

XVI COUNT 7: SOLICITING OF MR VERNON
TAYLOR TO MURDER MR BARRY CATT

(a) THE TRIAL

837. The Crown alleged that between 15 July and 16 August 1989 Ms Catt solicited Mr Vernon Taylor to murder Mr Catt.

Mr Vernon Taylor

838. Mr Taylor said that he had known Mr Catt since childhood. He met Ms Catt in March/April 1988. Some six months later Ms Catt told him that a rift was developing between her and Mr Catt. He said she drove a white Corvette motor vehicle and he had expressed some interest in taking photographs of it, and she had invited him to do so at the office and workshop at 2-8 Cornwall Street.

839. Mr Taylor said he had gone a number of times to 2-8 Cornwall Street for that purpose and during the course of these visits, Ms Catt had informed him that Mr Catt was sexually assaulting his children.

840. Mr Taylor said that he was a professional kangaroo shooter. He said that Ms Catt had asked him whether he was any good with guns and he had told her of his professional interest in them.

841. He said that, "probably" in August 1989, in the office at 2-8 Cornwall Street, Ms Catt had asked him if he would "do a job for her". She said that she wanted Mr Taylor to "bump him off". He said that he had assumed she was referring to Mr Catt because of the derogatory manner in which she had previously

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spoken of Mr Catt.

842. Mr Taylor said that Ms Catt had gone on to say that she wanted to get Mr Catt "out of the road" and it was worth \$20,000 to him. He said he had previously indicated that he owed \$18,000 on his house (H.Ex 2.6; T/T p2558-62).

843. Mr Taylor said that he returned to 2-8 Cornwall Street during the following week, and that Ms Catt asked him on this occasion whether he had thought about "bumping him off for her". She told him the offer still stood. He claimed that she said that Mr Catt had been "hassling her and the kids and she

just wanted him out of the road and she said the \$20,000 was there" if he wanted it. Mr Taylor said that at one stage he had told her that he would like to have the money.

844. About three weeks later at about 6.45pm, at the invitation of Ms Catt, Mr Taylor said that he went to 1 Cornwall Street. He was invited into the house and sat with Sharon Catt playing noughts and crosses. Ms Catt asked him about getting her a handgun and he said that he had told her that he would do so. She said that she wanted to fit a handgun into her handbag and that she did not want to "wing" him, "I just want to blow him away. If he comes near this place or comes near the kids I just want to kill the bastard". She told him that if he went to the police as to these approaches by her to him, she would know about it because she said, "I've got a lot of friends up there and they will do anything for me" (H.Ex 2.6; T/T p2563-4).

845. Mr Taylor said that he had been asked to make a statement about the matter by Mr Newell and he had done so on 20 August 1989 at his house at Wingham after Mr Newell, Det Sgt Thomas and Det Paget had arrived there with a typewriter.

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846. Mr Taylor was cross-examined on the basis that he had visited Ms Catt frequently because he was "sweet" on her. He denied the suggestion that he may have had the motivation of a spurned lover to concoct lies to implicate her. Her Honour in summing up reminded the jury of this (S/U p81).

Ms Roseanne Catt

847. Ms Catt said that Mr Taylor did come to Cornwall Street to visit Mr Catt but never to visit her. She denied having spoken to him about guns or asking him whether he knew about guns. She denied asking him to "do a job" for her as alleged by Mr Taylor. She said that one evening he had come to her house at 1 Cornwall Street looking for Mr Catt and she had told him he was not there and that Mr Catt lived across the road at the office (H.Ex 2.9; T/T p2712-4).

848. Ms Catt's attention was drawn to a passage of evidence she had given at the trial of Mr Catt on the sexual assault charges. She agreed that she had there said that Mr Taylor came to 1 Cornwall Street looking for Mr Catt on one occasion. She had been in the shower and had been told by one of the children that Mr Taylor was at the house. She had said that she would

come out and that she thought that whilst Mr Taylor was waiting for her to do so he had played noughts and crosses with one of the children (H.Ex 2.9; T/T p3027-8).

+ The Catt Children: Christopher, Sharon and Julie

849. Christopher Catt said in cross-examination that he had seen Mr Taylor on occasions talking to Mr Catt but had never seen him talking to Ms Catt (H.Ex 2.8; TIT p3582).

