fraser in relation to her movements on 26 January which may well have been brought about by a combination of shock and anxiety and diazepam medication.

Dr Newton was the general practitioner for Ms Neill-Fraser at the time of the disappearance of Mr Chappell. TasPol obtained a medical report from him especially in relation to any thumb or wrist injury. The report did not disclose a history of any such injuries. Dr Newton saw Ms Neill-Fraser on 4 February 2009 and she informed the doctor that her husband had disappeared in mysterious circumstances. The doctor's notes also referred to a claim by her that she had derealisation sensations and immobility which stopped her from moving for up to 15 minutes, most probably stress-related catatonia thought the doctor. The doctor recommended relaxation time and exercise. At a later consultation Ms Neill-Fraser sought a referral to a psychiatrist and subsequently saw Dr Ian Sale. Dr Sale subsequently provided a report on her behalf. All medical records and reports were disclosed to defence counsel prior to trial and it is apparent she did not elect to call any medical evidence nor did she seek the DPP to do likewise to further any possible defence.

I am not satisfied I should pursue this matter any further. There is nothing to persuade me that this assertion, even if it had a scintilla of relevance, would assist me in my statutory findings.

14. It is submitted that a statutory declaration of Jill Ikin dated 2 October 2009 (8 months after the disappearance) gives firm experienced evidence about a quite different dinghy being alongside the yacht. It is said this evidence is now critical as there are now 3 apparently reliable witnesses who saw a grey and different dinghy secured to the yacht namely Lorraine and witness P36. P36 was not called at the hearing nor was Ikin! Ikin in her statutory declaration also noted that she contacted police within a few days of the disappearance that there is no entry in the police investigation log in relation to that and there was no formal statement taken from her until 8 months later and she was not called as a witness.

It seems that P36 refers to Exhibit 36 in the Supreme Court file- "*stat.dec by mature woman of sound mind.*" Obviously this person was not called as a witness and the inference to be drawn is that her statutory declaration was placed into evidence by the consent of the defendant.

Ikin was not called to give evidence at the criminal trial but her evidence was available to defence counsel. It must be noted that Ikin was some distance from the vessel and dinghy and it is possible that she was confused about what she saw and where the dinghy was, just as much as some other witnesses may also have been. Nevertheless, discrepancies in evidence between witnesses as to the position of the yacht and the colour of a dinghy were taken into account by both the jury and the judge in the criminal proceedings. I accept that there was a lot of conjecture about the colour and description of the dinghy as seen by various persons and this topic was canvassed at significant length throughout the trial.

Following investigation, I am reasonably satisfied that there has been an oversight in the failure to record on the police investigation log, the initial contact with witness Ikin however, it must be accepted there was some note or reference of it for police to follow it up with her in October 2009.

In my view this failure or error in a lengthy detailed and comprehensive investigation does not on the balance of probabilities give rise to any systemic or any other failure in the police investigation and does not give rise to any concern that some other person may have contributed to the death of Mr Chappell.

15. In relation to DNA testing of a human hair found on the hatch on the yacht. Again, I am surprised about the suggestion this was not followed up by TasPol. The Forensic Biology report dated 1 July was produced during the preliminary proceedings and formed part of the Crown papers (page 999) presumably was and still remains available to Ms Neill-Fraser and her advisors. In any event I have confirmed the human hair was tested and continues to sit on the Tasmanian and National database and is automatically checked against new entries. All that could be found was that it was a female DNA profile. FSST checked the database 23rd of October 2013 and there is still no match.

Further, a piece of evidence known as the “*long dark hair*” found on the outer surface of the jacket found to belong to Ms Neill-Fraser was not forensically tested as investigating police considered it was not relevant. Some of the hairs found on the jacket were possibly animal hairs but again were not forensically tested. This hair remains in the custody of TasPol Forensic Services.

The “*apparent hair*” found near the removable steps in blood from Robert Chappell was also not tested and is held by TasPol Forensic Services.

The Dolphin torch and blue cushion are still held by TasPol Forensic Services.

16. As best I can understand it, Ms Neill-Fraser also maintains that generally the police investigation was deficient in that DNA samples and/or fingerprints were not taken from all persons no matter how remotely connected with Mr Chappell and his disappearance. Unidentified fingerprints were found in or about the yacht and its accoutrements.

Having investigated this matter further I am satisfied that in fact DNA samples and/or fingerprints were taken from all and any persons of interest including tradesmen, police officers and family members and crossed-matched to any DNA or fingerprints found in or about the yacht and its accoutrements. While it may be of little relevance, my investigations disclose that despite very clear evidence Ms Neill-Fraser had been on board the yacht on at least 25 January for some period of time, none of her fingerprints were discovered on the vessel or its accoutrements.

