

14

IN THE PRIVY COUNCIL

No. 6 of 1972

---

O N A P P E A L  
FROM THE FULL COURT OF THE SUPREME COURT OF HONG KONG

---

B E T W E E N :

GRAHAM EDWARDS<sup>alias</sup>  
DAVID CHRISTOPHER MURRAY Petitioner

- and -

THE QUEEN Respondent

---

RECORD OF PROCEEDINGS

---

UNIVERSITY OF LONDON  
INSTITUTE OF ADVANCED  
LEGAL STUDIES  
10 MAY 1973  
25 RUSSELL SQUARE  
LONDON W.C.1

Stephenson Harward & Tatham,  
Saddler's Hall,  
Gutter Lane,  
Cheapside, London,  
EC2V 6BS.

Solicitors for the Appellant

Charles Russell & Co.,  
Hole Court,  
Lincoln's Inn  
LONDON WC2A 3UL

Solicitors for the Respondent

O N A P P E A L  
FROM THE FULL COURT OF THE SUPREME COURT OF HONG KONG

B E T W E E N :

GRAHAM EDWARDS alias  
DAVID CHRISTOPHER MURRAY

Petitioner

and

THE QUEEN

Respondent

RECORD OF PROCEEDINGS

INDEX OF REFERENCE

Number	Description of Documents	Date	Page
	<u>In the Supreme Court of Hong Kong</u>		
1.	Indictment	16th Feb. 1971	1
2.	Proceedings	16th March 1971	2
3.	LIU Sang (Police Photographer)		3
4.	YUEN Yan Chung (Police Photographer)		5
5.	LI Kwok Cheong (Surveying Assistant, P.W.D.)		7
6.	CHO Chi Kau (Chinese Male)		8
7.	Robert John MOORE (Pianist entertainer)		26
8.	LO Wing-hong (No. 1 Room Boy, HK Hotel)		30

Number	Description of Documents	Date	Page
9.	LI Ping Fai (Room Attendant, HK Hotel)		41
10.	Charles Zimmermann (Asst. Manager, HK Hotel)		46
11.	William Lockhart Main SIMPSON (European Male)		56
12.	MAK Tsan (Room Attendant, HK Hotel)		65
13.	Benno WELSCHEN (Asst. Manager, HK Hotel)		73
14.	WU Chi-neng (Police Inspector)		77
15.	Patrick Archibald George BEAUMONT (Manager, HK Hotel)		87
16.	WONG Kin Yan (D.P.C. 7153)		91
17.	Sheila Elizabeth HAMILTON (Snr. Govt. Chemist)		108
18.	LEE Fook-kay (Snr. Forensic Pathologist)		111
19.	LIN Chan-kan (Chinese Male)		142
20.	MAK Chuen (Taxi Driver)		145
21.	LIN Kwok-hung (Inspector, Whampoa Docks)		150
22.	Roy BIRTWHISTLE (State Registered Nurse, B.M.H.)		153
23.	TONG Ping Chuen (P.C. 6449)		160
24.	Paul LEUNG Chung Kung (Male Nurse)		164
25.	LO Sau Hin (Medical and Health Officer)		168
26.	HUI Wai (Police Inspector)		176
27.	WU Hing Kei (D.P.C. 5386)		183
28.	Derek Roy HARRIS (Snr. Supt. of Police)		188
29.	Brian Frederick GRAVENER (Snr. Insp of Police)		218

Number	Description of Documents	Date	Page
30.	CHAN Sui Hung (Doctor, M.B.E.H.)		266
31.	Matthew TAYLOR (Superintendent of Police)		280
32.	WONG Nai Tong (Inspector of Police)		283
33.	CHAN Kwong-hung (Corporal 6716)		284
34.	CHOW Kam-shing (P.C. 74)		286
35.	David John EDWARDS (Inspector of Police)		287
36.	CHENG Chau (Det. Corporal 526)		290
37.	TIM Fai (Corporal 610)		291
38.	Edward Rutherford COMMON (Inspector of Police)		292
39.	Proceedings		294
40.	Graham Leslie EDWARDS (Accused)		300
41.	D.2. - Ernie Albert EDWARDS (Father of Accused)		487
42.	Extracts from Closing Address by Counsel for the Prosecution	24th March 1971	500
43.	Extracts from Closing Address by Counsel for the defence	24th March 1971	504
44.	Summing up	24th March 1971	506
45.	Verdict and Sentence	24th March 1971	533
<u>IN THE SUPREME COURT OF HONG KONG - APPELLATE JURISDICTION</u>			
46.	Final Grounds of Appeal	13th May 1971	534
47.	Amended Grounds of Appeal		536
48.	Judgment of Full Court	1st June 1971	537
<u>IN THE PRIVY COUNCIL</u>			
49	Order granting Special Leave to Appeal to Her Majesty in Council	4th February 1972	559

EXHIBITS

Exhibit Mark	Description of Document	Date	Page
P.25	Statement by Accused	1st December 1970	561
P.26	Cautioned Statement	1st December 1970	562
P.28	Statement in Answer to Charge	2nd December 1970	578
P.30	Written Papers	9th December 1970	579
P.31	Written Papers	14th December 1970	583
P.32A	Written Papers	-	586
P.32B	Written Papers	23rd January 1971	589
P.34A	Statement	16th December 1970	590
P.34B	Injury or Assault Report	23rd December 1970	591
P.34D	Document showing Accused's admission to reception office	23rd December 1970	592
P.34C	Document in Accused's handwriting	24th December 1970	593
P.37	Photostat copy of letter written by Accused.		594

LIST OF EXHIBITS TRANSMITTED  
TO PRIVY COUNCIL BUT NOT  
REPRODUCED

P.1A-V	22 Photographs
P.2A-E	5 Photographs
P.3A-H	8 Photographs
P.4	One plan
P.5	A piece of paper with writings on it
P.10	A letter form of H.K. Hotel with writing
P.20	Two Australian driving licences
P.29	A note with writings on it
P.35	Extract from birth entry
P.36	Copy petition No.979/70 citing Accused as Co-Respondent dd. 20.11.70
	Parts of Closing Addresses of Counsel for Prosecution and Defence

1.

No. 1

INDICTMENT

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
No. 1

Indictment

16th February  
1971  
\_\_\_\_\_

10

CLERK. Members of the jury, the accused Graham Edwards alias David Christopher Murray stands indicted for the following offence. Statement of offence. Murder contrary to Common Law. The particulars of the offence being that he, the accused, Graham Edwards alias David Christopher Murray, on the 1st day of December 1970 in Room 1223, Hongkong Hotel, Kowloon, in this Colony, murdered Ronald Alan Coombe. To this indictment he has pleaded not guilty. It is therefore your charge to say, having heard the evidence, whether he be guilty or not guilty.

In the Supreme  
Court of Hong  
Kong

No. 2

PROCEEDINGS

\_\_\_\_\_  
No. 2  
Proceedings  
16th March  
1971  
\_\_\_\_\_

CLERK: Accused, the names that you are about to hear called are the names of the jurors who are to pass between our Sovereign Lady the Queen and yourself upon your trial. If, therefore, you wish to object to them or to any of them, you must do so as they come to the book to be sworn and before they are sworn and your objection shall be heard. Do you understand?

ACCUSED: Yes.

10

List of jurors finally empanelled:-

Mr. WAN Chak-kwen  
Mr. Stephen J. HARVEY - Foreman  
Miss CHAN So-hing  
Mr. PANG Hau-chiu  
Mr. KUO Wei-liang  
Mr. LING Ping-kin  
Mrs. Jean Margaret AIERS

CLERK: Members of the jury, will you please choose your Foreman?

20

Mr. Stephen J. HARVEY - Foreman

16th March, 1971.

11.03 a.m.

—————  
Prosecution  
Evidence

LAU SANG - Affirmed in Puncti.

—————  
No. 3  
Lau Sang

XN. BY MR. DUCKETT:

16th March  
1971

Q. Your name is LAU Sang?

A. Yes.

Q. And you are a Police photographer. Is that correct?

10. A. That is correct.

Q. And at 1015 hours on the 1st December last year did you go to the Kowloon Hotel, Kowloon?

A. I did.

Q. Did you there take twenty-two photographs of Room 1223 and the surrounding - and the surrounds of the hotel?

A. Yes, I did.

Q. And did you subsequently develop and enlarge those photographs?

A. That is correct.

20 Q. Can you look at exhibit P.1?

A. (Witness looks at exhibit). Yes.

Q. Are those the photographs which you just referred to?

A. Yes, they are.

Q. Do you now produce those?

A. Yes I do.

Q. Now, did you on the 3rd of December last year at 1700 hours, go to the Kowloon Police Headquarters?

COURT: I am sorry ..

Q. On the 3rd December last year at 1700 hours did you

Examination



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 3

Lau Sang

16th March  
1971

Examination  
(continued)

attend the Kowloon Police Headquarters?

A. I did.

Q. And you there took five photographs of taxi number  
AN-7628?

A. Yes.

Q. Will you look at exhibit P.2?

A. (Witness looks at exhibit). Yes, these are the  
photographs.

Q. Do you now produce those photographs?

A. I do.

10

COURT: Yes?

MR. BERNACCHI: No questions, my Lord.

NO XXN. BY MR. BERNACCHI.

COURT: Thank you.

MR. DUCKETT: YUEN Yan-chung.

YUEN YAN CHUNG - Sworn in Puntl.

Prosecution  
Evidence

XN. BY MR. DUCKETT:

No. 4

Yuen Yan Chung  
Examination

Q. Your full name?

A. YUEN Yan-chung.

Q. You are a police photographer?

A. Correct.

Q. Stationed at the Criminal Records Office?

10 A. Yes.

Q. At 9.40 hours on the 2nd December did you go to the  
Kowloon Public Mortuary?

A. I did.

Q. And under the direction of Dr. LEE Fook-kay did you take  
eight photographs of a deceased European male?

A. I did.

Q. Would you have a look at exhibit P.3?

A. (Witness looks at exhibit). Yes. these are the  
photographs.

20 Q. Do you now produce those photographs?

A. Yes. I do.

XXN. BY MR. BERNACCHI:

Cross  
Examination

Q. Mr. Yuen, who was present when you took these photographs?

A. There was Dr. LEE Fook-kay and also some workers at the  
mortuary.

Q. I see. Were any of the police present or not?

A. There were, but I did not pay any particular attention to  
them. I did not know who they were.

Q. I see. Thank you.

In the Supreme  
Court of Hong  
Kong

NO. REKN. BY MR. DUCKETT.

COURT: Yes, thank you.

—  
Prosecution  
Evidence

MR. DUCKETT: LI Kwok-cheong.

—  
No. 4

Yuen Yan Chung  
Cross  
Examination  
(continued)

LI KWOK CHEONG - Affirmed in Puncti.

\_\_\_\_\_  
Prosecution  
Evidence

XN. BY MR. DUCKETT:

Q. Your full name?

A. LI Kwok-cheong.

Q. And you are a surveying assistant with the Public Works Department?

A. Yes.

\_\_\_\_\_  
No. 5  
Li Kwok Cheong  
Examination

10 Q. On the - under the instructions of Inspector WU Chi-meng did you go to the Hong Kong Hotel?

A. I did.

Q. Did you there make a plan of the hotel and the area around it?

A. I did.

Q. Have a look at exhibit P.4. (Witness looks at exhibit). Is that the plan that you made?

A. Yes.

Q. Do you now produce that plan with twelve copies?

20 A. Yes I do.

COURT: Is it to scale?

A. Yes, my Lord, it is.

COURT: What is the scale?

A. There were different scales used. (Witness indicates on plan). For this part of the plan the scale was one inch to four feet. For this particular part the scale was one inch to two hundred feet.

COURT: Is it marked on the plan?

30 A. Yes, my Lord, and for the rest the scale was one inch to fifty feet.

COURT: Yes.

MR. BERNACCHI: No questions, my Lord.

NO XN. BY MR. BERNACCHI.

COURT: Thank you.

In the Supreme  
Court of Hong  
Kong

CHO CHI KAU - Affirmed in Puncti.

—  
Prosecution  
Evidence

XN. BY MR. DUCKETT:

—  
No. 6  
Cho Chi Kau  
Examination

Q. What is your name?

A. Peter Cho.

Q. Where do you live?

A. I live at No. 652, 11th floor, Nathan Road, Mongkok,  
Kowloon.

Q. And what is your occupation?

10

A. I am an assistant manager of a tailor's shop.

Q. Where is that tailor's shop?

A. The tailor's shop is situated at the cockloft of  
No.54, Carnarvon Road, Kowloon.

COURT: What is the name of the shop?

A. Lee's Tailor.

Q. Do you remember the evening of the 27th November last  
year?

A. Yes, I do.

Q. Where were you?

20

A. I was at Kai Tak Airport.

Q. What time did you go there?

A. I arrived there towards evening at about 4 or 5 p.m.

Q. Why were you there?

A. Because my duty was to contact the P.R.Os of hotels and  
my purpose was to solicit business.

Q. For your tailoring, is that right?

A. Correct.

Q. Now, did you meet - see anyone in particular there?

A. At about 5 to 6 p.m. I saw one person.

30

Q. Who was that?

A. This one. (Witness points to accused).

Q. Yes. Did you speak to him?

COURT: Where did you see him? Where?

A. I saw him at the arrival hall of the airport.

COURT: Yes.

Q. Was he alone or did he have people with him?

A. He was alone.

Q. And did you speak to him?

10 A. I did

Q. You spoke to him in English, is that right?

A. Yes.

Q. And what took place?

A. You mean what took place during our conversation?

Q. You spoke to him, yes.

COURT: I am sorry to interrupt, but may we get it quite clear? You saw him at the arrival hall: I do not know whether that means he was an incoming or outgoing passenger, or he was waiting there to meet people or what. You had better find out.

20 Q. Are you able to tell us whether the accused was arriving or departing at Tai Tak?

A. He was arriving at Kai Tak.

Q. And how are you able to tell us that?

A. Because he was carrying his belongings and entering through the gateway of the arrival hall.

COURT: Yes.

Q. I see. Now, what did you speak to him about?

30 A. I asked him if he had any hotel reservation. He said, "Yes". I asked him, "Which hotel?", and he said, "Sun Ya Hotel". I said that the P.R.O. of Sun Ya Hotel was at that time absent

In the Supreme  
Court of Hong  
Kong

—————  
Prosecution  
Evidence

—————  
No. 6

Cho Chi Kau

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No. 6

Cho Chi Kau

Examination  
(Continued)

- Q. Yes.
- A. I asked him if he needed my service, identifying myself to him as a tailor, and said that I could arrange transport for him to get to the hotel.
- Q. Did you arrange that transport?
- A. Yes, I did.
- Q. Did you go with the accused or did you stay at Kai Tak?
- A. I went together with the accused.
- Q. Where did you go?
- A. Well, in my car I asked the accused whether he needed help and service in connection with money exchange, and he said he wanted to have some money changed, and accordingly I went with him in the car to our shop first. 10
- Q. And what took place in the shop?
- A. I helped him in changing \$40 Australian money into Hong Kong dollars. At the same time I asked him whether he wanted to make any clothes, and if he did he could see some of the material we had.
- Q. How many Hong Kong dollars did you give him, witness?
- A. \$6.70 cents Hong Kong for one Australian dollar. 20
- Q. Yes. You gave him about two hundred and forty or two hundred and fifty dollars, is that right?
- A. Yes.
- Q. Yes, and you discussed tailoring with the accused. Did he do any business with you?
- A. No. He said he was very tired that night and said that he would talk about it some other day.
- Q. Yes?
- A. And then I accompanied him to the hotel.
- Q. To the ... 30
- A. I did not go to the Sun Ya Hotel myself. I merely instructed the driver to drive the accused to Sun Ya Hotel.
- Q. What was the next that you heard of the accused?
- A. On another day he telephoned me at my shop and asked me

to go and meet him in his room in Sun Ya Hotel.

In the Supreme  
Court of Hong  
Kong

Q. How soon was that after he had been to your shop in the evening? Can you tell us?

A. That was the following morning.

Prosecution  
Evidence

Q. Yes. At about what time, can you remember?

A. Between 10 and 12 a.m.

No. 6

Q. Yes, and did you go to the Sun Ya Hotel?

Cho Chi Kau

A. I did.

Examination  
(continued)

Q. And you saw the accused there. Is that right?

10 A. Yes.

Q. Where did you see him?

A. I saw him in room number 715 Sun Ya Hotel, with the accused leaning on his bed.

Q. Was there anyone else present?

A. No.

Q. Would you tell us what was said on this occasion?

20 A. When I first received the telephone call from him I thought he was going to patronise me and make some clothes, but when I arrived there the first thing he did was to invite me to a bottle of beer in his room.

Q. Did you have some drink?

A. Yes I did.

Q. Yes?

A. Well, on the evening before he had told me that his boss was sending some money as he did not have enough money, so after my arrival at Sun Ya Hotel I asked him if his boss had sent him some money.

COURT: Will you just repeat that? "On the previous .."

30 A. On the previous evening the accused told me that he did not have enough money with him and that his boss was going to send him some money.

COURT: Yes.

A. On my arrival at Sun Ya the next morning I asked the accused



In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No. 6

Cho Chi Kau

Examination  
(continued)

if he had received any money from his boss. He said "No". I then suggested that he should check with the reception to find out if there was any mail or any money from his boss. He checked with the reception, but there was no money. He then asked me about conditions in - of hotels in Hong Kong. He then stood up, drew the curtains open and asked me whether windows of hotels in Hong Kong were similar to the one in Sun Ya Hotel.

Q. Yes? 10

A. I said that there was definitely a difference between windows of the Hong Kong Hotel and those of Sun Ya because Hong Kong Hotel is a first-class hotel, whereas the Sun Ya Hotel is merely a cheap hotel. I also said that if one wanted - one wished to open the window of the Hong Kong Hotel one must first ask the room boy. At this time he showed me .....

COURT: Why did you pick upon the Hong Kong Hotel? Why did you mention the Hong Kong Hotel?

A. Because he asked me about the conditions of the Hong Kong Hotel. 20

COURT: Who first mentioned Hong Kong Hotel?

A. The accused person, my Lord.

COURT: I see. Yes, you were going on to say?

A. He then showed me an article which could be used for opening windows.

Q. Did he say that, or how did you know what it was?

A. He said - he showed it to me and said that it could be used for opening windows.

Q. Yes. What did you say? 30

A. Well, I had told him earlier on that it was not so easy to open windows of the Hong Kong Hotel without first asking the room boy. I felt rather strange about his conversation because my purpose was - in visiting him was for business.

Q. What sort of thing did he show you? Could you describe it to us?

A. He told me that it could be used for opening windows. It was a small piece of article, possibly glass-cutter.

Q. Have a look at this object. (Witness looks). Is that 40

similar or is that the object? Can you tell us?

A. This was the object.

COURT: May I see it? (Court looks at object.)

MR. DUCKETT: Previously P.14.

COURT: Well, if you are going to put it in now we shall have to put it in as exhibit P.4. You can mark it now for identification.

MR. DUCKETT: Yes.

COURT: Mark it for identification.

10 CLERK: Marked 'A' for identification.

Q. Now what further was said?

A. Well, I became rather surprised and I asked him for the reason why he had in his possession such an object. He said that he had been following a fellow employee of his all the way from Singapore to Hong Kong. He said that that fellow employee had stolen from his employer one contract and some jewellery consisting of unset diamonds. He then said that the purpose of his coming to Hong Kong was to recover these stolen goods.

20 COURT: Uncut diamonds?

INTERPRETER: Unset.

COURT: Unset.

30 A. He also said that the other person was taller and of a bigger stature than he. He also said that that person was one who trusted nobody and for that reason he could not have hidden the contract or the jewellery in the safe deposit box of the hotel or in any other place which could be easily discovered. He said that for that reason he wanted to go into the Hong Kong Hotel secretly and steal back those objects. I told him that it was wrong for him to do such a thing, especially as the Tsim Sha Tsui Police Station is just opposite the Hong Kong Hotel. I suggested that the best way for him would be to go to the Tsim Sha Tsui Police Station and make a report to the police. However, he replied that he did not want to take such a course.

Q. Did he say where he was going?

A. He did not, but in - whilst we were in the room he did ask me if it was possible to get some weapon in Hong Kong.

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No. 6

Cho Chi Kau

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 6

Cho Chi Kau  
Examination  
(continued)

Q. Yes?

A. I asked him what sort of weapon. He said it would be best if he could get a pistol. If he could not get one then his second choice would be a knife. I then said that under the laws of Hong Kong one could not purchase a pistol without a licence, and I also said that it would also not be so easy to purchase a knife. Well, I knew from the nature of his conversation that there was not much hope for me getting business from the accused and accordingly I tried to back out. I told him that I would try and see if I could get the weapon for him from the black market. My purpose in saying this was just to get out. 10

Q. Did he tell you where he was going in the Hong Kong Hotel, or was it just a conversation about the Hong Kong Hotel?

A. He did mention room number 1223 of the Hong Kong Hotel. He also told me that once he had stolen the jewellery he could get an open ticket and leave Hong Kong immediately. 20

Q. Did he say where he was going after Hong Kong?

A. No.

Q. So you then left the accused's room. Is that right?

A. Correct. Well, whilst I was still in the room I asked him how much the jewellery was worth and he said about one hundred thousand dollars, Hong Kong. He said that his fellow employee would not be so foolish as to sell the jewellery in Hong Kong, and that in all probability he would go and sell it in Paris where he could get the highest bidder. 30

Q. Approximately how long did this conversation with the accused last?

A. The conversation lasted about 30 to 45 minutes.

Q. Did you make any attempt to get the weapons that the accused spoke of?

A. My purpose in telling him that I was going to make some enquiries for him was just to get out of the room. I did not make any enquiries for him, in fact.

Q. Have you spoken with the accused after this?

A. Subsequently I did not look for him, but he telephoned me and looked for me. 40

Q. Did you speak to him?

A. Yes I did.

Q. Was anything more said about these matters?

A. He again asked me about the weapon. I said that I was still trying to get it for him and had been unsuccessful so far.

Q. This was in a telephone conversation, is that right?

A. That is correct.

Q. And on the 7th December last year did you go to the Queen Elizabeth Hospital?

A. I did.

Q. And you there took part in an identification parade? Is that correct?

A. Yes I did.

Q. And you there identified the accused as the person that you had these conversations with?

A. Yes.

COURT: Yes, Mr. Bernacchi.

XXN. BY MR. BERNACCHI:

Q. Mr. Cho, what were you in fact doing at Kaitak Airport on the evening that you met Edwards - met the accused?

A. My duty was to make contacts in the airport and get business.

COURT: You were touting for business?

A. Yes, you can put it this way, but my main duty was to contact the P.R.O.

Q. Contact the P.R.O. Why was that?

A. Because the P.R.Os of the hotels arrange transport for the customers - for those who come to Hong Kong, and if we are on good terms with the P.R.Os then we will be able to get the names of those who stay in the hotels and contact them for business.

Q. For what type of business?

A. Tailoring; European style tailoring.

In the Supreme Court of Hong Kong

Prosecution Evidence

No. 6

Cho Chi Kau

Examination (continued)

Cross Examination

10

20

30

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No. 6  
Cho Chi Kau  
Cross  
Examination  
(continued)

- Q. Only tailoring?
- A. Only tailoring.
- Q. You came up to the accused, did you not?
- A. Yes.
- Q. At Kai Tak?
- A. Yes.
- Q. Well, why was that, then?
- A. Well, I saw him holding his luggage and look around in different directions, so I went up and spoke to him.
- Q. Saw him holding his luggage and looking around in different directions and you spoke to him about tailoring? 10
- A. No.
- Q. Is the true reason that you are the type of man that has many contacts, so that when you asked him sort of, "what are you doing here; can I do anything for you?" - if he wanted a hotel you could introduce him to a hotel, if he wanted sex you could introduce him to sex, if he wanted a tailor you could introduce him to a tailor's shop, etc? 20
- A. No.
- Q. Just you spoke to him because he was looking lost and you spoke to him because you wanted to gain business for your tailor's shop? That is your evidence?
- A. Yes.
- Q. Do you by any chance have a line in jewellery?
- A. No.
- Q. Absolutely and entirely tailoring and nothing else?
- A. Correct.
- Q. Do you know any of the police? Before this case, of course? 30
- A. No.
- Q. Police Force names, do they mean anything to you or not? For instance, Superintendent Harris, do you know

the name of Superintendent Harris or not?

In the Supreme Court of Hong Kong

A. I don't

Q. You say that it is your - in effect one of your jobs to keep on good terms with the P.R.O?

Prosecution Evidence

A. Yes.

Q. Is it also one of your jobs to keep on good terms with the police?

No. 6

Cho Chi Kau

A. This is not necessary.

Cross Examination (continued)

10

Q. You say - you have given the room number in the Sun Ya Hotel. You have given in evidence the room number of a room in the Sun Ya Hotel?

A. Yes.

Q. Who suggested to you to actually specify that room number?

A. Well, the accused telephoned me and asked me to go up to room number 715.

Q. Anyhow, the room number is wrong. If you went up to see the accused in room 125, it was not the accused you saw.

A. No, room 715.

20

MR. DUCKETT: He said 715.

COURT: 715.

Q. But the accused was in room 721.

A. This happened a long time ago, several months ago. I am not a professional court witness; I have to think primarily of my own living, my job, and I cannot keep on memorising all these things.

Q. So why was it that you said a room number at all?

A. To my recollection it seemed as if it was 715.

Q. Did anyone suggest ...

30

A. Anyway, I remember that the room was on the 7th floor.

Q. Did anyone suggest to you to give the room number in your evidence?

A. No.

In the Supreme  
Court of Hong  
Kong

—————  
Prosecution  
Evidence

—————  
No. 6  
Cho Chi Kau

Cross  
Examination  
(continued)

- Q. Presumably the police originally found you?
- A. It was I who telephoned the police.
- Q. I see. When was that?
- A. On the afternoon of the - of that homicide case.
- Q. I see. You telephoned the police on the afternoon and said that you had certain information which could be important?
- A. Yes.
- Q. And did you come along to the police station or did a detective come to see you? 10
- A. I made a telephone call and I was instructed to go to the Yaumati Police Station. Subsequently I went to the Tsim Sha Tsui Police Station.
- Q. And I ask you again: did you know any of the police officers' names before this case?
- A. Well, I know the names of some of the police officers. I am not familiar with these names, of course. I have only learnt these names from newspapers.
- Q. I see. Names of some police officers who have anything to do with you in your business? 20
- A. Nothing to do with my business. Officers of the Police Force have absolutely nothing to do with our business.
- Q. Well, now, you remember that at one stage you said that the accused showed you an object, in effect, used for opening windows? Those were your words.
- A. Yes.
- Q. Then when Crown Counsel asked you to describe the object, you said "ho chi", that is "very nearly", and then you said in English, "a glass-cutter".
- A. Because the accused had told me that it could be used for cutting windows and opening windows. 30
- Q. Do you remember that you said "ho chi" in Chinese and then "glass-cutter" in English? Yes or no.
- A. Yes I do.
- Q. Do you not know the word for glass-cutter in Chinese?
- A. Sometimes it is very difficult to translate.

Q. Do you know the word for glass-cutter in Chinese or not?

In the Supreme  
Court of Hong  
Kong

A. I do not.

Q. And at what stage did you know the English word?

-----  
Prosecution  
Evidence

A. Well, I first of all must have learnt it in school, and secondly, in the course of daily life we always come across things like this, and naturally we know the names.

-----  
No. 6

Q. You, a tailoring assistant, come across a glass-cutter in the course of your daily life?

Cho Chi Kau

A. Well, a person should know as many things as he can; his knowledge must be many sided. If my knowledge is confined only to tailoring, then I won't be able to make a living, once I leave the tailoring business.

Cross  
Examination  
(continued)

10

Q. I suggest to you, Mr. Cho, that you knew the name of this object only in the course of this case - the English name.

A. Yes.

Q. Only the name. In other words, you learnt it from somebody as a result of being involved in this case?

A. The accused, whilst in the room, told me that this object was used for cutting window, and it was for this reason that I know this word, glass-cutter.

20

Q. Are you saying now that the accused told you that it was a glass-cutter?

A. No, he did not, but he did tell me that it was used for opening window.

Q. And therefore immediately you thought of glass-cutter? Is that your evidence?

A. I knew that he was, in fact, referring to a glass-cutter.

COURT: I suppose at some stage in these proceedings before the case came to Court before the learned Magistrate, were you shown this object?

30

A. Yes, my Lord.

COURT: Do you remember by whom? Well, was it by a European or Chinese?

A. A European.

COURT: And did he describe the object, or did he give a name to the object?

A. No, he did not give a name, nor did I ask him. He merely



In the Supreme  
Court of Hong  
Kong

showed me this object and asked me whether it looked like the one shown to me by the accused.

\_\_\_\_\_  
Prosecution  
Evidence

COURT: What do you mean? Where did you first hear the word 'glass-cutter'? Where did you get the word "glass-cutter" from? You say the accused told you that this was an object for cutting windows. Where did you hear the word "glass-cutter" from?

\_\_\_\_\_  
No. 6  
Cho Chi Kau

A. Well, the accused said that it was used for cutting and opening glass so it follows that logically that it must be called a glass-cutter.

10

Cross  
Examination  
(continued)

Q. You see, I suggest to you that for reasons known only to yourself, you are reluctant to say that this name "glass-cutter" has been given to you by one of the members of the Police Force.

A. This is definitely not the case because I reminded the police when they were searching the room to look for this particular object, because during the search the police overlooked this object.

Q. I see. So you were there during the search, were you?

A. No.

20

Q. Oh, so they went back afterwards?

A. No. I mentioned this object in the course of giving a statement to the police, and then the officer who was taking my statement said, "Oh, there is one more thing in that room."

Q. You said in evidence the police had overlooked this glass-cutter. Did you mean by that - did you mean by that that the police had to go back to the room to search again? And do not smile at me.

A. That is a matter for the police, I do not know, but in the course of giving a statement to the police I did mention this object.

30

COURT: In your first statement or in a subsequent statement?

A. No formal statement had been taken at that time. I first went to the Yaumati Police Station and then subsequently to the Tsimshatsui Police Station. There I had a talk with some policemen and a sergeant asked me about this.

Q. To his Lordship just now you said that a European police officer showed you this object.

40

A. That was shown to me, yes. When I was giving a

statement he showed it to me and asked me if that was the object.

Q. Now you say that a sergeant asked you about it.

A. No statement was taken when I was at the Tsimshatsui Police Station, but on my arrival there I met a sergeant and he spoke to me about this case. I told him what had happened about this case and on the following day I gave a formal statement to a European police officer and that police officer showed me this glass cutter.

10

Q. If in the course of this trial it comes out that this glass cutter is used for cutting thin glass in a laboratory not for cutting heavy glass windows, what have you to say about that?

A. I don't know about this. I am merely relating to this court what the accused had said to me.

Q. Would I be right in fact in saying that your work necessitates you keeping on good terms always with the police?

20

A. This is not my duty.

Q. Do you in fact make a practice of keeping on good terms with the police?

A. By police, which one do you mean? Which persons do you mean?

A. Answer the Question please. With anybody in the Police Force.

A. This is nothing to do with me.

30

Q. Do you in fact make a practice of keeping on good terms with the police in general or with any particular persons in the police?

A. No, this is definitely not the case with me.

Q. Was the position in the informal conversation which you had with the sergeant that the sergeant perhaps said "This instrument, this object was found amongst the accused's belongings. Would you care to give some evidence linking up this with your interview?"

A. No.

Q. You see, I put it to you that in fact this particular object was never mentioned in the conversation.

40

A. But I told the sergeant everything that happened,

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 6

Cho Chi Kau

Cross  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
Prosecution  
Evidence

\_\_\_\_\_  
No. 6  
Cho Chi Kau

Cross  
Examination  
(continued)

including the glass cutter.

- Q. Would I be right in saying that you leant over backwards to be helpful to the police in your information to the sergeant?
- A. Well I told the sergeant truthfully all that I saw happen.
- Q. You see, I suggest to you that your version in the witness box is a gross exaggeration of the conversation that you had with the accused on that morning.
- A. There is no exaggeration of any kind. I am merely recounting the facts. 10
- Q. I put it to you that he never, for instance, mentioned a knife. A knife was never mentioned in the conversation at all.
- A. He did.
- Q. And as for a pistol, yes, a pistol was mentioned. I have not asked you a question yet, I have just made a statement. A pistol was mentioned, I agree. But it was mentioned not in the way you say. It was mentioned in this way, that in the course of conversation the accused jokingly asked you how much would a pistol cost on the black market and you told him about \$3,000. Is that right? 20
- A. Yes.
- COURT: Well you say "yes". What is put to you is that the accused jokingly asked you how much a pistol would cost.
- MR. BERNACCHI: On the black market.
- COURT: On the black market. Did you form the impression that it was put to you as a joke?
- A. I wasn't really paying too much concentration on the words said by the accused because I was chiefly concerned with getting business from the accused. 30
- Q. Thank you. Thank you. You said that you met Edwards between 5.00 and 6.00 p.m. on, I think it was on the 27th.
- A. Towards evening.
- Q. You said in chief between 5.00 and 6.00 p.m.
- A. Yes, at evening time, that was evening.

Q. And if the evidence is that his plane arrived at 7.00 p.m.?

A. 7.00 p.m. is also evening.

Q. Well why did you say between 5 and 6?

A. I said towards evening. Round about 5.00 or 6.00 p.m.

COURT: He said 5.00 to 6.00 p.m. quite clearly.

Q. And you cannot at the time have considered the conversation very significant otherwise you would have gone to the police straight away.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 6

Cho Chi Kau  
Cross  
Examination  
(continued)

10 A. Well if I took his words seriously and reported the matter to the police, of course this would be of great help to the police, but on the otherhand if I just make a report and should it turn out that he did not mean what he said, then I would have done something amounting to wasting the police time, interfering with the police in the course of their duties.

20 Q. Coming back to your own impression of the conversation that morning, I put it to you that as a law abiding citizen if you had had the impression that the conversation was significant and suggested that a crime would be committed, then you would have reported to the police.

A. If I did make a report to the police nothing would happen if a crime could eventually be prevented, but if all this was not serious then I would get myself into trouble.

30 Q. I also put it to you that another elaboration is all this evidence about you suggested to the accused himself reporting to the police. That was never even suggested.

A. I did.

Q. And I again suggest to you that your presence at Kaitak Airport was not merely in connection with any tailoring business, it was in connection with general facilities offered by your type of man to tourists.

A. I went there solely for business purposes. I am a paid employee of Lee's Tailor.

Q. How much money do you get from this particular tailor's shop?

40 A. \$600 to \$700 per month.

In the Supreme  
Court of Hong  
Kong

No. 7.

ROBERT JOHN MOORE

\_\_\_\_\_  
Prosecution  
Evidence

Robert John MOORE. Sworn.

\_\_\_\_\_  
No. 7  
Robert John Moore  
Examination

XN. BY MR. DUCKETT:

Q. What is your full name, Mr. Moore?

A. Robert John Moore.

Q. Where do you live?

A. In Hong Kong.

Q. What address?

A. Sea View Guest House, Chungking Mansions. 10

Q. And what is your occupation?

A. I am a piano, a pianist entertainer.

Q. And in November last year were you employed as a pianist at the Pier One Bar near the Ocean Terminal?

A. Right.

Q. Now on the 30th November last year in the evening do you remember someone coming into the Pier One Bar?

A. I made a statement. Could I check against that?

A. No, you have to tell us what you can remember.

A. I cannot remember the date. 20

Q. You cannot remember the date, I see. Someone came into the Pier One Bar. Now can you tell us, would you recognise that person if you saw them again?

A. Yes.

Q. Can you tell us anything about them. Were they Chinese or European or Indian?

A. European.

Q. Would you have a look around the court? Do you see the person you have referred to?

A. That's him. 30

Q. The accused. Now when was it - at what time of the

evening did this person come into your bar?

A. About - after my first set. That would be about 9.

Q. What do you mean "after my first set"? What does that mean?

A. I start and I used to work there, I played for so long and it was during my first break.

Q. You played a set of music, is that right?

A. Yes.

Q. And you said it was at the end of this you saw the accused.

A. Right.

Q. And did you speak to him?

A. Yes.

Q. And what sort of conversation was it? Was it on any particular subject?

COURT: Had you ever seen him before?

A. No.

Q. What was the conversation about in general terms?

A. Well he took me for an Australian, although I am a New Zealander, and we were talking about generally how it was good to see another Australian in Hong Kong and we just talked about entertaining generally and whether I knew any people in the same business in Perth where he came from.

Q. Was the accused carrying anything on this occasion?

A. He had a satchel thing, I think you call it.

Q. Was this mentioned at any time?

A. Well it was in the bar there and just in conversation I just said "What have you got in there?", and that was about it.

Q. Yes, and what did the accused say?

A. Well nothing. It was just small talk.

Q. He said nothing. And how long did this conversation take? Approximately.

A. About, I suppose, 15 to 20 minutes. Around that, maybe a

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No. 7

Robert John Moore

Examination  
(continued)

10

20

30

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No. 7

Robert John Moore

Examination  
(continued)

little longer.

Q. Did he than leave the bar or did you see what he did?

A. Well I had a break. That was the end of the break, so I had to go back and play again. So I did not notice him actually and then as he was leaving we just waved.

Q. Have you seen him since that occasion?

A. In court.

Q. Yes. But apart from - You didn't see him at the Pier One Bar after this meeting, is that right?

A. Not that I remember. 10

Q. There was some publicity given to this case in the newspapers. You recall that do you? Now in relation to your meeting with the accused are you able to tell us whether this was before or after this publicity in the paper? Are you able to tell us anything in relation to that?

A. No. I read the story in The Star the next day and it didn't ring a bell until --

Q. You said you read a story in The Star the next day. The next day from what? 20

A. After I met - Well I thought - there was this thing about - there was a picture in The Star and they said that somebody had been killed in the Hongkong Hotel and I thought wow, it's pretty close to where I work, and that's all.

Q. That was the day after you spoke to the accused.

COURT: Do you attach any importance to what he has described as the satchel? Do you want him to describe it?

Q. If your Lordship pleases. Can you tell us anything about the satchel the accused was carrying? 30

COURT: Colour or anything about it. Especially size.

A. A black one. That is about all I can remember. A black plastic - wait a minute, I cannot be sure it was plastic, but it is the sort of thing that is very common amongst students.

Cross  
Examination

XXN. BY MR. BERNACCHI:

Q. Mr. Moore, did you get the impression during your

conversation that the accused was himself in the entertainment business in Perth?

In the Supreme Court of Hong Kong

A. Yes, I did, because he knew people that I knew were entertainers which would be rather unlikely outside.

\_\_\_\_\_  
Prosecution Evidence

Q. Tell me, how did you come to give evidence here? In other words, did you approach the police, did the police approach you?

\_\_\_\_\_  
No. 7

A. They came into the bar a couple of days later and said - well they asked me practically the same questions, had I met somebody, and so on and so forth.

Robert John Moore

10

Q. And then they asked you, presumably, to make a statement.

Cross Examination  
(continued)

A. Right.

COURT: Thank you.

MR. DUCKETT: May this witness be released?

COURT: Yes, certainly.

MR. DUCKETT: LO Wing-hong, who is No. 7 on your Lordship's list.



In the Supreme  
Court of Hong  
Kong

Lo Wing-hong. Affirmed in Puncti.

————  
Prosecution  
Evidence

XN. BY MR. DUCKETT:

————  
No. 8  
Lo Wing Hong  
Examination

Q. What is your name?

A. LO Wing-hong.

Q. And where do you live?

A. No. 126 Austin Road, ground floor, Kowloon.

Q. What is your occupation?

A. I am the No. 1 room boy, Hongkong Hotel. 10

Q. That means you are in charge of other room boys, is that right?

A. Yes.

Q. And towards the end of November last year were you responsible for the east wing of the 12th floor of the Hongkong Hotel?

A. Yes.

Q. Now on the 28th November at about 6 o'clock did someone come and make an enquiry of you?

A. Yes. 20

Q. Do you remember the appearance of this person?

A. Yes.

Q. Do you see him in court today? Do you see the person in court today?

A. Yes, I do.

Q. Would you indicate that person?  
(Witness points at accused)  
Now when this person came on the 28th November what was said?

A. At 6.00 p.m. on the 28th November he came and asked me where was room No. 1223 on the 12th floor. 30

Q. And what did you say?

A. I pointed to the corridor where the room is.

In the Supreme  
Court of Hong  
Kong

Q. And what did the accused do?

A. He went there and knocked at the door himself.

Q. And then?

A. I don't know what happened because I did not follow him to the room.

—————  
Prosecution  
Evidence

Q. Did you see him? You saw him knocking at the door, is that right?

—————  
No. 8

A. Yes, I did.

Lo Wing-Hong  
Examination  
(continued)

Q. What took place after that, do you know?

10 A. Nothing because no-one answered the door.

Q. So what did the accused do?

A. He went to the lift to go down.

Q. He appeared to leave the 12th floor, is that right?

A. Yes.

Q. Now the following day, on the 29th November at about 4.30 in the afternoon did you go to room 1223?

A. I did.

Q. Did you knock at the door?

A. Yes, I did.

20 Q. What happened then?

A. No-one answered the door.

Q. What did you do?

A. I used my own key to open the door.

Q. Yes.

A. I went in together with another hotel boy. On opening the door I saw the accused inside the room.

Q. Was there anybody else in the room with the accused?

A. No, he was by himself.

Q. What did you say?

30 A. I asked him whether he was the person who had booked the room.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 8

Lo Wing-Hong

Examination  
(continued)

Q. Yes.

A. He said no. He said that he was there looking for someone.

Q. Yes.

A. I then said "Sorry for disturbing you" and I closed the door.

Q. Where did you go?

A. I then went back to the counter where I telephoned the office downstairs.

Q. Who did you speak to on the telephone?

10

A. I spoke to our head housekeeper.

Q. Well a few minutes later did you return to room 1223?

A. I did not go in there alone. I had to wait at the counter for the house-keeper and also the manager to come up. We all went in together.

Q. What are the names of these persons that went with you?

A. The housekeeper is Mr. Auyeung Kai, and the manager is Mr. Zimmermann.

Q. Did you go into room 1223 with these persons?

A. No. I went with the other two and at first I knocked on the door. No-one answered the door, so I used the key to open the door. The manager went in to speak with the accused.

20

Q. What about the housekeeper?

A. No. We left this matter to the manager and both the housekeeper and myself returned to the counter.

Q. Shortly after this what did you see?

A. About 5 minutes later the accused and the manager left the room and went down. They left the 12th floor and I don't know where they subsequently went.

30

Q. You told us that was on the 29th November. On the evening of the 30th November were you on duty at about a quarter to 11?

A. Yes, I was.

In the Supreme  
Court of Hong  
Kong

Q. And who did you see on that occasion?

A. I again saw the accused.

Q. Was he carrying anything?

A. He was carrying a dark briefcase and he was pressing the briefcase with both hands against his chest in this way and walking.

—  
Prosecution  
Evidence

—  
No. 8

Q. Where did he go to?

Lo Wing-Hong

A. He came from the west wing to our east wing and then turned in order to enter No. 1223.

Examination  
(continued)

10 Q. So he turned in the direction of room 1223?

A. Correct.

Q. Did you see him after he turned?

A. I did not know what happened after he turned because I was at the counter all the time. I could see him when he was walking towards me, but after he had walked past me I did not see him again.

Q. A few minutes later what did you see?

A. A few minutes later the accused walked past me behind me.

Q. From what direction?

20 A. From the direction of room 1223.

Q. Where did he go to?

A. He went to the lift.

Q. Did you notice anything about the accused when you saw him this time?

A. I noticed that he no longer had the briefcase with him.

Q. What did you do?

A. He went into the lift, but I was rather curious because he no longer had his briefcase, so I went to the room to push the door and see if I could get in.

30 COURT: What room?

A. Not any particular room. There were 10-odd rooms along the corridor and I pushed the door of every room to see if he had left the briefcase inside, but all the rooms were locked.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No. 8

Lo Wing-Hong

Examination  
(continued)

Cross  
Examination

Q. So you didn't go into the rooms?

A. No, I did not go into any room.

Q. Did you see the briefcase in the corridor?

A. No, I could not find it.

Q. On the 7th December did you go to the Queen Elizabeth Hospital?

A. I did.

Q. You there took part in an identification parade.

A. Yes, I did.

Q. You there identified the accused as the person you have just given evidence about? 10

A. Yes.

XXN. BY MR. BERNACCHI:

Q. Can you read a plan?

A. Yes.

Q. Now when you saw him on the evening of the 30th November - Now I want you to look at the plan, the right hand side, the second one down, the 7th to the 18th floor. Now you can see that room 1223 is marked.

A. Yes. 20

Q. Now where did you see him first on that evening?

A. The counter where I was standing is shown here.

Q. Well now you have pointed out where you were standing. Where did you first see the accused?

A. Well he came out from the lift of the west wing and then he walked all the way down the corridor, so that with me standing here I could see him walking along the whole length of the corridor.

