

XIII COUNT 3: THE SWAN'S CROSSING WOUNDING

740. Although the offence in the indictment was charged as having been committed between 2 and 30 March 1989, it became clear at the trial of Roseanne Catt that Sunday, 12 March 1989 was the relevant date.

(a) MR BARRY CATT

741. The Crown's case, based essentially on Mr Catt's evidence, was that Mr Catt and Ms Catt had gone in her car to Swan's Crossing to have a picnic. The picnic gear including a rug was laid out. She offered him a stout and lemon and was cutting up the lemon with a knife later described by Mr Catt as an oyster knife. According to Mr Catt, she was making aggressively disparaging remarks about Mr Catt's sister, Ms Warwick and had then stabbed the rug with the knife. Mr Catt said that when he remonstrated with her, she said she would stab him too and had pricked him twice with the knife. When he told her not to be stupid she "drove it in".

742. Mr Catt was bleeding and walked to where a man (Mr Garry Jeffrey) was at a barbeque. The man gave him a t-shirt to help him stem the flow of blood. Mr Catt said that Ms Catt had then driven up in her car and told him to get in but he declined to do so. She drove off without him. He said he walked and hitchhiked back to Taree (H.Ex 2.2; T/T p146-8).

743. Mr Catt said he had not gone to hospital nor had he sought any professional attention for his wound that day. He said that after he had got back to 2-8 Cornwall Street, Ms Catt had arrived and had asked him "how is your side". She had looked at the

. P-195

wound and said, "It won't need stitching".

744. The following day Mr Catt claimed that the wound had started to fester and swell and he had shown it to Dr Goddard, one of his customers, but had not otherwise reported the matter. He identified the knife (T.Ex D) and the t-shirt which had been lent to him (T.Ex E).

(b) MR GARRY JEFFREY

745. Mr Jeffrey said that he had been setting up a barbeque at

Swan's Crossing when he heard angry voices of a male and female. He said that a man he had never met before (Mr Catt), dressed in a swimming costume and thongs, came to where he was. The man was holding his left side and Mr Jeffrey said he saw blood coming from it. He said he gave Mr Catt a t-shirt and a lady (Ms Catt) had then driven up. The lady said something to Mr Catt and asked Mr Catt to get into the car. Mr Jeffrey said Mr Catt had initially declined but had eventually got into the car. He said about ten minutes after he had seen Mr Catt getting into the car he saw him again at the picnic ground.

746. Mr Jeffrey said that he had first met Det Sgt Thomas and Det Paget when they arrived at his house to take a statement. There is no indication in the evidence that Mr Jeffrey was pressured into making a statement, or making any particular statement, by anyone (H.Ex 2.4; T/T p858-76).

(c) MS BEVERLEY THOMPSON

747. Ms Thompson said she was with Mr Jeffrey at Swan's Crossing. She gave evidence along the same lines as Mr Jeffrey but said that the t-shirt was blue, whereas he said it was

. P-196

yellow. Ms Thompson too said that she had not previously met Det Sgt Thomas before police came to her house to take her statement (H.Ex 2.7; T/T p879-84).

(d) MR GARRY MCGUIRE

748. Mr McGuire confirmed Mr Catt's account to the effect that whilst in the process of walking and hitchhiking back to Taree he had arrived at Kew where he was apparently seen by Mr McGuire. Mr McGuire said that when he saw Mr Catt, he was wearing a blue t-shirt holding his side and blood was oozing from the shirt (H.Ex 2.4; T/T p876-78A).

(e) DR GODDARD

749. Dr Goddard said that in March 1989 he had gone to Mr Catt's workshop as a customer. Mr Catt had there shown him the wound in what Dr Goddard described as his "lower left chest". He said in his opinion it was consistent with having been caused by a sharp object and "more than a few days old" when he saw it. Again there is no indication on the evidence that any pressure was applied to Dr Goddard by anyone (H.Ex 2.3; T/T p863-72).