17. There is a general and broad but very serious assertion that a latex glove discovered by forensic officers on the yacht contained the DNA of Timothy Chappell and this obviously links him with the disappearance of his father.

This seems to relate to item 26 in the Forensic Biology Report. The register has several references to latex gloves and boxes of gloves on board the yacht. Available evidence is clear that Timothy Chappell was on board the yacht with police and other family members during the day of 27 January 2009 after the yacht was moved from Battery Point to Constitution Doc. Whilst on board it was noticed that there was still water leaking into the vessel via the damaged seacock. In the presence of police officers and Ms Neill-Fraser, Mr Chappell used the latex glove to help block the still leaking pipe. It is to be noted that at the time Mr Chappell used this glove, police

were not treating the matter as a murder investigation, merely the mystery disappearance of Mr Chappell.

The yacht was then removed to dry-dock at Prince of Wales Bay where a thorough forensic examination was undertaken and the glove was there located by forensic examiners. A forensic swab was taken of the glove but Mr Chappell was never interviewed regarding it as he was not a suspect and investigators realised how his DNA was left in or about the glove.

There is no evidence to suggest any likelihood that Timothy Chappell was or is linked to any of the issues in this inquest.

## **Conclusion:**

It is inevitable that when the body of a deceased person cannot be presented to the coroner and a person is convicted of having murdered that person based entirely on circumstantial evidence, there will be some unanswered and unanswerable questions and issues arising. It is also inevitable that not every stone is overturned in a police investigation, whereas an ideal world might dictate they should, no matter how relevant or irrelevant they might appear. In this case there have been many criticisms of the police investigation, most of which in my view have no substance to them and I am not satisfied that any of those criticisms will inevitably lead to a cogent and probative result likely to change any findings I might otherwise make in this case.

I am not satisfied that it has been established that there is any significant possibility, beyond merely speculative ones that the holding of a public inquest would elicit any information further to that disclosed by the lengthy and in my view comprehensive police investigation and the findings of other courts in and about the death of Mr Chappell which has sufficiently disclosed the identity of the deceased person, the time, place, cause of death, relevant circumstances concerning the death and the particulars needed to register the death under the *Births, Deaths and Marriages Registration Act*.

I repeat that section 25 (4) of the Coroners Act 1995 does not permit a coroner to make any finding inconsistent with the result of the criminal proceedings. In my view a full public inquest could only be contemplated if fresh evidence was forthcoming which either made it unlikely that Mr Chappell was dead and/or that Ms Neill Fraser was his killer and/or that he had died in other circumstances and/or it may be reasonably possible to comment on any matter connected with the death including the administration of justice. I am not so satisfied.

Whether I resume the inquest or not or whether I hold a public inquiry or not, I am still required by section 28 (1) to make various primary findings, if possible. That is, to find if possible, the identity of the deceased; how the death occurred; the cause of the death; when and where death occurred; the particulars needed to register the death under the *Births, Deaths and Marriages Registration Act 1999*; and the identity of any person who contributed to the cause of death. Further, I must, whenever appropriate, make recommendations with respect to ways of preventing further deaths and make recommendations on any other matter that I consider appropriate and I may make comment on any matter connected with the death including public health or safety or the administration of justice, including systemic failures that contributed to the death and deciding remedial responses. An obvious case where this may specifically apply may be in a work-place accident where the systemic failures of the employer led to or caused the death of the employee. Except in the terms of the 'administration of justice' my primary duty is not to investigate or comment upon the police investigation or the way in which the prosecution was conducted.

Even if findings could be properly made that investigating police had failed to properly investigate various relevant issues, unless it could be

shown those failures were systemic, there would in almost every conceivable case be little relevance to any section 28 findings to be made. In any event they would have little if any relevance to having caused or contributed to the death in this particular case.

It is clear that by the finding of guilt of Susan Neill-Fraser the jury must have had no reasonable doubt that Mr Chappell was deceased and that he was murdered by her on board the vessel “*Four Winds*” on the night of 26/27 January 2009 and that his body was disposed of from that place at that time and his body has not since been discovered. None of those findings were changed by either appeal court and it is to be noted that, at least for sentencing purposes.

In regard to how the death occurred, there is no other cogent material to suggest it occurred other than was found in the criminal proceedings. In regards to the identity of persons who may have contributed to the cause of death or assisted in the disposal of the body, there is no acceptable, credible or cogent evidence to suggest any person other than Ms Neill-Fraser was involved.

## **Findings:**

Given the findings in the criminal proceedings and the conviction of Ms Neill-Fraser, I accept and find that Mr Chappell was murdered by her and as a result his death cannot be regarded as being ‘suspected’.

Having regard to the outcome of the charge preferred against Ms Neill-Fraser and her conviction, the sentencing process and the comprehensive nature of the investigation, I find there is no cause for me to resume the inquest pursuant to s 25(3) or to hold any formal inquest hearing pursuant to section 26(1).