Q. And then he came down - In fact he turned right at end of the corridor? 30

A. Yes.

Q. And there are, as you say, about 10-odd rooms there.

A. Yes, along that corridor.

In the Supreme  
Court of Hong  
Kong

Q. Then at the end there appears to be a lift and a flight of stairs.

A. Yes, a fire escape.

Q. Then you say that about 5 minutes later you saw him again.

Prosecution  
Evidence

A. Yes, he walked back.

Q. So you saw him really when he turned the corner almost opposite to your counter?

\_\_\_\_\_  
No. 8

Lo Wing-Hong

A. Yes.

Cross-  
Examination  
(continued)

10 Q. And then he walked along the corridor, did he?

A. No. He walked past the counter and took a lift here. The lift in the east wing.

COURT: Did you see him walk all the way along this corridor?

A. I could not see him because I was standing at the counter, but I believe that - I did not leave the counter at any time.

Q. And, of course, presumably he could see you as you could see him.

A. Yes.

20 Q. Now when you say that you tried all the doors, it was because of this difference in one time he was carrying a briefcase and then when you saw him again he wasn't carrying a briefcase.

A. That is correct. He was holding the briefcase this way. (Demonstrates clutched to his chest.)

Q. So that in your own mind you thought well, there are only a relatively small number of places where he could have put the briefcase.

A. Yes.

30 Q. You tried all the doors. They were all secured.

A. I pushed each and every door, but they were all locked.

Q. Now the lift at the end. Does that go to all the floors?

A. You mean this one?

Q. This single lift at the end, past the room in question.

A. Yes, it goes to all the floors.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 8

Lo Wing-Hong

Cross-  
Examination  
(continued)

Q. So that he could have taken this lift to any or all of the floors?

A. Yes.

COURT: Did I understand you to say that if you go past that lift there you come to stairs?

A. Yes, my Lord.

COURT: Are those outside stairs? No, they are not. Where do those stairs go? What are those stairs?

A. It is a fire escape.

COURT: Do they go up and down?

10

A. Yes.

Q. So that the lift goes to all the floors and the stairs go to all the floors?

A. Yes.

Q. Thank you. Now did you notice whether he had - You saw him on the Sunday, the 29th?

A. Yes.

Q. Did you notice whether he had a briefcase then?

A. When I saw him on the 29th he was inside the room I did not know what he had with him.

20

Q. So you cannot help us. Your answer is well he might have or he might not. You cannot say, you don't know.

A. That is correct.

Q. Incidentally, was he wearing dark hair or light hair on either or both of these occasions?

COURT: Which occasions are you talking about?

MR. BERNACCHI: The 29th and the 30th I am talking about.

A. Anyway the colour of his hair on those two days was different from that of today.

Q. I see. It was darker, presumably.

30

A. Dark, yes.

Q. But you have no difficulty in recognising him?

A. Correct.

Q. Now what was the colour of his hair on the Saturday?

COURT: I take it that is the 28th.

MR. BERNACCHI: The 28th, yes.

A. On the 28th I did not pay attention to the colour of his hair.

Q. So you cannot help the court.

A. Correct.

Q. And you say that he asked you for room 1223.

A. Yes.

10 Q. And presumably you took him along to it, or did you just say "It's on the right"?

A. I merely pointed in the direction of the room.

Q. I say that because you say he knocked on the door.

A. Yes.

Q. So you could hear the knock from the counter.

A. Yes, sometimes.

Q. Well, I mean did you hear the knock on that Saturday, the 28th November?

A. Yes, I did.

20 Q. And you therefore imagined or thought indeed that it was room 1223, and then he came back not having got an answer.

A. Correct.

Q. And on that occasion, that is on the Saturday, the 28th November, did he have a briefcase or not?

A. I did not notice any.

Q. You mean you did not notice whether he did or not?

A. That is correct. Because I did not pay too much attention to him.

30 Q. Now when Mr. Zimmermann and you came to the locked door on the 29th ..

A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 8

Lo Wing-Hong

Cross-  
Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 8

Lo Wing-Hong

Cross-  
Examination  
(continued)

- Q. .. you knocked, there was no answer and you opened it with your own key. That is your evidence.
- A. Yes.
- Q. Where was the accused at that time? Opening the door, where did you see the accused?
- A. He was inside the room next to the wardrobe.
- Q. Of course I don't know where the wardrobe is. Did he appear to be coming to the door?
- A. Yes.
- Q. And am I right in saying that you knocked and almost immediately after that used your own key? 10
- A. We were together with the manager. I knocked at the door first, but there was no answer and I had to get the manager's permission before opening the door.
- Q. Yes. But you knocked, there was no answer, you straight away obtained the manager's permission and opened the door with your own key.
- A. Yes.
- Q. Now the last question, and I am coming again to the 29th. I am coming back to the 29th. You and Mr. Zimmermann left the room after the accused, did you? The accused left the room and you and Mr. Zimmermann left the room as well. 20
- A. No. I did not go into the room. The accused and Mr. Zimmermann had a conversation inside and then they both left together.
- Q. And you closed the door, did you?
- A. No, I was not at the scene. As soon as I opened the door I went back to the counter.
- Q. I see. Did you see Mr. Zimmermann and the accused leaving? Did they pass your counter or not? 30
- A. Yes.
- Q. Now did you see the accused later that same evening or not?
- A. No.
- Q. What time did you go off that same evening?
- A. 12 midnight.

Q. Did you see the occupant of this room, room 1223?

In the Supreme Court of Hong Kong

COURT: Which night is this?

MR. BERNACCHI: The 29th.

A. No.

Prosecution Evidence

Q. You saw neither the accused nor the room's occupant that evening after this incident with Mr. Zimmermann?

No. 8

A. Correct.

Lo Wing-Hong

Q. Thank you.

Cross-Examination (continued)

REXN. BY MR. DUCKETT:

10 Q. You went off duty at midnight on each night? Your hours of duty were until midnight on each of these nights?

Re-Examination

A. Yes, we always work until midnight.

BY COURT:

Q. Just one question. From the counter, what you describe looking at the plan as the counter, you can see all along this corridor, can you? You are sitting at your counter. Can you see all along that corridor?

A. If I sit inside the counter, that is behind the counter, I won't be able to see the whole length.

20 Q. But if you are standing in front of the counter you can see?

A. Yes.

Q. This plan isn't orientated, Mr. Duckett, it should be. Is this the east corridor or the west corridor?

A. Half of it is east corridor, the other half is west corridor.

Q. Well at any rate can you see along this corridor?

A. If I want to see this corridor I have to stand in front.

Q. You have to stand here and go to the right?

30 A. Yes.

COURT: Members of the jury, we are a little later adjourning than I had anticipated but we will adjourn until half past two this afternoon, and I just want to say this to

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No. 8

Lo Wing-Hong

Re-Examination  
(continued)

you now and I won't say it again during this trial. The accused is in your charge until you have returned your verdict at the end of this trial. It is therefore of obvious importance that you do not discuss this case with any members of the public or let any members of the public talk to you about it. By all means, if you want, discuss it amongst yourselves, but do make certain you do not allow any members of the public to talk to you about it, and the same applies, do not talk to anybody about it. We will adjourn now until half past 10 two.

1.12 p.m. Court adjourns.

16th March, 1971.

2.32 p.m. Court resumes.

Accused present.    Appearances as before.    Jurors present.

Mr. DUCKETT: May it please you, my Lord.    I call LI Ping-fai; page 13 of the evidence.

LI PING-FAI - Affirmed in Puncti.

\_\_\_\_\_  
Prosecution  
Evidence

XN. BY MR. DUCKETT:

\_\_\_\_\_  
No. 9  
Li Ping-fai  
Examination

Q. What is your full name?

A. LI Ping-fai.

Q. And where do you live?

A. I live at No.310, Wing Ka House, 2nd floor, Fuk Loi Village, Tsuen Wan, New Territories.

10 Q. You are a room attendant at the Hong Kong Hotel?

A. Yes.

Q. And towards the end of November last year were you employed on the east wing of the hotel on the 12th floor?

A. Yes, on the east wing of the 12th floor.

Q. And on Friday, the 27th November, were you on duty from at about 9 p.m. in the evening?

A. Yes, I was.

Q. Did someone come and approach you there?

A. Yes.

20 COURT: What time was that?

Mr. DUCKETT: 9 p.m., my Lord.

COURT: Thank you.

Q. And would you recognise this person if you saw him again?

A. Yes, I would.

Q. Look around the court and see if this person is in court.

A. Yes he is.

Q. Would you indicate the person? (Witness points to accused). And what did the accused say to you?

30 A. He asked me whether the occupant of room number 1223 is in the room.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 9

Li Ping-fai  
Examination  
(continued)

Q. Yes, and what did you say?  
A. I said, "I do not know. Could you please go and knock on the door yourself".

Q. And what did he say?  
A. He said, "Don't bother, I don't wish to trouble him".

Q. And what did he do then?

A. And then he took a lift and went down.

Q. Now, on the 30th November, that is three days later, were you again on duty at about ten-forty in the evening?

10

A. Yes, I was.

Q. And was ...

COURT: I am sorry. What time was that?

MR. DUCKETT: About 10.40 p.m.

COURT: Thank you.

A. Yes.

COURT: 30th and ...

MR. DUCKETT: Ten-forty.

COURT: The 30th November?

MR. DUCKETT: The 30th November, yes.

20

COURT: Yes, thank you. Yes.

Q. And was anyone else on duty with you?

A. There was the head boy.

Q. That was the previous witness, Mr. LO Wing-hong, is that right?

A. Yes.

COURT: Yes.

Q. And did the accused come up to you again on this occasion?

A. He walked past the counter.

30

COURT: That is on the twelfth floor?

A. Yes, my Lord.

Q. In which direction did he walk?

A. He walked in the direction of room number 1223.

Q. Was he carrying anything?

A. He was carrying a dark brief-case.

COURT: Yes.

Q. Did you see where he went to?

A. I don't know because I was behind the counter.

10 Q. Did you see him again that evening?

A. Shortly afterwards he walked back to the lift again.

Q. Was he carrying anything then?

A. It seemed that he was no longer carrying anything.

Q. And on the 7th December did you go to the Queen Elizabeth Hospital?

A. Yes.

Q. And you took part in an identification parade and identified the accused. Is that correct?

A. Yes.

20 XXN. BY MR. BENNACCHI:

Q. Mr. Li, what are your hours of duty?

A. My hours of duty are from 2.p.m. to 11 p.m.

Q. So very slightly different from Mr. Lo's hours?

A. Correct.

Q. But you and Mr. Lo are on duty together most of the time?

A. Correct.

30 Q. Well, now, you have given evidence of something that occurred on the 27th November, the Friday, which Mr. Lo has not, and you have not given evidence of anything that occurred on Saturday the 28th or Sunday, the 29th, which Mr. Lo has. Now, is the position that you and

In the Supreme Court of Hong Kong

Prosecution Evidence

No. 9

Li Ping-fai

Examination (continued)

Cross Examination

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No. 9

Li Ping-fai

Cross-  
Examination  
(continued)

Mr. Lo are based on the counter but you do not stay the whole time on the counter, you move about the floor generally?

A. Correct.

Q. So that sometimes you notice things and Mr. Lo isn't there; sometimes Mr. Lo notices things and you aren't there?

A. Correct.

Q. Now, I wonder - I think there are on these rooms notices, hotel notices "Do not disturb" that guests put out when they do not want to be disturbed?

A. Yes.

Q. Now, I do not know when you were on duty on Monday, the 30th November, that evening - no, no, I am sorry, when you were - when you were on duty on Monday, the 30th November, was the room occupant of room 1223 already there or was the room empty at the time that you were on duty?

A. I do not know.

Q. I see. Now do you remember was there a notice outside that room "Do not disturb"?

A. I did not pay attention.

Q. All right. Now just one question, on the evening of the 27th November, the Friday evening, now did the accused ask you where room 122 was - 1223 was?

COURT: Which date was this?

MR. BERNACCHI: The evening of Friday, the 27th November.

A. Yes, he did.

Q. And you pointed it out to him, did you?

A. Yes, I did. I said it was around the corner.

Q. And he asked you if the occupant was in his room and you said you did not know?

A. Correct.

Q. Thank you.

COURT: Any re-examination?

MR. DUCKETT: No re-examination.

NO REEXN. BY MR. DUCKETT

In the Supreme  
Court of Hong  
Kong

BY COURT:

—  
Prosecution  
Evidence

Q. I just want to ask you one or two questions. Are you in charge? You are a floor attendant, are you? What do you call yourself?

A. Yes, floor attendant.

Q. How many rooms do you look after? Do you look after the whole floor or just a given number of rooms?

A. Both the head boy and myself look after thirty-six rooms.

—  
No. 9  
Li Ping-fai  
Cross-  
Examination  
(continued)

10 Q. Do you share them between you?

A. No, we do not share duties; we work together in each and every room. When we go in to clean a room we go in together.

Q. That is what I was going to ask you. You are responsible for cleaning the rooms, are you?

A. Yes.

Q. Making the beds?

A. Yes.

20 Q. And taking refreshments there or is that done by someone else?

A. Room service.

Q. Room service, yes.

A. This is done by the room service.

Q. Yes. Thank you very much. I ought perhaps to ask you, room 1223 - you can answer the question from there - room 1223 is included in one of the thirty-six rooms you look after, is it?

A. That is correct.

Q. Thank you.

30 MR. DUCKETT: Mr. Zimmermann, my Lord. Page 46.



In the Supreme  
Court of Hong  
Kong

No.10.

CHARLES ZIMMERMANN

CHARLES ZIMMERMANN - Sworn in English.

Prosecution  
Evidence

XN. BY MR. DUCKETT:

No.10.

Charles Zimmermann  
Examination

Q. What is your full name, Mr. Zimmermann?

A. Charles Zimmermann.

Q. And where do you live?

A. I am a resident in Hong Kong.

Q. What address?

A. Hong Kong Hotel.

10

Q. Yes, and you are, in fact, the Assistant Manager of the Hong Kong Hotel, is that correct?

A. Of the Hong Kong Hotel.

Q. And you have held that post since July of last year?

A. That is correct.

Q. On Sunday, the 29th November last year, at about four-thirty in the afternoon, did you go to the 12th floor of your hotel?

A. That is correct.

Q. This was in reply to a call, was it, you received?

20

A. It was a call from a room boy.

COURT: Yes.

Q. And did you knock on Room 1223?

A. That is correct.

Q. And what happened after you knocked?

A. There was no answer and so I opened the door.

COURT: Who opened the door?

A. I personally opened the door.

COURT: Unlocked it?

A. No, with a double key.

30

Q. You have a key to ...

A. The management has a double key for all the doors.

Q. Was anyone with you at the time?

A. Yes, there was a room boy with me and ...

Q. Sorry, a room boy?

A. A room boy was with me and one from the Securicor.

COURT: Yes.

Q. You went into the room, is that correct?

10

A. Well, I just opened the door and went to go in the room and then a gentleman came to the door.

Q. Did you go into the room?

A. No, I was not in the room; I was between the door and the room.

Q. Would you explain what you mean by that, between the door and the room? There is a corridor, is that right?

A. Just on the entrance. I just opened the door and made one step.

Q. Yes, and who did you see there?

20

A. I see - I saw a gentleman coming out and asked him if he were Mr. Coombe, and he denied it.

Q. Would you recognise this person if you saw him again?

A. Yes.

Q. Do you see him in court today?

A. Yes, sir, (Witness points to accused).

Q. That is the accused, yes.

Q. He said that he was not Mr. Coombe. What else was said?

30

A. He just said that he is expecting Mr. Coombe, and as he also said that he is not related with Mr. Coombe, I asked him to come down to the lobby and to await Mr. Coombe in the lobby from the hotel.

Q. Did you, in fact, escort him down to the lobby?

A. Yes, I escorted him down to the lobby.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.10

Charles  
Zimmermann

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.10

Charles  
Zimmermann

Examination  
(continued)

Q. And what about Dr. Coombe?

A. Dr. Coombe took the next elevator and went up to his room.

Q. Did you see the accused later?

A. I saw - yes, I saw him later in the evening at about eleven or eleven-thirty sitting in the lobby from the hotel again.

Q. What about his hair on this occasion? What about his hair on this occasion? Was he wearing a wig?

A. No, blond again. 10

Q. Did you see him go anywhere or do anything on this occasion?

A. No, he was sitting in one of the chairs down in the lobby.

Q. Dr. Coombe was the occupant of Room 1223?

A. That is correct.

Q. And when did he book into your hotel?

A. I think it was Friday afternoon, the 27th.

Q. And for how long was he booked in?

A. Three or four nights. 20

Q. Three or four nights, yes. On the 2nd December did you go to the Kowloon Public Mortuary?

A. Yes, sir.

Q. And you there identified the body of Dr. Coombe?

A. Yes, sir.

Q. And on the 7th December did you take part in an identification parade at the Queen Elizabeth Hospital?

A. Yes, sir. That is correct.

Q. And you there identified the accused as the person you have just given evidence about? 30

A. Yes, sir.

COURT: Yes, Mr. Bernacchi?

XXN. BY MR. BERNACCHI:

In the Supreme  
Court of Hong  
Kong

Q. Now, Mr. Zimmermann, Mr. Lo says that it was he that opened the door, but he asked your permission and then himself opened the door of Room 1223. You say that you opened the door. Now, which is right?

—  
Prosecution  
Evidence

A. Well, I had the key to open the door.

Q. And you opened the door?

—  
No.10

A. Yes.

Charles  
Zimmermann

Q. Mr. Lo is mistaken?

Cross-  
Examination

10 A. Yes. There was a room boy was standing besides - and I cannot remember which one opened, in fact, the door, but I was on the ...

Q. You cannot remember?

A. But I was on the spot with him together.

20 Q. Yes, I know that. But it is a little thing but you said very clearly you - twice, once in your evidence and then again to his Lordship that it was you that opened the door. Now you say that you cannot remember whether it was you or Mr. Lo. I am just checking whether your description is true or Mr. Lo's. I am not suggesting that either of you are deliberately lying.

COURT: I take it he has a pass-key. As head - as the room boy in charge of that floor he would have a pass-key.

A. He has a sort of a pass-key, but not a key which would open a double locked door.

Q. Now, so is it, in effect, that you cannot now remember whether you or Mr. Lo actually opened the door?

A. Yes, sir, that is a fact.

30 Q. Now, you know from what other people told you that when you came down to the lobby the accused entered the toilet?

A. Yes, sir.

Q. And when you last saw him before he entered the toilet he was wearing dark hair?

A. Yes, sir.

Q. And when you next saw him he was wearing fair hair?

A. Yes, sir.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.10

Charles  
Zimmermann

Cross-  
Examination  
(continued)

- Q. So he did not make any pretence that the dark hair was other than a wig? He took off the wig in the toilet and came out wearing his own hair?
- A. Yes, I suppose so.
- Q. Now, I think that when Coombe came back you were not actually present?
- A. I was not present when they met on the spot, but I was called when Mr. Coombe is back in the hotel.
- Q. Yes, you-presumably you were called from the desk, were you? 10
- A. I cannot tell you where I was called from. I was called from one of our Securicor, if I remember right.
- Q. Yes, and when you arrived back at the lobby Coombe and the accused were talking together?
- A. Yes, sir, that is correct.
- Q. And did Mr. Coombe tell you that Edwards ? that the accused was known to him?
- A. Yes, sir, but he did not give me the name.
- Q. All right. And you say that they both apologised to you? 20
- A. Yes, for the - for the incident happened.
- Q. So that as far as you were aware they - at that time they were on fairly friendly terms?
- A. They knew each other; they were having a discussion. If it was friendly or not friendly I cannot tell you.
- Q. I see. Now, where did you go then? Did you remain in the lobby or did you go somewhere else?
- A. Well, I went back to the 6th floor to the restaurant of the hotel.
- Q. Straight away? 30
- A. A few seconds afterwards.
- Q. A few seconds after. You see, the accused will say that he and Mr. Coombe went up to Mr. Coombe's room after this incident that you have been speaking about.
- A. This I do not know. I have seen the accused leaving the hotel, and I have seen Mr. Coombe take the elevator

and go, I suppose, to his room, and that's when I left the lobby.

In the Supreme  
Court of Hong  
Kong

Q. And when you say that the accused was leaving the hotel, where did you last see the accused?

A. I saw him last walking through the entrance towards the Canton Road.

Prosecution  
Evidence

Q. You see, it was a small incident, but in fact you admitted in the end that you could not remember whether you or Mr. Lo opened the door. Now, could your memory be playing tricks with you as to whether or not you saw the accused leaving the hotel?

No.10

Charles  
Zimmermann

10

A. I saw him leaving the hotel.

Cross-  
Examination  
(continued)

COURT: You saw Mr. Coombe do what?

A. Taking an elevator.

Q. Well, now, did you see the accused change some money in the hotel?

A. That is correct. When we came down to the lobby together he asked me where he could buy cigarettes, and I told him that he could have cigarettes either in the lobby shop or in the coffee shop.

20

Q. Yes. Well, you said you saw him changing money. Did you actually see him changing money?

A. Yes, he had.

Q. When was that? Before or after the appearance of Mr. Coombe?

A. Before.

Q. Before the appearance.

COURT: In the lobby?

A. In the lobby, yes, sir.

30

Q. And where did you last see Mr. Coombe on that occasion?

A. That when he left in the lobby and took one of the elevators. That was the last time I have seen Mr. Coombe.

Q. You saw Mr. Coombe going into an elevator?

A. Into an elevator.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.10

Charles  
Zimmermann

Cross-  
Examination  
(continued)

Q. And then you went?

A. For me the case was settled, and I left the lobby.

Q. And, of course, you do not know whether, for instance, the accused came back and ..

A. This I do not know.

Q. ... eventually came up?

A. That is very well possible but I have not seen it and I do not know.

Q. I see. Now, how long had or do you know how long Coombe had been in the lobby before you came back? 10

A. This I cannot tell you. It must be a few minutes.

Q. Well, I mean, you cannot tell me at all. I mean, you say, "a few minutes", but even if it were a quarter of an hour you would not know?

A. Could not possibly, I do not know.

Q. And again you do not know about the movements either of the accused or Mr. Coombe between the time that you left the lobby until the time that you came back to the lobby?

A. No. 20

Q. Thank you very much.

MR. DUCKETT: No re-examination.

COURT: Thank you very much.

MR. BERNACCHI: I am sorry, I have one more question. I am sorry.

COURT: Very well. (Witness returns to witness-box).

XXN. BY MR. BERNACCHI continues:

Q. I do apologise. When you saw the accused on this occasion that you have been giving evidence about, did you notice whether he was carrying a brief-case? 30

COURT: Carrying what?

MR. BERNACCHI: A brief-case.

COURT: Oh, yes.

A. No, there was no brief-case.

Q. There was no brief-case.

In the Supreme  
Court of Hong  
Kong

COURT: There was no brief-case, or you did not notice?

A. Either I did not notice or there was no brief-case but not, as far as I remember it, there was not a brief-case.

—————  
Prosecution  
Evidence

Q. You cannot say one way or the other?

A. No, sir.

—————  
No.10

COURT: Thank you.

Charles  
Zimmermann

MR. DUCKETT: Mr. Simpson, page 50.

Cross-  
Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

WILLIAM LOCKHART MAIN SIMPSON

—  
Prosecution  
Evidence

WILLIAM LOCKHART MAIN SIMPSON - Sworn in English.

XN. BY MR. DUCKETT:

—  
No.11  
William Lockhart  
Main Simpson  
Examination

- Q. Your full name, Mr. Simpson?
- A. William Lockhart Main Simpson.
- Q. And where do you now live?
- A. I live at 1, Victoria Flats, 17, Barker Road, The Peak, Hong Kong.
- Q. And you are employed by the Public Works Department? 10
- A. Yes.
- Q. Now, in November of last year, on the 30th, were you occupying room 1427 of the Hong Kong Hotel?
- A. I was.
- Q. And at about 2.30 hours in the morning of the 1st December, did you hear something?
- A. Yes. I was awakened by loud screaming.
- Q. And anything else did you hear?
- A. Screaming, someone shouting, "Help me, help me", and that was it. 20
- Q. This was in English, I take it?
- A. Yes, rather indistinct but nevertheless it was what was being said.
- Q. What did you do?
- A. I got out of bed, and I sleep with the curtains open and the windows open. It was very dark at that time of night because in the well of the Hong Kong Hotel the lights were closed down.
- Q. You were saying it was dark. Yes?
- A. Very dark, yes. 30
- Q. Did you look out?
- A. I looked out, yes.

Q. What did you see?

A. Nothing to begin with, but I went into the bathroom and threw some water on my face. When I went back to the window there was someone walking along the outside of the bedroom windows of the hotel. To my mind he was two floors below me - that would be the 11th floor - and as I looked he just seemed to disappear round the far end of the building.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.11

COURT: What was he walking along?

10 A. The outside of the building there is a little cement pathway just outside the bedroom windows, about  $1\frac{1}{2}$  feet and 2 feet in width.

William Lockhart  
Main Simpson

Examination  
(continued)

COURT: On which floor?

A. To my mind it was the 11th floor.

COURT: You say the width of the pathway is ..?

A. Say two feet.

COURT: Running along outside the windows of ...

A. Just below the lintels of the windows.

COURT: What is beneath it? There are no sides?

20 A. There are no sides to the path; there is a sheer drop down to the well of the hotel.

Ex.P.1H. Q. Have a look at exhibit P.1H. (Witness looks at exhibit).  
Is that a photograph of the outside of the Hong Kong Hotel?

A. Yes.

Q. Are they the ledges that you have been referring to?

A. Yes, this is the ledge.

COURT: Can I have a look? Which is that?

MR. DUCKETT: P.1H, my Lord.

30 COURT: What do you call the ledges? Are these ledges?

A. (Witness indicates on photograph). Here they are, sir. Yes, this is the actual ledge and you step over as you go along.

Q. Now, you said you were on the 14th floor?

A. 14th floor.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.11

William Lockhart  
Main Simpson

Examination  
(continued)

Cross-  
Examination

Q. You also said that the person appeared to be two floors below you

A. That would be the 11th floor because apparently there is no 13th floor in the Hong Kong Hotel.

Q. I see, yes. Now, the next morning did you look out of the window again at about 8.45 in the morning?

A. Yes, I did.

Q. What did you see then?

A. I saw a great amount of blood on the floor below mine outside the bedroom window, and as I had done the previous night I called the boys in. 10

Q. You called a room boy in at 2.30 in the morning, is that right?

A. About a quarter to three, I would say, after I had 'phoned the desk to say that there was obviously something happening.

XXN. BY MR. BEINACCHI:

Q. Mr. Simpson, you went to sleep fairly early at shortly after ten?

A. I would think I went to bed about 10.30 and fell asleep about eleven. 20

Q. And then something woke you up, you say, at half-past two?

A. About half-past two, yes.

Q. Have you any - I mean, have you a watch? How do you estimate the time?

A. I have my watch besides the bed.

Q. And you looked at the watch?

A. Yes.

Q. I see, yes. And you said, "Help me, help me", and then it was "rather indistinct"? 30

A. Yes.

Q. There was a sound that appeared to you to be the words "Help me, help me". Is that what you mean?

A. It was definitely "Help me, help me"; there is no

doubt about that, accompanied by a lot more screaming, you, know, other screams. He was screaming and saying, "Help me" at the same time.

In the Supreme  
Court of Hong  
Kong

Q. You see, there is other evidence which I expect will be called giving the impression that it was more a sound of quarrelling; and did you hear sounds of quarrelling?

—  
Prosecution  
Evidence

A. No, not at all; not at all.

—  
No.11

Q. But, of course, you were woken up and could only describe what you heard after that?

William Lockhart  
Main Simpson

10 A. Yes.

Cross-  
Examination  
(continued)

Q. You say that there was screaming?

A. Yes.

Q. Did you hear any loud bang, anything like that?

A. No, not at all.

Q. Of course, you were two floors up above?

A. No, one floor up above. I was on the 14th floor; this was on the 12th floor of the building, the actual room.

Q. I see.

A. There is no 13th floor.

20 Q. You say that the noise was coming from the room immediately underneath you?

A. No, no, I did not say that; I did not know where the noise was coming from. My window was open and the noise appeared to be coming from below me somewhere, up from the well of the hotel. The room, which is the one in question, is one floor below me and to the left at right-angles to my own.

Q. You are assuming that it was from the room because of what you have otherwise heard of this case?

30 A. Yes. Well, I woke up in the morning and saw the mess outside the room.

Q. But then you telephoned the reception?

A. Yes, I think it was the desk. Anyway, I would say reception, yes.

Q. I mean, where was the desk?

A. In the Hong Kong Hotel

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.11

William Lockhart  
Main Simpson

Cross-  
Examination  
(continued)

Q. In the lobby of the Hong Kong Hotel?

A. Yes.

Q. Did you do anything else?

A. Yes. I pressed the room buzzer and got the boy in.

Q. I see, and did you tell him what you had heard.

A. I said that I had heard obviously loud screams which indicated that someone was in serious trouble and I pointed out that I had seen someone on the ledge outside the window.

Q. That was after you had seen someone outside the room? 10

A. Oh, yes.

Q. And was the telephone call to the reception also after that, or was it when you heard this loud screaming?

A. After I had seen the man on the ledge I then 'phoned.

Q. So ..?

A. So screaming, man on ledge and then 'phone.

Q. So that this screaming in itself did not appear to you to be so serious in itself that you did not telephone reception until you had seen the man on the ledge?

A. That is so, but it was serious from the sound. 20

Q. Yes, thank you.

MR. DUCKETT: No re-examination, my Lord.

NO REEXN. BY MR. DUCKETT:

BY COURT:

Q. I must ask you ... you say you saw a man on the ledge?

A. Yes, sir.

Q. When was this? (To Crown Counsel) You are not asking him?

MR. DUCKETT: No, my Lord.

Q. What is all this about a man on a ledge? 30

A. Well, after the screaming I was still at the window. I saw this chappie on the ledge on the 11th floor

walking along. It is probably easier ...

Q. After the screaming, and this is when you looked out of the window?

A. Yes.

MR. BERNACCHI: My Lord, I think he said he went and washed his face and then came back.

COURT: That is so, yes, yes.

Q. What did you see?

A. I think it may be easier if I indicate on the photograph.

10 Q. Yes.

A. He appeared to me to be on the 11th floor, which is two below where I am, and seemed to disappear around the far edge, walking away from my bedroom.

Q. "Appeared to me to be on the ...?"

A. 11th floor ledge.

Q. But outside the window?

A. Yes, outside the window.

Q. On the ...?

A. 11th floor.

20 Q. That is the ledge outside the window, is that right? What was he doing?

A. He just appeared to be walking along the ledge and from what - I had a quick glimpse of him, he appeared to have something over his shoulder, and then he seemed to disappear around the corner at the far end.

Q. The next morning you looked out of the window?

A. Yes, sir.

Q. And you saw blood?

30 A. I saw blood outside one of the windows and also along the ledges on the 12th and the 11th floor.

Q. Is that where you had seen the man walking?

A. Yes, sir, on the 11th floor.

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No.11

William Lockhart  
Main Simpson

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.11

William Lockhart  
Main Simpson

Cross-  
Examination  
(continued)

William Lockhart  
Main Simpson  
Recalled for  
further cross-  
Examination

Q. Let me see where you say you saw the blood.  
(Witness indicates on photo). This is, I think, is  
the window, and the blood was along here and he seemed  
to disappear around this corner.

Q. Just show the jury, would you? Go over there and show  
it to the jury. (Witness shows photograph to jury).

COURT: Yes, thank you, Mr. Simpson.

MR. BERNACCHI: Now I will have Mr. Simpson back and put more  
questions on this point

(RECALLED) WILLIAM LOCKHART MAIN SIMPSON - O.F.O.

FURTHER XXN. BY MR. BERNACCHI:

COURT: Yes.

10

Q. Mr. Simpson, it has been established by other evidence  
that no responsible officer of the hotel ever heard of  
your telephone report that night. Now, I want to show  
you the statement that you made to the police. (Witness  
looks at statement). If you would read it through  
first. (Witness reads statement to himself). Do you  
confirm that that was the statement that you made to  
the police?

A. This is the second statement. The first statement was  
much more detailed. It should be the 11th floor and  
not the 12th floor.

20

Q. There is nothing in that statement about you reporting  
to the reception that night as opposed to ...

A. No.

Q. ... what you did in the morning, but after 8 o'clock?

A. That is included in the first statement.

Q. That is included in the first statement, but not in the  
second statement?

A. Not in this one.

Q. I have only the second statement and you say there was  
another statement?

30

A. I gave a much more detailed statement.

Q. And are you sure that you did, in fact, report  
screaming? Well, I will frame it another way. What  
did you report that night, that is, about 2.30 or just  
after 2.30 in the early morning?

A. I reported this very frightening noise, screaming,

someone shouting, "Help me", also someone was on the outside of the building. I took it to be about the 11th floor, I cannot remember, and I spoke to the chappie on the reception desk. It was because I was not convinced that he understood the urgency of it that I pressed the bell and got the room boy and told him what had happened also. There were two avenues of investigation.

In the Supreme Court of Hong Kong

Prosecution Evidence

10

Q. You reported, in effect, the screaming, you reported the words "Help me" and you reported the fact that there was someone on the ledge on the 11th floor?

No.11

William Lockhart  
Main Simpson  
Recalled for  
further cross-  
Examination  
(continued)

A. Yes.

Q. And that you did to the person at the other end of the line when you dialled reception?

A. Reception I think it was.

Q. And also you reported it to the room boy?

A. I reported it. I got him into the room and showed him where I had seen a man on the ledge.

Q. And that was all between two-thirty and three o'clock that evening?

20

A. That morning, yes.

COURT: Yes.

REXN. BY MR. DUCKETT:

Re-examination

Q. You told us you made two statements?

A. I am sorry?

Q. You made two statements to the police, you told us?

A. Yes, I made one and signed the second which I took to be a condensed version of the first one.

30

Q. Would you have a look at this document? (Witness looks at document). Is that the statement - the first statement that you gave to the police?

A. Yes, yes.

Q. Would you look at paragraph five?

A. Yes, yes.

Q. You there make reference to the telephone report to the Hong Kong Hotel authorities at that time?

A. Yes.



In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.11

William Lockhart  
Main Simpson  
Recalled

Re-examination  
(continued)

Q. That is so?

A. Yes.

Q. Do you now - My Lord, I have not had an opportunity to read the statement. It has just come to my notice.

COURT: No, nor is there any necessity to do so, nor at the moment am I satisfied that there is any need.

MR. DUCKETT: Could I have it?

COURT: Yes. Thank you, Mr. Simpson.

MR. DUCKETT: D.P.C.7153. Pages 4 to 6 and page 7.

COURT: Thank you very much.

10

MR. DUCKETT: I call MAK Tsan, page 14 of the record.

MAK TSAN - Affirmed in Puncti.

\_\_\_\_\_  
Prosecution  
Evidence

XN. BY MR. DUCKETT:

\_\_\_\_\_  
No.12

Mak Tsan

Examination

Q. What is your full name?

A. MAK Tsan.

Q. Where do you live, Mr. Mak?

A. I live at No.4 - flat No.14 on the 18th floor of Tank  
Fung Mansions, Choi Hung Village.

10 Q. And you are a room attendant at the Hong Kong Hotel, is  
that correct?

A. Yes.

Q. And in November of last year you were on duty on the 12th  
floor?

A. Yes.

Q. And your hours of work are from midnight until 8 a.m. in  
the morning?

A. Yes.

20 Q. Now, on the morning of the 1st Decenber last year were  
you on duty?

A. Yes, I was.

Q. At about 2.25 in the morning did you hear something?

A. I heard a commotion.

Q. Where was the noise coming from?

A. The noise came from room No.1223.

Q. You went to the door of that room, is that correct?

A. Yes.

Q. Was this in response to the noise that you had heard or  
was it because you happened to be walking past this door?

30 A. I was originally in the corridor. When I heard the  
noise I rushed to the door.

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
Prosecution  
Evidence

\_\_\_\_\_  
No.12

Mak Tsan  
Examination  
(continued)

Q. You rushed to the door, yes. What was the noise that you heard?

A. Well, it was very noisy inside, and what I heard sounded like some object hitting the drawers, bumping against the drawers.

Q. Noise of furniture being bumped, is that right?

A. That is correct.

Q. Did you hear any other noises?

COURT: Did you say hitting against the drawers or the door?

INTERPRETER: The drawer. 10

COURT: Hitting against the drawer.

A. Well, I also heard noise which sounded like that of a struggle.

Q. Anything else?

A. When I heard the noise I went to the counter and made a report to the office downstairs.

Q. Where did you go to then?

COURT: You telephoned down?

A. I telephoned down, yes.

Q. You then went back to the doorway to 1223. Is that right? 20

A. Correct.

COURT: Yes.

Q. Were there still noises?

A. There were still noises.

Q. What did you do?

A. Again I went to the counter to telephone downstairs.

Q. You telephoned twice downstairs?

A. I telephoned twice.

Q. Then what did you do? 30

A. I again went back and stood outside the door to that room.

Q. Yes.

A. As there were still noises from the inside, I knocked on the door.

Q. Yes.

A. I said "What is happening?", and then the noise stopped.

Q. You spoke in English, did you, when you said "What is happening?"

A. Yes, I did.

Q. You then waited outside for a while. Is that correct?

10 A. Correct.

Q. Someone gave you some instructions. Is that correct?

A. Yes.

Q. So you waited outside room 1223 until about 3 in the morning. Is that correct?

A. I was in the corridór keeping watch over room No. 1223.

Q. And did anything happen?

A. Nothing happened.

COURT: I want to try and understand this. You phoned downstairs twice, did you?

20 A. Yes.

COURT: And you reported what you had heard?

A. Yes.

COURT: And you were given instructions?

A. Yes.

COURT: And you then waited outside the door.

A. Yes.

COURT: And you there waited until 3 o'clock.

A. Yes.

COURT: For how long were you waiting outside the door?

30 A. Well I waited outside the door until 3.00 a.m., but I was on duty for the rest of the morning.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.12

Mak Tsan

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
Prosecution  
Evidence

\_\_\_\_\_  
No.12

Mak Tsan  
Examination  
(continued)

Cross-  
Examination

COURT: I am just asking you how long were you in the  
corridor outside the door. This noise had started at  
2.25.

A. Well I waited until about 2.45, when people from  
downstairs came up.

COURT: To whom did you telephone downstairs?

A. I telephoned the reception office.

COURT: And how long was it before anybody took the trouble  
to come upstairs?

A. As I have said, I telephoned twice and after the second 10  
telephone I went to the door and knocked on it. Some  
2 or 3 minutes after I knocked on the door people from  
downstairs came up.

COURT: I see. All right.

XXN. BY MR. BERNACCHI:

Q. This room, was it a single room or a double room?

A. A single room.

Q. So at 2.25 in the morning there should have been only  
one person occupying it?

A. Yes. 20

Q. And no-one opened the door, as far as you know, that  
night at all?

A. No.

Q. Mr. Lo, the head room boy, tells us that he has a key,  
he goes off at 12 o'clock. Does he pass this key on  
to you?

A. Yes, correct.

Q. But you did not consider the noises that you heard  
coming from the room sufficient to yourself open the  
room and see what was causing them. 30

A. Because the door was also locked from the inside and I  
could not open it with my key.

Q. I see. You mean a bolt?

A. Yes. The door was bolted and there was also a notice  
outside "Do Not Disturb".

Q. I see. Thank you very much.

COURT: He said he could not open it with his key. We haven't yet heard he tried to open it with the key. Did you try to open the door?

A. If the door is also bolted from inside, then we working outside could see something projecting from the door and this would serve as a notice that the door had been locked from the inside as well.

COURT: You can see from the outside it had been bolted from the inside?

A. Yes.

COURT: Did you try to open it or not?

A. No, I did not dare because of the notice outside.

Q. "I did not dare to because of the notice outside." And had that notice been on - You came on duty at 12 o'clock. Had that notice been on when you came on duty?

A. I cannot remember. It seemed that the notice was there when I came on duty.

Q. You say it is a bolt. Do you mean to say a bolt or is it the usual hotel room lock, which is a twist lock. You twist the handle and lock it.

A. What we Chinese call a double lock. What one had to do was press the lock from the inside and then it is double locked.

Q. Yes, I think you mean a twist lock. You press the knob in the middle of the door handle.

A. Yes, that is correct, there is something to be pressed in the middle of the knob.

Q. But surely the hotel staff have a key that opens both locks.

A. No. Only the room boy in charge had the key, not I.

Q. The room boy in charge. You mean to say the room boy in charge of the whole floor or the room boy - that you were not in charge of these rooms on this floor?

A. Well there is a person in the reception office in overall charge and he has a key which can open that door.

Q. Then you say that the reception people came up a few

In the Supreme Court of Hong Kong

Prosecution Evidence

No.12

Mak Tsan

Cross-Examination (continued)

10

20

30

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.12

Mak Tsan

Cross-  
Examination  
(continued)

minutes after the noise had stopped?

A. Yes.

Q. So they presumably had a key that could open the door.

A. When they came up the noise had already stopped. Moreover, there was this notice board outside "Do Not Disturb", so I was merely instructed to keep an eye on the door.

Q. And that you did for the next 20 minutes or so?

A. Yes. That I did until 3.00 a.m.

Q. Now you have given as various times, 2.25 a.m., various times. How did you know the time? Did you know it because you looked at your watch? Did you know it because there was a clock in the corridor? How did you know it? Or did you know it because you estimated it?

10

A. I had a watch.

Q. And you heard noises coming from the room and then you looked at the watch and you noted the time.

A. Yes.

Q. Thank you.

20

Re-Examination

REXN. BY MR. DUCKETT:

Q. To double lock a room door someone has to be inside the room. Is that correct?

A. Yes.

Q. If a guest leaves his room empty but locked, is there a key available for you to get into the room?

A. Yes, I could open the door.

Q. And how would you do that?

A. If the room is not double locked, then I can unlock it with my key.

Q. You have a key if it is not double locked.

30

A. Correct.

Q. And if it is double locked you must contact reception to get a key?

A. Yes.

COURT: May I just ask you this. When you go out of the room you pull the door to and it automatically locks. Now can the person who has left the room also double lock it from the outside as well? In the Supreme Court of Hong Kong

Q. Can you tell us if a person leaving a room can double lock that room?

Prosecution  
Evidence

A. Yes, provided that the customer would first press the knob inside and then pull the door to before leaving.

No.12.

Mak Tsan

Re-Examination  
(continued)

10

Q. And if the knob is not pressed inside what is the position?

COURT: You mean you have got to press the knob inside and then come outside and then it is double locked. Tell me, if I come out of the door of the room and pull the door to, does it automatically lock?

A. Yes, it is automatically locked.

COURT: Then I presume there is a little hole in the knob and you can then put a key in and then lock it so it is then double locked. I don't know, I want to know.

20

A. No, my Lord. To double lock a door it is necessary to press the knob from inside.

COURT: So you can double lock the door either from the inside or the outside. Is that right?

A. Yes.

COURT: In order to double lock it, whether it be from the inside or the outside, you have first got to press the little knob on the inside of the door handle. Is that right?

A. Yes, my Lord.

30

COURT: You said that after you phoned downstairs for the second time the reception people came up a few minutes after the noise had stopped.

A. Yes.

COURT: And you said that since the noise had stopped no further action was taken other than that you were simply instructed to keep an eye on the room.

A. Yes.

COURT: And you said that you did until 3.00 a.m.

A. Yes.



In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.13

Benno Welschen  
Examination  
(continued)

Q. Did you then open the room?

A. I did.

Q. And what did you use to open the room?

A. I used the double lock master key.

Q. And where did you get that from?

A. We have actually two double lock master keys. One is in the hands of the executive housekeeper and the other one is in the hands of the manager on duty.

Q. And you were the manager on duty on the 1st December?

A. Yes. 10

Q. In the early morning as well as at 9 o'clock?

A. That means we have to stay --

Q. Were you on duty all that night?

A. Yes.

Q. And what did you find when you went into the room?

A. I saw a body lying behind the door and blood was spread over the carpet.

Q. In what part of the room was the body?

A. Just when you open the door, to the left is the wall and against that wall. 20

Q. Would you have a look at Exhibits 11B and 11C?

A. Yes, this one here. Yes, exactly that what I found, yes.

Q. And what did you do?

A. I immediately locked the door again, told the room boy to stand there, informed the manager and police and the doctor of the house.

Cross-  
Examination

XXN. BY MR. BERNACCHI:

Q. Mr. Welschen, the report that you received as the assistant manager on duty was a report of a struggle. 30

A. Of a struggle, yes.

Q. Any other report of the noises or not?

A. No.

In the Supreme  
Court of Hong  
Kong

Q. One witness has said to this court that he reported screaming, somebody saying "help, help" and a man outside on the ledge. Now if this - if he had would you have received it?

—  
Prosecution  
Evidence

MR. DUCKETT: My Lord, this witness can only say did he receive this report.