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850. Sharon Catt said that she knew of Mr Taylor but had never met him (H.Ex 2.8; TIT p3096). In cross-examination, however, she said she had seen Mr Taylor coming out of the workshop. She understood that he was a friend of Mr Catt's.

851. She said she could not remember him coming to see Ms Catt in the afternoons but she did remember one night when he had played noughts and crosses with her when Mr Taylor had come looking for Mr Catt and whilst Ms Catt was in the shower. She said that all the Catt children had been present at 1 Cornwall Street when this had occurred. She denied that there was any discussion about guns at any stage (H.Ex 2.8; T/T p3188-9).

852. Julie Catt does not seem to have been asked about Mr Taylor at the trial.

(b) THE SECTION 12 HEARING

The Catt Children: Christopher, Sharon and Julie

853. The outstanding body of fresh evidence once again came from three of the four Catt children - Christopher, Sharon and Julie. All three now gave direct evidence supporting the Crown's case.

854. Christopher Catt in a statement dated 25 March 1993 annexed to and verified by his affidavit of that date, states that he did not know Mr Taylor very well, only as one of Mr Catt's friends.

855. One night, however, in July or August 1989 he recalled coming home and seeing Mr Taylor at 1 Cornwall Street playing noughts and crosses with Julie (not Sharon) whilst "Roseanne was out the back".

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856. He states that Ms Catt came in and there was conversation

between her and Mr Taylor in which Christopher Catt said he overheard the words "I'd like to see him dead". He said that he did not overhear all of the conversation (H.Ex 22).

857. In his statement to the police assisting the Crown in the presentation of its case in the section 12 hearing in January 2003, Christopher Catt gave a yet more expansive account of events on that night. He said that Mr Taylor had been to the gym or was waiting to go to the gym. Christopher Catt then states that he did not think he had told anyone this before but he had overheard Ms Catt saying to Mr Taylor, "Well, I want you to kill him, there's 20 grand if you do it". He said he thought that Sharon and Julie were there as well.

858. Christopher Catt said that he had been sitting on the floor watching television when these words were spoken. He said that "from memory" he did not think she discussed how she wanted it to happen, she was just enquiring to see if Mr Taylor would be interested. He repeated that no-one had ever asked him about this incident with Mr Taylor before nor had he ever spoken about it to police or anyone else (H.Ex 21, Q&A 184-204).

859. Christopher Catt confirmed in evidence the truth of what he had deposed in the 1993 affidavit and the January 2003 interview. He was asked in cross-examination about the passage in the 1993 version in which he had said that he was not there for the entire conversation but before leaving he had heard Ms Catt say to Mr Vernon Taylor, "I would like to see him dead". He explained that he had cut that short "cos I didn't want to tell them the rest of what I had heard".

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860. He said that in 1993 from the time they had been living at Ms Dawn Lawson's place he had not wanted to talk about these matters and what he said in 1993 was "the quickest way out, so I didn't have to talk about it". He said the quickest way "to get it out, to answer it was to say I was not there". He said he had told a lie when in H.Ex 22, Q&A 17 he had said that he was not there for the entire conversation, "I went to my bedroom out the back" (HIT p1373-6).

861. Sharon Catt in her 1993 affidavit, when asked about the evidence she had given at Ms Catt's trial in relation to Mr

Taylor, deposed that at the trial she said she played noughts and crosses with him on the front porch but that was not completely true they had also played noughts and crosses in the lounge room (see annexed statement of 22 March 1993 at page 10).

862. In a further statement of 24 March 1993, she was asked about "an incident involving Vernon Taylor which occurred in July or August 1989 at Taree". She stated that she recalled playing noughts and crosses with Mr Taylor whilst waiting for Ms Catt to come out of the shower. Sharon Catt said that when Ms Catt and Mr Taylor were sitting on the lounge she heard Ms Catt say to Mr Taylor, "Do you have any experience with guns". He responded, "I've gone rabbit shooting when I was younger" or "something like that".

863. Ms Catt asked, according to Sharon Catt, whether Mr Taylor knew how she could get "a little pistol for my handbag". Sharon Catt said that Ms Catt said, "Will you do a job for me? I'll pay you" and mentioned a large amount of money. She thought it was around \$20,000 but was not sure. She said she was not sure who else was there when this conversation took place.

