

XIV COUNT 4: THE CRICKET BAT / EUCALYPTUS
OIL INCIDENT

(a) THE TRIAL

. Mr Barry Catt

762. The Crown's case was that on the evening of 5 May 1990 Mr Catt was speaking on the telephone to a friend, Ms Jan O'Brien. He was in the office premises he occupied in 2-8 Cornwall Street. Ms Catt had contacted him on the intercom facility from 1 Cornwall Street and there was some verbal exchange between all three of them. He then resumed his conversation with Ms O'Brien.

763. Mr Catt said that Ms Catt had then arrived with three of the four Catt children. He claimed that Christopher was carrying a cricket bat. He said that Ms Catt had taken the cricket bat from Christopher and struck him with it under the eye. Mr Catt claimed that he had then left (H.Ex 2.2; T/T p153-5).

764. Mr Catt said that he returned to 2-8 Cornwall Street in the early hours of the morning of 6 May. He said that he had gone to sleep in his sleeping bag having wedged the front door in an attempt to bar entry. He said that Ms Catt came in and struck him with her hands on the head. He said that as he was trying to get out of his sleeping bag, Ms Catt had ran to the front door with the children and he had seen them running away across the lawn so he went back to sleep (H.Ex 2.2; T/T p155).

765. Mr Catt said that later that day the police arrived. He said that he still had blood on his face and had gone out to wash it off before going out to meet the police. He said that he was then

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arrested for having assaulted his wife and children.

766. As to the eucalyptus oil, Mr Catt said that he had a bottle of it in his hand when he was struck with the cricket bat and the bottle had gone "up in the air".

Ms Jan O'Brien

767. Ms O'Brien confirmed that on 5 May 1989 she had received a telephone call from Mr Catt at about 11.10pm (H.Ex 2.5; T/T p891). She said the call was interrupted by Ms Catt who made

comments of a generally derogatory nature including allegations of the Catt children having been sexually assaulted (H.Ex 2.5; T/T p988-90).

Mr John Pearson

768. Mr Pearson was the husband of Lorraine, the Catt children's mother. He said in evidence that after the incident Ms Catt told him that one of the children went to the office. Ms Catt had then picked up a cricket bat and gone there with the other children.

769. Ms Catt told Mr Pearson that she had seen Tony Catt being beaten by Mr Catt. Ms Catt claimed that Mr Catt had come towards her with a bottle of eucalyptus oil and when she held the bat up to protect herself and the other children, he had splashed eucalyptus oil over the children and some of it had gone into Tony Catt's eyes. Mr Pearson did not claim that Ms Catt had told him that she had struck Mr Catt with the cricket bat (H.Ex 2.5; T/T p913).

770. Ms Catt denied this conversation (H.Ex 2.9; T/T p2786). She

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maintained that she had never seen a cricket bat at 1 Cornwall Street nor had she ever seen any of the children playing cricket and none of them had expressed any interest in cricket (H.Ex 2.9; T/T p2944).

* Ms Julie Banks

771. Ms Banks said that in early May 1989, she too had had a telephone conversation with Ms Catt who had told her that Mr Catt "tried to throw eucalyptus oil all over the kids last night". According to Ms Banks, Ms Catt had said that she had responded by pushing Mr Catt and that he had struck his head on a sticky tape dispenser (H.Ex 2.1; T/T p1002). Ms Catt denied this conversation (H.Ex 2.9; T/T p2963).

Ms Roseanne Catt

772. Ms Catt's version at the trial was that at about 8.008.30 am on 5 May 1989, Christopher and Tony Catt were preparing a school assignment at 1 Cornwall Street. She said they needed some material for this purpose and had gone to the office on the opposite side of the road to get it. She said that when she looked across the road before they went she could see Mr Catt with another man and they "both appeared quite drunk and they were cuddling one another". She said that she waited until Mr

Catt had left in his car before allowing the boys to cross the road to go into the office.

773. Shortly thereafter Ms Catt said she had heard screaming. She ran across the road with the two girls following and saw Mr Catt holding both boys. She claimed that Mr Catt said he was going to kill them. She said Christopher broke free and Mr Call, while still holding Tony, had picked up a bottle of eucalyptus oil. She

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said that she had asked him to give her the bottle and he had responded by throwing it, the contents "catching Tony in both eyes and me in my right eye and my right ear".

774. Ms Catt said that after disengaging with Mr Catt, she had returned across the road with the children. She said she had taken Tony to Dr Sue Cornish for treatment (not called at either the trial or section 12 hearing) and that she had rung the police (H.Ex 2.9; T/T p2708-10). She denied any telephone conversation with Ms O'Brien as alleged by Mr Catt and Ms O'Brien.

The Catt Children

775. All three gave versions at the trial supportive of Ms Catt's version.

Const Adams

776. Const Adams said that he and Const Rigby had gone to 1 Cornwall Street on 6 May 1989 and had spoken to Ms Catt, Christopher and Tony Catt. They had then crossed the road to 2-8 Cornwall Street where fragments of glass were seen on the porch and there was a smell of eucalyptus. He said that he had first seen Mr Catt from outside the premises through a window and at that stage observed no cut on Mr Catt's face.

777. Mr Catt had disappeared out of sight for a short time. When Mr Catt opened the door he then saw that Mr Catt had a cut face which was bleeding freely.

Const Rigby

778. Const Rigby also said that he did not see any injury to Mr Catt

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when he had first seen him on the morning of 6 May 1989. By the time Mr Catt came to the door of the premises, however, he too said he saw that he had a cut eye. Const Rigby said that

when Mr Catt was asked how he got the cut he responded, "I don't know" (Pt T.Ex Z; H.Ex 29; H.Ex 2.5; T/T p934-45).

779. On the evidence of Const Adams and Const Rigby, the jury were invited to consider whether Mr Catt's wound may have been self-inflicted.

Mr Barry Catt's Explanation of the Police Evidence

780. Mr Catt's explanation for the bleeding observed by the police officers on the morning of 6 May 1989 was that the wound had congealed overnight but that it had commenced to bleed again after he had washed his face before opening the door for the police.

Mr Max French

781. Mr French said that when Mr Catt came to see him on Friday, 5 May 1989 at about 11.00pm, he saw an injury to Mr Catt's eyebrow (H.Ex 2.3; T/T p947). He did not document this observation until he made a statement of 29 May 1991 after a specific request from Det Paget, the trial of Roseanne Catt having already commenced on 13 May 1991 (H.Ex 2.3; T/T p960-1).

Dr Lucas

782. Dr Lucas said that he attended Mr Catt at about 10.30am on 6 May 1989 and inserted three stitches in a wound just below his right eyebrow (H.Ex 2.4; T/T p703-6).

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(b) THE SECTION 12 HEARING: THE CATT CHILDREN

783. The Catt children reversed their accounts to give versions substantially in support of that of Mr Catt, again, submits the Crown, converting a "strong" to an "overwhelming" case.

(c) CONCLUSIONS AS TO COUNT 4

784. The jury had the evidence of Mr Catt supported by the evidence of Mr French and other witnesses. The only fresh material at the section 12 hearing supports the case for the Crown. The evidence of the Catt children is now consistent with the jury's verdict which implicitly involved a finding that the evidence given by them at the trial was untrue and a product of pressure from Ms Catt. It was open to the jury to reject the suggestion of a self-inflicted wound. The verdict on this count has not been challenged by any evidence given at the section 12 hearing.

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