—  
No.13

Benno Welschen

10 Q. No, he can say in the ordinary course of the hotel management if that witness had reported these things that night, would you as the assistant manager on duty have received this report.

Cross-  
Examination  
(continued)

A. Not necessarily.

Q. Why not?

A. Because to whom did he tell it.

Q. The evidence is he rang up reception and reported it to reception.

A. I got the message, the telephone message from Mr. Beaumont.

20 Q. Who was reception.

A. I don't know if he was in reception at that time, but he rang me up and told me that the room boy has reported that there was a struggle in room 1223.

Q. So that was the only report you received, that of the room boy.

COURT: How many phone calls did you receive?

A. One.

Q. Of course that was Mr. Beaumont. Who was Mr. Beaumont?

A. At that time he was acting night manager.

30 Q. So the phone calls to reception would come through to Mr. Beaumont and he called you.

A. And he called me, yes.

Q. And if you had had any report about screaming, a man shouting "help, help", somebody on the ledge outside the hotel, do you think looking back that you would have

In the Supreme  
Court of Hong  
Kong

Proseccution  
Evidence

No.13

Benno Welschen

Cross-  
Examination  
(continued)

opened the door?

A. Certainly.

COURT: You received no report about anyone screaming?

A. No. Screaming, nothing at all. By the time, I have to add, when Mr. Beaumont rang me I asked him "Where are you now?" and he told me that he is on the 12th floor. He rang me from the floor where it happened and I asked him at that moment "How is it?". He said that he has listened at the door and there is no sound inside, it is all quiet now, there is the sign "Do Not Disturb" on the door, and by that moment I told Mr. Beaumont "Tell the room boy to keep a close watch on this room and if there is anything further that he should let me know."

10

Q. And in fact you opened the door eventually at about nearly 9 o'clock on the morning of the 1st December.

A. That is correct.

COURT: It is easy to be wise after the event, but what is surprising, did anybody as far as you know make any attempt to phone through to the occupant of room 1223 to make enquiries?

20

A. As far as I know afterwards, they have done.

Q. They have what?

A. They have rang the room.

Q. Do you know whether they got any answer or not?

A. I find that out only the next day but apparently there was no answer.

COURT: Pure hearsay that, of course, Mr. Bernacchi.

MR. BERNACCHI: Thank you very much.

NO. REXN. BY MR. DUCKETT.

30

COURT: Thank you. You needn't stay.

MR. DUCKETT: I call Inspector Wu. At page 26, my Lord.

No.14.WU CHI-MENGIn the Supreme  
Court of Hong  
KongWU Chi-meng. Sworn in English.\_\_\_\_\_  
Prosecution  
EvidenceXN. BY MR. DUCKETT:

Q. Your full name, Mr. Wu.

A. My full name is WU Chi-meng.

Q. And you are an Inspector of Police.

A. That is correct.

Q. And where are you stationed?

10 A. I am at the moment stationed at the C.I.D. Office of  
Tsimshatsui Police Station.Q. And at 9.20 hours on the morning of the 1st December last  
year did you attend the scene of a killing at room 1223  
of the Hongkong Hotel?

A. I did, sir.

Q. Were you among the first police officers to arrive at  
the scene?

A. I was among the first.

Q. And what did you see when you entered the room?

20 A. On entering the room, just inside the door of this room I  
saw a European male lying full length on the floor with  
his head towards the door.

Q. Yes.

30 A. He was dressed only in a pair of pyjamas and he was  
covered with blood. I saw that there were no signs of  
life on him. There was blood on the wall next to the  
body and also a trail of blood leading from this spot,  
which is the corridor, into the room proper. I entered  
the room. I saw that the room was in a state of  
disorder as if a struggle had taken place. There was  
blood on the blanket of the bed and also blood on some  
of the furniture.Q. Would you have a look at Exhibit P1B and P1C. Do they in  
fact show what you saw?

A. Yes, this is exactly what I saw.

\_\_\_\_\_  
No.14  
Wu Chi-Meng  
Examination

In the Supreme  
Court of Hong  
Kong

—————  
Prosecution  
Evidence

—————  
No.14  
Wu Chi-Meng  
Examination

Q. Similarly P1E.

A. Yes.

Q. Yes, now after you - What did you observe then?

A. Then photograph P1E shows that the curtain was drawn at the time. I drew aside the curtain and I discovered that the window of this room was open, as shown in photograph P1G. I noticed that there was blood on the window ledge and also a trail of blood along the ledge to the left.

Q. Would you look at P4, that is the plan. You see the portion of the plan marked "7th to 18th floor plan". 10

A. Yes.

Q. And you see room 1223.

A. Yes.

Q. Now in which direction did the blood trail go?

A. The direction of the blood leads from this way all along in this direction. (Indicating on plan)

Q. And where did you go to after that?

COURT: I'm so sorry, just hold it up again.

A. Start from here and went in this direction. 20

COURT: Thank you.

Q. Would you have a look at photograph P1H.

A. Yes.

Q. Do you see some marks on one of the ledges in that photograph? Can you tell us what they are?

A. Well the blood here is directly outside the window of room 1223. And the bloodstains that go along this ledge, it is actually a floor below.

COURT: Are you saying one can see bloodstains in that photograph? 30

A. Yes.

COURT: Those are actually blood.

A. Those are the stains of blood.

Q. You followed this trail of blood, is that correct?

In the Supreme  
Court of Hong  
Kong

A. Yes, I did. I followed the trail of blood.

Q. Where did it go?

—————  
Prosecution  
Evidence

A. It is not shown in the photograph, but it went all the way along the ledge here, turned left and then went up the building, and finally ended at the 17th floor.

—————  
No.14

Q. There was no scaffolding or staircase or anything? It just went up the outside of the building.

Wu Chi-Meng  
Examination

A. Up the building.

10 COURT: I don't understand this. Up the building? The bloodstains went up the building?

A. That is correct.

COURT: Well are there stairs there?

A. Went up. The other side of the building is exactly the same as you can see on the photograph PlH. It is possible to scale on to the ledge all the way up.

COURT: It is possible to go up from one ledge to another?

A. It is possible.

COURT: To the corner and then to the outside of the building.

20 A. Outside the building, and the trail of blood ended on the 17th floor.

COURT: To the 17th floor. But you are not telling me, are you, that you walked along that ledge?

A. No, I went on to the roof here first. I can see the blood going along this way. The other wing of the hotel goes in the same direction, so I went to the other end of the wing and I can see the blood going up all the way.

Q. At the 17th floor what happened?

30 A. I went to the 17th floor, where the blood ended, and I came to a bathroom as seen in photograph PlI.

Q. Yes.

A. The window of this bathroom was open and I could see that the trail of blood, there was a trail of blood on the window ledge.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.14

Wu Chi-Meng  
Examination

Q. And from there?

A. There were a number of spots of blood leading out from this bathroom. I followed it up a flight of stairs and I came on to the rooftop of this hotel.

Q. Perhaps you can go back to the plan now, Mr. Wu. Now on plan P4 you see roof plan at the top right hand corner. Where did this trail emerge on to the roof?

A. I came up from here.

COURT: Just mark it.

A. The blood came up from this spot. 10

Q. And where did the trail lead to from there?

A. It went diagonally across to the spot where on the plan you see a bamboo scaffolding.

Q. And where did the trail go from there?

A. The trail of blood went down the bamboo scaffolding, because you can see blood on nearly every rung of the bamboo scaffolding.

Q. And this bamboo scaffolding went from the 17th floor?

A. From the 17th floor right to near the ground floor.

COURT: Is the bamboo scaffolding shown in any of these photographs? 20

Q. Would you look at Exhibit P10. Is that the top of the bamboo scaffolding?

A. That is correct.

Q. And P1P, is that a view looking down the scaffolding from the top floor?

A. It is.

COURT: From what floor is that?

A. This is from the roof. No, I'm sorry, sir, P1P is a photograph taken from the 6th floor down to the street. 30 This photograph was taken to show a wig seen lodged here. Yes, there is the wig.

Q. Will you show the members of the jury?

A. The wig (indicating on photograph).

Q. So the trail of blood led to the 6th floor.

In the Supreme Court of Hong Kong

A. That is correct.

Q. And then?

A. P1Q shows that there is an outer corridor that goes round the outside of the 6th floor.

Prosecution Evidence

COURT: Just a minute. Photograph P shows a wig lodged in the scaffolding. And then what do you say after that? Photograph?

No. 14

Wu Chi-Meng Examination

10 A. P1Q shows a corridor that runs on the outside of the 6th floor. The trail of blood runs along this corridor.

Q. Yes.

A. Over another bamboo ramp and into the rooftop car park of the Ocean Terminal.

COURT: Is the bamboo ramp shown in any photograph?

A. Yes, but in the photograph P1S it is difficult to see, but it is just over there. Near the entrance of the Hongkong Hotel. It is beside the entrance of the Hongkong Hotel.

Q. Near the verandah?

20 A. Yes.

COURT: The bloodstains came down the bamboo scaffolding from the 17th floor.

A. From the 17th floor.

COURT. To the 6th floor.

A. To the 6th floor, around the verandah, round the verandah ramp on to the Ocean Terminal car park.

Q. Yes, and from there?

A. The blood carried on across the car park, went down a flight of stairs.

30 Q. Shown in P1S, is that right?

A. Shown in P1S, and on to the first floor of the Ocean Terminal Building.

COURT: And thereafter?

A. It ran along the right of this Ocean Terminal building



In the Supreme  
Court of Hong  
Kong

as one faces the sea, all the way out to the end of  
this Ocean Terminal building.

Prosecution  
Evidence

No.14

Wu Chi-Meng  
Examination  
(continued)

COURT: Along the corridor shown in photograph PlT is it?

A. Yes. If I can show it on the diagram, sir.

COURT: Along to the end of the building you said.

A. Along to the end of the Ocean Terminal Building.

COURT: Yes, and then?

A. And then they climbed over the railing near to the end  
of the Ocean Terminal Building and disappeared in the  
wharf. The trail of blood disappeared in the wharf  
itself. 10

Q. Look at PlV.

A. Yes, PlV.

Q. What does that show?

A. The photograph is taken from the Ocean Terminal itself.  
It shows the wharf and the trail of blood ends here,  
and managed to get down to the wharf. Along the wharf  
itself you can go straight back the way you came, and  
then it went out of one of the entrances of the Kowloon  
godown. 20

Q. But the trail of blood ended with the marking of PlV.

A. Yes.

Q. That was the last trail of blood that you found.

A. Yes.

Q. And this is known as Pier 1, this area.

A. This is Pier 1.

Q. And where is the entrance to Pier 1? Could you show  
us on the plan please. You see a block plan.

A. At the side here. There is one entrance here. There  
is another entrance over here that is guarded by the  
security guard of the Kowloon Wharf, and there is  
another main entrance here beside the Hongkong Hotel,  
main entrance. 30

Q. Did you instruct the photographer to take these various  
photographs?

A. I did.

Q. And on a large number of these photographs there are white circles shown around a dark patch. Are they drawn to show --

In the Supreme Court of Hong Kong

A. Where the blood --

Q. Blood traces. Where the blood was found.

Prosecution Evidence

A. Yes.

No.14

COURT: Mr. Duckett, would this be convenient to you?

Wu Chi-Meng

MR. DUCKETT: This would be convenient, my Lord.

Examination (continued)

COURT: Yes.

10 MR. BERNACCHI: My Lord, I have considered it and want to apply to recall Mr. Simpson in view of the assistant manager's evidence.

COURT: Yes.

MR. DUCKETT: I will make arrangements.

COURT: Members of the jury, we will adjourn until 10 o'clock tomorrow morning.

4.32 p.m. Court adjourns.

17th March, 1971.

10.03 a.m. Court resumes

20 Accused present. Appearances as before. Jurors answer to their names.

MR. DUCKETT: I will call Inspector WU.

COURT: What page did you say this was?

MR. DUCKETT: That is page 26, page 26.

WU CHI MENG - O.F.O.

XN. BY MR. DUCKETT: (Continues)

17th March 1971

Q. You told us yesterday afternoon that you supervised the taking of these photographs?

A. That is correct, sir.

30 Q. Did you also give instructions for a plan to be prepared?

A. Yes, I gave instructions to the Crown Lands and Survey Office.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.14

Wu Chi-Meng  
Examination  
(continued)

Q. And that is the plan there that you have, P.4?

A. Yes.

Q. And who else did you call to the scene?

A. I called the Government Chemist and the Police Forensic Pathologist.

Q. And did D.P.C.7153 take certain articles?

A. Yes, he did. He took certain articles from the room.

Q. In the Hong Kong Hotel?

A. In the Hong Kong Hotel, yes.

Q. Did you also instruct him to go to the Sun Ya Hotel? 10

A. Yes I did. We went to room 422A of the Sun Ya Hotel.

COURT: Did you say "we"?

A. Yes.

COURT: You went as well?

A. Yes.

COURT: 422, was it?

A. A.

COURT: Yes.

Q. And certain articles were seized there?

A. That is correct. 20

Q. You also gave instructions for D.P.C.7153 to go to the Kowloon Mortuary?

A. That is correct, sir.

Q. And articles were taken from the body of the deceased?

A. Yes, sir.

Q. And did you also arrange for photographs to be taken at the Kowloon Public Mortuary?

A. Yes, sir.

XXN. BY MR. BERNACCHI:

In the Supreme  
Court of Hong  
Kong

MR. BERNACCHI: Can I have exhibit A, please?

CLERK: A. (Gives exhibit to Counsel).

—  
Prosecution  
Evidence

Q. Was this glass-cutter found in the room at Sun Ya?

A. Yes, this was found at room 422A, Sun Ya Hotel.

—  
No.14

Q. At room?

Wu Chi-Meng

A. 422A of Sun Ya Hotel.

Cross-  
Examination

Q. 422A, that is the third number. You have had 415, 421  
now 4 ...

10 MR. DUCKETT: 471.

MR. BERNACCHI: I am sorry, 715, 721, now you say 42 ..

A. 422A.

Q. Of the Sun Ya Hotel?

A. That is right.

Q. And are you suggesting that that was the room of the  
accused?

A. Well, that was where we went and that was where the  
luggage and this thing was found.

Q. I see, all right. Well, where was that found?

20 A. In the luggage.

Q. In the luggage?

A. Yes.

Q. In a suitcase?

A. In a suitcase, yes.

Q. And did you find a number of things at the same time?

A. Yes.

Q. That you took into your possession?

A. I instructed the D.P.C. to take them

Q. And was there one visit or more than one visit to the

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.14

Wu Chi-Meng

Cross-  
Examination  
(continued)

accused's luggage, in effect?

A. On that day there was one.

Q. Was there more than one on other days?

A. There was another visit by the Government Chemist.

Q. Another visit by the Government Chemist?

A. With the Government Chemist.

Q. But this particular glass-cutter was seized on the first day?

A. On the first day, yes.

Q. Thank you very much.

10

COURT: Mr. Duckett, if there is any doubt about the room ..

MR. DUCKETT: The matter will be cleared up at a later stage.

COURT: .. because it might be advantageous to have the actual suitcase produced. I do not know whether there are any labels attached to that suitcase. Were there other articles in the suitcase?

A. Yes, there were a number of clothings.

COURT: Any names on any of them?

A. On the clothing?

COURT: On the clothing or on the suitcase?

20

A. No, sir.

COURT: Or on the suitcase?

A. I cannot remember whether there was on the suitcase.

COURT: It might be clearer.

MR. BERNACCHI: I do not think there is any doubt, just a difference in the rooms which is at present unexplainable but it might be cleared up later.

COURT: Yes, yes. Thank you.

MR. DUCKETT: D.P.C. - I am sorry, my Lord. There is one additional witness which the prosecution proposes to call. I have served my learned friend with a copy of the statement, and there is no objection. I call Mr. Beaumont.

30

PATRICK ARCHIBALD GEORGE BEAUMONT

PATRICK ARCHIBALD GEORGE BEAUMONT - Sworn in English.

XN. BY MR. DUCKETT:

Q. Your full name is Patrick George Beaumont. Is that correct?

A. Yes.

Q. And you are employed by the Hong Kong Hotel?

A. Right, sir.

10 Q. And what is your position there?

A. Manager, sir.

Q. Night manager?

A. Manager.

Q. Would you speak up? The accused and jury have to hear.

A. Yes.

Q. Now, were you on duty on the 1st December, 1970?

A. I was, sir.

Q. And you were on duty from midnight on that day, is that right?

20 A. Yes.

Q. Now, 2.30 in the morning, did you receive a telephone message?

A. Actually the clerks outside in the reception they received the message and reported to me that there was a sort of arguing and seems like fighting in the room.

Q. You had a report?

A. Yes.

Q. From?

A. From the room boy upstairs.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.15

Patrick Archibald  
George Beaumont

Examination

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.15

Patrick Archibald  
George Beaumont

Examination  
(continued)

COURT: It is not clear. You did not have a report from the room boy, you had a report from the clerk who was downstairs in the office.

Q. Is that so? You had a report from a clerk who was downstairs?

A. He took the 'phone. My office was behind the receptionist. Then he reported to me.

Q. About fighting, was that right?

MR. BERNACCHI: Arguing.

A. Arguing.

10

COURT: Yes. A report was made to you, that is all.

Q. What did you then do?

A. Then I got a few Securicor men to go up to the room, and when we got up to the room we listened and it was all quiet; we could not hear a noise at all.

COURT: You went with the Securicor men up to which room?

A. Yes, 1223.

COURT: You listened and heard nothing?

A. I listened and got the Securicor men to listen too. We heard nothing

20

Q. What did you do then?

A. Then as I have no master key to the room I rang the assistant manager up, Mr. Welschen, and told him "What do you think?"

Q. And after that what did you do?

A. Then Mr. Welschen told me since ...

Q. You cannot tell us. After you spoke to Mr. Welschen, you left the 12th floor?

A. We dispersed and went down.

Cross-  
Examination

XXN. BY MR. BERNACCHI:

30

Q. Mr. Beaumont, I don't mind whether this is true or false, but the report ...

A. Yes.

Q. ... that you had was a report of arguing and fighting?

In the Supreme  
Court of Hong  
Kong

A. That's right.

Q. And that was the only report that you had concerning this particular room that night?

—  
Prosecution  
Evidence

A. Yes, sir.

Q. You did not have any report of screaming, of the words, "Help, help", of a man getting away on the ledge, nothing like that?

—  
No.15

Patrick Archibald  
George Beaumont

A. Nothing like that, sir.

Cross-  
Examination  
(continued)

10 Q. Thank you very much. I am sorry, perhaps ... you were the man to whom reports would be communicated?

A. Yes, that's right.

Q. So that if there was a report of that nature it would in the normal fashion ...

A. Yes.

Q. ... in the normal practice of this hotel be reported to you?

A. Yes.

Q. Thank you.

20 MR. DUCKETT: No re-examination.

NO REEXN. BY MR. DUCKETT.

BY COURT:

Q. How many people were there on duty in the office?

A. In the office about four people. Four clerks and myself behind the office.

Q. That is the ..

A. The reception.

Q. That is the night duty office?

A. That's right.

30 Q. About four clerks. Would it be the responsibility of any particular clerk to be detailed to take telephone messages at that time, or would any of the ones?

A. Any of the ones would be allowed to take messages.



In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No.15

Patrick Archibald  
George Beaumont

Cross-  
Examination  
(continued)

Q. Any of them, yes. Thank you very much.

A. Thank you, sir.

COURT: Yes.

MR. BERNACCHI: Now I will have Mr. Simpson back to put more questions on this point.

No. 16WONG KIN YAMIn the Supreme  
Court of Hong  
KongProsecution  
Evidence

No.16

Wong Kin Yam  
ExaminationWONG KIN YAM - Affirmed in PunctiXN. BY MR. DUCKETT:

Q. What is your full name?

A. WONG Kin-yam.

Q. And you are D.P.C.7153, is that correct?

A. Yes.

Q. And where are you stationed?

10 A. I am stationed at the Tsim Sha Tsui Police Station.

Q. On the 1st December last year did you attend room 1223  
of the Hong Kong Hotel?

A. Yes, I did.

Q. And on the instructions of Inspector WU did you take  
possession of certain articles?

A. Yes, I did.

Q. Have a look at exhibit P.8. Would you open that  
please? (Witness opens parcel). Does that consist of  
two sheets and a blanket?

20 A. Yes.

Q. It may have blood stains on it?

A. Yes.

Q. Do you produce those two items?

A. Yes, I do.

COURT: They will have to have a new number.

CLERK: P.6.

MR. DUCKETT: P.6.

COURT: Yes.

Q. Did you also find a passport?

30 A. Yes I did.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Examination  
(continued)

Q. P.9.

COURT: Passport.

Q. Passport in the name of Dr. Coombe?

A. (Witness looks at exhibit). Yes.

Q. Do you now produce that?

A. I do.

COURT: P.7.

Q. Now on the scaffolding outside the hotel did you find something?

A. I found a man's wig on the scaffolding. 10

Q. Will you have a look at P.5?

A. (Witness looks at exhibit). Yes.

Q. Is that the brown wig that you found?

A. Yes.

Q. Do you now produce that?

CLERK: P.8.

A. Yes.

Q. Would you have a look at exhibit P.1P? (Witness looks at exhibit).

Does that show the scaffolding outside the hotel? 20

A. Yes, it does.

Q. Will you show us - can you show us where the wig was recovered?

A. (Witness points on photograph). The wig was recovered on this bamboo.

Q. That is the wig there?

A. Yes.

Q. Now, did you then go to the Sun Ya Hotel?

A. Yes.

Q. When was that?

A. On the same day.

Q. At about what time?

A. Some time after 1 p.m.

COURT: Yes. Can't you be a bit more accurate than that?  
Between one and three, one and four?

A. About a quarter-past one.

COURT: Yes.

Q. And where did you go to in the Sun Ya Hotel?

10 A. I went to room number 422A.

Q. Was there anyone else with you?

A. Yes.

Q. Who was that?

A. Inspector WU Chi-meng and the Government Chemist.

Q. Now, did you see certain items there?

A. Yes.

Q. Look at P.10. Is that the airline ticket which you found?

A. (Witness looks at exhibit). Yes.

20 Q. Do you now produce that airline ticket?

CLERK: P.9.

A. Yes I do.

COURT: May I see? (Court looks at exhibit). Is this the  
airline ticket from Hong Kong to where?

A. I do not know.

COURT: I see. Is it from Hong Kong to Darwin?

MR. DUCKETT: I think so.

COURT: With an open date?

MR. DUCKETT: Yes, it is open-dated.

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

No.16

Wong Kin Yam  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Examination  
(continued)

Q. Did you also seize a letter, P.11?

A. Yes, I did.

COURT: P.10.

CLERK: Yes.

A. (Witness looks at exhibit). Yes, this is the letter I found.

Q. Do you now produce that letter?

A. I do.

Q. The letter can be read out, my Lord, it is quite short.

10

COURT: Members of the jury, this is a letter not addressed to anyone, an airmail letter form. It is written on Hong Kong Hotel, Kowloon, paper, and it reads:

"Dear Annette,

Details so far: Arrived Friday 8 p.m. and booked into Sun Ya Hotel. \$36 per night.." I think it is - in brackets - " .. (very cheap).

9 p.m. Dressed in black, visited Hong Kong Hotel. Two 'phone calls - American accent. Discussed." - I think it is.

20

MR. DUCKETT: Discovered.

COURT: Discussed or discovered. You can see the letter. (Counsel and Jury look at letter). Yes.

Q. Did you also find a passport there?

A. Yes I did.

Q. Would you look at P.11?

CLERK: P.11.

Q. I am sorry, P.12.

A. (Witness looks at exhibit). Yes, this is it.

Q. Do you now produce that passport?

30

A. Yes.

Clerk: P.11.

COURT: Yes. Can I see the passport? (Court looks at passport). Yes.

Q. Did you also find a vaccination certificate in the name of Murray - P.13?

A. (Witness looks at exhibit). Yes I did.

Q. Do you now produce that vaccination certificate?

A. Yes.

CLERK: P.12.

Q. Was there also found in the room a glass-cutter?

10 A. Yes.

Q. Provisionally marked A.

A. (Witness looks at exhibit). Yes, this is the one.

Q. And do you now produce that?

A. Yes.

CLERK: P.13.

Q. Where was the glass-cutter found?

A. Well, I found this glass-cutter inside the drawer of what appeared to be a table.

20 Q. And the passport and the airline ticket, where were they found?

A. These articles were found inside the luggage.

COURT: Which?

MR. DUCKETT: The passport and the airline ticket.

COURT: The passport and the airline ticket were found inside the luggage.

A. That is correct.

COURT: And the glass-cutter was found?

A. Inside a drawer.

COURT: Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 16

Wong Kin Yam

Examination  
(continued)

COURT: May I see those? (Court looks at exhibit). Both  
in the name of Graham Leslie Edwards. Yes.

Q. P.22, a door key of the Sun Ya Hotel?

A. (Witness looks at exhibit). Yes.

CLERK: P.21.

Q. P.23, a pair of cuff links?

A. (Witness looks at exhibit). That is correct.

Q. Do you produce the cuff links?

A. Yes I do.

CLERK: P.22.

10

Q. Now, the same afternoon did you deliver some of these  
items to the Government Chemist? Sorry, on the ...

A. On the following day.

Q. On the following afternoon did you deliver some of  
these items to the Government Chemist?

A. Yes.

Q. Did you deliver P.8, the brown wig?

A. Yes.

COURT: You see these are now different numbers.

MR. DUCKETT: I have put the different numbers.

20

COURT: Good.

MR. DUCKETT: I have done that.

Q. Did you deliver P.6, the two sheets and blanket?

A. Yes.

Q. P.14, the pyjama jacket and P.15, the pyjama trousers?

A. Yes.

Q. P.18, the pair of leather shoes?

A. Yes.

Q. P.19, the white jacket?

A. Yes.

30

- Q. P.16, the pair of trousers?  
A. Yes.
- Q. And P.17, the pair of socks?  
A. Yes.
- Q. On the 7th December did you receive some items back from the Government Chemist?  
A. Yes I did.
- Q. And you then handed some of these items to the Government Pathologist, Dr. LEE Fook-kay, is that correct?  
10 A. Yes.
- Q. Did these include P.6, the sheets and blanket.  
A. Yes.
- Q. P.14, the pyjama jacket?  
A. Yes.
- Q. P.15, the pyjama trousers?  
A. Yes.
- Q. P.19, the white jacket?  
A. Yes.
- 20 Q. And P.16 and 17, a pair of trousers and a pair of socks?  
A. Yes.
- Q. And on the 4th December did you give the pair of cuff links, P.22, to the Government Pathologist?  
A. Yes I did.
- Q. And on the 15th December did you receive back from the Government Chemist the exhibits that you had earlier given?  
A. Yes.
- 30 Q. And on the 6th January did the Police Pathologist, Dr. LEE Fook-kay, return to you the exhibits you had given to him?  
A. Yes.

In the Supreme  
Court of Hong  
Kong

Prose cution  
Evidence

No.16

Wong Kin Yam

Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yem  
Examination  
(continued)

Q. There is one other matter. Did you also receive from Dr. LEE Fook-kay, the Government Pathologist, an envelope on the 3rd of December?

A. Yes.

COURT: What date was that?

Q. On the 3rd December received an envelope you handed - I am sorry. On the 3rd December did you receive from Dr. LEE Fook-kay an envelope?

A. (Witness looks at exhibit). Yes.

Q. And you handed that to the Government Chemist. Is that correct? 10

A. Yes.

Q. And on the 15th December that envelope was handed back to you by the Government Chemist?

A. Yes.

Q. P.25.

COURT: I am sorry, it is going a little bit beyond me. On the 3rd December you received from Dr. LEE an envelope which you handed to the Government Chemist, and on the 15th December you got that back from the Chemist. Yes. 20

Q. And is P.25 that envelope? Is that the envelope?

A. Yes.

Q. Do you now produce that envelope?

CLERK: P.23.

A. Yes.

COURT: Do you want this to remain sealed until it is opened by Dr. LEE Fook-kay?

MR. DUCKETT: Well, it is not important.

COURT: We had better see what is inside. Just open the envelope, will you? (Witness opens envelope). (Court looks at contents). 30

MR. DUCKETT: There were samples of hair inside.

COURT: Hair, yes.

A. Well, I do not know what it is, my Lord.

COURT: No.

A. When I received this it was already placed in an envelope and sealed.

COURT: Yes. Members of the jury, I have no doubt Dr. LEE Fook-kay, when he is called, will tell us all about the contents of the envelope.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Examination  
(continued)

XXN. BY MR. BERNACCHI:

Cross-Examination

Q. Mr. Wong, is your rank in the Police Force that of constable?

10 A. Yes.

Q. Is a sergeant your immediate superior?

A. Yes.

Q. When you - you say a sergeant, I believe it is customary to call a corporal a sergeant because basically gives him face. Do you mean a corporal or do you mean a sergeant?

A. Those officers with only two stripes on their uniform are corporals, in fact, are also addressed as 'sergeant', whereas substantive sergeants are also known as sergeant.

20 Q. Yes, I know that, and is your immediate superior two strokes or three strokes?

A. There are both sergeants and corporals among my immediate superiors.

Q. I see. For instance, is Corporal CHAN Kwong-hung one of your immediate superiors?

A. No.

Q. I see. Is Corporal CHENG Chau one of your immediate superiors?

A. No.

30 Q. Is Corporal TIM Fai one of your immediate superiors?

A. No.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Cross-Examination  
(continued)

Q. I see. Well, presumably a corporal was your immediate superior in the investigation into this case: a corporal or a sergeant, I don't know which.

A. Yes.

Q. Well, what is his name, please?

A. Corporal 915, IP Fook-lung, now deceased.

Q. Do you know who interviewed Mr. Cho - sorry - CHO Chi-kau? Was it this man now deceased?

A. I do not know.

Q. I see. It was not you, anyhow?

10

A. No.

Q. Now, P.13, please. (Counsel looks at exhibit). You have told the Court that this glass-cutter was found in a drawer?

A. Yes.

Q. Now, your superior officer, Inspector WU, who was present said that it was found in a suitcase.

A. Well, several persons went into the room at that time and all the drawers were then opened. I saw this object when it was in the drawer.

20

Q. Do you mean to say, or are you suggesting that somebody put this object into a suitcase so that Inspector WU could say that it was found in a suitcase?

A. I do not know.

Q. You see, you agreed that Inspector WU was present.

A. Yes.

Q. And he was in charge of all of the police at that time in that room?

A. Correct.

Q. And I put it to you that, in fact, it was found in a suitcase.

30

A. At that time my duty was to put every article found into separate parcels, and I recalled clearly that I picked this from the drawer and put it into a parcel.

- Q. Have you ever talked with this Mr. CHAN Chi-kau - CHO, I am sorry, CHO Chi-kau?
- A. No.
- Q. You mean to say that throughout this case you have never had any conversation with Mr. Cho?
- A. That is correct.
- Q. You are a part of the police investigation team of this killing?
- A. Yes.
- 10 Q. And you have been outside both the courtroom here and the courtroom in the Magistracy?
- A. Yes.
- Q. And you have never even had one word with an important Crown witness like Mr. Cho?
- A. Well, no. Up to yesterday I did not know that he was a witness until he went into the court.
- Q. Oh, come along, you gave evidence before the Magistrate and so did Mr. Cho.
- 20 A. Well, I might not have met him in the Magistracy, and normally I work at the Tsim Sha Tsui Police Station to which I am attached, and my duty in connection with this case was merely to collect the exhibits.
- Q. You see, I suggest to you that even curiosity would have induced you to have had one or two words with Mr. Cho.
- A. You mean when?
- Q. Either here or in the Magistracy, or in the police station.
- A. I have never met him in the police station.
- Q. Would you answer the question, please?
- A. I have never had a conversation.
- 30 Q. Now you have produced Exhibits P16 to P22 inclusive.
- A. Yes.
- Q. I think they were handed to you in Tsimshatsui Police Station.
- A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Cross-Examination  
(continued)

- Q. What police station do you say that you were attached to?
- A. Tsimshatsui Police Station.
- Q. But I expect you know that the evidence will come out that they were taken from the accused in Queen Elizabeth Hospital.
- A. The articles were handed to me by D.P.C.5386.
- Q. Now would you answer the question. I expect you know, do you not, that the evidence will come out that these articles came from the accused in Queen Elizabeth Hospital?10
- A. You mean these articles?
- Q. P16 to P22 inclusive, the pair of trousers, the pair of socks, the pair of leather shoes, the white jacket, the Australian driving licences, etc. etc. etc.
- A. No. D.P.C.5386 took possession of the trousers, socks, leather shoes, jacket, etc. but not all the articles you have mentioned from the accused in hospital and brought them to the Yaumati Police Station, and then on that same day I met him in Yaumati Police Station. He told me about the articles and later took them to Tsimshatsui Police Station and handed them to me. 20
- Q. So you went to Yaumati Police Station in connection with this case, did you?
- A. On that day after I had left the public mortuary I was instructed by the Police Inspector to go to Yaumati Police Station to get the articles from D.P.C.5386.
- Q. You see 5 minutes ago you adopted the attitude "Well I am not even attached to the relevant police station, I just collected articles".
- A. Yes. 30
- Q. Now it seems that as you were one of the team investigating this killing you buzzed around from police station to police station as per your instructions.
- A. On that day I took some clothings from the deceased in the public mortuary and when I was leaving the public mortuary I was instructed by the Detective Inspector to go to Yaumati Police Station to get some articles from D.P.C.5386.

Q. Now the articles that you collected eventually not in the Yaumati Police Station but in the Tsimshatsui Police Station, you have explained that you went to Yaumati and then went to Tsimshatsui.

In the Supreme  
Court of Hong  
Kong

A. That is correct, because I had too many articles with me at that time. I could not by myself have brought all the other articles back from the Yaumati Police Station so I asked the D.P.C. to come along with me to the Tsimshatsui Police Station.

Prosecution  
Evidence

No.16

Wong Kin Yam

Cross-Examination  
(continued)

10 Q. And the articles that you have produced that this D.P.C.5386 gave you were a pair of trousers, a pair of socks, a pair of leather shoes, a white jacket, two Australian driving licences, the door key of a room in Sun Ya Hotel and one pair of cuff links.

A. It seemed that I was not given the two Australian driving licences. There was a wallet containing some money and some pieces of paper, but there was no driving licence.

20 Q. You are the witness, you have said in evidence-in-chief that you produced these driving licences.

A. Yes.

Q. Now you say in cross-examination "I don't remember the driving licences". You are not an automaton. If you don't remember how can you produce the driving licences?

COURT: Have a look at them will you? Show him them. Take them out and look at them.

A. There was a wallet handed to me containing among other things these two driving licences.

30 Q. Do you remember that now or are you just presuming this wallet must have contained these driving licences?

A. I cannot really remember because there were a few pieces of paper in the wallet and the two driving licences look like the papers found among the other documents in the wallet, but as I don't know English and as all the other documents were in English I am rather confused.

40 Q. Now I come back to the question I asked you about 10 minutes ago. Do you know that the evidence will be produced that all these things that were handed to you by this D.P.C. were collected from the accused in Queen Elizabeth Hospital? Do you know that?

A. Yes, I do.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Cross-Examination  
(continued)

- Q. Well now, what more articles were handed to you by this D.P.C. besides those that you have produced?
- A. Yes, there were other articles.
- Q. Yes, well what other articles?
- A. One watch, one wallet containing HK\$37-odd, a black coloured wallet, and there were some papers found inside the wallet but I don't know what they were.
- Q. Were any underclothes or anything like that supplied to you or not?
- A. No underclothes, no. I remember a pair of underpants. 10
- Q. A pair of underpants, a wallet and a wrist watch were also handed to you at that time.
- A. Yes.
- Q. Now coming back to the search in room 1223, you have produced certain things that you found, including a passport in the name of Alan Coombe.
- A. Yes.
- Q. Did you find any airline tickets or anything like that in his room?
- A. No. Well it was Inspector Wu who opened the suitcase at that time. He took out a passport and handed it to me. I then placed the passport inside a parcel. 20
- Q. So Inspector Wu decided what exhibits were relevant to this case and handed them to you to pack up.
- A. Correct.
- Q. And of course there was a lot of other articles belonging to Dr. Coombe that were not packed up and taken away.
- A. Not on that day.
- Q. Well you don't know, you say, anything about - you didn't go back to the room again. 30
- A. On the following day we went back to the hotel and took possession of the deceased's clothings and other belongings to the police station.
- Q. Oh yes, but that is not exhibited in court at all.
- A. That is correct.

Q. And you yourself don't know what was amongst these objects of clothing and other personal objects?

In the Supreme  
Court of Hong  
Kong

A. That is correct.

Q. And the one time that you went to the Sun Ya Hotel are you sure of the room number?

Prosecution  
Evidence

No.16

A. The room number was 422A.

Wong Kin Yam

Q. And you are sure of that?

Cross-Examination  
(continued)

A. That is correct.

Q. Thank you very much.

REXN. BY MR. DUCKETT:

Re-Examination

Q. You have told us you were from Tsimshatsui Police Station.

A. Yes.

Q. Now the officers who carried out the subsequent investigation of this case, will you tell us where they were from?

A. They were from Kowloon Police H.Q.

Q. Is that a separate building altogether and a separate unit?

A. Yes. Kowloon Police H.Q. is in Prince Edward Road, whereas the Tsimshatsui Police Station is near the Star Ferry Pier.

COURT: Thank you.

MR. DUCKETT: I call Miss Hamilton, my Lord, page 25.



In the Supreme  
Court of Hong  
Kong

---

Prosecution  
Evidence

---

No.17

Sheila Elizabeth  
Hamilton

Examination  
(continued)

Q. It is not scientific.

A. It is not.

Q. The furthest you can go is to say they are similar?

A. Yes.

Q. Thank you very much.

MR. DUCKETT: I call Dr. Lee Fook-kay.

No. 18

LEE FOOK-KAY

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay  
Examination

LEE Fook-Kay. Sworn in English.

NX. BY MR. DUCKETT:

Q. You are Dr. Lee Fook-kay, is that correct?

A. Yes.

Q. And you are a Police Pathologist.

A. Yes.

Q. And your qualifications?

10 A. I am a Bachelor of Medicine and Bachelor of Surgery of  
the University of Hong Kong. I hold a Diploma in  
Medical Jurisprudence, London. I also hold a Member-  
ship in the Royal College of Pathologists, London.

Q. On the 1st December last year at 10.15 hours did you  
go to room 1223 of the Hong Kong Hotel?

A. Yes.

Q. And what did you see when you arrived?

20 A. On the floor opposite the entrance of the room I saw a  
European male lying on his face. I found that he was  
dead. He had a number of stab wounds and cut wounds  
and he was dead for about 6 to 8 hours. There were  
areas of fresh bloodstains on the floor, on the  
adjacent wall and also on the bed.

Q. Would you have a look at Exhibit P1B and P1C.

A. Yes.

Q. Do those photographs show the room as you saw it when  
you arrived?

A. Yes.

Q. And the bloodstains that you have just referred to.

30 A. Yes.

Q. They are the dark marks, are they?

A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)

Q. Would you show the members of the jury the bloodstains?

A. First, on the floor around the body and also on the adjacent wall here in photograph PlB. And in the following photograph, PlC, this is a view taken from the inside of the room towards the entrance of the room from the opposite direction and the areas, dark areas on the floor, the wall and the bed, they were all fresh bloodstains. I examined these bloodstains and I found that they all belonged to Group O human blood.

Q. Yes.

10

A. On the dressing table facing the window I found smears of Group A human bloodstains. That is shown in photograph PlE and PlF. PlF is a close-up of the dressing table.

Q. There is a white mark.

A. Yes, I marked it with a piece of chalk to indicate the position of these smears of blood. I also found smears of Group A human bloodstains on the inside of the window glass and also outside the window and also on the ledge. They belonged to Group A human blood.

20

Q. And where did you go then?

A. Then I examined the window frame of this window, which was open, shown in photograph PlF and PlG. This is the window I am now describing, which was open, and on the window frame I found Group O human bloodstains.

Q. Yes.

A. Then I came out from this room and I went up to the waiters' changing room on floor 18. Inside the toilet there were areas of Group A human bloodstains found.

30

COURT: Where was this?

A. On the 18th floor, my Lord. I think we should look at photograph PlI. It shows to you the waiters' changing room and toilet. That is the place I found the Group A human bloodstains.

COURT: That is on PlI.

A. Yes. That is on the 18th floor of the building.

COURT: Whereabouts exactly did you find the bloodstains? Is that blood in the basin?

A. Yes.

COURT: And on the floor.

A. The dark spots, they are all bloodstains.

COURT: And on the window ledge as well.

A. Yes, my Lord, that is correct.

COURT: Yes.

10 A. There was a trail of bloodstains leading from this toilet into the staircase and then up to the rooftop. Next photograph, PLJ, shows to you the staircase leading up to the rooftop. I found out this trail of bloodstains contained only Group A human blood.

Q. Yes, and on the rooftop?

A. I went to the rooftop. I found that there was another trail of bloodstains on the rooftop. It also belonged to Group A human blood.

Q. That led to some scaffolding, is that correct?

20 A. This trail of bloodstains was at the rooftop, right across the rooftop into the scaffolding at the other corner of the building. PLK shows the rooftop, PLL also shows the rooftop. I marked the areas of bloodstains with a piece of chalk. And also this next one PLM. PLO shows the scaffolding at the other corner of the building.

Q. And what did you see on the scaffolding?

A. I found Group A human bloodstains on the scaffolding.

Q. Were these clearly visible?

A. Yes.

Q. All right, you then followed this trail of blood further. Is that correct?

30 A. I did not climb down from the scaffolding. I found the bloodstains on the bamboos of the scaffolding. Then I came down to the 6th floor of this building. I found that the scaffolding facing the ledge of the balcony of the 6th floor also contained Group A human bloodstains, photograph PLQ.

Q. And you followed the trail of blood?

A. Yes, I followed the bloodstains from the balcony to the rooftop of the car park of Ocean Terminal.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No.18

Lee Fook-Kay

Examination  
(continued)

Q. Would you look at the last photograph, P1V. Does that show anything?

A. P1Q, yes. That is the balcony at the 6th floor of the building.

Q. P1V.

A. Oh yes.

Q. Does that show another bloodstain?

A. Yes.

Q. That was the final bloodstain you found, is that right?

A. Yes.

10

COURT: You say you followed the bloodstains from the balcony of the 6th floor, up the stairs to the rooftop car park and then from the rooftop car park down to where? Down to the outer balcony of the Ocean Terminal, is that right? Is that correct?

A. Yes. That is the - well, it is a protruding part of that building.

COURT: The staircase shown in photograph P1S, is that the staircase going down from the rooftop to the Ocean Terminal outer balcony?

20

A. It was quite some distance away from the --

COURT: All I want to know is this. Is that the staircase going up from the 6th floor verandah to the car park or is that the staircase going down from the car park to the Ocean Terminal?

A. That is the staircase from the rooftop of the car park to the lower floor of the car park. Quite a distance away from the building.

Q. That same day at 17.30 hours in the Queen Elizabeth Hospital did you examine the accused in this case?

30

A. Yes.

Q. And was this with the accused's consent?

A. Yes.

- Q. Now what were your findings?
- A. First I asked his name. He gave his name as Mr. David Christopher Murray. He was about 145 lb. in weight, 6'- $\frac{1}{2}$ " tall. I obtained consent from him and I found that he had the following injuries. He had wounds on his left forearm, left hand and the left knee region, which were treated and dressed by the doctor in Queen Elizabeth Hospital. He had small recent abrasions at the inner side of the left ankle and the left big toe. With his consent I obtained a blood sample from him. I found out his blood group belongs to Group A. I also obtained the following samples. Blood sample for analysis of alcohol. Samples of head hairs, pubic hairs and nail scrapings. I also obtained swabs from his urinary passage and the anus. They showed no spermatozoa.
- Q. What about the blood sample? Why alcohol?
- A. I preserved the sample and I handed these samples to D.P.C. No. 7153.
- Q. I'm sorry, what did you hand to D.P.C. 7153?
- A. Samples of blood, head hairs, pubic hairs and nail scrapings.
- Q. Did you later test the blood sample?
- A. I did not. I instructed the D.P.C. to send the samples to the Government Chemist for analysis.
- Q. Now the sample of head hair that you took, did you identify it in any way?
- A. I put it into an envelope and I labelled it.
- Q. What was the label?
- A. David Christopher Murray.
- Q. Would you have a look at Exhibit P23?
- A. Yes, these were the samples bearing my labelling.
- Q. They are samples of the head hair you took from the accused, is that correct?
- A. Yes.
- Q. Yes, and what else did you find on your examination of the accused? Was there anything further?
- A. On the anus there was a pile and showing no injury or bleeding.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)

Q. Now on the morning of the 2nd December last year did you perform an autopsy on a European male?

A. Yes.

Q. And he was identified to you as Dr. Ronald Alan Coombe, is that correct?

A. Yes.

Q. And who identified him?

A. Mr. Zimmermann of the Hong Kong Hotel.

COURT: I take it this was in fact the man you found dead in room 1223.