(f) MS ROSEANNE CATT

750. Ms Catt said that she had gone to Swan's Crossing by arrangement to meet other members of her family. She said she got there at about 10.00am and Mr Catt had arrived at about 11.00am. She said she had laid out a blanket and Mr Catt had accused her of being there to pursue an affair with another man and he had started "driving" the knife into the blanket saying he was going to kill. She claimed that he had come towards her with the knife and she had put her foot out

. P-197

and he fell saying, "Oh you cut me you bitch". Ms Catt said that she had seen no injury nor any blood. She denied stabbing Mr Catt. She said that she had gone back to Taree and denied having seen Mr Catt later that day in 2-8 Cornwall Street (H.Ex 2.9; T/T p2706-7, 2743-4, 2995, 3001).

(9) WHERE DID MR BARRY CATT SPEND THE NIGHT OF 11-12 MARCH 1989?

751. At the trial, matters going only to credit were extensively canvassed. The most important of these related to Mr Catt's claim to have spent the preceding night with Ms Catt at a Port Macquarie motel, having gone there with her from Taree. Ms Catt said that she had gone to Port Macquarie alone and had booked into the motel. She said that Mr Catt had arrived surreptitiously during the night.

752. Initially Mr Catt denied that he had gone to Port Macquarie but in re-examination and after a weekend had elapsed before he returned to the witness box, he said there was an occasion when he had gone to Port Macquarie with Ms Catt and stayed overnight. They had gone the following day to Swan's Crossing which was probably the occasion in question he said.

(h) MS JANET ESLICK

753. After Mr Catt had given his initial version in chief on 22 May 1989, Det Paget contacted one of the joint proprietors of the motel, Ms Eslick (H.Ex 2.3; T/T p1545-90) and received confirmation from her on the telephone that Ms Catt had stayed at the motel overnight on 11-12 March 1989. Det Paget denied any communication with Mr Catt prior to Mr Catt giving his revised version on his return to the witness box.

. P-198

754. Motel records produced by Ms Eslick indicated that both Mr and Ms Catt had booked in together for the overnight stay. On the following morning, however, Ms Catt claimed to Ms Eslick that Mr Catt had got in through a bathroom window.

755. Ms Eslick said that on Monday, 13 March, she had received a telephone call from Ms Catt asking that she, Ms Eslick, should say if anyone enquired, that Mr Catt had not been with Ms Catt and that she had booked in alone on Saturday, 11 March.

756. Ms Eslick said she had later received another telephone call from Ms Catt who had asked her to write a letter to the effect that she had stayed in the motel on 11 March. Ms Eslick said she composed such a letter but when she showed it to Ms Catt a couple of days later she had indicated that she wanted only her name in it, not Mr Catt's. She requested that Ms Eslick write another letter to that effect and the witness did. It stated in part, "Ms Catt checked into my motel on 11 March and checked out on 12 March" (T.Ex 19; Pt H.Ex 29).

757. Ms Eslick said in evidence that after she had told Ms Catt that the police had been making enquiries, Ms Catt had advised her that she did not have to tell them anything and in particular did not have to produce the motel register.

(i) HANDWRITING EVIDENCE

758. Notwithstanding evidence of Mr Anderson, a handwriting expert called on behalf of Ms Catt, to the effect that there appeared to be some overwriting in the relevant entries in the motel register in respect not only of the entries relating to Ms Catt but others, it seems that the underlying writing may have still suggested a joint booking (see S/U p46).

. P-199

U) SECTION 12 HEARING: MR PETER BRIDGE

759. Mr Bridge said that he saw Mr Catt at the Cornwall Street workshop on both Saturday, 11 and Sunday 12 March 1989. On Ms Catt's own account, Mr Catt was at Port Macquarie at some stage on 11 March and at Swan's Crossing at 11.00am on the morning of the twelfth. In any event, as I have said in other contexts, I do not regard Mr Bridge as being the

source of fresh evidence, he being available as a witness at the trial. It is difficult to see any basis for a claim against self-incrimination as to evidence relating to this count in which Mr Bridge cannot be said to have been implicated.

(k) CONCLUSIONS AS TO COUNT 3

760. Whatever conclusion might be drawn as to the integrity of Det Sgt Thomas arising out of fresh evidence given at the section 12 hearing, the Crown's case on Count 3 depended upon the evidence of Mr Catt and independent support given to it by witnesses such as Mr Jeffrey, Mr McGuire and Dr Goddard. There is no suggestion of any undue interference by the police with any of these witnesses.

761. I accept the submission of the Crown that the Crown's case as to Count 3 remains unaffected by any evidence given at the section 12 hearing.

. P-200

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