I find that the deceased was Robert Adrian Chappell, born on 2 December 1943 in the United Kingdom. At the time of his death he was usually resident at 7 Allison Street West Hobart and was employed as a medical physicist at the Royal Hobart Hospital.

I adopt the findings in the criminal proceedings that Mr Chappell was killed following an attack by Ms Neill-Fraser when they were on board the vessel *Four Winds* when it was anchored at Battery Point in Hobart and that he must have been either dead or deeply unconscious when his body was placed into the sea at or near that place. The cause of his death by asphyxia due to drowning cannot be ruled out.

I find that his death occurred somewhere between late afternoon/early evening of 26 January 2009 and the early hours of 27 January 2009.

There are no other relevant findings I need to make or to provide any other particulars to register his death under the *Births, Deaths and Marriages Registration Act 1999*.

I can make no findings that any person other than Ms Susan Neill-Fraser, contributed to the cause of death of Mr Chappell.

There are no systemic issues which require further exploration or possible recommendations with respect to ways of preventing further deaths. There exists no reasonable prospect that the holding of a formal inquest hearing could further the aims of the legislation in having reportable deaths properly, independently and impartially investigated in the public interest.

In this case a formal inquest hearing does not represent a valid justification for the utilisation of Court time and resources and, certainly not

least, subjecting next-of- kin to the rigours of a public hearing.

I now conclude this inquest by offering my sincere condolences to the family of Mr Chappell and hope these findings can lead to the earliest possible closure of their grief.

DATED: 17 day of January 2014.

**Glenn Alan Hay**  
**CORONER**

## Appendix X

### List of witnesses at leave application for 2<sup>nd</sup> appeal ... [A2A ...]

Date	Day	Witness
2017 10 30	Mon	<b>Vass</b> , Meaghan: Homeless girl whose DNA was found on the Four Winds. <b>Brocklehurst</b> , Brent Thomas: Hairdresser, Sandy Bay. <b>Gleeson</b> , Stephen John: The homeless man living in van at Short Beach. <b>Jones</b> , Maxwell: Forensic Police VIC. Author of Report.
2017 10 31	Tue	Jones, Maxwell: Forensic Police VIC. Author of Report. <b>Lorraine</b> , Peter Derek: From Derwent Lane jetty saw 'old seafarer' on a boat. <b>Hidding</b> , Eddy Robert: had Chandlery on Short Beach, new Wroe & Maddock <b>Shield</b> , Stephen: boat broker in Chandlery premises. Located SW nth of FW <b>Catchpool</b> , Stephen: husband of Jane Austin, aware of people living in cars [and Wroe] <b>Blackberry</b> , Shane M: boatswain at DSS. Knew Wroe, Didn't think SW slipped on 26Jan <b>Smith</b> , Garry David: had yacht at marina, several times saw dinghy tied to rowing club rocks.
2017 11 01	Wed	<b>Maddock</b> , Grant: sailor/artist: SW sometimes near Derwent Lane. Offered help to Brettingham Moore <b>Brettingham-Moore</b> , John Hubert, rejected offer of help, visited Chandlery next morning, learnt of missing man. <b>Wroe</b> , Paul: unemployed, lived on SW. Slept the night on his bunk on SW
2017 11 01	Wed	<b>Smith</b> , Christopher: managed CleanLift Marine, Goodwood. Attended Constitution Dock 28?Jan. FW pumps feed wire disconnected.
2018 03 08	Thur	<b>Reynolds</b> , Dr Mark: Produced Report: <i>State of ropes &amp; Winches &amp; the Police Winching Test</i> and <i>Trace Blood Analysis</i> . <b>Woodhead</b> , Constable Heidi: collected a grey hair from FW on 27Jan2009, Item #1 of her stat dec, not visible in photograph2018 03 09
2018 03 09	Fri	<b>Miedecke</b> , Sandra Jeannie: present when Maddock rowed out to Brettingham-Moore. Didn't remember (à la Puurand's phone note) if return was 24or26Dec18
2018 08 22	Wed	<b>Sinnitt</b> , Shane Anthony: Policeman (23 years) Dtv. Sgt. Became involved in case 27Jan2009, Now gives evidence on M. Vass, vomit rags...
2019 02 05	Tue	<b>McLaren</b> , Colin: EXD/XXD re contents of his 1Oct2018 affidavit, his work for Eve Ash and research for his book

*Southern Justice.*

- 2019 02 06 Wed McLaren, Colin: XXD&REXD re contents of his 1Oct affidavit, his work for Eve Ash and research for his book *Southern Justice*.
- 2019 03 14 (or later) Vass, Meaghan: court reconvened to receive advice of an affidavit by her (25Feb2019) stating she *was* on the Four Winds.