10

A. Exactly, sir.

Q. What was the result of your examination?

A. I estimated the time of death of the deceased was between 3.00 to 4.00 a.m. on the 1st December last year. I made an external examination and I found the body was well built, muscular, well nourished, 5'-11" tall. His blood group belonged to Group O. The male organ and the anus were normal. There were two cut wounds at the left side of the head, directed from back to front, measuring 1" and 2½" respectively. Another cut wound on the upper lip directed to the right side, 2" long. One small cut at the tip of the nose. One stab wound was found on the upper part of the right front of the neck, directed upwards, measuring 1" long. One shallow cut wound in the lower part of the right front of the neck, ¾" long. There were areas of abrasions near the right eye region. There was a group of 9 stab wounds in front of the chest. One corner of the wound was round and the other corner was sharp.

20

COURT: What is the significance of that?

30

A. Indicating that the weapon is, the wound is being inflicted by a knife.

COURT: Speak up so the jury can hear you.

A. In my opinion this indicates that the weapon causing these injuries is consistent with a knife. These wounds on the chest measured from 1" to 2". There were also some shallow cuts.

Q. That is not the depth, that is the size of the opening. Is that correct?

A. Because I am now describing only the external finding of the post mortem. There were two stab wounds at the side of the right chest wall, directed upwards, measuring 1" and 1½" respectively. There was one stab wound on the left shoulder, 1" long and 1" deep. A group of 5 stab wounds in front of right arm and right armpit region, measuring from 1" to 2½" in length. They penetrated into the arm muscles. The lower two of this group were deep and penetrated into the right arm bone. These wounds were about 2" deep. Another group of 5 stab wounds on the right forearm. They penetrated generally upwards into the muscles, 2½" deep. There were no injuries in his right hand. There was a group of 5 cut and stab wounds at the left wrist and the left hand, with one through and through stab wound from the left wrist to the back of the left forearm, directed upwards. It was 1½" deep and measured 2" and 1" respectively in length. There was one horizontal stab wound in front of the right leg into the leg muscles, 1" deep. There was one stab wound on the right buttock, directed downwards, and a shallow cut at the side of the right thigh. There was one almost horizontal stab wound at the side of the left thigh, ¾" long, directed inwards, measuring 1½" deep. There were no injuries found on his back.

Q. That completed your examination.

A. External examination.

30 Q. External examination. Before you go on, if a person is a practising homosexual --

(One juror starts to leave the jury box).

COURT: You would like a short adjournment, would you? You were disappearing were you?

JUROR: May I be excused for a moment?

COURT: Well I think we must adjourn.

11.57 a.m. Court adjourns.

12.10 p.m. Court resumes.

Accused present. Appearances as before. Jury present.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay  
Examination  
(continued)

LEE Fook-kay. o.f.o.

XN. BY MR. DUCKETT Continues:

Q. Dr. Lee, if a male person is a practising homosexual is it ever possible to find this from a clinical examination of his body?

A. Commonly there should be some medical evidence of penetration of the site involved.

Q. You mean the anus, is that correct?

A. Yes.

COURT: Well that depends what part he plays in it, I suppose. 10

Q. And was there any such evidence when you examined the deceased in this case?

A. No.

COURT: Clearly that depends on what part he plays in the matter, doesn't it?

A. Yes, but the counsel just mentioned anus.

Q. You then conducted an internal examination of the deceased?

A. Yes. Can I go on now? 20

Q. Yes.

A. Internally, the stab wound in the neck penetrated upwards and inwards at 60° into the neck muscles. There were no injuries in the main blood vessels. The neck bones showed no fractures. The stab wounds on his chest were fatal wounds. Now I describe these fatal wounds in more detail. (1) The one at the centre measured 1½" long. The left corner of the wound was round and the right corner was sharp. It penetrated slightly upwards and also towards the left side, forming an angle of 80°. It cut through the second rib space into the front of the upper lobe of the left lung. The wound in the left lung was ½" long and 1" deep. The total depth of the stab wound, that is the measurement from the skin surface into the lung tissue, was 3". There were two pints of blood found inside the left lung cavity. The left lung was collapsed. The second wound on the chest. That is the stab wound below and to the left side of the first one. 30

COURT: If you could point these out to the jury it helps.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)

10 A. This is the front of the chest. The first wound, that is the one at the centre and also the top I have just described. Now I describe the second stab wound, that is below and to the left of the first one. This is the first one, this is the second one. This one penetrated upwards through the left second space into the left chest cavity. It formed an angle of 70° with the skin surface and did not penetrate into the lung. The third wound, that is the lower one of this group and pictured here. The third one. The first one, second one, third one. This wound penetrated through the right third rib space almost horizontally into the upper lobe of the right lung. The total depth was 2½". That is the measurement from the skin surface into the lung tissue, 2½". The wound directed slightly to the right side and was 1" deep into the lung. The right lung was partly collapsed. There were about 1½ pints of blood found inside the right chest cavity. Now I describe the wounds on the right side of the chest wall. There were two. Now I describe the upper one first. The upper stab wound of this group penetrated through the seventh rib space into the side of the lower lobe of the right lung. It formed an angle of 70° like that. The wound in the right lung was 1" deep and 1" long. The total depth was 3". That is the measurement from the skin surface into the lung tissue was 3". The lower wound of this group was shallow. Then I examined the heart and other organs. I found that they were pale and showed no diseases. The stomach contained a small amount of food residue. I preserved the blood and urine samples for analysis of alcohol. I instructed the same D.P.C. 7153, instructing him to send these samples to the Government Chemist for analysis of alcohol.

20

30

Q. To inflict wounds of this nature what sort of force would be required, doctor?

40 A. In my opinion the force varying from moderate to a severe degree is necessary to penetrate into the muscles and also into the lungs to a depth of 2½" to over 3".

COURT: Have you told us the cause of death, doctor? Not yet.

A. No, I was interrupted. In my opinion the cause of death is shock and bleeding due to stab wounds into both lungs.

In the Supreme  
Court of Hong  
Kong

17th March, 1971.  
12.20 p.m.

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)

(XN. by Mr. Duckett of Dr. LEE Fook-kay, continues)

COURT: Looking at these photographs, are you able to tell us - can you point to any particular wound or wounds which were the fatal ones? If you would just ...

A. Yes.

COURT: It would probably help the jury.

A. Yes, I have described the wounds and now demonstrate the wounds with the photograph. 10

COURT: Yes.

A. I identify this set of photographs being the deceased. I instructed the Police Photographer to take this before and during the post-mortem examination.

COURT: Yes.

A. They are P.3A to P.3H inclusive. The first photograph, P.3A, shows the deceased: it is a general view of the whole body. After clearing up the blood stains covering the face and the body, the second photograph, P.3B, shows the head and the upper part of the chest. 20  
You can see the cut wounds on the left side of the head, the upper lip and the tip of nose. Abrasions are round the right eye region, and also the stab wounds in the neck, right side of the front of the neck. The next photograph, P.3C, shows the stab wound on the left shoulder.

COURT: What about this stab wound here? (Court indicates on photograph).

A. There is a better photograph to show you. They have a close-up, my Lord. 30

COURT: Yes.

A. P.3C shows the view - the stab wound on the left shoulder here, and also the cut wound I just mentioned on the side of the head - this one - on the left-hand side of the head. The next photograph is a close-up of the chest wall - P.3D is a close-up of the chest wall together with the wounds on his right upper limb. Right upper limb, that is arm and forearm here.

COURT: Can you show us the fatal wounds?

A. Yes. I have described three of them on the chest wall; one at the centre, one at the left side and one at the right side as indicated with three arrows.

COURT: Those were the fatal wounds?

A. Yes, sir.

COURT: Penetrating into both lungs?

A. Yes.

COURT: They penetrated into both lungs?

10 A. Yes, sir. Well, the one on the right side penetrated into the right lung; the one on the left side penetrated into the left lung. This one is also fatal. P.3E shows the two stab wounds on the side of the right chest wall. The upper one is fatal - this one.

COURT: Yes.

Q. Can you, from your examination, can you estimate the time that the deceased would have lived after receiving these injuries?

20 A. In my opinion a wound - the wounds of this sort - I think the person could live, say, about half an hour after being inflicted.

COURT: Yes.

Q. On the 4th December last year did you receive from D.P.C.7153 a total of sixteen sealed packages at the Kowloon Police Laboratory?

A. Yes.

Q. And you examined these items, and among them was a pair of gold cuff-links? Exhibit P.22.

30 A. (Witness looks at exhibit). First I identify the envelope containing this pair of golden coloured cuff-links. I found Group 'O' human blood stains on one of them and Group 'A' human blood stains on the other. I separated these two cuff-links into two little bags and I labelled it "Group 'O'" - that is this one (Witness holds up exhibit) - and "Group 'A'" - this one.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence  
-----

No.18

Lee Fook-Kay

Examination  
(continued)

Q. On the 7th December did you receive eleven sealed packages from D.P.C.7153?

A. Yes.

Q. And you examined these packages as well, is that correct?

A. Yes.

Q. Now, would you have a look at exhibit P.6, two sheets and one blanket?

A. (Witness looks at exhibit). First I identify the package of this.

10

COURT: May we just go back to the cuff-links, Mr. Duckett? Those were the cuff-links that were produced - they were the cuff-links exhibit P.22. Produced by D.P.C. 7153, I think, and they have been ...

MR. DUCKETT: He had received them from another P.C. who has not yet given evidence.

COURT: Who will say that he received - that he took them from the accused?

MR. DUCKETT: From the accused. That is so, my Lord.

COURT: Yes, yes. I am sorry.

20

A. (Witness holds up exhibit).. This was a white bed sheet.

COURT: Yes.

A. I will describe this one first. This is a white bed sheet with Group 'O' and Group 'A' human blood stains on it. There were no cut holes. The holes were made by me to cut the material out for blood group examination. I labelled the areas where it is pencilled to indicate positions of Group 'O' and Group 'A' human blood stains. (Witness indicates on exhibit). This is Group 'O' and this is Group 'A'.

30

Q. Yes?

COURT: Is it right to say that the Group 'A' human blood stains - were they in fairly small ...

A. Can somebody help? (Witness refers to holding up of sheet).

COURT: Yes.

A. Thank you.

COURT: Are they fairly small quantities of Group 'A'?

A. Yes. I am now demonstrating Group 'O'. Group 'O', Group 'O', Group 'O'. These were Group 'A'.  
(Witness indicates blood stains).

COURT: Just little spots, yes.

A. Yes.

COURT: The large one ...

A. Little spots near one side.

COURT: And the large one in the middle is Group ...?

10 A. Group 'O'.

COURT: Yes.

Q. Yes. Will you look at the second sheet?

A. (Witness looks at exhibit). The second one is also a white bed sheet. It contained Group 'O' human blood stains. There were no cut holes. All Group 'O'.

COURT: All Group 'O'?

A. Yes.

COURT: Yes.

20 A. (Witness looks at exhibit). This is a brown woollen blanket with Group 'O' human blood stains.

COURT: That is all?

A. Yes. There were no cut holes. (Witness looks at exhibit). This is another brown woollen blanket with Group 'O' human blood stains. There were no cut holes.

COURT: Two blankets?

CLERK: Two blankets.

A. Yes.

COURT: Yes.

30 Q. Would you have a look at exhibit P.14?

A. (Witness looks at exhibit). This refers to one green long sleeved pyjama jacket, well soaked with Group 'O' human

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No.18

Lee Fook-Kay  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Examination  
(continued)

blood stains. A total of twenty-five cut holes measuring from  $\frac{1}{4}$ " to  $6\frac{1}{2}$ " on the front, the back and also both sleeves of the jacket. The third and the fourth buttons were missing.

Q. These cut holes were consistent with the injuries that you have described on the deceased?

A. Yes. I put white paper labels to indicate the position of the cut holes.

COURT: Can you distinguish between a cut and a stab for the purpose of those holes?

10

A. No, cut holes.

COURT: They may be caused either by a cut or a stab? Either?

A. Yes. Cuts in the clothings, there is no depth.

COURT: Yes.

Q. Would you look at P.15?

A. (Witness looks at exhibit). This exhibit refers to a pair of green pyjama trousers well soaked with Group 'O' human blood stains. There were four cut holes measuring from  $\frac{1}{4}$ " to 3" long found in front and another two cut holes 1" to  $2\frac{1}{2}$ " long found at the back of the trousers.

20

Q. Would you look at exhibits 16, 17, 18 and 19?

A. (Witness looks at exhibits). This one, P.18 - the first, P.16 ...

COURT: Yes.

A. ... refers to this pair of dark European style trousers. I found Group 'A' human blood stains on front and back. There was one cut hole  $\frac{3}{4}$ " long found on the left leg of the trousers. I put a white paper label to indicate the position of the cut hole.

30

Q. Yes. P.17?

A. P.17 (Witness looks at exhibit) refers to this pair of socks with Group 'A' human blood stains. I put the yellow grease pencil marking to indicate the position of the blood stains. P.18 refers to this pair of black leather shoes. I found Group 'A' human blood stains on the inside and also outside of the shoes.

P.19 refers to this white sports jacket. I found Group 'A' human blood stains in front and back and also both sleeves of the jacket. There were two cut holes found on the middle back of the jacket, measuring 1/4" and 1 1/2" long. I put a blue - two blue paper labels to indicate the positions. There were no buttons on this jacket.

In the Supreme Court of Hong Kong

Prosecution Evidence

No.18

Lee Fook-Kay

Examination (continued)

COURT: Yes.

10

Q. On the 3rd December at 5.15 p.m. did you go to the Police Headquarters, Kowloon, and did you there examine a taxi, registered number AN-7628?

A. Yes.

Q. And what did you find?

A. I found there were different areas of Group 'A' human blood stains on the floor of the front seat of the taxi and also the inside of the front door at near side.

Q. Would you have a look at exhibits P.2A to E?

20

A. (Witness looks at exhibits). This shows the taxi bearing number AN-7628. P.2D shows the areas of Group 'A' human blood stains I found on the floor of the front seat and also the side - the inside of the front door at near side. I labelled the areas of blood stains with a piece of chalk.

COURT: (To Mr. Bernacchi) Start your cross-examination this afternoon. Members of the jury, we will adjourn here until half-past two this afternoon - half past two this afternoon.

12.42 p.m. Court adjourns

30

2.32 p.m. Court resumes

Accused present. Appearances as before. Jurors present.

LEE FOOK-KAY - O.F.O.

XXN. BY MR. BERNACCHI:

Cross-Examination

COURT: Yes, Mr. Bernacchi.

Q. Doctor, you said this morning that the deceased would have died about half-an-hour after receiving the injuries?

A. Yes.



In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence  
-----

No.18

Lee Fook-Kay

Cross-Examination  
(continued)

Q. If help had been available, would it have made any difference?

A. Yes.

Q. And if help had been available could he have - any chance of him being saved, in other words?

A. He should have a better chance.

Q. He should have a better chance. Now, you did not make any inspection of the wounds themselves on the morning of the 1st December? You gave certain directions as to photographs but you did not make any inspection of the wounds on that morning? 10

A. You mean on the deceased?

Q. Yes.

A. Yes, I examined the deceased primarily and noticed some wounds on his chest and neck.

Q. I see.

A. I did not cut open to look further.

Q. But the description of his wounds that you have given to us this morning was a description when you performed an autopsy? 20

A. Yes.

Q. Now, I think you said that at about 5.30 p.m. on the 1st you went to the Custodial Ward of Queen Elizabeth Hospital?

A. Yes.

Q. When you went there were the police in the process of taking a statement from the accused?

A. At that time the police party was inside the actual room ...

Q. Yes. 30

A. ... of the Custodial Ward. I was waiting outside for about fifteen minutes.

Q. I see. A police party was inside the room and you had to wait outside for about fifteen minutes?

A. Actually we went together but I let the police party go into the room first.

Q. I see.

A. And then about fifteen minutes I went into the room.

Q. On the police party's request?

A. Yes.

Q. Yes.

COURT: Let us get this quite clear. Are you saying that you went there with the police party?

A. Yes.

COURT: And you had to wait for about fifteen minutes?

10 A. No. I liked very much to let the police party interview the man first because when I interview a person I started to offer him a medical examination - start a medical examination.

COURT: Yes.

Q. And they called you in when they were ready for you, in effect?

A. Well, you can say that.

Q. Now, did you know at that time that the accused was suspect of this killing?

20 A. Yes.

Q. Did you know of your own or information that you had received from the police?

A. From the police.

Q. Now, you actually examined the accused in the presence of Superintendent Harris?

A. I obtained consent in the presence of him and ...

Q. I see.

COURT: In the presence of Superintendent Harris?

A. Mr. Harris.

30 COURT: Yes.

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No.18

Lee Fook-Kay

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Cross-Examination  
(continued)

Q. Then you said that you examined an Australian, David Christopher Murray, aged 18, and you said that he was six feet and half-an-inch in height?

A. Yes.

Q. Now, where did you obtain that information from?

A. I asked him.

Q. You asked the police?

A. No, I asked the gentleman. (Witness points to accused). That is, the accused.

Q. I see. Were you aware it is the information on the passport he was carrying? David Christopher Murray's passport. 10

A. I also did look at his passport.

Q. You also did look at his passport?

A. Yes.

Q. You yourself did not, for instance, measure him, or anything like that?

A. He had a number of wounds and was lying on the bed. I do not think I like to get him up to measure him.

Q. Would you be surprised if I told you that his actual height was 5 feet eleven? 20

A. Well, it is not much difference, about one inch difference. It is difficult to say without actual measurement.

Q. Yes, all right. And where did you obtain the weight from, 145 lbs?

A. I asked him.

Q. You asked the accused?

A. Yes.

Q. Yes, all right. Again you did not yourself weigh him, or anything like that? 30

A. He was unfit to get up for weighing.

- Q. Yes, of course. You do not, anyway, give Coombe's weight? You have seen the dead body of Coombe's?
- A. Yes.
- Q. How much would you estimate his weight as?
- A. I think about 150 lbs.
- Q. Perhaps even a bit more?
- A. Yes, may be. Say 5 lbs. more or so. I have no means to weigh a body in the mortuary, no means at all.
- 10 Q. His height - P.7, please, passport. (Counsel looks at passport). His height in the passport is 6 ft?
- A. Yes.
- Q. Would you accept that height?
- A. Yes, because I measured the body from head to toes without shoes.
- Q. I see.
- A. I do not know whether the height recorded there is with shoes or without shoes, so one inch is about just fine.
- Q. So the height would be 5 ft. 11 to 6 ft?
- 20 A. Yes.
- Q. Now, would you agree with me, therefore, that the accused was slightly lighter and slightly shorter than Coombe?
- A. Yes.
- Q. But of course Coombe was older than the accused?
- A. Yes.
- Q. Coombe was just 41, I think. He was born in October of 1935 - '45, '55, '65 - I am sorry, I am sorry, I am sorry, it is just 46 - 36.
- 30 A. Yes.

In the Supreme Court of Hong Kong

Prosecution Evidence

No.18

Lee Fook-Kay

Cross-Examination (continued)

COURT: When was he born?

MR. BERNACCHI: 23rd October, 1935, so it is just 36. Oh, dear, my arithmetic! I am sorry, just 35.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Cross-Examination  
(continued)

Q. Now, you have described in detail the wounds on Coombe. You have only touched on the wounds on the accused. Did you examine the wounds? You have reported that he was wounded in the left forearm, left hand and left knee region. Did you examine these wounds or were they dressed and you did not remove the dressing?

A. I examined him and I found that he had wounds on the left upper limb and also around the knee region, but the wounds in the arm have been treated and also dressed by the doctor; therefore I did not open it and look because I was afraid that it may - it might invite infection. 10

Q. Yes, and does the same answer apply to the leg, the knee, you say?

A. No.

Q. And left knee region?

A. No, that one was uncovered.

Q. I am sorry. Your report is, "He had wounds in the left forearm, left hand and left knee region already treated and dressed by the doctor in Queen Elizabeth Hospital"? 20

A. Yes.

Q. So wounds - the wounds in the left knee region, were they covered up or not?

A. As far as I can remember I think they were uncovered because the wounds were shallow, but definitely the wounds on the arm, on the left arm had been treated and covered.

Q. So can you describe these wounds? I mean, are they wounds inflicted by a knife, or cannot you offer any opinion as a result of not being uncovered? 30

A. Because he had been treated and under the attention of another doctor, I think I will leave to this doctor to give his opinion.

Q. I see.

COURT: You did not see them?

A. Yes.

COURT: They were covered?

A. Yes. Anyway, the doctor in Queen Elizabeth Hospital who treated the accused could come up to give his opinion. 40

Q. Yes.

COURT: I do not suppose you know - it might be of help, perhaps to Mr. Bernacchi. You do not know the doctor who - if, indeed, it was a doctor, it might have been a hospital assistant. You do not know who bandaged and treated those wounds, do you?

A. No. I did not have any chance of seeing the doctor.

MR. BERNACCHI: There is one more doctor coming who, I hope, will give more information on the accused's wounds.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.18

Lee Fook-Kay

Cross-Examination  
(continued)

10 COURT: From the ..

MR. BERNACCHI: From the Queen Elizabeth Hospital.

COURT: Yes.

Q. And now ... I do not know what exhibit number it is now. The accused's jacket. Is it P.14?

MR. DUCKETT: P.19.

MR. BERNACCHI: Oh, P.19.

Q. You pointed out to the Court that there were two cuts - cut marks on the back. (Counsel looks at exhibit). Is it the jacket, or is it ..

20 A. That is the jacket, yes.

Q. Yes, and I think your evidence is there were two cut marks. You have got them marked in blue.

A. (Witness indicates on exhibit). This is one, this is another.

Q. Yes. Did you examine the part of the back that would be alongside these two cut wounds?

A. Yes.

COURT: You mean his back?

MR. BERNACCHI: Yes, the accused's back.

30 COURT: Yes.

A. No.

Q. I see. You examined the pubic hair?

COURT: Before we come to that, it may be of assistance to you - I think there was also a cut in the left part of the trousers.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18  
Lee Fook-Key

Cross-Examination  
(continued)

CLERK: P.16.

Q. Did you examine the ...

COURT: I am not quite sure. What was it in the left  
trouser leg?

MR. BERNACCHI: Of course, that might have given rise to  
the wounds in the left knee.

COURT: I am sorry, the right leg. One cut hole on  
right leg of trousers.

A. The left leg, knee region.

COURT: The left leg? I have got right.

10

A. Yes.

COURT: It was the left leg, one cut hole?

A. Yes.

COURT: Was that made by you, doctor?

A. Which one?

COURT: The cut.

A. Do you mean the left cut?

COURT: The cut hole.

A. No. This is the only cut hole I found on the left  
knee region of the trousers. This is the only cut  
hole.

20

COURT: What about the cut hole on the right?

A. I made it myself.

COURT: You did find a cut hole?

A. On the left knee region of the trousers.

COURT: Cut hole?

A. Yes.

Q. I think it was 3/4" long cut hole?

A. Yes. (Witness shows cut to Counsel).

Q. I take your word for it, doctor.

COURT: Yes.

Q. Now, you examined the pubic hair, you swabbed the urinary passage and anus and you examined the anus of the accused. That is your report?

A. Yes.

Q. And you say that there is no spermatozoa found and no injuries seen?

A. Yes.

10 Q. In other words, you were examining the accused, should I say, for a homosexual assault?

A. Yes.

Q. Why were you doing that? Was it because it was suggested to you by the police?

A. It had been suggested by the police, and also my routine of checking any possibility of homosexual practice.

Q. I see. So the police had suggested it?

A. Yes.

20 Q. Any particular police or the police generally?

A. Generally.

Q. For instance, I think Superintendent Harris ...

A. Yes.

Q. ... was there with you. Did he suggest it?

A. Yes.

Q. Yes, I see. And would I be right in saying that your main object in examining the accused was for traces of homosexual assault aspect rather than for examination of his wounds?

30 A. My main object is to look for all of them. One, the wounds; secondly, the blood group of the accused; thirdly, any possibility of homosexual practice.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Cross-Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Cross-Examination  
(continued)

Q. I agree with you in secondly and thirdly, but you did not examine the wounds because, as you quite rightly say, you found that they had been already dressed, and you were afraid that if you removed the dressing infection would get in.

A. Yes.

Q. So, in fact, whatever your object when you came into the room - his room, in fact, the examination was confined to examining the blood group and examining the sexual aspect?

10

A. Yes.

Q. Now, did you ...

COURT: Just going back to those two cut holes in the back of the jacket; were you able to express an opinion as to when they were received?

A. It appeared to be a recent one.

COURT: They appeared to be ..?

A. Recent ones.

COURT: They appeared to be ..?

A. Recent.

20

COURT: Yes.

Q. Now, did you convey to the police, perhaps orally, the result of your examination as to the sexual aspect?

A. Yes.

Q. At the time?

A. No, after the laboratory investigation.

Q. No, no, I am merely saying - for instance, I will take your own report, (e), (f) and (g): (e) is "Samples of .." - amongst other things - "pubic hairs - no significant findings"; (f) is "Swabs from urinary passage and anus - no spermatozoa found"; (g) Anus - one pile at 3 o'clock position, no bleeding or injuries seen". Now, did you convey any of these three things to the police on the spot?

30

A. No.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Cross-Examination  
(continued)

Q. I see.

A. Because I had to spend some time in examining the swabs after I went back to my office.

Q. So what time was it? I am not suggesting that you gave the police a written report, obviously that came later, but the police obviously were also very much - very keen to have the result. What time did you give the result orally?

10 A. The next morning after I had finished with the laboratory examinations of the swabs.

Q. You did not, for instance, say to the police or to someone, some member of the Police Force, "I cannot see anything to indicate sexual assault in the anus?"

A. Yes I did.

Q. At the time?

A. Yes.

Q. Thank you.

A. About the anus only.

Q. Who did you say that to? Do you remember or not?

20 A. Mr. Harris.

Q. Mr. Harris. Now, I want to ask you - just hypothetical for the moment - as a doctor; it might be true, it might be untrue.

A. Yes.

Q. Perhaps it is a consideration for the jury in the end.

A. Yes, sir.

Q. Now, take that the accused was in good health on the 30th November.

A. Yes.

30 Q. In the early morning of the 1st December he entered hospital mainly with wounds that had bled profusely and he remained in hospital for a total of sixteen days. Now, as I say as a doctor with this case history, would you say that the accused had probably been fairly seriously injured on the night of the 30th November?

A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Cross-Examination  
(continued)

Q. And if his injuries had been caused by a knife similar to those on Dr. Coombe's body, would you again, as a professional man, say that in all probability the knife had been, first of all, in one person's hands and then in the other person's hands?

A. It could have been that way.

Q. And that would be consistent, would it, with sounds of struggling and fighting that other witnesses have given evidence about?

A. Yes.

10

Q. Now, I come to the examination of Dr. Coombe. Again you, amongst other things, examined his sexual organs and anus. Again, was that at the request of the police?

A. No, it is my routine.

Q. Your routine?

A. Oh, yes.

Q. Now, you say that there were no injuries on his back?

A. Yes.

Q. You do say in the external examination, "Two cut wounds at left side of head, directed from back to front"?

20

A. Yes.

Q. Presumably that could have been accounted for by Coombe turning his head away to avoid these thrusts?

A. Yes.

Q. Now, you talk of an area of abrasion near the right eye region. Have you got that? "Areas of abrasions near the right eye region".

A. Yes.

30

Q. Could that have been caused by punching?

A. It could have been, and also equally consistent with falling down and hitting a hard object.

Q. So it could have been caused by punching with the fist or by falling down?

A. Yes.

Q. Now, am I right in saying that if Coombe died shortly after the fight there is little likelihood of visible signs of bruising by punching?

In the Supreme Court of Hong Kong

A. Yes.

Prosecution Evidence

Q. I think there are tests on the blood; you can find subcutaneous fat in the blood stream and that would indicate that there had been punching, but you did not, you only examined the body at the mortuary very much later. Presumably you did not, in fact, you could not do anything like that?

No.18

Lee Fook-Kay  
Cross-Examination  
(continued)

10

A. I did not know of any tests of this sort.

Q. Anyhow, you did not do any tests of that sort?

A. I did not know.

Q. Any other - no tests of this sort would have been possible?

A. So far as I know I do not know any tests of this nature could help.

Q. Now, turning to the internal examination, you say that there were no injuries in the main blood vessels?

20

A. Yes. That is the time I referred to the neck.

Q. Now, again, purely hypothetical for the moment, if a man armed with a knife wants to kill another man as silently as possible, obviously would he not go to the main blood vessel in the neck and, in effect, cut the throat from cheek to cheek? That ensures death and ensures a fairly silent death.

A. Yes, if he knows about the position of the vessel.

Q. I see. Well, I think it is these days, with T.V. and everything like that, it is very common knowledge.

30

A. Yes.

COURT: That, I take it, is assuming there is no resistance?

MR. BERNACCHI: Oh, yes.

Q. But so even if there is resistance a man that aims to kill another man would aim for the neck and aim to cut the neck; the throat, in other words:

A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Cross-Examination  
(continued)

COURT: Can you really say that, doctor?

A. I beg your pardon?

COURT: Can you really say that he would necessarily and inevitably go for the neck? Are there not other vulnerable parts of the body?

A. There are other vital places; the neck is one of them.

COURT: Yes.

Q. And generally the easiest place to go for if the intention is to kill?

COURT: The easiest place to go for?

10

MR. BERNACCHI: Yes, my Lord, if the intention is to kill.

COURT: Is that so?

A. Yes.

COURT: That is the easiest place to go for?

MR. BERNACCHI: If the intention is to kill.

A. Yes. Of course, there are many other places, but Counsel refers specially to the neck.

COURT: What is the victim doing with his hands in the meantime?

A. Well, if he ...

20

COURT: Trying to protect his neck or not?

A. If he is taken out of surprise it is difficult to defend oneself. If he notices someone try to approach him then he may raise his hands to ward off the attack. That depends whether he was taken by surprise or not.

Q. And the only wound that you found in the area of the neck was one stab wound on the upper part of the front of the neck, directed upwards. That was the only stab wound anywhere near the neck?

30

A. Two

Q. Where is the other one?

A. A shallow cut wound at the lower part of the right front of the neck, three-quarters of an inch.

Q. Yes. Where is that on the photograph? You mean the shallow cut wounds are shown there, are they, on photograph P.3B?

In the Supreme  
Court of Hong  
Kong

A. Yes. (Witness indicates on photograph). This is the shallow one. The upper one here is deeper.

Prosecution  
Evidence

Q. Yes, but the main areas of stabbing were nowhere near the neck?

No.18

A. Yes.

Lee Fook-Kay

10 Q. And if the assailant had by any chance been armed with a club as well, of course, the obvious thing would have been to knock the victim unconscious before he killed him?

Cross-Examination  
(continued)

A. It is difficult, very difficult for me to judge whether he decides to use the knife or the club first.

Q. Yes, of course. But as you say yourself it was really due to the stab wounds penetrating the lungs that, in fact, Coombe died?

A. Yes.

20 Q. Now, a completely different question. You gave evidence about the bed clothes, the sheets, the blankets, etc. Is it possible for old blood to be superimposed - I am sorry - "A" group blood to be superimposed by "O" group blood so that the "O" group blood is discovered and not the "A" group?

A. That is completely untrue.

Q. I do not know, I am not a doctor.

30 A. It is a medical fact this is completely untrue. If a mixture of blood was Group "O" and "A" mixed together and formed a stain, I should be able to detect Group "A" only rather than Group "O".

Q. And if there had been, say, a lapse of five minutes - say, a lapse of five minutes, would your answer be the same? Staining from Group "A" ..

A. Yes.

Q. ... five minutes later staining from Group "O"?

A. There is no difference.

Q. Would you be able to detect it?

A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.18

Lee Fook-Kay

Cross-Examination  
(continued)

Q. Now, you say that on one sheet there were stains from both groups, on the others only stains from "O" group?

A. Yes.

Q. I notice on the exhibits that there are blood stains where you have not taken a patch out?

A. Yes.

Q. Does that mean that you have not tested that particular stain?

A. No, no. Sometimes I remove blood excised out from the stains which is sufficient, so in some of the areas I did not cut the material. 10

Q. Yes, but have you examined all the blood stains on each of the exhibits or the main blood stains, but not necessarily all the blood stains?

A. I think I have examined nearly all.

Q. Nearly all?

A. I judge the stains according to the positions and group, and the size, too. I think I have examined nearly all.

Q. Tell me, you say that those stab wounds having penetrated the lungs, the lungs became filled with blood. Would that take time, or would it be almost immediate? 20

A. It takes about fifteen minutes or so for the blood to accumulate.

Q. So the blood would not immediately penetrate the lungs?

A. What I mean is blood immediately flows out from the wound, that is the wound in the lungs, into the chest cavity, but it takes some time, about fifteen minutes, for that to accumulate to the amount of two pints. 30

Q. I see. I mean, in - with wounds in the lungs would a man be able to make a noise, scream, or anything like that?

A. Yes.

Q. He would be able to?

A. Yes.

COURT: Thank you very much, doctor.

A. May I be released, my Lord?

COURT: Yes.

A. Thank you, my Lord.

MR. DUCKETT: I call LIN Chan-kam, page 11.

In the Supreme  
Court of Hong  
Kong

—————  
Prosecution  
Evidence

—————  
No.18

Lee Fook-Kay  
Cross-Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

No. 19

LIN CHAN-KAM

Prosecution  
Evidence

LIN Chan-kam. Affirmed in Chiu Chow.

No.19

Lin Chan-Kam  
Examination

XN. BY MR. DUCKETT:

Q. What is your full name?

A. LIN Chan-kam.

Q. Where do you live?

A. Room 264 of Block 11, Tai Wo Hau Resettlement Estate,  
Tsun Wan.

Q. And your occupation?

10

A. I am a coolie attached to the Kowloon Dockyard.

Q. And were you at work in the early hours of the morning  
of the 1st December 1970?

A. Yes.

Q. And did you see someone whilst you were on duty?

A. Yes.

Q. Can you tell us anything about that person you saw?

A. While I was working I saw that person. His hand was  
bleeding and his hand was in bandage. His leg  
(pointing to his own left leg) was also in bandage and  
bleeding.

20

Q. Would you recognise that person again?

COURT: Did you say his left leg was bandaged and  
bleeding?

A. Yes, and the bandage was soaked in blood.

Q. Would you recognise that person if you saw him again?

A. I identified him when he was in the hospital.

Q. You went to the Queen Elizabeth Hospital and  
identified the person?

A. Yes.

30

Q. Do you also see him in court today?

A. This one (pointing at the accused).

Q. At what time was it that you saw this person? At about what time did you see him?

A. Around 3 o'clock.

Q. Now would you have a look at P4. Can the witness be shown just this block plan? Can you see that this is a plan and the pier of the Ocean Terminal is shown?

A. Yes.

10 Q. Can you show us the area where you saw the accused?

A. Pier No. 1 where is it? I was, for instance, working here. He walked, passed by.

Q. You were on the wharf, Pier 1, is that correct?

A. Yes.

Q. And you know on one side the Star Ferry comes in.

A. And there was a ship moored there.

Q. On one side of the Pier 1 the Star Ferries come in.

A. Over this side is the Star Ferry.

20 Q. Now were you on the side of the Star Ferry or were you on the other side?

A. For instance, this is the Star Ferry and this is the ship, and this is the wharf and this is the gate. I was here.

Q. You were near the gate, is that right?

A. Yes.

NO XYN. BY MR. BERNACCHI.

MR. DUCKETT: I call MAK Chuen.

COURT: Pier No. 1 isn't actually marked on the plan, is it? Is it the area with the little dotted lines?

30 MR. DUCKETT: On the plan, my Lord, it is marked as Ocean Terminal. Pier 1 is the whole of that pier.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.19

Lin Chen-Kam

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

————  
Prosecution  
Evidence  
————

COURT: What is the area of little dotted lines that goes straight up from the Star Ferry?

MR. DUCKETT: That is the covered walk which leads to the Star Ferry.

COURT: That is the covered walk which leads to the Star Ferry from the Ocean Terminal. Then you go up the stairs to the Ocean Terminal.

No. 20MAK CHUENIn the Supreme  
Court of Hong  
KongMAK Chuen. Affirmed in Puncti.Prosecution  
EvidenceNo.20

MAK Chuen

Examination

XN. BY MR. DUCKETT:

Q. Your full name please.

A. MAK Chuen.

Q. Where do you live?

A. I live at flat 1717 on the 17th floor of the Middle  
Block of Wong Tai Sin Low Cost Housing Estate,  
Kowloon.

10

Q. And you are a driver with the New Taxi Company, is  
that correct?

A. Yes.

Q. And the taxi you drive is No. AN 7628.

A. That is correct.

Q. And at the end of November last year what were your  
hours of work?A. Our normal hours of duty during that time were from  
4.00 p.m. to 4.00 a.m.

20

Q. On the 1st December last year at about 3.30 in the  
morning were you in the vicinity of the Star Ferry  
Concourse, Kowloon?

A. Yes.

Q. And did someone approach your taxi?

A. One European approached my taxi.

Q. Did you notice anything about him?

A. When he was approaching the taxi I noticed that his  
left arm was bandaged.

Q. And did he get into your taxi?

30

A. Yes, he did.

Q. Would you recognise that person if you saw him again?

A. Yes, I can.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.20

MAK Chuen  
Examination  
(continued)

Q. Would you look around the court and see if you can see him?

A. Yes, he is inside.

Q. Now did he say anything to you?

A. I could not understand what he said.

Q. Why was that?

A. I could not understand what he said and he could only direct me by making gestures with his hand.

COURT: Yes, but is that because you cannot speak English?

A. Yes.

10

Q. Yes, well what was said? Did you say anything to the accused?

A. No, nothing.

Q. How did you know where to go?

A. At first I did not know where he was going, but as the taxi was approaching Peninsula Hotel I asked him if he was going to hospital. I said the word hospital because I noticed that there were injuries on his arm. He immediately gave a nod.

Q. You said hospital in English?

20

A. Yes.

Q. So what did you do after that?

A. So I drove him all the way to Wylie Road near the pathway leading to the casualty ward of Queen Elizabeth Hospital.

Q. Yes.

A. I pointed the road sign to him. He shook his head, indicating that that was not the place he wanted to go, and told me to drive back.

Q. You said you pointed to a road sign. In what language was the road sign?

30

A. The road sign was both in English and in Chinese, Queen Elizabeth Hospital.

Q. So after he motioned you to go back where did you go?

In the Supreme  
Court of Hong  
Kong

A. When I was turning back the accused said something which sounded like "dock". I thought he meant Kowloon Dock. I did not know exactly what he meant so I thought he was referring to Kowloon Dock.

Prosecution  
Evidence

Q. So you took him to the Kowloon Dock. Is that correct?

No.20

A. I drove him to the Whampoa Dock. He paid me and alighted from the taxi.

MAK Chuen

Examination  
(continued)

10 COURT: You went back to practically where you picked him up, didn't you?

A. He alighted first from the taxi before he paid me and then when I was about to drive the taxi away some employees of Kowloon Dock said something to me.

Q. Whampoa Dock is in Hunghom, is that right?

A. Hunghom, at the end of Wuhu Street.

Q. Now something was said to you by an employee of the Dockyard. Now what was said to you?

20 A. No. When the accused alighted from the taxi he spoke to an employee of the dock and after I had received payment I wanted to drive the taxi away, but I was stopped by that employee of Kowloon Dock.

Q. What did he say to you?

A. He said "Don't drive away yet. This European --

COURT: Just a minute. Is that man being called?

MR. DUCKETT: It is simply that this was said. It is not as to the truth of what was being said, it is simply that this statement was made to the witness and the person who made the statement is also being called.

30 COURT: Will be called. "As I was about to drive away that worker said to me --

A. Well the employee said "This European may not be living here, may not belong to this place. Don't drive away yet."

Q. Yes.

A. After the accused had finished his conversation with the dockyard employee I told the employee that I had driven the accused to hospital but he refused to go in.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.20

MAK Chuen

Examination  
(continued)

The employee said that the accused was then willing to go to hospital.

Q. So what did you do?

A. I then drove him to the casualty ward of Queen Elizabeth Hospital.

Q. Yes, and what happened when you got there?

A. He paid me and alighted from the taxi, and before he entered the casualty ward he looked in and suddenly turned back because there was no-one inside the casualty ward. He turned back and called out to me again.

10

Q. He got back into your taxi?

A. That is correct.

Q. And where did you take him to then?

A. When I had left the casualty ward in the taxi with the accused I pointed a sign to the accused British Military Hospital, and he gave a nod indicating that he wished to go there.

Q. And you took him there, is that right?

A. That is correct. And he paid me.

20

Q. And you then left?

A. That is correct.

Q. Now after you had left the accused there did you notice anything?

A. When the accused alighted from the taxi he slipped and I flashed my torch at the place where he slipped and I found a pool of blood.

Q. What about your taxi?

A. After I had left Wylie Road and driven into Jordan Road I stopped the taxi in order to clean the blood with some sand and dirt which I could gather from the road.

30

Q. There was blood in the vicinity where the accused had been sitting, is that right?

A. That is correct.

Q. And did you subsequently take your taxi to the Kowloon Police H.Q.?

A. On the following day. I knew nothing about this case at the time. Later on I was located by the police and I went to Kowloon Police H.Q.

Q. You took your taxi there?

A. That is correct.

COURT: Just one thing I think you haven't told us. In what part of the taxi did he sit?

10 A. Oh he was sitting next to me, next to the driver's seat.

COURT: In the front seat.

A. Yes.

COURT: All the time?

A. Yes.

XXN. BY MR. BERNACCHI:

Q. How did you find your passenger? Did he seem dazed at all?

A. No, no.

20 Q. Presumably you could not understand really what he said.

A. That is correct.

Q. And he said what you thought was "docks". I should think actually it was "doctor" but still --

A. I don't know.

Q. But really, perhaps you did not, you could not judge him at all because you just could not understand him.

A. I could not understand him at all.

NO REXN. BY MR. DUCKETT

30 MR. DUCKETT: Thank you. Sub-Inspector LIN Kwok-hung. This is page 52.

In the Supreme Court of Hong Kong

Prosecution Evidence

No.20

MAK Chuen

Examination (continued)

Cross-Examination



In the Supreme  
Court of Hong  
Kong

No. 21

LIN KWOK-HUNG

Prosecution  
Evidence

LIN Kwok-hung. Affirmed in Puncti.

No.21

Lin Kwok-hung  
Examination

XN. BY MR. DUCKETT:

Q. What is your full name please?

A. LIN Kwok-hung.

Q. And your occupation?

A. I am an Inspector of the Security Department of Whampoa Docks.

Q. Were you on duty on the 1st December last year from midnight onwards? 10

A. That is correct.

Q. At about 4 o'clock in the morning did a taxi pull up at the entrance to the docks?

A. That is correct.

Q. And who got out of the taxi?

A. A European got out of the taxi.

Q. Can you see him in court today?

A. Yes, I do.

Q. Did you notice anything about the accused? 20

A. I noticed that there were injuries on his person and that he was in bandage and bleeding.

Q. What did you do?

A. I did not say anything to him. He came up and spoke to me.

Q. Yes. What did he say?

A. He asked me if there was any doctor in that place.

COURT: Just tell us in English what he asked you?

A. (In English) "Is here a doctor?"

(Witness gives the rest of his evidence in English). 30

Q. What did you say to him? Would you try and speak in English?

A. And I replied "We have no doctor here".

Q. Was anything else said?

A. Then I asked him "What happened to you?". And he did not reply.

Q. What was said then?

A. I said "You are injured. Why don't you go to the Police?", and he said "I was in trouble with the Police before. I don't want to see the Police."

10

Q. What did you say?

A. I said "Then why don't you go to the hospital?".

Q. Yes.

A. And he said "Is there any police in the hospital?".

Q. What did you say?

A. I said "No".

Q. Did you in fact know if there were police? Did you know?

20

A. Yes, in fact I know there are police on duty in the hospital.

COURT: Yes, what did he then do?

A. Then I asked the, I told the taxi driver to take him to Queen Elizabeth Hospital.

Q. Was the accused, was the man willing to go to hospital?

A. Then he is willing to go.

Q. And you later went to the Queen Elizabeth Hospital, is that correct?

A. I don't know where the taxi driver take him.

Q. Did you go?

30

A. Me personally, no.

Q. Some days afterwards?

A. Yes, I was informed by the police to identify a European.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.21

Lin Kwok-hung

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.21

Lin Kwok-hung  
Examination  
(continued)

Q. And you did?

A. I was asked to go by the police.

Q. And you identified this man, the accused?

A. Yes.

COURT: Just one question. You said when you first saw  
the man that he was injured, in bandage and bleeding.  
Where was he injured?

A. Left hand and left leg.

COURT: They were both bandaged were they?