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She said, "Roseanne had told me to say that the conversation never happened. That is what I did, but it was actually true". Part of the evidence of Sharon Catt at the trial was that there was no discussion between Ms Catt and Mr Taylor about guns at any stage (H.Ex 2.8 p3188-9).

864. In her pre-section 12 hearing interview in January 2003, Sharon Catt repeated substantially what she had told the police officer interviewing her in 1993 (H.Ex 27, Q&A 234-7).

865. Apart from confirming what she had said in 1993 and in January 2003, Sharon Catt was not extensively questioned at the section 12 hearing as to her evidence in relation to Mr Taylor. She confirmed that it was her recollection that there was a conversation between Ms Call and Mr Taylor in which Mr Taylor had said that he had experience with guns in shooting rabbits (HIT p1458).

866. Julie Catt in her pre-section 12 hearing interview spoke of Ms Catt saying "sort of in a joking way" in the lounge room at 2 (sic) Cornwall Street when she was playing noughts and crosses

"how she wanted to sort of knock Barry dad off'. She continued, "I don't know whether she was sort of asking him about buying a gun or whether he was going to be the guy who was going to knock him off or what the scenario there was...." (H.Ex 18, Q&A 58).

867. In evidence she was asked whether she had ever told anyone about the incident and she said, "Well when I was at Auntie Dawn's that's when everything was found that that we were lying" (H/T p1251).

. Mr Andrew Connolly

868. Mr Connolly was not called as a witness at the trial. On the same day that Mr Taylor gave a statement, 20 August 1989, he also gave one. The signature in each case was witnessed by Det Sgt Thomas (see H.Ex NN).

869. Mr Connolly gave in evidence that on Tuesday, 17 August 1989, he had met Mr Taylor in the street in Taree. He said that during their conversation Mr Taylor told him about a conversation he had with Ms Catt involving a proposal that she had put to Mr Taylor for the payment of money.

870. Mr Connolly was also spoken to by police assisting the Crown in the presentation of its case at the section 12 hearing. He said that the part of his statement of 20 August 1989 which indicated that he had passed the information which he had got from Mr Taylor on 17 August 1989 to Mr Catt was in error and that he had in fact told Mr Frakes, solicitor then acting for Mr Catt. He said after that Det Sgt Thomas came to see him.

871. Mr Martin, then of counsel for Ms Catt, was critical of the Crown at the section 12 hearing in not calling Mr Connolly at the trial. I can see no basis for this criticism although he might conceivably have been called in an attempt to rebut a suggestion of recent invention put to Mr Taylor. His account, however, was not a necessary part of the narrative of events on which the Crown relied and I am unable to see how he might have assisted Ms Catt's case.

(c) CONCLUSIONS AS TO COUNT 7

872. The evidence now given by the Catt children does not fall within

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the category of matters in which, on my reading of the Summing Up, the jury must necessarily have concluded that the children were lying and had done so at the instigation of Ms Catt. Whilst this conclusion might have been open in relation to

the evidence of Sharon Catt, the evidence of Christopher Catt was negligible in the Crown's case at trial on this count, and Julie Catt's less so.

873. There is, therefore, no jury finding implicit in the verdict which might present an obstacle to disregarding the evidence of the children.

874. Even, however, when their evidence is disregarded, or rejected as it was by the jury on other issues, it was open to the jury to accept the evidence of Mr Vernon Taylor as establishing the Crown's case. It is likely that the verdict on this count depended on the view the jury took of him as a witness.

875. The only matter about which I have misgivings in relation to the evidence of Mr Taylor at the trial is that the jury did not have the evidence of Ms Parkinson as to what Mr Taylor said to her on the issue of alleged collusion. They did have, however, the fact of the conversations and that he had reported back to Det Sgt Thomas and Det Paget. There is nothing in the evidence of what was said to her by Mr Taylor which suggests to me that the verdict as to Count 7 might have been different if the substance of the conversations had been before the jury. There is no indication on the evidence that there was any basis, such as there might have been with Mr Morris, for the application of pressure on him to give a false account.

876. Nothing presented at the section 12 hearing raises concern that there may have been a miscarriage of justice specifically in

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relation to Count 7.

877. Mr Connolly's evidence indicates a clear line of information moving from Mr Taylor to himself, to Mr Frakes and then to Det Sgt Thomas. I do not regard failure by the Crown to call him at the trial as involving impropriety.

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