

## **Crown witnesses in the case against Roseanne Catt**

### *Detective sergeant Peter Thomas*

- Interviewed witnesses in a deserted house supplied by Catt's friend Adrian Newell (who also took milk from Catt's work fridge and had it tested for lithium).
- Found by Judge Davidson to have:
  - Given and procured false evidence,
  - Probably planted a gun on Rose,
  - Probably conspired with Catt and Newell to falsely convict Rose
  - Improperly continued to take part in the investigation and in the preparation of the prosecution case contrary to the instructions of a superior and despite having been judicially criticised for lack of objectivity as an investigator,
  - Abused his powers by having Rose charged with breaches of bail conditions on no or inadequate evidence and for improper purposes.
  - Improperly used his seniority and influence to prevent the proper investigation and the charging of any person over the breaking and entering of Rose's son's house,
  - Abused his powers in making allegations to the ICAC without evidence,
  - Pressured eight crown witnesses to provide false evidence,
  - Illegally seized and disposed of Rose's property,
  - Been motivated by bias against Rose.
  - Had a propensity to improperly use his office to damage Rose irrespective of the damage to others.
  - In another case, offered an inducement to a witness to give false evidence,
  - Gave false evidence before a magistrate in that case, and
  - In a separate arson case, offered a monetary bribe to a potential witness to give false evidence.
- Had his testimony referred by Judge Davidson to the DPP for perjury charges.
- Was the subject of a police Internal Affairs report that said it was disturbing 'that Thomas conducted the investigation at all'.
- Found by Judge Peter McClellan of the Appeal Court to have made entirely baseless allegations against Rose.
- Found by Judge Harvey Cooper in the District Court to be willing to use 'fair means or foul' to obtain a conviction.
- Demoted after a complaint by Rose to police Internal Affairs.
- Investigated sexual assault claims against Catt from his children, who had previously accused him of being one of their abusers, and wrote a memo to Newcastle police: 'I direct that no action be taken.'
- Arrested Rose two days later.
- Accused her – among other things – of asking a stranger at her local RSL club to murder her husband.
- Was charged only with misconduct and escaped those by resigning from the police to become a private investigator in Qld.
- Bragged to his new colleagues that he had set up Rose.
- Is the subject of a stalled investigation – his third – that is in the hands of the Police Minister.

### *Barry Catt's friend Adrian Newell*

- Had Barry Catt's milk analysed for lithium, which tested positive even though:
  - An expert witness said no one would drink anything with lithium in it as it was so bitter.
  - No one else who drank the milk was affected, and
  - Barry Catt's lithium levels were normal during the period before Rose was arrested, according to tests tendered in evidence.
- Was said by Judge Davidson to have had both a motive and an opportunity to contaminate the milk before it was analysed.
- Supplied the abandoned house where people were interviewed, after which apprentice mechanic Shane Goulds changed his statement to fit Catt's version, and Catt's former housekeeper Marie Whalen accused Rose.

- Told Judge Davidson as a crown witness that he knew a defence witness was to give evidence later that day - and then tried to submit a tape to discredit that witness. When asked how he knew this person was to appear, Newell said he read it in the that morning's Sydney Morning Herald. However, when the story was read into evidence, no other witness was named in the story. This raised the questions of:
  - How he knew?
  - Who in the prosecution was briefing him?
  - What else he knew?
- Had evidence rejected by Judge Davidson as not credible.
- Was referred by Judge Davidson to the registrar of the Supreme Court for possible charges of contempt for contacting Barry Catt's daughter Sharon while she was giving evidence despite being expressly ordered not to contact witnesses.

#### *Barry Catt*

- Said by Judge Davidson to have probably conspired with Thomas and Newell to falsely convict Rose.
- Had evidence rejected by Judge Davidson as not credible.
- Charged in early 1989 with sexually molesting his four children from a previous marriage.
- Acquitted after DOCS staff who had interviewed the children were prevented from testifying.
- Accused by former accountant Noel Jago, who worked at Catt's business from 1983 until 1986, of drinking enormous amounts of alcohol, of punching and belting his children, and of once belting Rose's head against an aluminium window and pouring boiling water down her breasts.
- Prevented from contacting his children by a restraining order.
- Shared \$89,000 with Newell in victim's compensation after initially having their application rejected for lack of medical evidence.

#### *Barry Catt's children: Christopher, Sharon, Julie and Tony*

- Bashed by their father two weeks after he married Rose.
- Took out a restraining order against him.
- Sharon told Rose's trial that as a small child, she was made to sit with her father and his friends while they drank and watched porn.
- Sharon said after Rose was originally sentenced that her stepmother "hadn't done anything". "All mum's done is try to help us and she just doesn't deserve what she got."
- Sharon and Christopher retracted sworn testimony about their abuse after the personal involvement of senior crown prosecutor Patrick Power, and after they were looked after by fellow conspirator Newell.

#### *Private inquiry agent Peter Caesar*

- Told Judge Davidson that Thomas, who worked with him in Queensland, mentioned a number of times that he had 'planted the gun' on Rose.
- This evidence was crucial in having the case reopened and the trial and appeal reviewed by Judge Davidson.

### **Other police and prosecutors**

#### *Detective Sergeant Carl Paget*

- Testified that he found containers of Lithium and Rivotril in a black handbag in Rose's bedroom.
- Said in a record of interview tendered in evidence that he did not search her bedroom and found no medicines.
- Judge Davidson found there was a reasonable possibility that Det Paget was lying and that he and Thomas concocted this evidence.
- Judge Davidson said it was suspicious that the bag did not appear in either police photos of articles seized or in the exhibit book at Taree police station.

*Patrick Power, SC*

- Senior crown prosecutor in the DPP who prosecuted Rose at her trial and appeal.
- Was shown in evidence to be personally involved in the children retracting sworn testimony of against their father and Thomas.
- Was accused by the defence of misleading the trial about corruption allegations against Thomas.
- Was repeatedly accused of unfairness.
- Prompted the defence team to apply for the jury to be discharged.
- Named by Catt as advising him (Catt) to apply for victim's compensation despite lack of evidence. Catt and Newell subsequently received \$89,000.
- Arrested this year after a DPP technician found child porn on his private computer.
- Given a headstart by deputy DPP Greg Smith – with the knowledge and backing of DPP Nicholas Cowdrey – before the police were called. Smith also failed to tell the police that he had warned Power, who had two days before the police charged him and searched his home for evidence.

*Police commissioner Ken Moroney*

- Was deputy commissioner, specialist operations, during the Davidson review and received evidence of hundreds of phone calls made between Thomas, Newell and Catt that were in clear breach of specific instructions from Judge Davidson.
- Received an October 2004 report from the police legal compliance unit outlining 12 grounds for concern with Rose's case.
- Requested and received an Internal Affairs assessment which said 'another disturbing aspect to this case is the fact that Mr Thomas conducted the investigation at all'. It agreed with previous police documents, one of which said in 2001: 'Thomas may have been corrupt ... and Mrs Catt may have been wrongfully imprisoned.'

*Prosecutor Gary Gilday*

- Prosecuted Rose at her committal in 1989.
- Rose to the rank of superintendent.
- Was charged in 2000 with indecently assaulting a fellow policeman and suspended from duty as Lake Macquarie police chief.
- Was reinstated after the other officer dropped his accusations and the DPP called for the matter to be dismissed.