A. Yes.

10

Cross-Examination

XXN. BY MR. BERNACCHI:

Q. Did the European appear to you to have been in a  
fight?

A. Yes, it seems he had been involved in a fight. That  
is why I asked him "Why don't you go to the police?"

Q. Did he seem at all dazed?

A. Pardon?

Q. Did he seem at all dazed?

A. No, he seems very calm.

Q. He seems calm. You say he agreed to go to the  
hospital but - I'm sorry. You say he did not explain 20  
how he got his injuries.

A. Yes.

Q. And he did agree to go to the hospital.

A. Yes.

Q. Thank you.

NO REXN. BY MR. DUCKETT.

COURT: Yes, thank you very much.

MR. DUCKETT: Corporal Birtwistle. Page 48.

No. 22ROY BIRTWISTLEIn the Supreme  
Court of Hong  
KongRoy Birtwistle. Sworn.Prosecution  
EvidenceXN. BY MR. DUCKETT:

No.22

Roy Birtwistle  
Examination

Q. Your full name, Mr. Birtwistle.

A. Roy Birtwistle.

Q. And your occupation?

A. I am employed as a State Registered Nurse in the  
casualty of the British Military Hospital, Hong Kong.10 Q. Were you on duty on the early morning of the 1st  
December last year?

A. I was.

Q. And did a taxi come to the reception area at the  
British Medical Hospital? Is that correct?

A. Yes.

Q. Did someone get out of the taxi?

A. Yes.

Q. Do you see that person in court today?

A. Yes, I see that person.

20 Q. Now what did you notice about the accused when you saw  
him?A. On alighting from the taxi I noticed that he had  
something white wrapped around his leg and he was in a  
disorderly dress and so on, in some disorder, and I  
took the white object to be some form of tourniquet  
around his leg.

Q. Yes. What did he do?

30 A. Instead of coming into the reception, he looked into  
reception and then turned around and walked away from  
the reception entrance and went on the back road around  
the back of the hospital. I then chased out.

Q. Yes, you chased out.

A. To stop him and to bring him into reception, and a  
Private Sui John, who was on duty in reception at that

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.22

Roy Birtwistle  
Examination  
(continued)

time, went the opposite way to catch him the other way.

Q. Did you come up to the accused?

A. I did not in actual fact catch him. He moved quite quickly, and it was Private Sui John who met him just before the ambulance base at the back of the hospital.

Q. This was quite some distance from the reception area, is that correct?

A. Yes.

Q. Well was the accused then brought back to the reception area?

10

A. Well you can get in both sides, through the ambulance base or through the main entrance. I came in through the main entrance and then back to the ambulance base and then Private Sui John escorted the defendant in.

Q. To the reception area?

A. Yes.

Q. What did you do then?

A. I then asked who he was, and he stated that he was an Australian, and I asked also if he was in connection with Military, in Military Service.

20

Q. And what did he say?

A. He said that he was not with any Military Services but he was discharged from the Australian Army.

Q. What did he then say? What did you ask him?

A. I said to him: "Well, I'm sorry, but you are not entitled for treatment in the hospital." He then turned around and said "Could I have a bandage?". Well, it was within my rights to give first aid treatment.

30

Q. So what did you do?

A. I then escorted him round to the Casualty Department and then I asked what his injuries were, how did he get them, and so on.

Q. What did he say?

A. He then said words to the effect "This will teach me not to get involved playing cards."

- Q. Did he say anything else?
- A. Not that I can remember.
- Q. What did you do?
- A. Then I started to treat him by cutting down his trousers, down the seams of his trousers to have a look to see what the extent of his injuries were.
- Q. What did you see there?
- A. I saw covering most of his lower left leg quite a large amount of congealed blood.
- 10 Q. Yes.
- A. Which I removed, and immediately on getting to the area that was injured I removed the cloth from there and the blood began to spurt as though a vein had been cut.
- Q. And what did you do?
- A. I immediately put on gauze dressings and a pressure bandage.
- Q. Did he have any other injuries?
- A. He had an injury to his left hand also.
- 20 Q. Did you do anything to that?
- A. Yes. I removed the white bit of material that was covering this and put gauze dressings on the same and a crepe bandage.
- COURT: You said his left hand was bandaged. Makeshift?
- A. Yes. I think it was his shirt actually.
- COURT: Part of it.
- A. Yes. The other part was made up as a tourniquet round his leg.
- COURT: You removed this makeshift bandage and what did you find?
- 30 A. I found lacerations of the inside of his first two fingers and a laceration on the top of his third finger.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.22

Roy Birtwistle

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.22

Roy Birtwistle  
Examination  
(continued)

Q. Did you bandage those?

A. Yes.

Q. Was the accused wearing a shirt when you saw him?

A. He was not. He was wearing a woollen lambswool jacket affair.

Q. And what did you do with the makeshift bandages that you had taken off?

A. I am afraid I threw them in the bin. I did not realise.

COURT: Did you ask him if he had any other injuries?

10

A. I did.

COURT: What did he say?

A. He said he only had these two he was concerned with.

Q. As you attended to him did you have any further conversation with him?

A. Sergeant Wyles, he was also the N.C.O. i/c reception and also the night wardmaster, he came round to the casualty and said that he will inform the police, which he went back to do. The defendant wasn't, didn't appear keen on the idea of the police being informed, but I told him whether he got treated here or at a civilian hospital that the police would have to be informed.

20

Q. Yes.

COURT: When you say he didn't appear keen, how did he make his appearance manifest to you?

A. Well I cannot remember the exact words, my Lord, but he says "Oh no, not again." Then I asked him whether he had been in trouble with the police before and he did state he had been in trouble with the police before and that he will probably be thrown out of the Colony because of this.

30

Q. Did you then notice something about the accused? Did you notice about his appearance?

A. I'm sorry.

Q. Did you notice anything about the accused then? Did he appear to react in any way?

A. No, he did not. I put it down that he had lost quite a bit of blood and he said he was feeling dizzy.

Q. So what did you do?

A. I then made arrangements with reception for an ambulance to go with an escort, Private Sui John, to take him over to the Q.E., Queen Elizabeth Hospital.

10 Q. And he left in an ambulance?

A. He left in an ambulance over to the Q.E. I then telephoned the Queen Elizabeth Hospital to expect one patient who had been involved in a stabbing.

Q. And you made a record of this incident in a casualty occurrence book. Is that correct?

A. Yes. This was after he had left in fact and he gave the name as Gene Quantrill.

20 Q. Would you have a look at P35 in the magistrate's court? It hasn't been produced. Is that the occurrence book?

A. Yes, this is a record of all patients seen.

Q. Will you show us the entry you made there.

COURT: He gave his name as?

A. Gene Quantrill.

Q. Do you now produce that entry?

A. Exhibit P24.

COURT: Whose signature is that at the bottom?

A. That is the R.S.M's signature and the C/O's signature. They see the book each morning.

30 Q. At what stage of the incident did he, the accused, give his name as Gene Quantrill?

A. At the later end, just as he was leaving casualty to go to reception to the ambulance base.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.22

Roy Birtwistle  
Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.22

Roy Birtwistle  
Cross-Examination

XXN. BY MR. BERNACCHI:

Q. Mr. Birtwistle, you say that he, the accused, said he was feeling dizzy.

A. Yes.

Q. Did he seem dazed to you?

A. I would say so.

Q. Now, of course, he had presumably lost quite a lot of blood by that time.

A. Yes.

Q. You did make a statement to the police, a signed statement to the police.

10

A. Yes.

Q. In that signed statement is the words: "He then said that he had got into an argument and that the other fellow had pulled a knife on him." Is that right?

A. No.

Q. That is your signed statement to the police. "He then said that he had got into an argument and that the other fellow had pulled a knife on him."

20

A. I cannot remember, I am afraid, but he did definitely say about being involved in a game of cards. Words to the effect "This would teach me not to get involved in a fight with cards."

Q. Yes, you say that also, and then you said "He got into an argument and then the other fellow pulled a knife on him."

A. That would be right at the time.

Q. And in fact in the report book you say "Said to have been in a knife fight."

30

A. Yes.

Q. Now the wounds as you saw them, were they knife wounds, appeared to be knife wounds?

A. The leg one certainly appeared to be a knife wound, but I wouldn't swear to the wounds on his hand.

Q. But certainly the wound on his leg was.

A. Yes.

Q. And again I am reading from your original statement to the police talking about this wound. "The wound was a penetrating wound going from the lateral side to the medial side of the knee." That's right?

A. That's right.

BY COURT:

10 Q. Would you mind just telling us what you mean from the lateral side to the medial?

A. That is from the outside to the inside.

Q. Would you just show us roughly? Pull up your trousers leg. Show the jury, would you?

A. (Witness points to his leg). It was three to four inches above the knee; the broad side being this, and it looked as though there was a smaller incision. It was not involved in the knee joint, but above the knee.

20 Q. Not penetrating right through?

A. I got the impression it may have been in deeply so, say, about an inch or so deep.

Q. Yes. Thank you very much.

COURT: Yes.

MR. DUCKETT: P.C.6449. It is page 28 of the record.

COURT: What page did you say?

MR. DUCKETT: Page 28, my Lord.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.22

Roy Birtwistle

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.23  
Tong Ping Chuen  
Examination

No. 23

TONG PING CHUEN

TONG PING CHUEN - Affirmed in Punti dialect.

XN. BY MR. DUCKETT:

Q. Your full name, please?

A. TONG Ping-chuen.

Q. And you are P.C.6449, is that correct?

A. Yes.

Q. Where are you now stationed?

A. Yaumati Police Station.

10

Q. On the 1st December last year were you on duty at the Casualty Ward of the Queen Elizabeth Hospital?

A. Yes, I was.

Q. At about 4.25 in the morning did a military ambulance arrive at the Casualty Department?

A. Yes.

Q. And was a European patient taken from the ambulance into hospital?

A. Yes.

Q. Do you see that person in court?

20

A. (Witness points to accused). Yes, the gentleman sitting there.

Q. What did you notice about the accused?

A. When he was being pushed on a wheel chair into the Casualty Ward, I noticed that he had sustained injuries.

Q. Where were these injuries?

A. There was injury near his left knee.

Q. Anywhere else?

A. Also on his hand.

30

COURT: Which hand?

A. I cannot remember, my Lord.

Q. Did you speak to him?

A. Yes, I asked him questions.

Q. You spoke to him in English?

A. That is correct.

Q. Would you try to tell us in English what was said?  
What did you ask him?

A. (Witness speaks in Chinese).

10 COURT: No, no, no. You spoke to him in English; speak  
to us in English.

A. (Witness speaks in English). "What is your name?"

Q. What did he say?

A. He say, "My name is Quantrill".

Q. What did you ask him? Did you ask him something?

A. Yes.

COURT: Tell us in English.

A. "How do you take these injuries?"

COURT: Yes.

20 A. He answered me he was assaulted by somebody, and I say,  
"Which place?" He said he "Do not know".

COURT: You asked him what?

A. "Where, place you assaulted, by who?"

COURT: "I asked him what place".

A. He said he did not know.

COURT: Yes.

Q. Was anything more said? Did you say any more?

A. Pardon, sir?

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.23

Tong Ping Chuen

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.23

Tong Ping Chuen

Examination  
(continued)

Q. Did you say any more?

A. No more, no.

Q. What did you do?

A. Then the accused closed his eyes. Before that, as I have already said, he said he had been assaulted by someone, and then I telephoned to the C.I.D. I dialled '999'.

Q. Did detectives later come to the hospital?

A. Yes.

Cross-Examination

XXN. BY MR. BERNACCHI:

10

COURT: Yes.

Q. There was, I think; a lot of blood on his trousers?

A. Yes.

Q. And there is even some blood still seeping out from the wound?

A. Yes, correct. Yes.

Q. Now, were his eyes more or less closed?

A. Yes, when he was speaking to me his eyes were more or less closed, and he appeared to be semi-conscious.

Q. And he appeared to be only semi-conscious?

20

A. Only semi-conscious.

Q. What was the colour of his face: Was it pale or what?

A. His face was very pale.

Q. And would you say that he was genuinely in a weak condition?

A. Yes.

Q. Thank you.

MR. DUCKETT: No questions, my Lord.

COURT: Thank you.

MR. DUCKETT: Will it be a convenient time?

COURT: Yes. You have not got a short witness, have you?

MR. DUCKETT: Yes, I have one witness.

COURT: Yes.

MR. DUCKETT: I call LEUNG Chung-kung. Page 32.

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
Prosecution  
Evidence

\_\_\_\_\_  
No.23

Tong Ping Chuen

In the Supreme  
Court of Hong  
Kong

No. 24

PAUL LEUNG CHUNG KUNG

Prosecution  
Evidence

PAUL LEUNG CHUNG KUNG - Affirmed in Puncti.

No.24

Paul Leung Chung  
Kun

Examination

XN. BY MR. DUCKETT:

- Q. Your full name?
- A. LEUNG Chung-kung Paul.
- Q. And you are a male nurse employed by the Medical Department. Is that correct?
- A. That is correct.
- Q. And on the 1st December last year were you at the Queen Elizabeth Hospital? 10
- A. Yes.
- Q. In the Orthopaedic Ward, H.3?
- A. Orthopaedic Ward, yes.
- Q. Now, at about a quarter to five that morning was a male - European male patient transferred to your ward?
- A. Yes.
- Q. And was that the accused person there in the dock?
- A. (Witness looks at accused). Yes. 20
- Q. And you treated him, is that correct?
- A. Yes.
- Q. What did you do?
- A. I bandaged his wounds.
- Q. Where were his wounds?
- A. He had wounds on his left knee, his ring finger and his little finger, also of his left hand.
- Q. The wounds to the fingers of his left hand; could you describe those?
- A. They were bleeding on this - on the - from the injured parts of his fingers. 30

Q. Were they serious injuries or minor injuries? Can you tell us something about them?

In the Supreme  
Court of Hong  
Kong

A. In my opinion the injuries were not serious.

Q. What was the injury to the left leg?

Prosecution  
Evidence

A. It was again an injury which was bleeding.

No.24

Q. Did it appear to you to be serious or not?

Paul Leung Chung  
Kung

A. In my opinion the injury on his knee was more serious.

Examination  
(continued)

10

Q. And you applied bandages to these injuries, is that right?

A. Yes, I did.

Q. Did you speak to the accused?

A. I did.

Q. And would you tell us in English what you said?

A. (Witness speaks in English). I asked his name first and he said his name was Quantrill, and then I asked his age. He said he was 18, and I asked him, "What is the cause of the injury?" He said he had been fighting with someone - some persons in a bar, and then I asked him, "Which bar, and where is the bar?" but he did not answer me, and that is all.

20

COURT: Yes.

Q. After you had bandaged the accused did a detective police constable come to the ward?

A. Yes, a P.C. did come to the ward.

Q. And did he there collect personal belongings of the accused?

A. Yes. They collected all the belongings back to the police station.

30

Q. His clothing and items like that, is that correct?

A. I beg your pardon?

Q. Clothing, clothes -- they collected clothing?

A. Clothing, trousers and some money and also some papers.

Q. Yes.



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.24

Paul Leung Chung  
Kung  
(continued)

MR. BERNACCHI: My Lord, I would like to reserve my cross-examination because presumably the doctor is the next witness and I can, or my learned friend can get from the doctor, perhaps, several questions which the doctor would be in a better position to answer than a male nurse, so I would apply to reserve the cross-examination because most of it, presumably, could be answered by the doctor himself.

COURT: You mean that it may well be that you won't want this witness?

10

MR. BERNACCHI: Yes.

COURT: If you can get what you require from the doctor?

MR. BERNACCHI: Yes.

COURT: Yes, that is perfectly all right.

BY COURT:

Q. Are you working tomorrow?

A. Yes.

Q. What time?

A. 4 p.m. to 12 midnight.

Q. So you are free in the morning, are you?

20

A. Yes.

Q. Have you got a telephone number?

A. My telephone number?

Q. Have you got a telephone?

A. Yes, it is K-947823.

Q. Are you expecting to be at home in the morning, or are you going out? I do not want to bring you here unnecessarily. You live in Kowloon?

A. I will be at home round about ten because in the morning I will go out to have my breakfast.

30

Q. The best thing is for you to be at home round about half-past ten. Be at home between ten and eleven and do not go out until after eleven, and then if we do not want you we need not bring you here. If we do want you you will have to come.

A. Yes.

COURT: Members of the jury, we will adjourn now until ten o'clock tomorrow morning.

4.30 p.m. Court adjourns

18th March, 1971

10.02 a.m. Court resumes.

Accused present. Appearances as before. Jurors answer to their names.

MR. DUCKETT: I call Dr. Lo, if your Lordship pleases.  
Page 31 of the record.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.24

Paul Leung Chung  
Kung  
(continued)

In the Supreme  
Court of Hong  
Kong

No. 25

LO SAU HIM

Prosecution  
Evidence

LO SAU HIM - Sworn in English.

No.25

XN. BY MR. DUCKETT:

Lo Sau Him

Q. Your full name, Dr. Lo?

Examination

A. Sau-him - S-a-u H-i-m L-o.

18th March 1971.

Q. Yes, and you are a Medical and Health Officer?

A. Correct.

Q. Employed at the Queen Elizabeth Hospital. Is that correct?

10

A. Correct.

Q. And were you on duty at the Casualty Department of the Queen Elizabeth Hospital on the 1st December last year?

A. Correct.

Q. And at about 4 a.m. in the morning did you examine a European male?

A. I did.

Q. Was that person the accused in the dock?

A. (Witness looks at accused). Yes.

20

Q. What name did the accused give you?

A. Mr. Quantrill.

Q. Did you ask him about his injuries?

A. I did.

Q. What did he say?

A. He said he had been stabbed.

Q. He said he had been stabbed. Is that all?

A. Yes.

Q. What did you find?

A. There were lacerations on the dorsal surface - back of the left fourth finger.

30

Q. Would you put that in lay terms, please, doctor? Will you tell us where that was?

COURT: Doctor, you are a qualified doctor, are you?

A. I was and I still is.

COURT: Yes. What are your qualifications?

A. M.B., B.S.

COURT: M.B., B.S., yes. Hong Kong, that is?

A. No, Sydney.

COURT: Yes.

10 Q. Now, the injuries to the left hand, is that correct?

A. Yes.

Q. Would you show us where they were?

A. The laceration on the dorsal surface - back of the left fourth finger, just there. (Witness indicates on his hand) and also a laceration on the left little finger there, and two lacerations on the left knee.

Q. We will deal with the finger lacerations first. What was the nature of these lacerations; were they serious or minor?

20 A. Serious enough to justify admission to the hospital.

Q. I mean the lacerations on the fingers only at the moment. Would you tell us what was the nature of the lacerations?

A. It is a sharp clean cut.

Q. Was it a deep cut or a minor abrasion? Would you try to tell us?

30 A. It is - the examination in the Casualty Department is usually preliminary clinical examination, and therefore as far as the detailed clinical examination is concerned I think the ward doctors would be in a better position to present a detailed examination. I know it, but I think the doctor ...

Q. Would you tell us what you know about these injuries? What do you know about the injuries to the fingers?

A. It is rather deep cut on the left dorsal on the left fourth finger.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.25

Lo Sau Him

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.25

Lo Sau Him  
Examination  
(continued)

COURT: On the?

A. Left fourth finger.

COURT: There was a deep laceration on the ring finger,  
was there?

A. Yes.

COURT: A laceration on the little finger, and what is the  
other finger?

A. No, no, I said the fourth finger, I have never  
mentioned ring finger before. I think you inter-  
preted it as the ring finger, which is correct.

10

COURT: The little finger?

A. No, I said the fourth finger.

COURT: The fourth finger?

A. Yes.

Q. And there was a deep cut?

A. Yes.

Q. Is that right? On the ring finger?

A. Yes.

Q. Fourth finger?

A. Yes.

20

Q. Now, the injuries to the left leg, where were they?

A. There were two. One is on the outside aspect of the  
left leg, just below the knee-cap.

COURT: Just below the knee-cap?

A. Below, slightly below the knee-cap.

COURT: What injury was it?

A. Laceration.

COURT: Yes.

Q. And there was a second laceration?

A. The second one on the inner aspect of the left knee,  
just slightly below the knee-cap.

30

Q. Could you show us where these lacerations were? If you could demonstrate.

A. (Witness points to leg). Just there.

COURT: Well, I cannot see it. Stand out.

A. (Witness indicates). There.

Q. And what was the nature of the injuries to the left leg?

A. As I said it was lacerations.

10 Q. They were minor scratches, or were they serious wounds? Can you tell us anything about the injuries?

A. These - rather deep, I would say.

Q. Did they appear to - I will withdraw that. Could the two lacerations have been caused by a single injury; a single blow?

A. It could be, it could be.

Q. By a sharp instrument passing through under the skin and then out again? Is that correct?

A. Could be.

20 Q. And what treatment was given?

A. The treatment was left to the ward doctor. As I said previously, the patient was admitted.

Q. He was sent to the Orthopaedic Ward, is that correct?

A. Yes.

XXN. BY MR. BERNACCHI:

Cross-Examination

Q. What is the name of the ward doctor that you say could give more full explanation of the accused's wounds?

30 A. Well, I - there is more than one doctor; there are usually more than one doctor on duty, and I think the Record Officer would be able to - Record Officer ....

Q. The Record Officer?

A. Yes, in the Q.E. would be able to tell you who he was.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.25

Lo Sau Him

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.25

Lo Sau Him

Cross-Examination  
(continued)

- Q. Well, what is the name of the Record Officer?
- A. I think Mr. Simon Lee; possibly mr. Simon Lee.
- Q. Mr. Simon Lee?
- A. Yes.
- Q. Now, you, in fact, were on duty in the Casualty itself that night?
- A. Correct.
- Q. And you did a preliminary examination as to whether or not this person should be admitted to Queen Elizabeth Hospital?
- A. Correct.
- Q. You decided he should be?
- A. Yes.
- Q. And you sent him up to a ward, and thereafter you had nothing to do with the accused?
- A. Correct.
- Q. You send him up to the Orthopaedic Ward, I think?
- A. Correct.
- Q. In lay language what does 'Orthopaedic' mean?
- A. That was the doctors who are taking care of that part of the bodies which possible involves bones or extremities.
- Q. Well, now, the wounds that you yourself saw, could they all have been done with a knife?
- A. Could be.
- Q. So that the wounds that you saw were consistent with the statement made to you that he had been stabbed by a friend?
- A. Correct.
- MR. DUCKETT: My Lord, the witness said that the accused said that he had been stabbed. He made no mention of a friend, the witness....

10

20

30

COURT: Yes, I did not get that last bit.

MR. BERNACCHI: By a friend.

COURT: Yes.

Q. Did the accused say stabbed, or stabbed by a friend?

A. He said stabbed by a friend, actually. I did question him in quite a lot of detail but he would not let me know anything except that he had been stabbed by a friend, and that is it.

Q. All right. Now, you examined him and you saw that he had a laceration of the fourth finger?

10 A. Yes.

Q. Now, was that deep?

A. Yes.

Q. Did it sever a tendon?

A. It did.

Q. Now, he also had a laceration of the little finger?

A. Yes.

Q. Now, coming down to the leg wound that you say, in effect, was consistent with a knife - the dagger going in one side and coming out the other?

20 A. I said 'could be'.

Q. Could be. Now, did you yourself notice any other lacerations, abrasions, or anything like that?

A. Not at the moment; not at that moment.

Q. Not at that moment?

A. No.

Q. Do you know now that he had other abrasions or lacerations?

A. Not that I know of.

30 Q. No. Well, that again would be for the ward doctor to say?

A. Correct.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.25

Lo Sau Him

Cross-Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.25

Lo Sau Him

Cross-Examination  
(continued)

COURT: I wonder why you used the expression, "Not at that moment"?

A. Because sometimes we kept- instead of sending the patient to the ward we kept them in the ward down-stairs and we examined them at our own time. There is only one Casualty doctor on in the whole of Q.E. and we examine about a hundred patients in an eight-hour stretch. We could not possibly give detailed examination to all patients, and usually with the more - patients justify more detailed examination we keep them aside until such time as we can examine them.

10

Q. This particular patient you sent straight away to a ward?

A. Yes.

Q. Would I be right in saying that it is the patients whose admission is doubtful that you put in the Casualty Ward to further examine?

A. Correct, yes.

Q. Now, I want to ask you a question, not bearing in any way on any particular patient. If a man indulges in homosexual practices, is it always visible, or sometimes visible and sometimes not visible?

20

A. I think your second statement is more ...

Q. Sometimes visible and sometimes not visible?

A. Correct.

Q. On a medical examination?

A. Yes.

Q. Thank you.

30

COURT: I would have thought it depended on the nature of the homosexual practice. I am not sure, we had better leave it.

MR. BERNACCHI: Yes.

MR. DUCKETT: No questions, my Lord.

NO REEXN. BY MR. DUCKETT

COURT: Yes. Thank you, doctor.

MR. DUCKETT: I will make arrangements for the other  
doctor to be called as soon as possible.

COURT: Yes, thank you, doctor.

MR. DUCKETT: Inspector HUI Wai, page 29.

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
Prosecution  
Evidence

\_\_\_\_\_  
No.25

Lo Sau Him  
(continued)

In the Supreme  
Court of Hong  
Kong

No. 26

HUI WAI

Prosecution  
Evidence

HUI WAI - Affirmed in English

XV. BY MR. DUCKETT:

No.26

Hui Wai

Examination

A. H-u-i W-a-i, your Lordship.

Q. And you are an Inspector of Police?

A. Yes, sir.

Q. And where are you stationed?

A. C.I.D. Yaumati Police Station, sir,

Q. And on the 1st December last year at about 5.15 in  
the morning, did you go to the Casualty Ward of the  
Queen Elizabeth Hospital? 10

A. Yes, sir.

Q. And you there examined a Police Post Occurrence Book.  
Is that right?

A. Yes, sir.

Q. And you then went to see a European male who gave  
the name of Quantrill?

A. Yes, sir.

Q. Do you see that person in court today? 20

A. (Witness points to accused). This gentleman.

Q. Yes, and what did you do?

A. When I saw this gentleman in Ward H.3 ....

COURT: At what?

A. In Ward H.3.

MR. DUCKETT: Ward H.3.

COURT: Oh, yes, yes.

A. The ward staff were dressing and bandaging him.

COURT: Yes.

A. I kept myself outside.

COURT: Yes.

A. Subsequently Detective Constable 5386 arrived.

COURT: Yes.

A. When the ward staff had finished their work, I spoke to this gentleman. (Witness points to accused).

COURT: Yes.

A. I asked his name.

COURT: Yes.

10 A. He gave his name as David Murray. D-a-v-i-d M-u-r-r-a-y.

COURT: Yes.

A. Alias Quantrill.

COURT: Did he say David Murray alias Quantrill?

A. Yes.

COURT: He said it himself?

A. Yes.

COURT: Yes.

A. He told me that he came from Australia by air on the 27th of November, 1970.

20 Q. Did he tell you his occupation?

A. He claimed to be a student of Perth University in Australia.

COURT: Yes.

Q. Did he say where he was staying in Hong Kong?

A. Yes, sir. He said he stayed at Room 422A of Sun Ya Hotel since his arrival.

Q. Did you then record a statement from the accused?

A. Yes, sir, I did.

Q. Would you have a look at P.27? Page 55 of the record.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.26

Hui Wai

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.26

Hui Wai

Examination  
(continued)

COURT: Page?

MR. DUCKETT: Fifty-five.

COURT: Yes.

A. (Witness looks at exhibit). Yes.

Q. Who wrote that statement? Who wrote it down?

A. I wrote it down; I record it down.

Q. And you wrote it at his dictation, is that right?  
You wrote down what he said?

A. Yes, sir.

COURT: That is exhibit P.25, yes.

10

Q. And at the end ...

COURT: You are putting that in?

MR. DUCKETT: I am putting it in, yes.

Q. At the end of the statement did the accused sign  
it?

A. Yes, sir?

COURT: Did you read it back to him?

A. Yes, sir.

COURT: Yes, and he said it was correct?

A. Yes, sir.

Q. And did you then sign it?

20

A. Yes, sir.

Q. Would you read the statement out?

A. Yes, sir. (Witness reads statement).

"David Murray, 18 years. Male. Australian.  
Residing at Room 422A Sun Ya Hotel.  
Occupation: Student (Tourist). Place of  
Occupation: Perth University."

COURT: Yes.

"Place of recording this statement: Queen Elizabeth Hospital. Language used: English. Taken by Detective Inspector HUI Wai at 0600 hours on the 1st December 1970.

In the Supreme Court of Hong Kong

Prosecution Evidence

'I am David Murray alias Robert Quantrill ..'

No.26

Q. Yes, go ahead, you can read it.

A. "... (this name is used in signing bank cheques). I am 18 years of age. I came from Australia by air plane on 27th November 1970 for sightseeing and have been staying at above address.

Hui Wai Examination (continued)

10

About 7 or 8 p.m. on the 30th November 1970 I strolled alone in Kowloon and I went into a bar with Chinese name to which I could not read. I consumed liquor there. I argued with some other European male drinkers about anything. I was then hit on my left leg probably.

(Signed) David Murray."

Q. 'Probably'?

A. Yes, last word.

20 COURT: Yes.

XXV. BY MR. BERNACCHI:

Cross-Examination

Q. Inspector ..

A. Yes, sir.

Q. You say you wrote it for the accused?

A. Yes sir, I did.

Q. And do you agree with me that the accused's signature is very shaken?

A. Yes, he appeared to be quite weak.

30

Q. He appeared to be quite weak. Yes, I was going to ask you that, yes. And, in fact, so weak that presumably you volunteered to write his statement for him?

A. Well, I ask this gentleman if he want to write and he say, "You write", so I wrote it down for him.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.26

Hui Wai

Cross-Examination  
(continued)

Q. Yes. Just a very minor matter; you see at the top where it is "Room 422A"?

A. Yes.

Q. Would I be right in saying that you originally wrote 402A and then changed it to 422A?

A. No, sir, 422A. I wrote it in ball-pen, sir.

Q. It looks like an '0' changed into a '2'. It is a very minor point, but ..

A. No, it is 422A, sir.

Q. Oh, yes, it is definitely 422A, but previously wasn't it 402A? 10

A. No.

Q. And then you changed it?

A. That is 422A because I wrote it in ball-pen as you can sometime - you might experience when the ink came out from the ball pen, it was not so smooth sometime.

COURT: Would you like to look at it with a magnifying glass? It certainly looks as though you first wrote a zero and then altered it. Doesn't it look to you like a zero first and altered to a '2'? 20

A. No, I did not alter actually.

COURT: You did not, all right. Thank you very much.

MR. BERNACCHI: Thank you very much.

COURT: Yes.

MR. DUCKETT: There is one matter I omitted to ask this witness in-chief. If ...

COURT: Yes.

Further  
Examination

FURTHER XN. BY MR. DUCKETT:

Q. Did you give instructions to D.P.C.5386 to collect certain items of clothing of the accused? 30

A. Yes.

Q. He did so in your presence, is that so?

A. Yes, sir.

COURT: Would it be right to say that this statement was taken at 6 a.m.?

A. 6 a.m.

COURT: Would it be right to say that at that time, of course, you had no knowledge of anything that had happened at the Hong Kong Hotel?

A. None at all, sir.

COURT: Yes.

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
No.26

Hui Wai

Further  
Examination  
(continued)

FURTHER XXII. BY MR. BERNACCHI:

Further Cross-  
Examination

10 Q. You say that you gave instructions to D.P.C.5386....

A. 5386.

Q. .... to take certain articles of clothing?

A. Belonging to the gentleman there.

Q. You had - Are you acquainted with the case generally? Are you acquainted with the exhibits? P16 to P22 are articles of clothing that have been produced. All right, are you acquainted with those articles that have been produced?

20 A. But I saw the articles once only, and I gave instructions to the D.P.C. to take them into his custody.

Q. So by that statement are you implying that you do not really remember what articles of clothing were then seized? I am not asking you to relate, at present, anyhow. Are you certain what **articles** were seized or not?

A. There was some ...

Q. Are you certain, first?

A. Pardon?

30 Q. Yes or not. Are you certain - certain?

A. I can remember partly.

Q. I see. Well, apart from the articles that have been -- One pair of trousers, one pair of socks, one pair of shoes, one white jacket, a driving licence - two driving licences - I am sorry, a door key and a pair of cuff-links have been actually produced. We have



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.26

Hui Wai

Further Cross-  
Examination  
(continued)

evidence that there was also seized a pair of  
underpants, a wrist watch and ..

A. Some cash.

Q. ... and some money.

A. Hong Kong money. Hong Kong money.

Q. Some Hong Kong money. Was there anything else  
seized or not?

A. I cannot remember anything more.

Q. I see. Thank you very much.

COURT: Thank you very much, Inspector. Thank you.

10

A. May I be excused as I am on duty?

COURT: Yes, certainly.

MR. DUCKETT: I call D.P.C. 5386. This is page 30.

COURT: Page?

MR. DUCKETT: 30.

No. 27WU HING KEIWU HING KEI - Affirmed in PuntXN. BY MR. DUCKETT:

Q. Your full name, please?

A. WU Hing-kei.

Q. And you are D.P.C. 5386, is that correct?

A. Yes.

Q. Where are you stationed?

10 A. I am at present attached to the Narcotics Bureau.

Q. And you were previously with the C.I.D. Yaumati, is that right?

A. Yes.

Q. And on the 1st December last year about 5.20 hours did you go to the Queen Elizabeth Hospital with the previous Inspector - with the previous witness, Inspector WU Hing-Kei - I am sorry, HUI Wai?

A. Yes, I did.

20 Q. And you there went to Ward H-3 of the hospital and saw the accused, is that correct?

A. Yes.

Q. When you arrived, what was happening?

A. When I arrived I saw some blood stained clothing which, according to the male nurse, had been removed from the person of the accused.

Q. What was the first thing done when you arrived with the Inspector?

A. Well, as I did not know English, Inspector HUI spoke to the accused.

30 Q. Yes, and he wrote something? Is that correct?

A. Well, I do not know, I do not know English, and I did not pay attention. I only saw Inspector HUI spoke to the accused.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.27

Wu Hing Kei  
Examination

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.27

Wu Hing Kei  
Examination  
(continued)

Q. Yes. And after that was over, what did you do?

A. I then, on the instructions of Inspector HUI, took possession of some clothings, socks, shoes and so forth, and brought them to the police station.

Q. Yes, and where did you get the clothing from?

A. Well, I collected the clothings in Ward H-3 from the accused's bed.

COURT: From the bed?

INTERPRETER: Yes, my Lord.

Q. Now, he was not wearing them at the time, is that right? 10

A. No, he was no longer wearing them; they had been removed.

Q. What was the accused wearing?

A. When I saw him he was covered in a hospital blanket and his clothings had already been removed by a male nurse.

Q. Would you look at exhibits P.16,17,18,19,20,21 and 22? (Witness looks at exhibits). Is that one of the articles? 20

A. Yes.

Q. That is P.19.

A. One pair of trousers.

Q. P.15, yes - I am sorry, P.16. (Witness looks at exhibit). Could the witness be shown P.17?

A. Yes, one pair of socks.

Q. P.18?

A. (Witness looks at exhibit). Yes, this pair of shoes.

Q. P.21. Did you get that? 30

A. (Witness looks at exhibits). Yes.

Q. P.22.

A. (Witness looks at exhibit). Yes, a pair of gold cuff-links.

- Q. And did the accused have a wallet?
- A. Yes.
- Q. Did you take that?
- A. Yes I did.
- Q. Were there some papers in the wallet?
- A. Yes, there were some papers: a few slips of paper and some cards.
- Q. Will you have a look at P.20?
- A. (Witness looks at exhibit). Yes.
- 10 Q. Did you take those also from the accused?
- A. I cannot remember. As the papers were in English, I did not know what they were.
- Q. There were some papers in the wallet. Is that correct?
- A. Yes, there were pieces of paper.
- Q. And was there also a watch that you seized?
- A. Yes I did.
- Q. Anything else that you can remember?
- A. There was also some money in addition to the papers.
- Q. And that was all, is that right?
- 20 A. That was all.
- Q. What did you do with these articles?
- A. Well, I - I took the articles back to the Yaumati Police Station, but I could not do anything about these exhibits until the blood stains were dry; so the first thing for me to do was to wait until the blood stains were dry.
- Q. Yes, and then?
- A. In the afternoon at the Yaumati Police Station I counted the articles in front of D.P.C.7153 and later handed them to him.
- 30 Q. Where did you hand them to?
- A. I counted the articles together with D.P.C.7153 in Yaumati Police Station and after the counting both the

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.27

Wu Hing Kei

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 27

Wu Hing Kei

Examination  
(continued)

Cross-Examination

D.P.C. and I went to the Tsimshatsui Police Station with the articles.

Q. And D.P.C. 7153 then took possession of them and charge of them?

A. Yes.

XXN. BY MR. BERNACCHI:

Q. And you gave all the articles to this D.P.C. 7153?

A. Yes.

Q. Incidentally, how much money - You say there was some money. How much money?

10

A. I cannot remember if there was 32.60 or 36.20 Hong Kong. I cannot remember too sure.

Q. In your statement given that same afternoon you said it was 37.20. It doesn't matter very much. Would that have been right?

A. There were some small changes but I cannot be too sure.

Q. I see. You said also that there were two foreign coins. Is that right?

A. There were some silver coins but I cannot remember the amount. I don't know to which country they belong.

20

Q. They were not Hong Kong currency?

A. Not Hong Kong currency.

Q. A point of interest, I expect you can explain it. You don't speak English?

A. No.

Q. The statement that I have in front of me - in fact, can I give you a copy - says "Taken by D/Inspector G.A. McStravick in the English language. Interpreter LAU Kam-wah." I don't know what that means myself.

30

A. After the European Inspector had recorded the statement in English, it was read back to me in Chinese by the Interpreter, Mr. Lau.

Q. But did you speak English to the European Inspector or did you speak Chinese, which was interpreted by this Mr. Lau?

A. I spoke in Chinese and what I said was interpreted by Mr. Lau.

Q. And the statement was "Taken by", etc. "at 1540 hours on 1.12.1970". That is 3.40 hours in the afternoon of the 1st December last. Is that right?

A. Well the statement was taken in the afternoon.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.27

Wu Hing Kei

Cross-Examination  
(continued)

10 Q. I see. Thank you very much.

NO REEXN. BY MR. DUCKETT.

COURT: Thank you.

MR. DUCKETT: I call Superintendent Harris.

In the Supreme  
Court of Hong  
Kong

No. 28

DEREK ROY HARRIS

Prosecution  
Evidence

Derek Roy HARRIS. Sworn.

No.28

XN. BY MR. DUCKETT:

Derek Roy Harris  
Examination

Q. Your full name, Mr. Harris.

A. Derek Roy Harris.

Q. And you are a Senior Superintendent of Police, is that correct?

A. I am, yes.

Q. And where are you stationed? What is your post? 10

A. I am the officer in charge of the Criminal Investigation Dept. in Kowloon District.

Q. And on the morning of the 1st December you went to room 1223 of the Hong Kong Hotel, is that correct?

A. I did.

Q. And later that day at 1650 hours did you interview the accused in room 6 of the custodial ward of the Queen Elizabeth Hospital?

A. I did, yes.

Q. What name did the accused give you? 20

A. He gave the name of Murrey.

Q. When you arrived who was with you?

A. I was with Senior Inspector Gravener, Senior Inspector LI Mut-wah and Dr. Lee Fook-kay, the Police Pathologist.

Q. Yes, would you tell us what took place.

A. I introduced the other officers - First of all, I introduced the other officers to the accused, explained that they were police officers and that Dr. Lee was a Police Pathologist. I then asked him to account for the injuries, give me an account of how he came by the injuries which he was detained in hospital for. 30

Q. Yes.

A. After asking him several questions I told him that I

was investigating the death of Dr. Alan Coombe at the Hongkong Hotel earlier that day. I then continued to ask him further questions, and at 17.30 I asked Dr. Lee Fook-key to carry out a medical examination of the accused.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris  
Examination  
(continued)

Q. Now the questions and answers that you had put to the accused, had you recorded those?

A. I did, yes, in my own handwriting.

Q. Yes.

10 A. Shortly after that Dr. Lee spoke to the accused and he agreed to be medically examined. He then signed a consent form, which I witnessed.

Q. And then?

A. I then left the room during the period of the examination by the doctor.

Q. What about the other police officers?

A. We all left.

Q. And how long did the examination take?

A. About 15 minutes.

20 Q. At the end of that examination?

A. I then returned to the room and resumed asking questions of the accused.

Q. What time was that?

A. That was just - I am not sure of the exact time - I think it was soon after 6 o'clock.

Q. And who was present whilst this was being done?

A. Inspector Li and Inspector Gravener were still present at that time.

Q. And Dr. Lee Fook-key had left?

30 A. He had left, yes.

Q. For how long did this go on?

A. I then continued questioning the accused until about 19.30.



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris  
Examination  
(continued)

- Q. Yes.
- A. I then stopped to enable him to take some food and drink.
- Q. How long did that take?
- A. Half an hour.
- Q. You then resumed taking the statement, is that correct?
- A. I did, yes.
- Q. Who was present when you resumed on this occasion?
- A. Just myself and Mr. Gravener. 10
- Q. Yes, and what happened?
- A. Shortly after resuming the questioning I cautioned the accused.
- Q. What did you say to him?
- A. I told him that I was not satisfied with his explanations as to how he came by his wounds.
- Q. Yes.
- A. And he then broke down and cried and said "I didn't mean to kill him" or words to that effect. I cannot give you the exact words. 20
- Q. What did you then say?
- A. I then told him that he was not obliged to say anything unless he wished to do so, but anything he did say would be taken down in writing and given in evidence. I then recorded this on the statement form.
- COURT: It was after he said that that you cautioned him, was it?
- A. Yes.
- Q. And was that then signed, that portion of the statement? 30
- A. Yes.
- Q. Signed by the accused, yourself and Inspector Gravener. Is that right?
- A. Yes.

Q. Yes, what happened then?

A. At this stage the accused was in a highly emotional state, he was sobbing, and we did stop for probably 2 or 3 minutes. He then began to make a statement, which I recorded myself in my own handwriting.

In the Supreme  
Court of Hong  
Kong

Prose cution  
Evidence

Q. And that was a fairly lengthy statement?

No.28

A. It was, yes.

Derek Roy Harris

Q. When that was concluded?

Examination  
(continued)

10 A. When it was concluded the whole statement from beginning to end, that is from the start when I began questioning the man, was read over in my presence to him by Mr. Gravener. He then inserted in his own handwriting some words in the early part of the statement which amplified an answer to a question he had given. He then signed the statement and I signed it and Inspector Gravener signed it.

Q. He signed it on each page?

A. He did, yes.

20 Q. All the way through. And at about what time was it that this finished?

A. I cannot give you the exact time. It would be some time getting on for 9 o'clock I would think.

Q. Would you have a look at P28. Is that the statement that you just referred to?

A. Yes, this is the statement.

Q. Do you now produce that statement in evidence?

A. I do.

CLERK: P26.

Q. Would you read the statement out to the Court.

30 Witness reads statement:

"David Christopher Murray, 18 years, Sex: Male.  
Address: Room 422A Sun Ya Hotel.  
Occupation: Student.  
Nationality and dialect: Australian - English.  
Taken by S.S.P. D.R. Harris in English language  
at 1650 hours on 1st December 1970 at Queen  
Elizabeth Hosp.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

States:-

- Q. Is this your passport (shown Australian passport number G 443444)?
- A. Yes.
- Q. Is this your signature inside the passport on Page 3?
- A. Yes.
- Q. Are you known by any other name than MURRAY?
- A. Yes, only the name I write cheques under.
- Q. What is that name? 10
- A. GENE QUANTRILL.
- Q. According to your passport you arrived in Hong Kong on the 27th November 1970.
- A. That is correct a Friday.
- Q. Where from and by what means?
- A. From Perth by QUANTAS flight.
- Q. You understand that I am a Police Officer and Senior Inspectors Li Mut Wah and GRAVENER who are with me are also Police Officers? 20
- A. Yes.
- Q. Dr. Lee Fook Kee (introduced to Dr. Lee) is a Police Pathologist do you understand?
- A. Yes.
- Q. Would you explain to me how you came by the injuries for which you are now detained in this hospital?
- A. I was on the Kowloon Wharf with two men. I was supposed to pick up a package.
- Q. What sort of a package? 30
- A. Contraband.
- Q. What do you mean by contraband?
- A. It was stuff I was supposed to smuggle. I do not know what was in it.

They claimed they did not have it that they had already passed it on. I told them I did not come all this way to have someone swindle me. They repeated that they had already passed it on. I said I am not going to stand for this one man pulled a knife. I tried to kick it out of his hand and take it off him. I missed, I had had a fair bit to drink and they went down the wharf. I went to a ship to get help but nobody spoke English so I caught a cab to the British Military Hospital and then I was brought to this hospital.

10

I then said to him and I recorded this.

"I am making enquiries into the death of a Ronald Alan COOMBE who was found dead this morning in the Hong Kong Hotel Room 1223. (Witness then interrupted and said "Dr. COOMBE what happened." Dr. Coombe was murdered. Witness said "How". I believe you can assist me in my enquiries into this matter and I am going to ask you some questions.

20

Q. Were you in the Hong Kong Hotel last night?

A. I was for a while.

Q. What time?

A. At about 8.30 or 9 p.m.

Q. Where in the hotel?

A. In the lounge as you go in the door.

Q. Did you go to the 12th floor?

A. I had been to the 12th floor before but I don't think I went to the 12th floor last night.

30

Q. When did you go there?

A. I went the other day, Sunday.

Q. What did you do there.

A. I know Mrs. Coombe. I had told her I was going up to Hong Kong for a few days holiday and she said why don't you drop in and surprise my husband as he will be there \* " --

The part inserted by the accused at the later stage was:-

"\* The first time I saw Doctor Coombe was on the

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

Sunday in the Hotel lobby after being escorted by the Manager. The other times were Sun. night about 8 p.m. and Monday about 10 a.m."

"at the same time. So I have got a funny sense of humour so as I had seen the doctor twice I thought I would sneak into his room and give him a surprise when he comes back. It didn't work out as planned. The hotel porter called the Manager and he made me wait in the lobby until the Dr. came along. I saw the doctor and said hello and gave the families regards to him and borrowed \$20 Australian off him. He said it was okay I could pay it back to his wife when I went back to Perth and that was that. I left.

Q. Do you wear a wig?

A. I do occasionally.

Q. Were you wearing it when you visited the hotel?

A. Yes.

Q. Where is it now?

A. I don't know it was in my pocket when I went to the wharf. I have not seen it since.

Q. What happened to it?

A. I had it when I went to the room the blokes I was supposed to meet would not have recognised me in it as they had been told I had blond hair.

Q. When do you mean that you had it when you went to the room?

A. I mean when I went to the room on Sunday.

Q. Were you on the 12th floor of the Hong Kong Hotel between 10 and 11 p.m. last night?

A. I don't think so.

Q. Did you make a statement to a police officer this morning?

A. Yes.

Q. What was that about?

A. How the accident occurred.

10

20

30

Q. Do you remember what you said?

A. I said I had been drinking in a bar and got into an argument as I did not want to be associated with the smuggling.

Informed that Dr. Lee would take certain samples from witness and that he would examine witness at 1730 hrs 1/12/70. (Inspectors Li and GRAVENER and I then left the room).

10 At 1745 hrs 1/12/70 after considering the matter witness agreed to the examination and we returned. In our presence he gave his consent and signed the consent form in my presence and I signed as a witness. We then left the room and Dr. Lee remained to carry out his examination.

Statement resumed at 1810 hrs, 1/12/70.

Q. How many times did you go to the Hong Kong Hotel?

A. Many times.

Q. How many times did you go to Dr. COOMBE's room.

20 A. About 3 or 4.

Q. Can you be more specific.

A. No several times I went there and he was out.

Q. How many times did you see him at the hotel?

A. 3 times.

Q. Would you give me details of these meetings?

A. I only spoke to him once on Sunday afternoon. At the other times he was going out.

Q. When you were in the hotel you were seen wearing a pair of white gloves?

30 A. I have not got any gloves.

Q. (Shown wig found on scaffolding of Hong Kong Hotel). Have you seen this before?

A. It is my wig. Where was it found.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

Q. Dr. Coombe told a friend that he found a knife and a club under his pillow when he returned to his room on Sunday the 29th November 1970 this was the day you were in his room do you know anything about them?

A. I know nothing about them.

Q. This club" -

and I then produced a club and showed it to him -

"was found in the window ledge outside the 12th floor of the Hong Kong Hotel, is it yours?"

10

A. No I have not seen it before.

Q. You went to the British Military Hospital this morning what did you tell the staff about your injuries?

A. I told them I got into a fight.

Q. What happened?

A. I met Bill in the Hong Kong Hotel lobby at 9 o'clock and he told me to be at the Kowloon Dock at 11.30 p.m. to pick up a shipment.

Q. Did you meet him at 11.30 p.m.

20

A. A little later than that.

Q. What happened?

A. He had another chap with him an Italian. He said the shipment had already been delivered. I said that I hadn't come all this way to be robbed. An argument started and Bill pulled a knife on me and threatened me by waving it around in front of me so I tried to kick it out of his hand and missed, it stuck in my leg. I tried to grab the knife and it cut my hand, so I turned and ran away.

30

Q. What time was that?

A. Half past two.

Q. But you met them at 11.30 p.m.?

A. Yes I was with them a couple of hours and we drank a bottle of whisky.

- Q. Where did you drink the whisky?  
 A. Sitting on a pallet on the side of the wharf.  
 Q. What is a pallet?  
 A. It is used to unload ships.  
 Q. Who is Bill?  
 A. I was shown a photograph of him.  
 Q. How did you contact him.  
 A. I was told to wait in the lobby of the Hong Kong Hotel and I would recognise him.  
 10 Q. Was Monday the first time you saw him?  
 A. Yes.  
 Q. Who told you to meet this Bill?  
 A. I don't know him by name he just telephones me.  
 Q. Where did you meet him in the first place?  
 A. I have never met him in my life.  
 Q. How did you first contact him.  
 A. I did not, he contacted me.  
 Q. How did he know where to contact you?  
 A. Probably through some friends.  
 20 Q. What was the shipment you were picking up?  
 A. I don't know it was either diamonds or heroin.  
 Q. What were you going to do with it?  
 A. Leave it in the glove box of the car.  
 Q. What car?  
 A. My car.  
 Q. Where is this car?  
 A. It is in Perth."

In the Supreme  
 Court of Hong  
 Kong

Prosecution  
 Evidence

No.28

Derek Roy Harris

Examination  
 (continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

I then showed him a letter found in room 422A of the Sun Ya Hotel.

"Q. Is that your writing?

A. Yes.

Q. What does it mean.

A. It is a letter to a girl I know Annette which is her nickname. Her name is WENDY CAPPORN who works in the Palace Hotel, Perth. Paragraph 2 means I dressed in black and went to the Hong Kong Hotel at 9 p.m. on the 27th November. 2 phone calls American Accent Discovered means that I had two calls whilst I was out. I found this out on my return."

10

Q. Will you have a look at P10? Is that the letter that you were putting to the accused?

A. Yes, this is the letter.

(Witness continues reading statement)

"Q. Why were you informing her of this?

A. She is just a friend who knows what I do.

Q. What do you do?

20

A. I am a student and deliver a few articles on the side.

Q. How did you get into the wharf last night?

A. I walked in through a gate.

Q. What gate was it.

A. I don't know I took a cab.

Q. How did you know where to meet Bill?

A. He said he would meet me on the wharf?

Q. Whereabouts on the wharf?

A. Near a pile of pallets.

30

Stopped at 1900 hrs 1/12/70, witness given opportunity to est.

Resumed at 2000 hrs 1/12/70.

Q. I am not satisfied with the explanation that you have given me regarding the way in which you obtained your injuries do you wish to give me any further explanation?

A. I made up the story, I did not mean to kill him.

(Sd) Brian F. Gravener. (Sd) D.R. Harris (Sd) David Murray.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

10 You are not obliged to say anything unless you wish to do so but anything that you do say will be taken down in writing and may be given in evidence.

(Sd) Brian F. Gravener. (Sd) D.R. Harris (Sd) David Murray.

20 I went up to see Mr. COOMBE in fact I call him Doctor, he has a degree of some sort, at about 10 p.m. last night, when I went to his room there was no reply. I went back down to the sixth floor to the restaurant out onto the car park roof and into the pier bar which is near the dock gate. I looked at the shops in the sea terminal before I went to the bar. I had originally gone up to borrow more money from Dr. COOMBE and as I did not like doing it I thought if I had a drink I would have more courage to ask him. I stayed in the bar for about 30-45 minutes and had several beers. I then went back up to the 11th floor by the same route and then walked from the lift on the 11th floor up the stairs to the 12th floor. I then

30 went to Dr. COOMBE's room. I saw he was in his pyjamas and I told him I was almost broke and that my ticket would only take me as far as Darwin. I asked him to loan me about \$50 Australian currency. I had only met him twice before and he had always been friendly to me. I had lodged with his wife in Perth. They are separated but I had met him when he visited her. He asked me to sit down, we talked for a long time about what I planned to do with my life. He said that he would fix things up okay but I would have to do something for him. I thought he wanted me to smuggle something into Australia for him. As being a young tourist I would probably get away with it easier than he would. I said okay what do you want me to sneak out. I thought as we were close to China it might be drugs or jewellery. He said no it is nothing like that. I asked him what he wanted me to do.

40 He then put his arm around me and tried to kiss me.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

I tried to push him away and he kept coming after me. I saw a knife on the table. I grabbed it and struck at him. He kept saying "Love me don't hurt me". He screamed and I panicked and kept hitting him until he was still. The Chinese Detective asked me last night what had happened but I was too ashamed to tell him. He kept talking to one of the doctors in Chinese. I did not mean to kill him. Why does it always have to happen to me, other people have approached me before but I am not queer. 10  
After he was still, the telephone rang and I wanted to get away so I climbed out of the window and walked along the ledge. I could not find any windows open so I climbed up and up, I saw the scaffolding on the other side of the roof. I just wanted to run away and hide I was so ashamed. I went over the roof and climbed into a window near the top and went up the stairs to the roof. I crossed the roof and climbed down the scaffolding to the roof of the car park. I then realised I had cut my leg. I couldn't find anywhere to hide. 20  
I tried to get down to the ground but could not find a way to do so without going past the Policeman on duty. There was blood all over me. I ran to a stairway going down to the lower part of the car park. I then climbed down onto the wharf as I still could not find anywhere to hide. Blood was pouring out of my shoe. I took off my shirt and tore it up. I tied part of it round my leg and part round my hand. I then threw the knife and what was left of my shirt into the water. I thought I was bleeding to death so I walked up onto a ship and told them I had been in a fight. At first I could not make anyone understand as they did not speak English. I gestured to my foot and finally one of them understood me but said they did not have a doctor. I went to the next ship but they wouldn't help me either. I told them not to tell the Police as I did not want to get in trouble. I had to get to a doctor so I went over to the taxis near the railway line. I asked to be taken to a Chinese doctor. He took me to this hospital but I told him I did not want to come here. He then took me to a gate where two Policemen were on duty. There was a building which had a red cross on it. They would not help me either. The Police then told me to go to hospital. They said they could not help me because I was not a sailor. The taxi then took me to the British Military Hospital, I think that is what it is called they put a bandage on my hand and foot and sent me by ambulance to this hospital. Why can't they leave me alone. I want to go home." 30 40 50

And that was signed at 2050 hrs on the 1st of the 12th, 1970.

Q. You referred to a club in the course of the questioning. Would you have a look at this?

A. This appears to be the club.

MR. DUCKETT: Could that be marked for identification at this stage?

CLERK: Marked B for identification.

Q. Now the following day, the 2nd December, at 1155 hours did you see Edwards again?

A. I did, yes.

10 Q. And you introduced someone to him?

A. Yes, I introduced Mr. Cleaver from the Australian Trade Commission to him and allowed him to interview the accused privately.

Q. At 1900 hours the same day did you see the accused again?

A. I did, yes.

Q. And was Senior Inspector Gravener also present?

A. He was.

Q. And what took place on that occasion?

20 A. I asked him for further details regarding the place which he had described with the red cross on it and also a description of the taxi.

COURT: Under caution?

A. No, I did not caution him.

Q. On the 9th December --

COURT: Did you get an answer?

A. He did give my further details of the two.

COURT: He did give you further details, yes.

30 Q. At 1430 hours on the 9th December did you see the accused again?

A. I did, yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Examination  
(continued)

Q. Was Senior Inspector Gravener also present?

A. He was.

Q. And what occurred on this occasion?

A. I mentioned to him, I did not caution him, I said to him that certain enquiries which had been made in Australia suggested to me that there might be more behind the killing of Dr. Coombe than he had previously told me. He denied this and said that he had told the truth.

Q. And on the 14th December were you on duty at the Tsimshatsui Police Station? 10

A. I was, yes.

Q. In the evening.

A. Yes.

Q. And did Inspector Common hand you some papers?

A. He did, yes.

Q. And you then handed these papers on to Senior Inspector Gravener. Is that correct?

A. I did, yes.

Q. Have a look at P32. Is that the document you have just referred to? 20

A. Yes.

MR. DUCKETT: Can it be marked for identification?

CLERK: C for identification.

Cross-Examination

XXN. BY MR. BERNACCHI:

Q. Superintendent Harris, your evidence in the lower court was the admission of a statement under a certain section.

A. That is correct, yes.

Q. And speaking about the 9th December you say "At 1430 hours on the 9th December I again saw Edwards, Gravener was present. I put to Edwards certain points concerning police enquiries in Australia, Edwards did not say anything. I did not invite him to make a reply." 30

Now you say that Edwards said, that he denied this and said he had been telling the truth.

A. That is correct, yes.

Q. I mean, why in your statement that you have signed did you say --

A. It is correct that I did not invite a reply and I would mean that he did not make any statement when I say he did not.

10 Q. "Edwards did not say anything." Now you say the suggestion is not true "and I have told you the truth".

A. That is correct, what I have just said.

Q. So in the statement it is incorrect.

A. It is an error, yes.

Q. Presumably you admit that you did say that in the statement.

A. It is an error. What I really meant to say in fact was he did not make a statement which I recorded.

20 Q. Now I will come back to the first day that you visited him in hospital. When you came to the hospital presumably you already suspected him of killing Coombe.

A. Yes.

Q. And was it your intention before you left him to put him into arrest?

A. No. At that stage I merely wanted to find out something about his injuries, whether he was in any way linked with the offence.

30 Q. You say on oath that when you came to the hospital on that day you did not intend, whatever he said, to arrest him before you left?

A. No, that is not strictly true. Had he said something which would implicate him in this murder, then I intended to arrest him.

Q. I see. Well now, at what stage did you in your own mind intend to arrest him?

A. When I cautioned him.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Cross-Examination  
(continued.)

- Q. And not before?
- A. No. Up to that point he was still giving an explanation of the way in which he received his injuries.
- Q. An explanation which you did not believe from the outset.
- A. How do you mean "from the outset"?
- Q. You suspected him of being involved in this killing.
- A. Certainly I suspected him, yes, but having heard his explanation I did not believe it.
- Q. You already knew what his explanation was, presumably, from the statement taken by the previous Inspector. 10
- A. No, this was a different explanation to the one given to the Inspector.
- Q. But you already knew that he had given an explanation.
- A. I knew that, yes.
- Q. And you didn't believe that either.
- A. It wasn't a question of believing it, it was a question of my seeing what he had to say personally. The statement taken from him that morning was taken under different circumstances. 20
- Q. Would you agree with me this statement looks almost like a cross-examination of him - question, answer, question, answer?
- A. Oh yes, it was. It was conducted in that way.
- Q. Now Dr. Lee, the Police Pathologist, says that he was asked to wait outside the room for a quarter of an hour and then he came into the room.
- A. At which stage is this? I think this means when he was asked if he would agree to an examination.
- Q. No. His statement was that he came with you and the other policemen, then he was asked to wait outside whereas you went inside, and then afterwards he was asked to come inside too. 30
- A. No, he came in first of all when I introduced him, and then he was in and out several times. I think he was at that time consulting hospital records. He wasn't there the whole time, he was in and out.

Q. But you say it is untrue that he was asked to wait for about a quarter of an hour before he was invited into the room for the first time?

In the Supreme  
Court of Hong  
Kong

A. No, he was asked to wait a quarter of an hour, he did wait a quarter of an hour while the accused decided whether he was going to agree to a medical examination.

Prosecution  
Evidence

No.28

Q. I see. You see there are I think 8, no, 7 questions before you introduce Dr. Lee to the accused.

Derek Roy Harris  
Cross-Examination  
(continued)

A. That is correct, yes.

10 Q. And from his own evidence, Dr. Lee's own evidence, I took it to mean that that took up a quarter of an hour and then he was invited to come in and introduced to the accused.

A. No, it did not take a quarter of an hour. This would only take a few minutes. These are only preliminary questions to establish who the accused actually was. As far as I remember, I think Dr. Lee was present the whole time. I am not sure because I was paying attention to taking the whole statement and he was behind me.

20

Q. Did he ask to see a solicitor?

A. Not at that stage, no.

Q. At any stage that day.

A. No.

Q. You see, he says that he asked three times, he asked you three times whether he could see a solicitor and --

A. He asked on the 2nd about a solicitor and we told him, as far as I could remember, that we had already arranged for the High Commission representative to come to see him.

30

Q. That was on the second occasion?

A. That was the second occasion I saw him when I went with Mr. Cleaver from the High Commission. When I say he asked, he did not directly ask. I was informed that he had mentioned a solicitor and he also mentioned it to me when I introduced Mr. Cleaver to him, as far as I remember. But he certainly did not ask for a solicitor on the previous night.



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Cross-Examination  
(continued)

Q. Now you say that he expanded his explanation, his statement in his own handwriting at a certain stage. You were reading from the answer: "I know Mrs. Coombe. I had told her that I was going up to Hong Kong". etc.

A. Yes.

Q. And then you say he expanded that.

A. Not at that stage.

Q. When did he expand that?

A. At the end of the statement.

Q. The end of the questioning you mean, after --

10

A. When the statement was read over to him at the end, I think the statement was read over to him twice, if I remember rightly. The first occasion was when we adjourned for a meal, I think it was read over to him then, and then when the statement was completed it was read over again and at that stage he made the alteration.

Q. It was the second time?

A. Yes.

Q. I see, yes. Well now, why did you question, answer, question, answer, question, answer before you invited Dr. Lee to do a medical examination?

20

A. Well I started off - it was a question of deciding whether to complete the statement completely and then have Dr. Lee examine the accused, which would have probably meant him waiting for some considerable time, and it was at that stage I decided we should interrupt the statement and let Dr. Lee examine him.

Q. From your own statement you started the statement, the question, answer at 10 minutes to 5.

30

A. Yes.

Q. And at 5.30 Dr. Lee did the examination.

A. Yes.

Q. Well why didn't you have Dr. Lee do the examination before you questioned him at all?

A. I did not know at that stage whether I would need Dr. Lee to examine him.

Q. But you have already said and Dr. Lee has already said too that you suspected him of being involved in this.

A. Yes, I did suspect him, but if he could have given me a completely satisfactory answer I would not have proceeded further.

COURT: Would it be right to say, Mr. Harris, that when you first went to the hospital you regarded this man as a possible suspect?

A. Oh yes, most certainly, yes.

10 Q. Despite the fact that you had already, presumably, seen the statement that he had made earlier on that day?

A. Yes.

Q. Right. Then you say that after you had informed the accused that Dr. Lee "would take certain samples, Inspectors Li, Gravener and I then left the room".

A. That is correct, yes.

Q. What happened to Dr. Lee?

20 A. He spoke to the accused for a while. He had a technician with him. He spoke to the accused and then he came out again and said "He wants time to think whether to agree to the examination", and it was at this stage, I think, that we waited for about 15 minutes to give him that opportunity.

30 Q. You see, that is not the time that Dr. Lee was mentioning because you were all outside the room, whereas Dr. Lee was saying that the police party went into the room, "I stayed outside and then I was invited in about 15 minutes afterwards". So that occasion would not have been the occasion Dr. Lee was mentioning.

A. If he mentions at the beginning, I disagree. That is not the time he stayed outside. He arrived at the hospital at the same time or about the same time as I and the other police officers.

Q. I mean, his evidence is he arrived with the police officers.

40 A. Well I am saying at about the same time. I am not sure whether he came with us in the car, whether he came by his own car or what, but he was certainly there at about the same time as we arrived.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris  
Cross-Examination  
(continued)

- Q. You asked him to come?
- A. Oh yes, I asked him to come.
- Q. And you had every intention of him taking, as you say, some samples from the accused?
- A. No, I had the intention of him being available to do so if it was necessary. Had I, again, as I said, had I received a completely satisfactory explanation from the accused about his injuries, I would not have proceeded further.
- Q. And yet you have the Senior Police Pathologist waiting outside or inside, according to you, the room just because perhaps it would be convenient. 10
- A. It wouldn't be perhaps. I would say it was highly likely he would have to take samples.
- Q. So on the balance of probabilities you knew when you came to the hospital that you would ask Dr. Lee to examine the accused.
- A. No, no. As I have said, I brought him there on the possibility, or even you might say the probability, that he may have to examine the accused. 20
- Q. Now his examination took place at a quarter to six and then the statement, you say, resumed at 10 minutes past six.
- A. Mmm-mm.
- Q. So his examination was not a very long one.
- A. No.
- Q. And did he tell you the result of his examination?
- A. He did tell me certain things, yes, when he left the room, when he concluded the examination.
- Q. Including the result of the examination of the accused's anus? 30
- A. He did, yes.
- Q. And the other things - did he tell you at that time?
- A. Well, he said that he had taken certain samples of the pubic hairs and hairs in the head. I had specifically mentioned that I wanted a sample of the hairs from the head.

He also told me that he carried out an examination of the anus and that, subject to confirmation on the next day, he was satisfied that there was no evidence of a sexual assault.

Q. He told you that?

A. Yes.

Q. And referring to previously, did you ask him, among other things, to examine for evidence of any sexual assault?

10 A. Yes.

Q. So that at 8 o'clock that night when you eventually resumed interrogating or, anyhow, examining the accused, you already knew that there was little likelihood of his having been sexually assaulted?

A. Yes, yes, yes.

Q. Now, according to your times, you stopped at 7 o'clock.

A. Yes.

20 Q. And you say, "Witness given opportunity to eat" and you started again at 8 o'clock.

A. Yes.

Q. Now, at 7 o'clock he is sticking to his story that he wasn't in any way involved in the killing, that he doesn't know anything about the killing; then at 8 o'clock when he resumes, immediately he says, "I made up the story. I did not mean to kill him."

A. That was in answer to the point that I made to him that I was not satisfied with his explanations.

30 Q. In fact, did you not question him without writing anything down in between 7 o'clock and 8 o'clock?

A. No, I went away and had a meal myself and left him.

Q. Did anybody else of your party, police party stay with him?

A. Only the custodial staff of the ward and, I think, two detectives stayed outside the door.

Q. For a whole hour you didn't go in to see him?

A. That is correct.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris  
Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris  
Cross-Examination  
(continued)

Q. And this is because your first question after his meal, "I am not satisfied with the explanation that you had given me", invoked him into making a confession because that is what it amounts to, a confession: "I made up the story. I didn't mean to kill him."?

A. That is correct, yes.

Q. You see, I put it to you that in between you had, in effect, pointed out to him the ridiculousness of his story and suggested to him that what would be a good defence would be a homosexual assault. 10

A. That is not true.

Q. And I put it to you that the suggestion of a homosexual assault came from you.

A. That is not so.

Q. And was taken up by him almost in desperation.

A. That is not so. At that stage the man was in a very - highly emotional state. He was excited; he was crying and very upset.

Q. And I suggest that he was just in the sort of state to listen to you and say, "Oh, well, if you suggest it I will say it." 20

A. No, that is not so.

Q. But, of course, you knew already that there was no evidence of a homosexual assault.

A. I knew that there was no evidence of an assault.

Q. Now, I change the subject to a question that you asked him: "Dr. Coombe told a friend that he found a knife and a club under his pillow when he returned to his room on Sunday the 29th of November. This was the day that you were in his room." Do you know anything about this? 30

COURT: Where is that? Page --?

MR. BERNACCHI: At page 62.

Q. Now, I don't care whether this was true or false. To your information did Dr. Coombe tell a friend this?

A. Yes, we recorded a statement from a person whom he spoke to.

Q. So that some time before his death Dr. Coombe had told another person that he had found a knife - forget about the club for the moment - under his pillow?

A. Yes.

COURT: You recorded a statement from whom?

A. There were three men - I can't remember which one of them, sir - there were three men who were here with Dr. Coombe and he mentioned this to one of them.

10

COURT: And I take it that counsel wants to see that statement if it is available for Mr. Bernacchi to see.

A. Yes, it is available, yes.

Q. And if the tables had been reversed and Edwards had been killed, then, of course, this friend could have given evidence that after Edwards had been to the room Dr. Coombe had already told him that he had found a knife?

20

A. Yes.

Q. But, of course, one thing arises from that, and this is that the knife was in Dr. Coombes possession as from Sunday the 29th of November.

A. I assume so. I don't know what happened to it. We didn't find the knife.

Q. Now, I will refer to the club now. The club has never been an exhibit. As you know the case was heard before the magistrate and he decided there was a prima facie case to go to the Supreme Court for trial and it was not exhibited?

30

A. I see.

Q. Don't you know that?

A. I am not sure. I didn't handle the exhibit.

Q. So, presumably, the police afterwards thought that the club was not relevant?

A. This could well be so, yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris  
Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

Derek Roy Harris

Cross-Examination  
(continued)

Q. Now, you said that Edwards was in a highly emotional state. Did you know that he had been in the operating theatre all that afternoon?

A. Yes, I knew he had been there during the day - I think it was in the morning, and he came back to the ward I think in the early afternoon; I am not sure what time.

Q. He had been in the operating theatre most of the day, I think?

A. Well, for some hours, yes.

10

Q. And then you came along and in effect cross-examined him?

A. That is correct, yes.

Q. There is also another alteration to this statement if you can call it a statement. That after --

A. Which page is this?

Q. Well, it's page 11, I think, after you eventually gave a caution.

A. Yes.

Q. And that is not at 1700 hours - I am sorry - not at 1900 hours, i.e. 7 o'clock; at the resumed hearing.

20

A. Yes.

Q. At 8 o'clock.

A. Yes.

Q. After that he launches out into several pages of explanation without you being recorded as saying anything at all and then you all sign when he eventually stops at page 16.  
He starts at page 11 --

A. Yes.

30

Q. -- and stops at page 16, and there is not an indication of any sort that you even interrupted.

A. No, he stopped on several occasions himself. He was a sort of overcome with emotion and stopped and then waited for a while and then started again. This happened on several occasions throughout the statement.

In the Supreme  
Court of Hong  
Kong

---

Prosecution  
Evidence

---

No.28

Derek Roy Harris

Cross-Examination  
(continued)

Q. You didn't say anything at all?

A. No.

Q. You just waited for him to recover and didn't say, "Well, now, yes go on. What happened next?" or anything like that?

A. I might have said, "Go on" after he recovered his composure a little during his intervals in the statement, but the whole thing was pouring out so quickly I had great difficulty even writing it down.

10 Q. You see, I suggest to you, for instance, that it was really your suggestion, mentioning the knife in that way, "I saw a knife on the table. I grabbed at it and struck at him. He kept on saying, 'Love me. Don't hurt me.'"

A. Yes?

Q. That was - the whole of this statement was, really, you were saying, "Homosexual attack is your only defence. Please do it this way" and --

A. This is not true.

20 Q. -- in effect you taught him --

A. No.

Q. -- what to say.

A. This is not true.

Q. And a man, after spending several hours in the operating theatre, you say, could come out with five pages of statement without really being questioned in between at all?

A. That is correct.

30 Q. I put it to you that is not correct and that you steered him on throughout this statement.

A. That is not true.

Q. At one stage during this cross-examination did you accuse the accused of pre-meditated murder?

A. No, I think I did mention the word 'murder' at one point there.



In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No. 28

Derek Roy Harris  
Cross-Examination  
(continued)

- Q. Yes, you did.
- A. I think when I said - when he asked about Dr. Coombe being killed. I think that is the only occasion when I mentioned 'murder'.
- Q. Did you say words to the effect, "and you killed him" and indicated that it was pre-meditated?
- A. No, I didn't. The only time I mentioned the word 'murder' was at page 3 when I said "Dr. Coombe was murdered" and the witness said "How"?
- Q. In fact, I suggest to you that at one stage you even mentioned - suggested the motive of insurance. 10
- A. I didn't know anything about insurance at that stage. It was not until some days later that I knew anything about insurance.
- Q. You mentioned to him that perhaps Dr. Coombe was insured or something like that?
- A. No, that is not true. I had no reason to. I knew nothing about Dr. Coombe's insurance.
- Q. Didn't you mention the possible motives?
- A. No. I was searching for a motive at that time, but I didn't mention anything about motives and as for insurance -- 20
- Q. You didn't mention anything about motives to him at all?
- A. No.
- Q. Did you ask him what was his motive or anything like that?
- A. No.
- Q. And you maintained that Edwards did not ask to see a solicitor in the whole of the lengthy cross-examination and lengthy statement that you have put in evidence today? 30
- A. That is correct.
- Q. Although afterwards he asked to see a solicitor, he asked to see the Australian Trade Commissioner, the lot?
- A. He did not ask to see the Australian Trade Commissioner.

We arranged for the Australian Trade Commissioner to come.

In the Supreme  
Court of Hong  
Kong

Q. Did he ask to see a solicitor?

Prosecution  
Evidence

A. He asked the next day about legal aid, and this was --

Q. And didn't he ask to see a solicitor?

No.28

A. No, he did not.

Derek Roy Harris  
Cross-Examination  
(continued)

Q. Ever?

A. No, he asked about legal aid the next day.

10

Q. But you yourself about quarter of an hour ago said that he asked to see a solicitor the next day.

A. He asked about legal aid and this was raised to the magistrate when he was remanded.

Q. So your evidence is that he never ever asked to see a solicitor: he only asked about legal aid?

A. At the trial, yes.

Q. At the trial.

A. Well, he asked, would he be legally represented.

Q. Thank you.

COURT: Yes.

30

REXN. BY MR. DUCKETT:

Re-Examination

Q. Mr. Harris, the witness that you said a statement was taken from him concerning the knife - Dr. Coombe mentioning a knife and a club --

A. Yes.

Q. -- in his room - can you tell us where that witness is?

A. I am not sure but he is certainly out of the Colony. All three men are out of the Colony.

Q. They were in the Colony for a few days.

A. Yes.

Q. It was put to you that you suggested there was a motive to this killing of collecting insurance money.

A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.28

Derek Roy Harris

Re-Examination  
(continued)

Q. Now, how did you first learn anything about insurance on the deceased's life?

A. Several days later in a letter from the police in Perth in Western Australia.

Q. At the time which you took the statement from the accused did you know anything of an association or possible association between the accused and the deceased's wife?

A. No.

Q. When did you first find out about that?

10

A. Again from the Western Australian Police a few days later.

MR. BERNACCHI: My Lord, in view of the re-examination I would ask you to put a question through the court.

COURT: Put it yourself by all means, Mr. Bernacchi.

FURTHER XXN. BY MR. BERNACCHI:

Further  
Examination

Q. You say that you saw the accused again and said that you had had yourself information from the Perth or Australian authorities.

A. Yes.

20

Q. In that interview did you suggest the motive of insurance?

A. Yes.

Q. I see. So you did suggest the motive but it wasn't in the first interview: it was in the second?

A. Oh, no, this was one of several things which I mentioned to him that had come from Australia, one of several points which we had been informed about from Australia.

Q. And you mentioned it to him - but you mentioned it to him in the second?

30

A. No, this would be the third interview. It would be, I think, on the 9th.

Q. On the 9th.

A. Yes.

Q. Thank you.

COURT: Thank you, Inspector.

Entirely without prejudice, of course, to Mr. Bernacchi's cross-examination and entirely without prejudice to this case, I would only say this: that looking at this statement, recorded statement as it stands, it seems to me - and I say it entirely without prejudice to the cross-examination of Mr. Bernacchi - it provides a model of how a suspect should be examined up to the time of the cautioning and so forth; and I would say it reinforces what I had said elsewhere so frequently that in serious cases it would be so very much better if statements were recorded from a possible suspect by senior police officers showing questions and answers and the time at which the statement was taken, the time at which there was a break in the statement, and so forth, instead of being left to detective corporals and detective police constables to record vital evidence. It is so very much more satisfactory and of such great help to this court if statements in serious cases were taken by senior police officers instead of, as I say, being left to detective corporals and detective police constables. This, on the face of it - and I am only referring to the statement as it stands - provides a model of how suspects should be questioned and, of course, the questions and answers recorded and the appropriate time at which a caution should be administered.

I would make sure that you don't object to my making that remark.

MR. BERNACCHI: No.

MR. DUCKETT: As your Lordship pleases. I will see that those remarks are passed on.

I call Senior Inspector Gravener. It is page 35, my Lord.

COURT: I have repeatedly asked that in serious cases it should not be left to detective police constables and detective corporals to take statements. I make it quite clear, Mr. Bernacchi, that I made that as a general observation without prejudice, of course, to your cross-examination.

MR. BERNACCHI: Yes, yes.

COURT: I am simply looking at the form of the statement as it stands. It does provide a model as to how they should be taken.

MR. BERNACCHI: Yes, yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 28

Derek Roy Harris

Further  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

No. 29

BRIAN FREDERICK GRAVENER

Prosecution  
Evidence

BRIAN FREDERICK GRAVENER Sworn in English:

No.29

Brian Frederick  
Gravener

Examination

XN. BY MR. DUCKETT:

Q. Your full name is Brian Frederick Gravener? (to Court) Page 35.

A. Yes, sir.

Q. You are a Senior Inspector of Police?

A. Yes, sir.

Q. Where are you stationed?

10

A. At the C.I.D. Headquarters, Kowloon.

Q. And did you take part in the investigation into this crime?

A. Yes, sir.

Q. And on the morning of the 1st of December did you go to room 1223 at the Hong Kong Hotel?

A. Yes.

Q. Whilst you were there, was something in particular found?

A. Yes, sir. There was amongst other items found - there was a club found.

20

COURT: What time was this?

A. I saw it at approximately 12 o'clock, mid-day, sir.

COURT: Yes.

Q. Where was the club found?

A. Where the lifts are situated on the 12th floor there is a window and the club was on the latch outside this window.

Q. Would you have a look at P4, the plan.

A. Yes, the plan of the 7th to the 18th floor. (to court) The lifts are indicated here and the windows which I referred is there.

30

(witness marks on P4)

MR. DUCKETT: Show it to members of the jury, please, and my learned friend would also --

(witness shows P4 to jury and defence counsel)

COURT: Would that window be similar to that beside the lift shown in that photograph?

A. It would be similar, sir. Actually I think the first photograph shows the actual window. This photograph PLA shows the actual window.

Q. Would you now produce that club?

10 A. Yes, this is the club I saw.

CLERK: P27.

COURT: May I see it.

Q. This club wasn't produced in earlier proceedings?

A. No, sir, it was not.

Q. Why was that?

A. At that stage it wasn't considered relevant.

Q. In the afternoon on the same day did you go to room 6 of the custodial ward of the Queen Elizabeth Hospital?

20 A. Yes, sir, I did.

Q. And you went to interview the accused, is that correct?

A. Yes, sir, I did.

Q. When you went into the accused's room who was with him?

A. Senior Superintendent Harris, Senior Inspector Li Mut Wah and Dr. Lee Fook-kay. On entering the room I saw the accused lying on a bed. Mr. Harris introduced himself and also introduced the other  
30 people present.

Q. What took place then?

A. Mr. Harris then started to record a statement from the accused. He recorded the statement on the police form 154 in his own handwriting. The statement commenced at 10 minutes to 5. The statement was taken in question and answer form.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

At about half-past 5 Mr. Harris told the accused that he wished him to be medically examined. He informed the accused that such examination would be purely voluntary. At this stage Mr. Harris, myself and Li Mut Wah left the room. Approximately 15 minutes later Dr. Lee Fook-kay called us back into the room and I saw the accused sign a consent form. Mr. Harris also signed this consent form. We then, the three of us, i.e. Mr. Harris, Mr. Li Mut Wah and myself, then left the room once more.

10

Q. Yes.

A. We returned to the room at about 10 minutes past 6 and the statement was resumed. Dr. Lee Fook-kay had left at this stage. Mr. Harris and myself and Li Mut Wah were the persons present. Mr. Harris stopped the statement at about 7 p.m. to allow the accused to take a meal. The statement was again resumed at 8 p.m. At this stage Mr. Harris and myself were the only persons present. Shortly after the resumption - resuming of the statement Mr. Harris had occasion to caution the accused. First he cautioned him verbally and then he wrote the caution on the statement form. The accused then made a statement which Mr. Harris recorded in his own handwriting. When the statement was completed Mr. Harris instructed me to read it back to the accused. I did so and the accused made certain alterations in his own handwriting. After I had completed reading the statement I invited the accused to sign each page of the statement. He did so. I also signed and Mr. Harris signed.

20

30

Q. P.26 - is that the statement?

A. This is the statement to which I referred. I identify my signature on each of the pages.

Q. The following day at 10.06 hours did you return to the custodial ward and see the accused again?

A. Yes, that is correct. The following day, i.e. the 2nd of December, I returned to room 6 and again saw the accused. I was accompanied by Supt. Matthew Taylor. I introduced Supt. Taylor to the accused and I informed the accused that I was going to formally charge him with murder. He started to say something at this stage, but it was stopped by the Superintendent. I then wrote the charge to the accused. This charge was on the police form 60 and he indicated that he understood. I then read the formal caution and again the accused understood - indicated that he understood.

40

Q. Would you look at P.29?  
 A. Yes, this is the form I used to charge the accused.

In the Supreme  
 Court of Hong  
 Kong

Q. What was the caution that you read out?

Prosecution  
 Evidence

A. I said to him, "Do you wish to say anything in answer to the charge? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence."

No.29

Brian Frederick  
 Gravener

Q. Yes?

Examination  
 (continued)

10 A. The accused elected to make a statement and asked me to write it on his behalf. I therefore wrote his statement in my own handwriting and, when completed, I read it back to the accused. He agreed that it was correct. I invited him to sign. He did so. I signed and Supt. Taylor signed.

Q. Yes, is that the statement?

A. This is the statement I recorded from the accused at that stage.

Q. Do you now produce it?

20 COURT: Did you say he wrote this himself?

A. I wrote this on his behalf, sir.

COURT: Oh, yes.

Q. And do you now produce that statement?

A. I now produce this statement.

CLERK: P.28.

Q. Would you read out what the accused said?

A. Yes. He said, "I didn't mean to kill him. I didn't want him to touch me. What is going to happen to me, that's all." Signed David Murray, my own signature and Mr. Taylor's signature.

30

COURT: Let the jury see it.

Q. Did Mr. Taylor then say anything?

A. Yes, Mr. Taylor then asked the accused if he had any complaints. He said that he had no complaints.



In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No.29

Brian Frederick  
Gravener

Examination  
(continued)

Q. Now, shortly after this, did you begin to take a further statement from the accused?

A. Yes, I commenced to record an antecedent statement from the accused.

Q. What do you mean by an antecedent statement?

A. A general statement concerning his background, schooling, relatives, etc.

Q. It is a statement which is not normally produced in evidence, is that correct?

A. That is correct. 10

Q. What happened in the course of your taking this statement?

A. Shortly after I commenced the statement the accused said something to me.

Q. What did he say?

COURT: Just a moment. Do you have any objection?

MR. BERNACCHI: No, my Lord. I don't - apparently from the statement he said his name was Graham Edwards.

COURT: I see.

A. The accused told me that his name was not David Christopher Murray but was in fact Graham Edwards. He said that he had lost -- 20

COURT: This was a statement, I take it, not taken under caution.

A. No caution.

COURT: Do you make it quite clear you have no objection to this?

MR. BERNACCHI: Well, I have no objection to it so far. In the statement from this witness, a fullstop comes off the word "Graham Edwards". I have no knowledge -- 30

COURT: Because, as I see it, if there was any objection I would unhesitatingly rule it inadmissible.

MR. BERNACCHI: I think the best thing is to -- (inaudible)

Q. He told you his name was --

A. That is correct.

COURT: Not Christopher Murray but was Graham Edwards.

A. That is correct.

Q. And shortly after this a magistrate came to the hospital to interview the accused, is that correct?

A. That is correct, yes, Mr. Garcia the Principal Magistrate in Kowloon.

Q. And the necessary change of name?

A. Yes, I spoke to the magistrate and he changed the name on the charge sheet.

10 Q. Now, whilst you were there did someone else visit the accused?

A. Yes, Mr. Harris came to the room and he had with him a Mr. Cleaver from the Australian Trade Commission. Mr. Cleaver was introduced to the accused and left alone with him for about ten minutes, I think.

Q. At 7 p.m. that same day did you see the accused again?

20 A. That is correct, sir. Together with Mr. Harris I again returned to room 6 and saw the accused, and Mr. Harris spoke to him concerning a clinic, a taxi and a knife.

Q. Now, the next day at 11.10 hours did you see the accused again?

COURT: That is the 3rd.

A. On the 3rd, yes, sir, I again saw the accused.

COURT: At what time.

A. Now - 11.30, I think.

COURT: Yes.

30 A. And I explained to him his rights concerning legal aid.

Q. You told him he could apply for legal aid.

A. I told him he could apply for legal aid.

Q. The following day, the 4th of December, at 1500 hours, did you see the accused again?

A. Yes, I went to see the accused and handed him a cable

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

from his father from Australia. The accused asked me if he could send a cable in return and subsequently I did in fact send a cable on his behalf. The accused also asked me for writing materials stating that he wished to write some letters. I arranged that these be supplied.

Q. Did you say anything about him?

A. Yes, I told him that any letters he wrote would go through the hands of the police and I advised him not to write details concerning the case. 10

Q. In the afternoon of the 5th of December did you again see the accused?

A. Yes, I did.

Q. What did you ask him?

A. I told him that I was to hold an identification parade in connection with this matter and asked him if he had any objections. He had no objections.

Q. On the 7th of December that parade was held, is that correct?

A. That is correct. I actually organized a parade but I didn't take any active part in it. 20

Q. On the 8th of December did you again go to see the accused?

A. Yes, I handed him a letter addressed --

COURT: What time was this? Morning? Afternoon?

A. Afternoon. It was a letter addressed "Dearest Graham" from "Sherry".

Q. On the 9th of December were you present with Supt. Harris?

A. Yes, on the afternoon of the 9th I went to see the accused together with Supt. Harris. At that time Mr. Harris put to the accused certain points. Mr. Harris did not invite any reply from the accused and in fact the accused did not make any reply. 30

Q. Would you try to keep your voice up. He did not make any reply?

A. He did not make any reply.

Q. And later that same day at about 1700 hours did you go to see Edwards again?

A. Yes, and as a result of a telephone call I went back to see the accused who asked me for writing materials as he wished to make a statement. I asked him if he wished to make a statement to me and he said that no, he didn't want to make it to me; he wished to make it in private. I arranged that the writing materials be supplied and then I left.

10 Q. Did you say anything to him before you left?

A. Oh, yes. Before I left him I said that anything he wrote would again come into the custody of the police and may be produced in evidence.

Q. What did he say?

A. He understood.

COURT: He said he understood.

A. He said he understood.

20 Q. Now, that same day, the 9th of December, at 2130 hours in the evening did P.C.74 come to your private quarters?

A. That is correct, sir. P.C.74 came to my quarters and handed me a note.

COURT: P.C.74.

A. Yes, sir.

COURT: Yes.

A. Handed me a note. I took no action as a result of this.

Q. Would you have a look at P30 in the lower court?

A. Yes, this was the note I received.

30 Q. Do you now produce that note?

A. I now produce it.

Q. Would you read out the note?

COURT: Can I see it first.

MR. BERNACCHI: I have not seen that note.

In the Supreme Court of Hong Kong

Prosecution Evidence

No.29

Brian Frederick Gravener

Examination (continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

COURT: I think you better look at it. That would be  
Exh. --

CLERK: P29.

MR. BERNACCHI: I have no objection to its production.

Q. Would you read the note out, Inspector?

A. "To Senior Insp. B.F. Gravener. This is to certify that I Graham Leslie Edwards do hereby apply for legal aid in writing. This is to also certify that unless a Crown appointed solicitor is present and agrees to defend my case after private consultation I will make no statements to the police in any context, which will be both detrimental to myself and involve a lot of unnecessary investigation --

10

COURT: Was this put in the lower court?

MR. DUCKETT: It was put - it was P30. It was not in the transcript which your Lordship has.

A. "-- and involved a lot of unnecessary investigation and loss of time to the police in an area where they are barking up the wrong tree. Signed G.L. Edwards. 2000. 9 Dec. 1970."

20

(jury shown exhibit)

Q. The next morning on the 10th of December did you give instructions to D. Insp. Edwards?

A. Yes, I instructed Det. Insp. Edwards to deliver legal aid forms to the accused at Queen Elizabeth Hospital.

Q. Later the same morning did D. Cpl. 526 hand you some papers?

A. Yes, that is correct.

Q. And they appeared to have been written by the accused, is that correct?

30

A. That is correct, yes.

Q. Would you have a look at P31 in the lower court?

A. Yes, these were the papers.

COURT: Who gave them to you?

A. D.Cpl. Cheng Chau, 526.

COURT: Gave you some papers.

A. Yes, sir, and these are the papers that he handed to me.

Q. And do you now produce those papers?

A. Yes, sir.

Q. And would you read what is said in them? Page 34, my Lord.

COURT: How long is this?

A. Quite a lengthy document.

10 MR. DUCKETT: This might be a convenient time --

COURT: Yes. The papers are put in. How many - is it of just one document or --

A. No, separate pages.

COURT: Separate pages of the same --

A. No, there are two on this paper and there is - this is in a book form.

COURT: It had better go in as Exh.30A and 30B. Is it a continuation?

A. It is a continuation.

20 COURT: I see. Put in as Exh.P30. Perhaps this is probably a convenient place to adjourn. Return at half-past 2 this afternoon.

COURT ADJOURNS at 12.50 p.m.

18th March, 1971

2.35 p.m. Court resumes

Accused present. Appearances as before. Jurors present.

BRIAN FREDERICK GRAVENER - O.F.O.

XN. BY MR. DUCKETT continues:

COURT: Yes, Mr. Duckett.

30 Q. You were about to read to us from the statement of the accused, exhibit P.30.

A. Yes. (Witness reads statement).

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.20

Brian Frederick  
Gravener

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

even harder to believe and infinitely harder  
still to prove or disprove.

\*(2) Unless this violates whatever the Crown  
ruling is that corresponds to the 5th Amend-  
ment of the U.S. Constitution.

Third page.

9th December 1970. 1725 hours. Cell 6 Detention Ward  
Queen Elizabeth Hospital, Kowloon, Hong Kong.

My name is Graham Leslie Edwards. I am 20 years  
old and currently residing at 4, Passmore Street,  
Rossmoyne in the State of Western Australia.

10

I first met Mrs. Annette Coombe on a Wednesday  
night in late June at a nightclub in Perth known as  
"The Waldorf". I was in the company of a friend of  
mine from "La Riveria" Gerry Cougan while Mrs. Coombe  
was with two other girls by the name of Sue Foster and  
Veronica McCorry. There were two other men present  
at the time but their names were and still are unknown  
to me. At the time of introduction first names only  
were used so until much later I knew the above  
mentioned people only as Sue, Annette and Veronica.  
Gerry had introduced Sue to me as his step-sister  
which I suppose was a load of crap.

20

Since the atmosphere of the club was both dark  
and noisy all I learned that night was they were all  
attractive, sexy and from the attention they received  
obviously unattached. The following Friday night I  
arranged to take them to "La Riveria". On Friday  
night after telephoning Annette to confirm the date  
for the four of us, Sue, Annette, Veronica and myself  
I picked up Sue outside a dance studio where she  
worked and drove out to Annette's home under Sue's  
directions and arrived promptly at 8 p.m. whereupon  
we were invited inside and waited in the kitchen. I  
was under the impression that Annette and Veronica were  
either boarders or guests of some lady we were  
introduced to at that time.

30

I was then introduced to two children, a boy and  
a girl as her children and was greatly surprised since  
she did not look more than 23 or 24. Discretion being  
the better part of valor I kept my mouth shut.

40

To cut a long story short I became extremely drunk;  
a habit I seem to get into, and provided a second floor-  
show after the remainder of the Club's guests had left.  
At this stage we proceeded to the Latin Quarter and from  
there I took Sue home to Freemantle and proceeded to  
attempt to screw her with a negative result while Don  
Martin the owner of "La Riveria" took Annette and

or instructed to be supplied on the 12th I understood was for the purpose of writing letters.

COURT: I am so sorry. You said, "On the 14th December I ..."

A. No. On the 12th December I received a message and as a result instructed that paper, etc., be issued to Edwards.

COURT: And then on the 14th?

A. I visited the accused ...

10 COURT: Oh, yes.

A. ... to see if he had written any letters.

COURT: Yes.

A. There were none.

COURT: Yes.

Q. On the 15th of December at 9 in the morning, did Superintendent Harris hand you something?

A. Yes. Superintendent Harris handed me certain papers with writing thereon.

20 Q. Will you look at the exhibit marked provisionally "C"?

A. (Witness looks at exhibit). Yes, these are the papers to which I refer.

Q. And you believe those to be written by the accused. Is that correct?

A. Yes, sir.

Q. And do you now produce those documents in evidence?

A. Yes, sir.

CLERK: Exhibit 31, P.31.

COURT: Yes.

30 MR. DUCKETT: I hand the jury typed copies of these. This is on page 82 of the record.

Q. Will you read out the contents of these letters?

A. Yes, sir. (Witness reads)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Grevener

Examination  
(continued)

"

G.L. Edwards,  
c/o Detention Ward,  
Queen Elizabeth Hospital,  
Kowloon,  
Hong Kong.

14.12.70.

To:

Supt. Harris,  
Chief, Criminal Investigation Dept.,  
Royal Hong Kong Police Force,  
Hong Kong.

10

Dear Sir,

Please find enclosed statement listing five reasons why the death of Ronald Alan Coombe can not be construed as a result of a Pre-Medit. Murder Plot by his wife and myself.

I am aware that the facts brought forward by yourself and other officers of the Hong Kong Police Force do indicate the existence of such a possibility; however I shall be prepared to issue an honest explanatory reason for the evidence, but only after private consultations with my solicitor, at the earliest possible time.

20

From the information detailed herein no possible advantage or gain to anybody could be reaped from the death of Mr. Coombe and should there be an ulterior motive my "talents" preclude the possibility that I should resort to crude and unsafe methods to kill any person by the method Mr. Coombe met his unfortunate death.

30

The evidence now in your possession can be explained in terms other than pre-meditated murder, but this will have to wait until I have conferred with my solicitor.

Yours sincerely

G.L. Edwards.

"

Page 2.

"Reasons Precluding the Possibility of a Pre-Meditated Plot against Ronald Alan Coombe by his wife and myself.

40

1. Mrs. Coombe's divorce settlement with her husband was to be, if my memory serves me correctly,

- A. A cash settlement of \$A3,500
- B. Transfer of the house into her name at his expense.
- C. Transfer of certain Insurance Policies (Details unknown).
- D. Education expenses for both children up to and including University expenses.

In the Supreme Court of Hong Kong

Prosecution Evidence

No.29

Brian Frederick Gravener

- (1)\*E. A weekly maintenance of \$A95 in the ratio of 24:7:7 plus automatic proportional increases for every increase in her husband salary including royalties from his books.

Examination (continued)

10

- F. The divorce petition against Mrs. Coombe citing myself as Co-Respondent was to be withdrawn and I was to receive a letter of apology from Mr. Coombe stating that the divorce petition was nothing more than legal chicanery to force Mrs. Coombe to start proceedings against her husband.

20

- 2. By coming to Hong Kong on a supposedly murder mission I would leave myself no alibi and have no hiding place should I be suspected. Should I have wished to kill Mr. Coombe I should have been more prepared to commit the crime in an area I knew and could receive help if needed.

30

- 3. Since Mr. Coombe is or was, at least 2 inches taller and approx. 50 lbs heavier than I am, I certainly would not pick a knife to commit the crime with. I would also not go to the trouble of stabbing myself to make things more difficult.

\* See page 2.

Page 2.

- 4. Some of my lesser known but latent talents would make me resort to sophisticated means should I wish to kill somebody. These talents are:

- A. I am an unqualified Scuba Diver with experience to 80 feet.

40

- \* B. I am a crackshot with .30 .30 .22 and .222 rifles over 200 yds on open sights.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

- C. I was also in the process of learning to fly light aircraft.
- \*D. I had sufficient opportunity to pick up a reasonable knowledge of explosives, both properties and composition of Bombs, (examples below).
- \*E. I handled explosives in demolition work on Barrow Island.
- \*F. I also studied material on forensic medicine.

10

5. I myself stood to gain nothing from the death of Mr. Coombe.

- \* 1(E) At this rate of maintenance Mrs. Coombe would make approx. \$A5,000 per year with high probability of an increase. Assuming that this rate was to remain standard, in 30 years Mrs. Coombe stood to make in the vicinity of \$A150,000 Tax Free. By her husband's death she would receive, if my information is correct, \$A100,000 less probate, currently at 25% of the estate and other taxes her total gain would be in vicinity of \$A60,000.

20

Page 3.

\*4(B) The likelihood of my being able to prove this on the range is negligible so I won't bother to ask for opportunity to verify my claims.

- \* 4 D. T.N.T. or Tri-Nitro Solvene is made from a combination of synthasised coal tar (a yellow crystalline powder) treated with a nitric and Sulphuric Acids. Nitro-Gliserine or Gliserine-Tri Nitrate is made from a solution of Nitric & Sulphuric Acids and Pure Gliserine in the Ratio of 60.30:10. A yellow viscous liquid highly volatile and unstable at temperatures above 80° F and below 60° F.

30

Q.E.D.

- \* 4 E. This can be verified through West Australian Petroleum.
- \* 4 F. Reference drugs and their effects on the human body i.e. Herion, Morphine, methadrine, etc."

40

Statement ends.

Q. And at 9.35 hours on the 16th of December did you again see the accused?

A. Yes, I went to hand him over certain articles and at that time I also learnt that he was fit for discharge from the hospital. I therefore made arrangements for that discharge.

COURT: Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

10

MR. DUCKETT: My Lord, there is a further statement which is contained in a notice of additional evidence. I have discussed this matter with my learned friend and under the provisions of the recently enacted Ordinance it has been agreed by the Defence to admit that this statement was written by the accused; that it was taken by Prison Authorities from a prisoner by the name of Coleman who was leaving the Colony to go to the United Kingdom and, thirdly, that this document then found its way into the hands of Senior Superintendent ...

COURT: It was written by a man named Coleman?

20

MR. DUCKETT: It was written by the accused and the Prison Authorities received it from a prisoner by the name of Coleman who was on his way to the United Kingdom, and it was then forwarded to the Police Authorities.

COURT: Yes. Would you confirm that, Mr. Bernacchi?

MR. BERNACCHI: Yes.

Q. Would you have a look at this document ...

COURT: What section is that under?

MR. DUCKETT: I regret I cannot ..

30

COURT: Under the new Revision of the Evidence Amendment Ordinance?

MR. DUCKETT: If your Lordship will excuse me a moment. (Pause). It is now section 65(c) of the Criminal Procedure Ordinance. It is an amendment added by Ordinance No. 5/1971.

COURT: May I just get ... The document that you are about to hand to the witness was written by the accused in ...

MR. DUCKETT: The accused.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

COURT: ... in prison on remand?

MR. DUCKETT: In prison on remand, yes.

COURT: Handed to a prisoner named Coleman?

MR. DUCKETT: Who was leaving the Colony.

COURT: Who had been released, I take it.

MR. DUCKETT: That is so.

COURT: And, three, given by that prisoner to the ...

MR. DUCKETT: The prison authorities.

COURT: The prison authorities, yes.

MR. DUCKETT: Who in turn brought it to Senior  
Inspector Gravener. 10

COURT: Forwarded to Senior Inspector Gravener.

MR. DUCKETT: Senior Inspector Gravener.

COURT: Yes.

A. Yes, I received this document on the 14th January,  
1971.

MR. DUCKETT: I do not have a copy of this.

COURT: No. Would you read it - the statement - out?

A. (Witness reads)

"VOLUNTARY STATEMENT BY KEN MARKAM LONDON U.K.  
23.1.70. 20

I was approached by Graham Edwards on Saturday  
the blank of November 1970 at approx. 2.30 p.m. in  
the Windsor Bar of the Palace Hotel in Perth  
Western Australia. He told me that he was  
planning to involve a prominent person in a  
compromising situation. My impression was he was  
either going to blackmail this person or attempt a  
variation of the old badger game. He asked me  
would I help him. Since I owed him a favour from 30  
a short time back, and since he has a typical  
entertainers super-ego and would probably bungle  
any criminal operation by showing off I decided to  
help him on the condition that I didn't become  
involved. Graham then told me the man he was  
going to blackmail was the Deputy Director of

W.A.T.T. - W.A.I.T. - correction. - I told him he was asking for trouble. He then told me that on that morning a baliff had served a writ naming him as co-respondent in a divorce petition. He explained that he was boarding at the deceased's wife's home along with others and that the divorce petition was merely legal blackmail to force his wife to hurry her petition through Court. So he could marry the woman he was living with. It didn't make much sense to me but then he rarely makes much sense at the best of times. I said O.K. I would set it up. But he would have to get the man to go where it could be arranged. He said he would see if he could arrange it. Graham then left. About 2½ weeks later I saw him again and told him the cheese was ready and to lead the mouse to it. He replied that it was impossible because the bloke was always too busy. He also informed me that the deceased was going to withdraw his petition since his wife had agreed to reduce her claims and petition at once for divorce on the grounds of his adultery with the woman he was living with. I couldn't see much sense in going ahead with the blackmail attempt but Graham didn't agree since he maintained that Mrs. Coombe had been cheated by legal means and his name slandered. I asked how he intended to blackmail Dr. Coombe without evidence and he replied that he had been given information that Dr. Coombe was a collector of pornography and was likely to have some photos in his flat. Since many people collect pornographic material this was not a likely lever for blackmail; a fact I pointed out to Graham but he replied, "it is when your in the photos". I asked him what he had in mind and he replied that we were going to break into his flat and remove the best photo and make copies of it to distribute to various people if he refused to pay up. After telling him he was mad and would possibly get his neck broken or be thrown in jail for attempted blackmail, I agreed to help him get the photos and we decided that the best day was Sunday the 22(?) of November when he took his mistress and his two kids out for the day. He gave me the address and before the Sunday I had a quick look around to make sure the place was easy to break into. I rang Graham Edwards on the Saturday night and said that it would easy enough and asked him if anybody else knew of what was happening. He replied that only himself, Mrs. Coombe, and myself knew of what we planned and in the advent of being caught she would deny everything since she had 2 kids to think of. At 11.30 I met Graham Edwards at the Windsor Hotel and we went in my car to

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

Dr. Coombe's flat. I opened the door with a piece of flexible mica and Graham went to the bedroom wardrobe and removed a manila folder. We sorted through the pictures enclosed and chose the most degrading photo (this was one of 5 people, 2 M and 3 FM in a pornographic situation Dr. Coombe was one of the people in the photo). Graham then replaced the folder and we left. I took the photo, had a negative made and returned it to Graham. He told me he was going to follow Dr. Coombe until he could get him alone the demand the money Dr. Coombe had cheated his wife of or he would send copies of the photo to everybody Dr. Coombe dealt with which would ruin him".

10

Another page.

Right hand "Ken Markham".

On the left hand "To Commissioner of Police,  
Royal Hong Kong Police Force. Dear Sir ..."

Q. I am sorry, there is another piece of paper.

A. Sorry, yes. Page 3 - I go back to the statement ...

20

Q. This is a continuation of what you have just been reading?

A. Yes, sir, I am sorry. (Witness reads)

"I again met Graham Edwards on the Thursday night, the 27 of Nov. in the Palace Hotel. He informed me he had been trying to contact me for the past few days. He told me he couldn't get Dr. Coombe alone and that since he had gone overseas on holiday he was going to follow him to his second stop, Hong Kong and blackmail him there. Since he had previously informed me that Dr. Coombe was very violent when annoyed I offered to accompany him in case Dr. Coombe got stroppy. He said thanks but Mrs. Coombe's finances were limited and could only afford 1 person to go. He said not to worry and if anything happened to destroy the negative and he wouldn't involve either of us, meaning myself and Mrs. Coombe. Graham handed me \$50 and said "Thanks for your help see you in a couple of days." He then left. When Dr. Coombe's death was reported I destroyed the negative and hurriedly left W.A. and made my way to London, since I had no desire to become involved in a murder case. Since I do not know the circumstances of Dr. Coombe's death I can supply no information concerning it but in my opinion Graham Edwards is

30

40

not the sort of person who would brutally murder somebody with a knife. He's too much of a moral coward to attempt to kill somebody in that fashion.

In the Supreme Court of Hong Kong

Signed Ken Markham."

Prosecution Evidence

No.29

Brian Frederick Gravener

Examination (continued)

Q. Now, accompanying that supposedly made statement by Ken Markham there is a letter?

A. Yes, it is on the reverse of page 3 which I have just read.

Q. What does that say?

10 A. (Witness reads) Top right hand corner "Ken Markham".

Top left hand corner

"To Commissioner of Police (1)  
Royal Hong Kong Police Force,  
Hong Kong.

Dear Sir.

To His Lordship, (2)  
The Chief Justice,  
Supreme Court of Hong Kong,  
Hong Kong.

20 Dear Sir,

In view of the recent developments concerning the case of the Crown versus Graham Edwards I believe my testimony regarding the antecedents of this case may be invaluable in ensuring a fair trial for the above mentioned defendant. Since I have no desire to be entertained at the Government's expense because, several embarrassing incidents during the past few years may cause my unfortunate removal from the social circuit and to acquaintance with prison a cell. I have decided to give my testimony in writing and have deleted my address to ensure my freedom from investigation.

30

Please find enclosed statement to dispose of as you please and travellers cheques to the value of \$ ..... to be given to the defendant for purchasing anything he may need.

A copy of this has been forwarded to the Commissioner of Police" - one, two, three, four, five cross outs there.

40

Trusting my evidence can be of assistance.

I remain Yours truly  
Ken Markham.



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued.)

Q. Do you now produce that statement?

A. Yes, sir.

CLERK: P.32.

COURT: Both of them?

CLERK: Both of them.

COURT: Yes.

MR. DUCKETT: P.?

CLERK: 32.

MR. DUCKETT: P.32.

CLERK: 32 A & B.

10

COURT: Yes.

Cross-Examination

XXN. BY MR. BERWACCHI:

Q. Mr. Gravener, can I have exhibit 20? Oh, I am sorry, I am informed it is 29, a note. Now, I hand you this note again. When did you say this note was handed to you?

A. On the evening of the 9th December, sir, at my quarters.

Q. And you read it, of course?

A. Yes, sir.

20

Q. Now, at the back of the note - end of the note, I am sorry. I have not got a photostat because it was not amongst the depositions. (Counsel looks at exhibit). He says:

"... involve a lot of unnecessary investigation and loss of time to the police in an area where they are barking up the wrong tree".

A. That is correct, yes.

Q. Now, at that stage you had in your possession a statement in answer to the charge and a long statement given to Inspector Harris?

30

A. Senior Superintendent Harris. Yes, sir, that is correct.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. I am sorry. And those two alleged, in effect, a homosexual assault?

A. Yes, sir.

Q. So did you take it that when he said "a wrong tree", that the actual story is very different? It has nothing much to do with homosexual assault?

A. No. I believe on the same afternoon that this note had been written, sir, I had gone with Mr. Harris to hospital, seen the accused and Mr. Harris put to him certain points. I think the accused was possibly referring to these points when he said "barking up the wrong tree".

10

Q. I see. You had been to see the accused that afternoon, Inspector? Senior Superintendent Harris had put to him several points and you think he was referring to those?

A. Possibly, yes.

Q. Could he have been referring to that homosexual assault story?

20

A. He could have been yes. He could have been referring to the whole issue together.

Q. But he wanted to see a solicitor before he was prepared to say what actually happened?

A. That is what he indicated in the note, sir.

Q. Now, coming to the fourth and final confession ... Actually, the words are "This is a final and full confession of my activities from mid-June 1970 until the morning of my admission to this hospital on the 2nd December".

30

A. That is correct. Yes, sir.

Q. Now, in fact, it does not deal at all with the events in Hong Kong and it does not deal with the events in Australia leading up to the events in Hong Kong?

A. That is true, yes, sir.

Q. In other words, it is merely a preliminary to the main story, but not the main story itself.

A. As you say, it is just leading up to it.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. Yes. Now, in the statement that you have just read it talks about pornography, is it, pictures, photographs?

A. Material photographs, yes sir.

Q. Now, before you came into possession of this document, did you know anything about these pornographic photographs in connection with this case?

A. No, sir, nothing whatever.

Q. So that side of the picture, if it is true at all, came as a complete surprise to you? 10

A. Yes, sir.

Q. With this statement?

A. With this statement that I received, yes sir.

COURT: Would you just read Mr. Bernacchi's question and answer back to me?

Court Reporter reads:

"Q. Now, before you came into possession of this document, did you know anything about these pornographic photographs in connection with this case? 20

A. No, sir, nothing whatsoever.

Q. So that side of the picture, if it is true at all, came as a complete surprise to you?

A. Yes."

COURT: I am afraid I do not follow that question, Mr. Bernacchi. It is put on the assumption that there are some photographs?

MR. BERNACCHI: I thought I made it clear when I said "if it is true". The first time that this witness knew anything about these photographs was, if there was, when he received this document. 30

COURT: Yes, yes.

MR. BERNACCHI: That is all.

Q. Well, now, I will in fact go through this statement with you. I will first of all ask you when you came into possession of this statement, did you make investigations at all?

In the Supreme  
Court of Hong  
Kong

A. In relation to the contents thereof?

Prosecution  
Evidence

Q. Yes.

No.29

A. Yes, I did make certain investigations, sir.

Brian Frederick  
Gravener

Q. Well, now, for instance, is there a Ken Markham, or is that a made-up name?

Cross-Examination  
(continued)

10 A. Well, I made enquiries. I personally went to Australia in connection with this case and I made enquiries concerning any person named Ken Markham in Perth and the result of my enquiries were negative, except there was one Western Australian Police Officer with the name 'Ken Markham', but that I consider to be a pure coincidence.

Q. I see. Before I go through - I am sorry, because I said I would go through this statement - but in the earlier statement, the full and final confession about activities ..

20

A. Yes, sir.

Q. ... in the third paragraph he mentions "The people I have come into contact with in this case since it was officially - since it officially began after my discharge from hospital in July 1970 are Dr. & Mrs. Coombe, myself and my partner".

A. Yes, sir.

Q. Now did you, in the course of the investigations, know or surmise what he meant by the words "and my partner"? He did not mean Mrs. Coombe because he said that separately.

30

A. I agree with you there, sir, and the only person - in my enquiries the only person who seemed likely to be a partner with the accused would have been Mrs. Coombe.

Q. Yes.

A. I found no evidence of any other person that could be called a partner.

Q. But you did investigate this allegation at all, or not?

A. Not specifically this allegation, sir.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. Not specifically this allegation of "and my partner"?

A. No.

Q. Now, I will come to the actual statement.

A. Yes, sir.

Q. First of all, was the accused, in fact, boarding at the deceased's wife's home, i.e. Mrs. Coombe's home, along with others?

A. That is correct. Yes, sir.

Q. Did she run a boarding house? 10

A. No, sir. As I understood it, it was a private home; the accused was living there, there were two children living there and there was also another couple living there.

Q. I see. So, in fact, apart from the accused there was another couple living - having a room in Mrs. Coombe's house?

A. Yes, and paying rent for the same.

Q. Now, from your investigations, were there two divorce petitions, one, Mrs. Coombe's against her husband and the other the husband against Mrs. Coombe? 20

A. That is correct, yes sir.

MR. DUCKETT: This is all hearsay evidence, my Lord.

COURT: When you say ...

MR. DUCKETT: It is as a result of this officer's investigation into ...

COURT: It seems to me to be perfectly in order.

MR. DUCKETT: Yes.

COURT: When you say this is all hearsay evidence, the fact that the accused was boarding in the house of the deceased's wife was investigated, and you are satisfied it is a fact? 30

MR. DUCKETT: Yes, he has been told.

Q. And can you confirm, as a result of your investigations, that the divorce petition by Mr. Coombe against his wife was to be withdrawn?

In the Supreme  
Court of Hong  
Kong

A. I understand that it was to be withdrawn. At the stage of my enquiries it had not, in fact, been withdrawn.

Prosecution  
Evidence

Q. No, it had not been, but that was what you understood?

No.29

Brian Frederick  
Gravener

A. I understood it was to be withdrawn.

Cross-Examination  
(continued)

10 Q. Incidentally, Mrs. Coombe's solicitor was in Hong Kong a short while ago. Did you have any interview with him or not?

A. No. It was, in fact, Mr. Coombe's solicitor who was in Hong Kong as far as I know. I have no knowledge of Mrs. Coombe's solicitor being in Hong Kong.

Q. The exact opposite. Now I have got Mrs. Coombe's solicitor, but not Mr. Coombe's solicitor.

A. Well, we are at cross ...

COURT: You did not see him?

20 A. I actually saw him in Australia but only for a very brief moment.

Q. Did you see Mrs. Coombe's solicitor or not?

A. In Australia. Yes sir.

Q. Incidentally, from your investigations did you gain any impression as to Mr. Coombe's sexual habits at all?

A. Mrs. Coombes?

Q. Mr. Coombes.

30 A. Yes. Hearsay, of course, sir. I heard - I interviewed the woman that Mr. Coombe had been living with, and from her I understood that Mr. Coombe's sexual habits were perfectly normal.

Q. Did you ask Mrs. Coombe's solicitor?

A. No, sir.

Q. In fact, you only asked the woman that he had been living with?

A. That is correct, sir.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. And, of course, she said what her experience was?

A. Exactly. Yes, sir.

Q. Did you understand from - well, you did not ask anybody else?

A. I had intended asking Mrs. Coombe eventually but she left Australia before my arrival, so I did not have the chance to interview her.

Q. Did you ask her Solicitor?

A. No, sir, I did not.

Q. You did interview her solicitor?

10

A. I had a very brief meeting with him, sir.

Q. It didn't sort of occur to you to ask him as to Mr. Coombe's sexual habits?

A. Quite honestly, I gained the impression he was very reluctant to see me. When I was introduced to him he said he could only spare me a few minutes. I asked him the whereabouts of Mrs. Coombe and he told me that she had returned to the U.K. He gave me her address and that was the whole result of the interview with him.

20

Q. I think in fact both Dr. and Mrs. Coombe originally came from the U.K.

A. Yes.

Q. You don't know at all, for instance, whether Mr. Coombe likes women and men?

A. I found no evidence of that whatsoever.

Q. Well you only asked the woman he was living with.

A. That is correct.

Q. Now having been aware of this allegation of photographs and one particular photograph, did you make any enquiries about that?

30

A. Yes, I did. Again, obviously, it would have to be with the woman he was living with. She told me that there was definitely no pornographic photographs at his residence.

- Q. I see. Which means, of course, that she did not know even if there was.
- A. No, she put it a bit stronger than that in that she was in fact living with Dr. Coombe and it was only a small flat actually, and she put it stronger inasmuch as she said had anything like this been in the flat she would have been aware of it.
- Q. Any woman would surely put it as strong as that with a man that she loved.
- 10 A. I am only repeating the result of my interview with this woman.
- Q. But again you didn't make any enquiries, you left it with the enquiries from the woman he was living with.
- A. That's true, but there was no other line of enquiry to pursue.
- Q. I think she was a Greek lady, was she?
- A. She was.
- Q. Well now was in fact Dr. Coombe - Sorry, I have lost the place now.
- 20 A. Maybe I could --
- Q. It was the position that Dr. Coombe held in Perth.
- A. Yes, he was the Deputy Director of the West Australian Institute of Technology.
- Q. And I think he had come to Hong Kong, at least partly, for an interview for the position of Director of the Institute of Technology in Hong Kong.
- A. That is what I understand, yes sir. He was applying for the post. There were other people also applying for the post.
- 30 Q. I think he had been to Singapore already. It was in fact the second stop-over.
- A. I understand he had an overnight stop in Singapore and then came up to Hong Kong.
- Q. That's right, he had. Incidentally, when you say that the woman said it was only a small flat, what address did you find her at?
- A. I personally visited the flat.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence  
—

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

- Q. Yes, I know. What address?
- A. Flat 6, 91 Esplanada, I think it was, West Perth. Unit 6 I think they call it.
- Q. You didn't, for instance, visit 1B Sandgate Street, South Perth?
- A. No Sir.
- Q. Did you know that that was the flat he had previously occupied?
- A. That was possible. I knew that they had only recently moved into this particular unit. I knew they had been living in another address previously. 10
- Q. And of course the position of Deputy Director of the Institute of Technology, is it?
- A. Yes, West Australian Institute of Technology.
- Q. Was presumably a fairly responsible position.
- A. I would say so.
- Q. So that he was a fairly prominent man in Western Australia at that time?
- A. Yes, I gained the impression he was in fact a prominent man. 20
- Q. Did you gain the impression at all that his divorce petition had resulted in her going ahead with her divorce petition on easier terms, so to speak, as regards Coombe?
- A. No, my impression generally in this respect was that it was Dr. Coombe that was pressing for a divorce.
- Q. Oh yes.
- A. He had been for quite some time and it was only after he confronted Mrs. Coombe with this petition against her that she took out the petition against him. 30
- Q. Yes.
- A. I don't know the terms discussed prior to this divorce petition but I understand that he was willing to accept any reasonable terms.

- Q. Yes. And so you do agree then that this divorce petition was primarily intended to get her to divorce him so as to be free?
- A. Yes, that would be the position.
- Q. Incidentally, did you know at all that he had planned almost a world tour after Hong Kong?
- A. I understood that - I don't know whether it was a world tour or not. I understood that he was going to England and he would also be going to Paris, I think possibly America, possibly, before returning to Australia.
- Q. Yes, thank you. Coming to another statement, that is the statement "Reasons Precluding the Possibility of a Pre-Meditated" - something - "against Ronald Alan Coombe". My photostat is blank.
- A. "Pre-Meditated Murder Plot".
- Q. Oh, I see. Well now he lists a number of things, just for the record, the terms of the divorce settlement with Dr. Coombe. "A cash settlement of Australian \$3,500." From your investigations is that correct?
- A. That is correct.
- Q. "B. Transfer of the house into her name at his expense." Is that correct?
- A. Yes sir.
- Q. "C. Transfer of Certain Insurance Policies." Is that correct?
- A. As I understood it, sir, there was one insurance policy.
- Q. "D. Education expenses for both children up to and including University."
- A. Correct.
- Q. "E. A weekly maintenance of \$A95 in the ratio" - well anyhow is E, the full terms of E correct?
- A. I understand that, if my memory serves me correctly, it was \$90 as opposed to \$95.
- Q. But otherwise it is correct?
- A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. And that took exactly one hour.

A. Well we sat there. I smoked some cigarettes.

Q. When did you yourself - again I am not speaking of Superintendent Harris at the moment. When did you yourself come back into the room?

A. We both went back together.

Q. Approximately what time was that?

A. It would have been about 8 o'clock.

Q. So you came back about 8 o'clock and immediately resumed the questioning?

10

A. Mr. Harris did, yes. Well, Mr. Harris put it to the accused that he wasn't satisfied with his explanation.

Q. Yes. "I am not satisfied with the explanation that you have given me." And on that question the answer was "I made up the story. I did not mean to kill him."

A. That is correct.

Q. And you mean to say there was no general talking beforehand?

A. No, we just returned, saw that the accused had completed his meal, and Mr. Harris just sat down and put this question straight to him, sir.

20

Q. And he, just because Mr. Harris said that he was not satisfied, he immediately confessed in effect to the killing?

A. That is the way it happened.

Q. You see, I suggest to you that there had been either before you went to take your own meal or after you had had your own meal a general conversation which wasn't recorded.

A. No sir, everything that occurred in the room was recorded on this statement form, sir.

30

COURT: Mr. Duckett, I am right in thinking, am I, that the documents that were put in were not only this long statement allegedly signed by someone called Ken Markham, but also the covering letter?

MR. DUCKETT: It is a letter addressed to two persons.

COURT: That's all right, yes. The jury have theirs now. I thought they were attached to the other statements.

MR. BERNACCHI: No, that was a further statement that the jury have, but not the Ken Markham.

COURT: They haven't got the Ken Markham letter?

MR. BERNACCHI: That's right. I certainly do not object to them having it, but they haven't in fact had it.

10 Q. You see, I suggest to you that somewhere along the line either before the meal or after the meal perhaps, I don't know whether it was in your presence or not, but Harris made a remark to the accused about did Coombe make a homosexual attack on him.

A. I never heard that remark.

Q. Incidentally, either on that evening or on another evening did Harris or yourself make the suggestion to the accused that it was a premeditated killing?

A. I never made such a suggestion, no sir.

Q. Harris might have done?

20 A. Not in my presence, no.

Q. Well Harris, for instance, admits that he suggested the motive was the insurance money, but he said it was not on that evening, it was a later occasion.

A. That is correct, sir. He didn't actually suggest, he just put these points to the accused.

Q. I see. When he put these points to the accused surely he put also the point that it was a premeditated killing, that he had come to Hong Kong with the intention of killing.

30 A. These points were from a report we received from Australia and Mr. Harris just put them to the accused.

Q. So it is right, is it, that Mr. Harris did put the point that he had come to Hong Kong premeditatedly with the intention of killing?

A. No, he just put the points themselves. That the --

Q. One point was the insurance money.

A. That is correct.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. Another point was that he had come to Hong Kong intending to kill.

A. I did not hear that one, no.

COURT: That was after you had formally charged him, was it?

A. Oh yes. This was several days later, on the 9th to be exact.

Q. Can you say - You saw the accused sometimes with Harris, you saw the accused sometimes without Harris.

A. That is correct.

Q. Was it the same with Harris? He saw the accused sometimes with you, sometimes without you? 10

A. As far as I am aware I was present every time Mr. Harris saw the accused.

Q. As far as you are aware.

A. Yes sir.

Q. So Mr. Harris might have seen the accused without you.

A. It is possible.

Q. I now would ask you to draw on the plan the police theory as to how the accused got out of the room after the commotion which resulted, of course, in the death of Dr. Coombe. 20

A. Well I would like to say I did not personally investigate this aspect of it. This was done by Inspector Wu and the officers who were first on the scene. The thing wasn't thrown in my lap, as it were until several days later.

Q. But when it was you were sort of, apart from what Mr. Harris had to do with it, you were in charge of the case.

A. Yes. 30

Q. And you have been sitting in for all the evidence or nearly all the evidence.

A. Yes.

Q. Well I think it would be helpful if you would draw on the plan, perhaps in pencil, the police theory as to

how Edwards, the accused, got out of the hotel.

10 A. First of all, looking at the 7th to 18th floor plan we see that the position of room 1223 is marked. The police theory is that he came out of the window of that room, turned, facing outward he turned left along the ledge to the corner of the building, turned left again around the side of the building, and at some stage along the side of the building climbed up to the 17th floor. Again looking at the same plan we see W.C.

Q. Yes.

A. He entered the window there.

Q. On the 17th floor.

A. 17th floor I think it is, yes. Out of the W.C. and up the flight of steps marked "up".

Q. To the 18th floor.

20 A. To the 18th floor. On the roof plan, he came out from that flight of steps on to the roof, travelled diagonally, well he travelled along that particular wing, then diagonally, the centre of the roof, going around the water tank, etc., to the bamboo scaffolding which is situated in the far corner next to the machine room.

Q. There are two machine rooms. Presumably he could not pass to the outside of the first machine room. He must have passed to the inside along the flat roof.

A. As far as I know, yes.

30 Q. Then past the water tank, then diagonally over to the bamboo scaffolding, and climbed down the bamboo scaffolding.

A. That's right.

Q. So, Inspector, your finding of the club where you found it, you have marked it, has no relevance to this case whatsoever. He would never have gone anywhere near there.

A. Not when he left the scene at that particular time, no.

Q. Well if he had intended using it before that he wouldn't have left it on the ledge.

A. No sir. I was just saying that I found a club on that ledge. That is all I am saying.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

—  
No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence  
-----

No.29

Brian Frederick  
Gravener  
Cross-Examination  
(continued)

COURT: Where would that ledge be in relation to the  
plan?

A. The ledge is here, sir.

COURT: Yes, he would have climbed up somewhere this side,  
wouldn't he?

A. He climbed up this side.

COURT: The bamboo scaffolding would be shown in photograph  
Pl'O', wouldn't it?

A. Yes, this bamboo scaffolding. It goes down the side  
of the building almost to the ground. It goes past  
the 6th floor. This is the entry into the Star Ferry.  
This is where the taxi goes. This is up to the car  
park. 10

Q. Did Harris in your presence ever make any suggestion  
that he, the accused, had accepted money to kill  
Coombe?

A. No sir.

COURT: To whom? Did Harris ever suggest to whom?

Q. To the accused. That he has accepted money to kill  
Coombe, in your presence. 20

A. No sir.

Q. We now come back to this long statement he made to  
Superintendent Harris. Harris at the end of the  
second page said: "I am making enquiries into the  
death of a Ronald Alan Coombe who was found dead this  
morning." You see that at the end of the second  
page?

A. Yes sir.

Q. Then the accused said "Dr. Coombe, what happened?".  
Then the answer was: "Dr. Coombe was murdered."  
"How?" Now did he - it is again, of course,  
appearance. Did he appear to you not to know at  
this stage that Dr. Coombe was actually dead? 30

A. I would say he appeared surprised.

Q. Now you gave evidence that you charged him on the  
2nd December.

A. That is correct, yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. And he gave a short answer to the charge.

A. That is correct.

Q. Now why the 2nd December when he had virtually admitted being involved in the killing on the 1st December?

A. This was my instructions.

Q. Of Superintendent Harris?

A. That is correct.

10 Q. He didn't charge him there and then but he instructed you to charge him the next day?

A. That is correct.

Q. And you just acted on instructions, you don't know why?

A. I just acted on instructions.

Q. Or do you know why?

A. No, no reason, sir.

Q. Was the accused in a fit state to be charged on the evening of the 1st or not?

20 A. I would say he was in a fit state, sir, but he was very tired.

Q. Now Superintendent Harris has already said that the question asked on page 7 "Dr. Coombe told a friend that he found a knife", etc., he has already said that was not a made up question, that it was based on information received.

A. That is correct.

Q. In fact I think the information was received on the morning of the 1st December.

A. During the morning of the 1st, yes.

30 Q. And was the information about the visits to the hotel by the accused on that day, the 29th November, also received during the morning? We have heard evidence now of --

A. Yes, I know - I am just trying to - I know for a fact that the visit on the Sunday, the 29th I think it was, that particular visit where the accused wrote



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

his name on a piece of paper, I know that that was known, that particular visit. I am not sure about the other visits.

Q. Now apart from the statement headed "Final and Full Confession of my Activities", you received on the 14th, you say, a letter which contains the phrase: "The evidence now in your possession can be explained in terms other than premeditated murder, but this will have to wait until I have conferred with my solicitor."

A. I received that on the 15th. 10

Q. Would you say in effect that he was wanting to tell his solicitor something but he was unwilling to tell you, the police?

A. This would appear to be the case, yes sir.

Q. Had he ever asked to see a solicitor?

A. No. I discussed the - He asked, I think it was on the morning of the 2nd after I charged him, he asked the position in respect of a solicitor. I think I explained that legal aid was available in Hong Kong.

Q. You have given evidence - You charged him on the 2nd. Your evidence is "On the 3rd I saw Edwards again and verbally informed him of his right to apply for legal aid." 20

A. That's right, on the 3rd.

Q. Now on the 2nd you say he had already referred to the position on legal aid, or had he referred to seeing a solicitor?

A. I think, I cannot remember what the actual reference was, but I think I did refer to legal aid and solicitors on the 2nd after the charging. 30

Q. Didn't he actually want to see a solicitor on the 1st in the afternoon?

A. Not as far as I know.

Q. You didn't hear him?

A. I did not hear him.

Q. Anyhow, from then onwards he kept on asking to see a solicitor.

A. Yes sir. More specifically he referred mainly to the

question of legal aid, which of course indicates that he wanted a solicitor.

In the Supreme  
Court of Hong  
Kong

Q. He writes about a solicitor in this letter I am referring to.

Prosecution  
Evidence

A. Yes, this one dated the 9th December he mentioned a solicitor.

No.29

Q. The 9th December in writing he mentioned a solicitor?

Brian Frederick  
Gravener

A. That is correct.

Cross-Examination  
(continued)

Q. The 14th he mentioned a solicitor?

10 A. That is correct.

Q. In fact his whole attitude was "I have something to say but I definitely want to discuss it with my solicitor before I tell you."

A. That is correct. He was advised to apply for legal aid to the magistrate.

Q. In the magistrate's hearing he had not yet obtained legal aid?

A. No sir, on the first visit before the magistrate he had not yet obtained legal aid.

20 Q. At the time of the magistrate's proceedings he had not yet obtained legal aid?

A. No sir. He wasn't represented at the committal proceedings, no sir.

COURT: Deeply regrettable though it may be, legal aid is not granted in the magistrates' courts. It is a horrible state of affairs that this should be so, but it is so.

Q. Now do you know a Detective Sergeant Chadwick of the Perth C.I.D.?

30 A. I have heard of him.

Q. Do you know that the father of Mr. Edwards reported to the Perth C.I.D. that he was being charged, was I say, \$3,000 for the negative of a certain photograph that had a bearing on this case?

A. Sorry, would you repeat that question?

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence  
-----

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. Do you know that the father of the accused reported to the Perth C.I.D. to this Detective Sergeant Chadwick that he was being charged, I say "charged" in inverted commas, 3,000 Australian dollars for the negative of a picture which is relevant to this case?

A. No sir, I know nothing about that.

Q. You yourself know nothing?

A. No sir.

Q. Did you in fact ever have a conversation directly with this Detective Sergeant Chadwick?

10

A. No sir. I dealt with somebody else when I was there.

Q. Now one last question, and that is referring again to the recent document --

COURT: I am not quite sure what the last question means, Mr. Bernacchi. Are you suggesting that somebody had offered to sell to the father of the accused a negative that would be helpful and relevant to this case at a price of \$3,000?

MR. BERNACCHI: Rather the other way. The father knew where the negative was, attempted to obtain it, and was told that the price was A\$3,000, and he reported that to the police.

20

COURT: The negative which is referred to in the statement?

MR. BERNACCHI: Yes indeed.

Q. This Ken Markham document - I will call it that for short. Do you get the impression that this was a statement prepared by the accused but to be signed by another person?

COURT: That is Exhibit?

30

MR. BERNACCHI: P32A and B.

A. Yes, this appeared to be a statement made by the accused to be signed by another person.

Q. And there are in fact a total of three blanks. There is one blank on Saturday, the blank day of November.

A. That is correct.

Q. Which is obviously to be filled in. And in the letter itself, travellers' cheques to the value of dollars blank.

A. That is correct.

Q. I'm sorry, it is two blanks not three.

10 COURT: Here again I am not quite sure what you mean by that last answer, Mr. Gravener. Looking at those two documents, 32A which is a letter to be signed by Ken Markham. Was it signed? Is the original signed?

A. Yes, it is signed Ken Markham, but it was written by the accused.

COURT: Yes, yes, we know that now, but looking at those two documents, on the face of it would they appear to be documents coming from a person named Ken Markham?

A. Had they come from a different source? Yes sir.

COURT: But do they give the impression that there is in fact a person in existence with the name Ken Markham? I don't know, I am asking you.

20 A. That is a matter of opinion for whoever received the letter.

MR. BERNACCHI: I don't, my Lord, want anybody, particularly the witness, to be under any delusions as to my point. My suggestion is that if these documents had not got into the possession of the police they would have been despatched to somewhere outside Hong Kong and used as a draft for someone to write in those terms or along those lines.

30 COURT: Yes, yes. But to give the impression that there was a gentleman named Ken Markham who had written these documents for the purpose of helping the accused, is that correct?

MR. BERNACCHI: Yes, but I would say that it was not this particular document, that another person, i.e. his partner, would write on the lines suggested by him rather than - This itself is in his handwriting. Obviously it was not intended by anyone, let alone the accused, that this particular --

40 COURT: Both these letters are in the handwriting of the accused?

A. Yes, that is correct.

COURT: I see.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Re-Examination

REXN. BY MR. DUCKETT:

Q. Would you look at P31? That is the five reasons concerning possible premeditated murder, the letter.

A. Yes.

Q. Now the terms of the divorce settlement were put to you and you said that they were basically correct as far as your investigations had revealed. Is that so?

A. Yes.

Q. They were in general correct. Now would you look at paragraph 5 of that letter, it is underneath that section. That refers to a sum of A\$100,000. Paragraph 5 and then 1E. 10

A. Oh yes, I am with you.

Q. In your investigations did you find out whether there was any such sum?

A. Yes. There was a sum, approximately A\$95,000, which was part of a superannuation scheme of the West Australian Institute of Technology. This scheme was part of the conditions of service of the deceased and on his death the sum, as I say, in the region of A\$95,000 would be due to his estate. 20

MR. BERNACCHI: I'm sorry, if I could ask one more question, either through the Court or --

COURT: No, you ask it direct, by all means.

Further Cross-  
Examination

FURTHER XCN. BY MR. BERNACCHI:

Q. In calculating your dates, the accused was due for discharge 16 days after he had entered the Queen Elizabeth Hospital.

A. That is correct, yes. 30

Q. Now was that, or perhaps I should say were you pressing that the hospital authorities discharge him?

A. Oh no, sir, not in anyway whatsoever.

Q. I am not suggesting that the hospital authorities discharged him prematurely.

A. The matter is nothing to do with me. When the hospital are ready to discharge they inform me and I arrange for him to be transferred out of the hospital.

Q. But wasn't it the fact that the physiotherapist wanted to keep him until a few days later, but he wasn't in any way in danger or anything like that and so the police wanted him to be discharged?

A. No. The accused told me about this physiotherapist and I think I explained to him that his discharge from hospital was nothing to do with me whatsoever. When the doctors wanted him discharged, they would discharge him.

10 Q. I see. All right.

MR. DUCKETT: This would be a convenient time.

COURT: I take it you have come almost to the end of the case for the prosecution. You will probably finish to-morrow morning.

MR. DUCKETT: I expect so.

MR. BERNACCHI: The Crown is calling the doctor who saw him in the hospital.

COURT: Are you not seeking to adduce evidence?

20 MR. BERNACCHI: I shall be calling the accused. I should prefer myself to start the defence on Monday morning, if it is convenient to the court.

COURT: Yes, I think that will be possible. How long do you expect your case to be?

MR. BERNACCHI: I shall probably only call the accused. If I have another witness it will be merely on one of the - about 5 minutes.

COURT: So you will probably finish your case at the latest on Tuesday morning, will you.

MR. BERNACCHI: Yes.

30 COURT: Yes. Members of the jury, we will adjourn until 10 o'clock tomorrow morning.

4.32 p.m. Court adjourns.

19th March, 1971

COURT RESUMES at 10.15 a.m. Appearances as before. Accused present.

JURORS ANSWER TO THEIR NAMES.

MR. DUCKETT: If your Lordship pleases. I call Dr. CHAN.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Further Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

No. 30

CHAN SIU HUNG

Prosecution  
Evidence

CHAN SIU HUNG Sworn in English:

No. 30

XV. BY MR. DUCKETT:

Chan Siu Hung  
Examination  
19th March 1972

Q. Your full name, Dr. CHAN?

A. CHAN Siu-hung.

Q. And your qualifications?

A. M.B. B.S., Hong Kong.

Q. You are a staff of the Queen Elizabeth Hospital, is that correct?

10

A. Yes.

Q. And on the 1st of December last year did you treat the male accused in this case?

A. Yes, I did.

Q. What was the nature of his injuries?

A. Shall I refer to the record. I have given a medical report on the injuries and now I am going to read the report.

Q. Would you tell us about the injuries.

A. On operation he was found to have sustained the following injuries over his left hand, over the fifth finger --

20

COURT: Now, don't go too fast, please. Left hand, fifth finger --

A. Clean and curved laceration,  $\frac{3}{4}$ " over radial border.

COURT: What is that?

A. That is on the radial side.

Q. On the outside - what do you mean by radial border?

A. That is on the radius.

COURT: Just talk in simple language --

30

A. All right.

COURT: -- non-medical people can understand.

A. Well, he received laceration to his fifth finger.

COURT: Yes.

Q. We don't want your evidence in short --

A. And the fourth finger --

Q. We don't want it in short. We want it in detail. We want it in a language that the jury and everyone else can understand.

A. On the fifth finger over the middle phalanx --

10 Q. Where is that?

A. That is the middle part.

COURT: Yes.

A. And also to the fourth finger, and he also received injury to his left knee.

COURT: There were only two fingers involved: the fifth and the fourth? That is all?

A. Yes, that is all.

Q. And how serious were these lacerations to the fingers?

20 A. These injuries were deep enough to cut over the tendons.

COURT: To cut over or open?

A. Or to cut open the tendons.

COURT: On both fingers? It won't do you any harm to say "yes, sir", you know.

A. Yes, sir.

Q. Now, the injuries to the left leg. Can you describe those?

A. There were two injuries, one on the inner side and one on the outside of the left knee.

30 COURT: Above or below the knee?

A. They were above the knee.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.30

Chen Siu Hung

Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 30

Chan Siu Hung  
Examination  
(continued)

COURT: One on the inner side and one on the --

A. -- outside.

COURT: Yes.

A. And that is all.

Q. Were these consistent with a single stab wound with a sharp instrument passing through the leg?

A. These wounds were produced by sharp objects.

COURT: Answer the question you were asked. Will you try and answer the question you were asked?

A. These two wounds didn't meet, so they did not pass right through. 10

Q. They appeared to be two stab wounds, is that correct?

A. Yes.

Q. And were the injuries to the leg serious or minor? Would you tell us the nature of the injuries?

A. They were not considered to be serious in the sense that it cut only the skin and part of the muscle.

COURT: They did cut part of the muscle?

A. Yes, they did.

Q. Would a person of the age of the accused be able to walk after such an injury? 20

A. He could walk with a limp.

Q. But do you remember there had been a loss of blood as a result of this injury?

A. Yes.

Q. And what treatment was given to the person?

A. He was sent into the operation theatre where his laceration in the left hand was repaired and the wound to his left knee explored and repaired.

Q. This was to see how serious the injury was, is that correct? 30

A. Yes.

Q. And was that done under anaesthetic?

A. That was done under general anaesthesia.

Q. For how long was the accused under general anaesthesia?

A. The operation started at --

COURT: Did you do the operation?

A. Yes, - at 11.25 a.m. and ended 12.45.

Q. So at 12.45 the accused was still under general anaesthetic, is that right?

10 A. 12.45 - he just got out of the anaesthetic.

Q. When would he regain consciousness approximately?

A. Usually from half to one hour he will fully recover from the anaesthesia.

Q. So there will be no after-effects of a dizziness at all after an hour, is that the usual position?

A. Usually the case, yes.

COURT: Yes, Mr. Bernacchi.

XXV. BY MR. BERNACCHI:

20 Q. Doctor, you say that the fifth and fourth fingers were lacerated and the tendons severed.

A. Yes.

Q. Did you not notice that there was also a laceration to the little finger?

A. That is the fifth finger.

Q. The fifth finger - I am sorry, yes.

COURT: There were two fingers involved?

A. Yes, the fifth and the fourth.

Q. And that could have been done with a knife?

A. By a sharp object.

30 Q. Any sharp object?

A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 30

Chan Siu Hung

Examination  
(continued)

Cross-Examination

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 30

Chan Siu Hung

Cross-Examination  
(continued)

- Q. Now, did you notice that he had abrasions or minor lacerations on his back as well?
- A. On his back, you mean?
- Q. Yes?
- A. I did not notice any at that time. It is not recorded down.
- Q. You did not notice any at the time?
- A. No.
- Q. Which means that he might have had but you didn't notice it?
- A. Yes.
- Q. Did you also notice that he had a slight wound on his left arm as well as his left hand?
- A. Those abrasions - they did not require any surgical repair. I noticed there were abrasions.
- Q. You noticed they were abrasions, but they did not need any surgical repair?
- A. No.
- Q. And as a surgeon you went for the wounds that did need surgical repair?
- A. Yes.
- Q. By the time that you saw him, would it not be true to say that he had suffered badly from loss of blood?
- A. Not really because he was - the general condition was good by the time I saw him.
- Q. You yourself say that he suffered from loss of blood.
- A. Yes, wasn't very severe.
- Q. How much blood has he lost?
- A. We did not measure the amount of blood lost because his wounds were covered with a bandage. This would not be very large.
- Q. But evidence has been given in this court that blood marks obviously from him were found almost in a

10

20

30

trail until he went to the original military hospital to have a bandage put on.

- A. The blood can form a trail and yet it can still be not losing a lot. It can stain the skin.

COURT: What time did you first see him?

- A. That is around 8 o'clock in the morning.

Q. When he had been in the hospital for some hours?

- A. He was admitted at 4.45 a.m. My house officer first saw him during that time.

10 Q. That was the time that your house officer first saw him?

- A. Yes.

Q. We have evidence that he was admitted to Casualty at about 4 o'clock.

- A. Yes.

Q. And evidence that the legs and arms were actually bandaged even before that, at a military hospital.

- A. When I saw him he was bandaged, yes.

20 Q. Yes. So that when you saw him, presumably you could not assess really how much blood he had lost surely?

- A. But from the dressings he was not very much soaked through and his general condition was good.

Q. There is evidence that there had been two previous dressings, one put on in the military hospital and one put on by himself when he tore up his shirt to dress the wounds.

- A. I did not notice this.

30 Q. Of course, you didn't, but I am suggesting to you that as you only saw him at 8 o'clock when the wounds had been twice dressed before, that you really were not in a position to judge how much blood he had lost.

- A. But I was in a position to judge his condition.

Q. Yes?

- A. The general condition.

In the Supreme Court of Hong Kong

Prosecution Evidence

No.30

Chen Siu Hung

Cross-Examination (continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 30

Chan Siu Hung

Cross-Examination  
(continued)

- Q. Do you know that he stayed in hospital for sixteen days?
- A. Yes, he was discharged on the 16th of December.
- Q. Did the police in any sense ask for his discharge? I am not suggesting that as a doctor you would have discharged him unless he had been fit for discharge, but did the police in fact ask for his discharge?
- A. The police?
- Q. Yes.
- A. I did not notice.
- Q. You wouldn't be able to say, for instance, whether the police asked for his discharge, whether, if he had been a normal patient not in police custody, he would have perhaps been kept in a day or two longer?
- A. No, I would think the patient would be discharged when he is seen medically fit.
- Q. When he is?
- A. When he is medically fit.
- Q. The police asking for his discharge wouldn't affect the matter?
- A. No.
- Q. All right. Well, now, again did he require physiotherapy after the operation?
- A. Yes, he did.
- Q. Doctor, would you mind showing me these notes? Then perhaps I wouldn't have to ask questions in the dark. We are only going by these notes.
- A. Yes.
- Q. Well, could you show them to me, please? (Dr.'s notes handed to counsel) What is 'T.C.A.'?
- A. 'To come again'.
- Q. So you 'T.C.A.'d him for the 21st of December - although you discharged him on the 16th of December you actually 'T.C.A.'d him for the 21st of December?
- A. If it is written down there, yes.

10

20

30

- Q. Yes, it is down there, and there are - perhaps you read out your notes of the 21st of December.
- A. "21st December, 1970. Wound cleaned. Extension and flexion intact. In left fourth and fifth fingers some numbness. Radial border at tip of fifth finger, off all stitches. Left knee: wound held; movement O.K. Self-physio for fingers. T.C.A. two weeks." That is all.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.30

Chan Siu Hung

Cross-Examination  
(continued)

10

COURT: He was to come again two weeks after the 21st of December?

A. Yes.

Q. And where would you place the left thigh, Doctor?

A. I am sorry. I don't quite catch your question.

Q. I have amongst your papers diagnosis that includes laceration of the left thigh. Where would you say that was?

A. That is referring to the laceration above the left knee which is the thigh.

Q. I see. Incidentally when were the stitches removed?

20

A. Those in the hand were removed on the 21st.

COURT: Tell us, how many stitches were there on the hand?

A. We usually don't count how many stitches, sir.

COURT: Was each finger stitched?

A. Yes.

COURT: When did you say they were removed?

A. Those on the fingers, on the 21st December.

COURT: And the knee?

A. I have to refer to the notes.

COURT: Yes.

30

Q. Yes, by all means.

COURT: The stitches on his fingers were removed on the 21st?

A. Yes. Those on the knee were removed on the 11th of December.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 30

Chan Siu Hung

Cross-Examination  
(continued)

Q. And if I were to remind you that there were seven stitches in the 5th finger, eight in the fourth finger and twelve over the knee, would that be about right?

A. As I said, we usually don't make counts of how many stitches we put on.

Q. Approximately, would that be about right?

A. Would you repeat those figures, sorry?

Q. Seven in the fifth finger, eight in the fourth finger, and twelve in the knee.

10

A. About that.

Q. Thank you. Doctor, this file, the Queen Elizabeth Hospital's file, on the accused - could you read out - it is very hard for me to - I think it is your writing there. Is it your own writing?

A. This is my writing.

Q. Could you read out what you have written?

A. This is the operation record.

Q. Yes.

A. I am now going to read the operative procedure and the findings:

20

"Wound cleansed with Cetavlon and Hibitane.

5th Finger: Laceration involving radial border with partial cut profundus tendon and chipped fracture M/P through cartilaginous cortex. Tendon approximated with one stitch 3'0' silk. Detached cortex anchored with 3'0' silk. Polybactrin spray. Wound cleansed with nylon.

30

4th Finger: Cut. Ext. Tendon with P/P. Chipped fracture; tendon repaired with 3'0' silk. Polybactrin Haemostasis. Wound cleansed with nylon. POP slab.

Left Knee: Laceration medial aspect, about 1 $\frac{3}{4}$ ". Wound enlarged. Cut vastus medialis partially.

Polybactrin spray.  
 Muscle repaired with 2'0' atrumatic.  
 Subcuticular stitch.  
 Wound cleansed with nylon.  
 Lateral aspect:  $\frac{3}{4}$ " laceration with  
 only cut to fascia.  
 Sutured with nylon after polybactrin  
 spray."

In the Supreme  
 Court of Hong  
 Kong

Prosecution  
 Evidence

No. 30

Chan Siu Hung

Cross-Examination  
 (continued)

That is all.

10 COURT: Mr. Bernacchi, would you like the witness to show  
 on the accused to the jury where these injuries were?

MR. BERNACCHI: Yes, yes, indeed.

Q. Can you remember, DR. CHAN, where the lacerations on  
 the hand and the knee were?

A. Yes.

Q. And you have mentioned abrasions on the arms as well.  
 Can you remember where they were?

A. I did not put it down in the records because we deal  
 only with wounds that require surgery.

20 Q. Yes?

A. So I would rather be more specific on the wounds  
 inflicted.

Q. I see. So you would rather only demonstrate where  
 the wounds were - the wounds that you actually dealt  
 with in the operation?

A. Yes.

COURT: Were these abrasions superficial?

A. Superficial, yes.

COURT: Just --

30 A. Just grazed off.

COURT: Grazing of the skin. That wouldn't be a cut or  
 a stab?

A. It is not likely.

COURT: Yes.



In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 30

Chan Siu Hung

Cross-Examination  
(continued)

Q. Incidentally, on the notes written to you, presumably by the doctor in Casualty, "patient was stabbed by someone with a knife, bleeding profuse."

A. This is not from the Casualty. This is from my house officer.

Q. From your house officer, who is himself a doctor?

A. Yes.

COURT: Who would that be? Is that Dr. Lo?

A. No, that is Dr. Ho.

Q. Could you demonstrate on the accused where these wounds were?

10

COURT: Bring him out.

ACCUSED: Yes, my Lord.

COURT: Come over here.

(Court, witness, accused and both counsel go over to jury box, and witness demonstrates to the Court and the jury the wounds on the accused's person).

Q. Doctor, I think this is the temperature chart for the first ten days. If you have a look at it and tell the jury the condition of his temperature above or below normal.

20

A. On admission he did not have any fever and he had a kick of fever on the second day after the operation and this subsided until the 6th day and the fever shot up again and then it subsided on the 8th day.

Q. On the 2nd and 6th day, what did the fever amount to?

A. On the 2nd day, the highest one was 100.6 and that on the 7th day the highest was 104.

COURT: The 7th, you say?

A. 7th post operative day.

30

COURT: 2nd day, the temperature was ---

Q. Returning, doctor, to the wound on the arm.

A. Yes.

COURT: You mean the abrasions?

Q. Well, I say wound advisedly.

COURT: Yes.

Q. Could you be mistaken? It wasn't abrasions but actually cut, not a bad cut, not needing any surgical treatment but a cut?

A. I would say that the wound was superficial. It did not require any surgery.

10

Q. I didn't say that it did, but was a cut wound. It wasn't just abrasions by running in contact with some hard surface.

COURT: Is there a cut there? Is there a mark there?. By all means you can show it to the doctor. (to Accused).

(Accused indicates)

COURT: Which one?

ACCUSED: This is it, my Lord.

COURT: (to witness) Do you remember, Doctor?

20

A. I couldn't remember because it was not in the notes and because we dealt mainly with the parts that required surgery..

Q. So it could be mistaken and it was a cut, not abrasions, on the arm?.

A. I am not prepared to dispute on that point.

Q. I see. There is a drug chart. He was given a penicillin and other drugs?

A. If the record says, yes.

Q. Read the record yourself.

A. Yes, he was given penicillin and erythromycin.

30

Q. And, Doctor, when you had finished the operation, will it be true to say that his arm was put into plaster?

A. Yes, it was.

Q. And that plaster was not removed for three weeks?

A. I have to consult the notes.

In the Supreme  
Court of Hong  
Kong

—————  
Prosecution  
Evidence

—————  
No. 30

Chan Siu Hung

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No. 30

Chan Siu Hung

Cross-  
Examination  
(continued)

Q. By all means. I can't quite find them in the records, but perhaps you can.

A. I cannot give you the exact date when the plaster was taken off but the usual practice was two to three weeks, for the tender skin to be healed up before removal.

Q. He was also apparently given walking exercise?

A. Yes.

Q. I see incidentally that he also had a severe sore throat. Is that anything to do with the wounds or is that incidental? 10

A. That is incidental.

Q. Now, I'll just question your statement that he would come out of the anaesthetic within half an hour of coming out of the operating theatre and within an hour he would not feel dizzy. I have myself had - surely from the personal experience of many people they don't come out of the anaesthetic as quick as that and when they do come out they feel hazy for quite some time afterwards.

A. Anaesthetic is not my line of specialty. This is the figure I have given was a sort of general impression that I get from patients that I have operated upon. 20

Q. But anaesthetic is not your line of specialty whatsoever?

A. No.

Re-Examination

REXN. BY MR. DUCKETT:

Q. You were asked if the police requested the early release of the accused. Did anyone else request his early release?

A. I did not notice any. 30

Q. Was anything said to you about his release?

A. It was on one occasion a police officer actually asked one of my colleagues whether the patient could be discharged.

Q. Was that in your presence?

A. No.

XN. BY COURT:

In the Supreme  
Court of Hong  
Kong

Q. Upon admission to hospital, would he at any time be given a complete body examination or not?

A. Yes, he would have been given one.

Prosecution  
Evidence

Q. A complete body examination?

A. Yes.

No. 30

Q. Who would do that?

Chan Siu Hung

A. The house officer.

Re-Examination  
(continued)

Q. The house officer?

10 A. And then I would check with my findings that require surgery.

Q. But would that involve an examination of the body - of the stripped body?

A. The body was exposed.

Q. If in fact there were any cuts or lacerations on the back, would that of necessity be discovered or not?

A. That would be discovered if those things require surgery.

20 Q. Yes, if they required surgery, but would any note be made of them if there were fresh cuts or lacerations on the back?

A. It depends on the severity as I said. If it is a severe one and requires surgery then it would be recorded down.

Q. Yes, of course.

A. If it is an abrasion then we may just don't make any note of it.

COURT: Yes, thank you.

MR. DUCKETT: Could this witness be excused. I call Supt. Taylor.

In the Supreme  
Court of Hong  
Kong

No.31.

MATTHEW TAYLOR

—  
Prosecution  
Evidence

MATTHEW TAYLOR Sworn in English.

—  
No.31  
Matthew Taylor  
Examination

XN. BY MR. DUCKETT:

- Q. Your full name, Supt. Taylor?
- A. Matthew Taylor, Superintendent of Police.
- Q. Where are you stationed?
- A. Yaumati Police Division.
- Q. Were you present on the 2nd of December at the custodial ward of the Queen Elizabeth Hospital when the accused was charged with murder? 10
- A. Yes, I was.
- Q. And on the 7th of December last year did you again go to the custodial ward of the Queen Elizabeth Hospital?
- A. Yes, I did.
- Q. And that was for the purpose of conducting an identification parade?
- A. That is correct.
- Q. Could you tell us what took place?
- A. At the first incident on the 2nd of December -- 20
- Q. Now, you needn't tell us about that. Just deal with the identification parade.
- A. The identification parade?
- Q. Yes.
- A. A total of nine persons were on the parade, of similar height and build to the accused. They all sat behind a trestle-table which was draped with bed sheeting to avoid exposing the accused's bandaged arm and leg.
- Q. And what about the hair and colouring of these persons on the parade? 30
- A. I brought to the custodial ward about two dozen servicemen, European servicemen, and asked the accused to select the group he wished to appear with him on the parade. He said it didn't matter. He was in a fairly

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No. 31

Matthew Taylor

Examination  
(continued)

non-chalant mood. So I selected those with the fairest hair.

Q. Yes, and what took place then?

A. A number of witnesses were then brought in and several of them identified the accused. After each identification I invited him to change his position in the line, but he did not wish to do so.

Q. At the conclusion of the parade --

10

A. At the conclusion I asked him if he was satisfied with the conduct of the parade and whether he had any complaints about it. He had nothing to say.

Q. Would you have a look at P33 in the lower court? Is that a record that you took at the time of the conduct of this parade?

A. Yes, this is the record. I identify my signature on the book.

Q. Would you tell us the names of the witnesses who identified the accused?

20

A. Francis Zimmermann identified the accused by leaning over the table and touching him.

Q. Would you just tell us the names?

A. Roy Birtwhistle made an identification. Chinese male LI Ping-fai made an identification. Chinese male LIN Cham-kam made an identification. Chinese male MAK Chuen made an identification. Mr. WU Kan made an identification. Mr. LIN Kwok-hung made an identification.

Q. LIN Kwok-hung - that is P.W.19.

A. And Mr. Peter CHO Chi-kau made an identification.

30

Q. P.W.4. And D.Insp. WONG Nai-tong acted as your interpreter, is that correct?

A. Yes, he did.

Q. And do you now produce the record of the conduct of this parade?

A. Yes, I do.

CLERK: P33.

COURT: Yes, Mr. Bernacchi.

In the Supreme  
Court of Hong  
Kong

————  
Prosecution  
Evidence

————  
No.31  
Matthew Taylor

Examination  
(continued)

MR. BERNACCHI: I am sorry, no questions.

COURT: Yes, thank you.

MR. DUCKETT: I call Insp. WONG Nai-tong.

COURT: Number --

MR. DUCKETT: That is, page 39.

WONG NAI-TONG

Affirmed in English:

\_\_\_\_\_  
Prosecution  
Evidence

XI. BY MR. DUCKETT:

\_\_\_\_\_  
No.32  
Wong Nai-tong  
Examination

Q. Your full name, Inspector?

A. WONG Nai-tong.

Q. And where are you stationed?

A. in C.I.D., Kowloon Headquarters.

10

Q. And on the 7th of December last year, did you act as an interpreter at an identification parade conducted by Supt. Taylor, the last witness?

A. Yes, sir.

Q. And did you interpret what was said for the benefit of various witnesses that were called to identify the accused?

A. Yes, sir.

COURT: Yes?

MR. BERNACCHI: No questions.

COURT: Thank you.

20

MR. DUCKETT: Cpl.6716, page 42.



In the Supreme  
Court of Hong  
Kong

No.33.

CHAN KWONG-HUNG

\_\_\_\_\_  
Prosecution  
Evidence

CHAN Kwong-hung Affirmed in Puncti:

\_\_\_\_\_  
No.33  
Chan Kwong-hung  
Examination

XN. BY MR. DUCKETT:

Q. Your full name?

A. CHAN Kwong-hung.

Q. You are Cpl.6716?

A. Yes.

Q. And where are you stationed?

A. Yaumati Police Station. 10

Q. On the 9th of December last year were you on duty in the  
custodial ward of the Queen Elizabeth Hospital?

A. Yes.

Q. And the accused, Edwards, was in room 6 of that ward, is  
that correct?

A. Yes.

Q. And did he give you something?

A. Yes, he did.

Q. What was it?

A. He gave me a piece of paper. 20

Q. Would you look at Exh.29.

COURT: What time was it?

A. This was in the afternoon, but I can't remember the  
exact hour.

COURT: Yes.

Q. Does that look similar to the piece of paper that you  
were given?

A. Yes.

COURT: Can you read English?

A. A little, my Lord. 30

COURT: Enough to --

A. Well, to know enough for ordinary conversation.

Q. What did you do with that piece of paper?

A. I had been instructed by my superior that if the defendant handed me any piece of paper, I should inform him and ask him to come and get it.

Q. What did you do with the piece of paper?

A. After receiving this piece of paper I informed my superior officer by telephone.

10 Q. And then did you give the piece of paper to somebody?

A. P.C. 74 came and received the paper.

MR. BERNACCHI: No questions, my Lord.

COURT: Thank you. You may be released.

MR. DUCKETT: P.C.74, page 43.

In the Supreme  
Court of Hong  
Kong

-----  
Prosecution  
Evidence

-----  
No.33  
Chan Kwong-hung  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

No.34.

CHOW KAM-SHING

CHOW Kam-shing (Affirmed in Punt)

\_\_\_\_\_  
Prosecution  
Evidence

XN. BY MR. DUCKETT

\_\_\_\_\_  
No.34  
Chow Kam-shing  
Examination

Q. You are CHOW Kam-shing, P.C.74?

A. Yes.

Q. And where are you stationed?

A. I am now attached to the Police Headquarters, Kowloon.

Q. And on the 9th December last did you go to the  
Custodial Ward of the Queen Elizabeth Hospital?

10

A. Yes, I did.

Q. And did Detective Corporal 6716 there hand you a piece  
of paper?

A. Yes.

Q. Would you look at Exhibit P.29? (to witness) Is that  
similar?

A. Yes.

Q. And what did you do with that piece of paper?

A. I handed the piece of paper to the officer in charge,  
Inspector Gravenor.

20

NO XXN. BY MR. BERNACCHI

No.35.DAVID JOHN EDWARDSIn the Supreme  
Court of Hong  
KongDavid John EDWARDS (Sworn in English)—  
Prosecution  
EvidenceXN. BY MR. DUCKETT—  
No.35  
David John Edwards  
Examination

Q. Your full name?

A. David John Edwards.

Q. And you are an Inspector of Police?

A. Yes.

Q. And where are you stationed?

10 A. Kowloon Headquarters, sir.

Q. On the 7th of December last year did you go to Pier 1 of the Ocean Terminal?

A. Yes.

Q. What did you do there?

A. I was with P.W.D. divers to make a search for a knife and a bag. The operation, sir, was unsuccessful

Q. To search where?

A. On the seabed by Pier 1.

20 Q. On the 10th of December last year at 10.25 hours in the morning, did you go to see the accused at the Queen Elizabeth Hospital?

A. Yes, sir.

Q. And who was with you?

A. Detective Corporal 526, sir.

Q. And did you give Edwards something?

A. I gave him a memo and Legal Aid forms; and in return he gave me certain sheets of paper.

Q. Now would you have a look at Exhibit P.30? (to witness)

30 A. These papers to the best of my knowledge are the papers which Edwards gave to me, which I handed to Detective Corporal 526, who was present.

In the Supreme  
Court of Hong  
Kong

MR. DUCKETT: Yes, thank you.

COURT: That is Ex.P.30.

XXN. BY MR. BERNACCHI

Prosecution  
Evidence

No.35

David John Edwards  
Cross-Examination

- Q. Mr. Edwards, your statement from the witness box differs in two respects from your statement that forms part of the depositions. You said that you were searching for a knife and a bag?
- A. Yes. I was under instructions to search particularly for a knife and a bag.
- Q. In your statement that forms part of the depositions you don't mention a bag. 10
- A. Apparently the knife, I understand, I was informed, was contained in the bag. I was instructed to look for that.
- Q. I see. Those were your instructions?
- A. Those were my instructions, sir, from Senior Inspector Gravener.
- Q. And the other way that it differs is that you say in your statement: "I handed Edwards a memo and Legal Aid Forms".. 20
- A. Yes, sir.
- Q. "I received from Edwards some papers with writing thereon."
- A. Yes, sir.
- Q. Now you say: "In return he gave me certain papers." Now wasn't the procedure this: that you had instructions to take away writing which you expected he would have written on the paper?
- A. My instructions, sir, were to attend at the Hospital, and to take away papers which the defendant had written on, in which case they would have been these papers, sir. 30
- COURT: In which case what?
- A. These papers, sir.
- Q. The position was that Edwards did not particularly wish to hand them to you but you said that you had instructions?
- A. That is correct, sir.

Q. And in fact we have now discovered that these papers are  
uncompleted.

A. I don't know, sir, about this.

MR. BERNACCHI: Thank you.

In the Supreme  
Court of Hong  
Kong

---

Prosecution  
Evidence

---

No.35

David John Edwards

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

No.36.

CHENG CHAU

P.W.34 - CHENG Chau (Affirmed in Punt)

Prosecution  
Evidence

XN. BY MR. DUCKETT

No.36

Cheng Chau  
Examination

Q. Your full name?

A. CHENG Chau.

Q. And you are Detective Corporal 526?

A. Yes.

Q. And where are you now stationed?

A. I am now stationed at Shamshuipo Police Station. 10

Q. At 10.25 hours on the 10th of December last year, did you accompany the previous witness, Inspector Edwards, to the Queen Elizabeth Hospital?

A. Yes, I did.

Q. And did Mr. Edwards there hand some papers to you?

A. Yes.

Q. Is Exhibit P.30 similar to these papers? (to witness)

A. Yes.

Q. And what did you do with them?

A. On instructions I took the papers to Headquarters and handed them to the officer in charge, Inspector Gravener. 20

COURT: To whom?

A. Inspector Gravener.

Cross-Examination

XXN. BY MR. BERNACCHI

Q. Perhaps, Corporal, you have missed out one stage. Inspector Edwards had possession of the papers and he gave them to you. They came from the accused, Edwards, and then Inspector Edwards himself handed them to you?

A. Yes, correct. 30

MR. BERNACCHI: Yes, thank you.

NO REEXN. BY MR. DUCKETT

TIM fai (Affirmed in Punti)

\_\_\_\_\_  
Prosecution  
Evidence

Q. Your full name?

A. TIM Fai.

Q. And you are Corporal 610?

A. Yes.

Q. Where are you stationed?

A. Yaumati Police Station.

\_\_\_\_\_  
No.37

Tim fai

Examination

10 Q. And on the 14th December last year were you on duty at the Custodial Ward of the Queen Elizabeth Hospital?

A. Yes.

Q. At about 1900 hours on that day, did the accused person give you something?

A. Yes, he did.

Q. What was it?

A. He handed me some letters - a pile of letters.

Q. Would you look at Exhibit P.31? (to witness)

A. Yes...

20 Q. Does that appear similar to what he handed you?

A. Yes.

COURT: May I see that? (handed to Court) Yes.

Q. And what did you do with them?

A. Earlier on I had been instructed that on receipt of any letter or paper I should inform my senior officer. Subsequently I handed the papers to the deputy in charge of the Station, Mr. Common.

Q. Inspector Common?

A. Yes.

30 NO XXN. BY MR. BERNACCHI



In the Supreme  
Court of Hong  
Kong

No.38.

EDWARD RUTHERFORD COMMON

—  
Prosecution  
Evidence

Edward Rutherford COMMON (Sworn in English)

—  
No.38

Edward Rutherford  
Common

Examination

Q. Your full name, please?

A. Edward Rutherford Common.

Q. And you are an Inspector of Police, and where are you stationed?

A. Yaumati Police Station.

Q. On the 14th December last year at about 2000 hours, were you in the Custodial Ward of the Queen Elizabeth Hospital? 10

A. I was, sir.

Q. And were you there handed some pieces of paper?

A. I was, sir.

Q. And was that done by the previous witness, Corporal 610?

A. It was, sir.

Q. Would you have a look at Exhibit P.31? (to witness)  
Are these the papers that you were handed on that occasion?

A. Yes. 20

Q. And what did you do with them?

A. I put them in my pocket and immediately contacted the Senior Superintendent, C.I.D. Headquarters, and met him at Tsimshatsui Police Station and personally handed the papers over to him.

Q. That is Mr. Harris?

A. Yes.

NO XXN. BY MR. BERNACCHI

MR. DUCKETT: That is the case for the Prosecution, my Lord.

COURT: Yes. Would it not be possible to continue with this this afternoon? 30

MR. BERNACCHI: It is for your Lordship's decision. I would prefer myself to have continued with the defence on Monday, but it is entirely up to your Lordship.

COURT: Well, I don't want to put you to a lot of inconvenience..In the Supreme Court of Hong Kong  
If you could have started this afternoon, what would you do?

MR. BERNACCHI: I would immediately call the accused.

—————  
Prosecution  
Evidence

COURT: What, now?

MR. BERNACCHI: No, no. When I do resume.

COURT: Would it be possible for us to adjourn for 10 or 15 minutes and start this morning?

10 MR. BERNACCHI: I would prefer to adjourn at least to this afternoon, because I didn't anticipate starting the defence until Monday morning.

COURT: I take it that really there has been ample time to prepare your defence?

MR. BERNACCHI: Oh yes, but I would at least ask for an adjournment until this afternoon.

20 COURT: Members of the Jury - Mr. Foreman - perhaps you would have a word with your fellow Jurors, would you, and ask them what would suit their convenience? We could, say, start this afternoon at 3 o'clock - or Counsel for the defence has said that he would prefer to start to open the defence on Monday morning. Which would suit the convenience of the Jury?

MR. FOREMAN: I shall ask them. (Jurors confer)  
My Lord, the members of the Jury agree that this afternoon would be an opportune time.

COURT: So would it be convenient say, to start at 3 o'clock this afternoon?

MR. FOREMAN: Yes, my Lord.

30 COURT: We will adjourn now and resume at 3 p.m. this afternoon. The case has gone, I am happy to say, a good deal more quickly than we might have anticipated. I have no doubt whatsoever that it will be finished, say about the middle of next week.

COURT: Would that suit your convenience:

MR. BERNACCHI: Yes.

COURT: Very well, we will adjourn till 3 o'clock.

11.21 a.m. Court Adjourns.

3.02 p.m. Court Resumes. 19.3.71

Accused present. Appearances as before. J.A.N.

PROCEEDINGS

—  
Proceedings

—  
No.39

19th March 1971

MR. DUCKETT: My Lord, as a result of enquiries which were commenced by the Defence very recently, a number of, a certain amount of additional material has been discovered, and I seek firstly an order from your Lordship that this is to be produced in evidence and if your Lordship is prepared to order that those documents be produced, my learned friend and myself have agreed that pursuant to the Criminal Procedure (Amendment) Ordinance that certain admissions will be made by myself concerning those statements. 10

COURT: Yes, just let me have a look at them. (To Court)  
This document, when and to whom was it made?

MR. DUCKETT: To a Prisons Officer.  
I have no more information than that at the moment, my Lord. It has come from the Prisons Department files.

COURT continues to study documents.

..Yes, I am not quite sure what the value of that is likely to be. You know the document? 20

MR. DUCKETT: Yes, I do, my Lord.

COURT: It is allegedly made on the 23rd of December.

MR. BERNACCHI: My Lord, the document is linked up with the medical report: "All wounds healed and consistent with statement."

COURT: Which?

MR. BERNACCHI: "..consistent with statement" - and that is the statement contained in the document that you have just read.

COURT: It is dated 23rd of December? 30

MR. BERNACCHI: Yes, oh yes.

COURT: This, I suppose, was an examination at the time of admission to hospital?

MR. BERNACCHI: He was first of all admitted to Laichikok, and the first document deals with that time, the 16th of December. Then he was admitted to the Victoria Reception Centre on the 23rd December, and the three other documents deal with that time.

COURT: Yes.

MR. DUCKETT: If your Lordship directed these to be produced.. as your Lordship pleases..

In the Supreme Court of Hong Kong

COURT: Yes.

MR. DUCKETT: And I seek leave to include them as part of the prosecution case, although the case is closed.

Proceedings  
(continued)

COURT: Part of the prosecution?

No. 39

MR. DUCKETT: Well, it is at my learned friend's request, but I am prepared to place them before the Court as part of the prosecution case.. part of the material available to the prosecution.

10

COURT: The first one is a statement made to a Prison Officer written and apparently signed by the defendant and dated 16th December, is that right?

MR. DUCKETT: Yes, 16th December.

COURT: The second is a medical report made by the Prison Medical Officer and dated the 23rd of December, but in fact signed on the 24th of December, as to the nature of certain injuries that appeared on the body of the accused when he was examined by the Doctor, is that correct?

20

MR. DUCKETT: That is so, my Lord.

COURT: The third document is a document dated 24th of December..

MR. BERNACCHI: Dated 23rd of December.

COURT: No, dated 24th of December.

MR. DUCKETT: Bottom left-hand corner.

COURT: It is from the Reception Office; it is dated 23rd of December; showing that the defendant was admitted to the Reception Office on the 24th of December. This must be the Reception.. is this the Prison Hospital?

30

MR. DUCKETT: That is so, my Lord..

COURT: Is that the Prison Hospital? Is that so?

MR. DUCKETT: I am not quite sure, my Lord.

COURT: Well, it says: "The above-named prisoner stated that he was hurt while he was fighting with another person at Hong Kong Hotel on 1st December, 1970."

As I say, it is signed on the 24th December. It says: "I placed him on an injury report."

In the Supreme  
Court of Hong  
Kong

Proceedings  
(continued)

No. 39

It is a little difficult to understand what this is intended to be, having regard to the fact that he has been in the Queen Elizabeth Hospital from the 1st to the 16th December. Did his injuries deteriorate with the result that he was admitted to the Prison Hospital on the 23rd December?

MR. DUCKETT: I have just received this document, my Lord, and I regret I have no more information than appears on the face of it.

MR. BERNACCHI: My use of the document actually, is the actual Injury Report. The details of the injuries as reported, and that the wounds were consistent with the statement that your Lordship has just read. 10

COURT: That he said he had been fighting with somebody else on the 1st of December, and that finally.. and perhaps the most important is the Document apparently - you will have to put them to him, Mr. Bernacchi - apparently in the defendant's own handwriting dated 24th December, which seeks to explain how he got those injuries, is that right? 20

MR. BERNACCHI: The two that I rely upon most are the statement of the 16th of December and the statement of the 24th of December.

COURT: Those are statements written by the defendant in his own handwriting and handed to the Prison Officer, is that right?

MR. BERNACCHI: Yes.

COURT: Yes. Well, if you want them put in they can be put in.

CLERK: Exhibits P.34, A, B, C, D. 30

COURT: Do you wish me to explain these to the Jury?

MR. DUCKETT: Yes, I have copies, my Lord.

COURT: Now which order do you put them in?

MR. BERNACCHI: Perhaps in order of date? There is a query over one of the..

COURT: Which one do you want first, Mr. Bernacchi?

MR. BERNACCHI: The 16th December.

CLERK: The statement?

MR. BERNACCHI: The statement.  
Second, I suggest, the Injury Report. The third, the 40

formal admission statement: "I placed him on an injury report." And the fourth, the statement he made on the 24th December.

In the Supreme Court of Hong Kong

COURT: Yes. It is all very well simply asking for me to admit these.. but the circumstances in which this statement was made, to whom it was handed, why it was handed and so forth..

—  
Proceedings  
(continued)

MR. BERNACCHI: Well, the accused is giving evidence, of course.

—  
No.39

10 COURT: Yes.. Very well, have the Jurors got copies of those? What is the first? 16th December.

MR. BERNACCHI: It was something that the accused said to me that caused me to make these enquiries.

COURT: 34, A, B, C, D. Yes. (Copies handed to Jury)

Members of the Jury, these are four documents that the Defence have asked to be put in evidence, and which I have directed should be put in evidence, and of course they are now before you.

20 The first one, you will see, is a statement and it is dated 16th of December, and it is apparently - though no doubt Mr. Bernacchi will bring that out from the defendant himself - apparently it is a written statement, written by the defendant himself and handed to some Prison Officer, as I understand it, in the Prison, and you will see that it says:-

30 "On or about midnight of the 1st of December, 1970, I visited the room of R.A. Coombe to collect some money (\$3,000) when I was stabbed by R.A. Coombe who apparently objected to paying blackmail. And whom I believe died after I gained possession of the knife from stab wounds inflicted in the ensuing struggle."

and it is signed "G. Edwards".

Now the next one is an Injury or Assault Report which is dated 23rd December, although in fact it is signed by the Prison Medical Officer and dated by him the 24th December, and the time is 9.15, and it sets out certain details as to the Prison inmate, who presumably is the defendant:

40 "Place of Incident: Hongkong Hotel  
Time of Incident: 1st December, 1970  
Taken to Hospital: By R.O."

I don't know who that is.

In the Supreme  
Court of Hong  
Kong

Proceedings  
(continued)

No. 39

And then he was examined by presumably a Hospital dresser or a dresser, a medical dresser in the Prison Hospital, and it refers to certain lacerations which presumably that dresser found upon him. And -

- (1) refers to some sort of injury, 1" long on the left upper arm;
  - (2) and (3)  $\frac{1}{2}$ " long on the 4th and 5th fingers of the left hand;
  - (4) and (5) lacerations, I suppose they are, or wounds, 2" by 1" long above the left knee; and the
  - (6th) approximately  $2\frac{1}{2}$ " long on the left foot -
- and it then says:

"All wounds healed and consistent with statement." 10

Well now, the statement to which that presumably refers is the next document:

"The above-named prisoner stated that he was hurt while he was fighting with another person at Hong Kong Hotel on 1st December, 1970."

We don't, of course, know at the moment the circumstances in which this medical certificate was prepared by the Prison Medical Officer, or the circumstances in which he was presumably on the 23rd or 24th December admitted to the.. presumably the Prison Hospital, but I have no doubt we shall hear about it at a later stage. Why he was subsequently again readmitted, or admitted to a Prison Hospital, again one doesn't know, because we know that he was released from the Queen Elizabeth Hospital on the 16th. However, no doubt you will hear that in the course of the defendant's evidence. 20 30

And then, finally, another written statement, apparently written by the defendant himself, and dated 24th December, which says:

"On or about midnight the 1st December 1970 I was involved in a knife wielding fight with a fellow Australian in the Hong Kong Hotel. The preliminary result of this encounter was I suffered stab wounds to the left hand and also the left leg above the knee while attempting to gain possession of the knife. The final result of this encounter was my admittance to Q.E. Hospital, the unfortunate demise of my adversary and the inevitable charge of homicide contrary to the judicial legalities of the Colony of Hong Kong." 40

and it is signed "G. Edwards" - "0900 hrs. 24.12.70"

Those are the four documents which the Defence has asked to be put in evidence in this case, and the

prosecution have very properly agreed that they should be put in evidence. They are therefore before you and form part of the case for your consideration.

In the Supreme  
Court of Hong  
Kong

Yes - now just ask the defendant to stand up, will you?..

—————  
Proceedings  
(continued)

I have no doubt that this has been explained to you, but the position now is you have heard all the evidence which has been given by the prosecution, and you now have your opportunity to make your defence to the charge, to the indictment, and I have no doubt that you will have been told that there are three courses open to you - either that you can give evidence on oath from the witnessbox, in which case you may be cross-examined, or you can make an unsworn statement from where you stand in the dock, in which case you will not be cross-examined at all, or alternatively, if you so wish you can say nothing. Those are the three courses open to you, and it is for you to make your decision, after, no doubt, you have received legal advice, as to which of these courses you wish to take. In addition to that you can of course call any witnesses that you wish that may be relevant for your defence.

—————  
No.39

The first thing for you to answer is, what course do you now wish to take?

ACCUSED: My Lord and members of the Jury, I choose to give evidence under oath.

COURT: Very well, come into the witnessbox.

10

20



In the Supreme  
Court of Hong  
Kong

No.40.

GRAHAM LESLIE EDWARDS

—  
Defendants  
Evidence

Graham Leslie EDWARDS (Accused) (Sworn in English)

XN. BY MR. BERNACCHI.

—  
No.40  
Graham Leslie  
Edwards  
19th March 1971  
Examination

Q. I think you were born in Perth, Western Australia on the 10th August, 1951?

A. That is correct, sir.

Q. So you are now 19 years of age?

A. That is also correct, sir.

Q. I think your mother..

10

COURT: 10th August 1951.

Q. I think your mother died when you were 14 years old?

A. That is correct, sir.

Q. Your father owns a haulage business in Perth?

A. That is also correct, sir.

Q. And you have three brothers, aged 18, 16 and 14?

A. Yes, sir.

Q. I think you left school at the age of 16?

A. That is correct, sir.

Q. Did you also leave home or not?

20

A. I did, shortly afterwards, sir.

Q. I think before you left school you obtained your G.C.E.?

A. It is the equivalent of the G.C.E. O level, sir.

Q. And eventually I think you joined an oil company at Barrow Island?

A. That is correct, sir.

Q. That is very far from Perth, actually?

A. Approximately 1,000 miles, sir, by air.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. And you worked there from December 1967 until April 1970?
- A. I couldn't be too sure of the date, sir, but believe that is nearly correct. I know it was in December - yes, I believe it was, sir, yes.
- Q. Now I think you were a production operator?
- A. That is correct, sir.
- Q. Now on New Year's Eve of December 1969, I think you had a car accident?
- 10 A. This is correct, sir, but only so far as it happened approximately midday on the 31st of December.
- Q. Oh, I'm sorry.  
And I think you had to spend two months in hospital?
- A. That is correct, sir.
- Q. You fractured your spine?
- A. Yes, sir.
- Q. And I think you had also neck and foot injuries?
- A. Yes, sir.
- Q. And you eventually received Australian \$800. - in compensation?
- 20 A. That is correct, sir. Also full pay while I was in hospital, sir.
- Q. Now you went back to the oil field but you left in May of 1970?
- A. That is correct, sir. I returned to the oil field on the 16th March and I left approximately, I believe, the 13th or 14th of the following month.
- Q. Now you went back to Perth and you went, I think, into the night club business?
- A. That is correct, sir.
- 30 Q. Was that a new business for you or had you previously had connections with the entertainment business?
- A. No -- it was a new business, sir, insofar as the fact that I was doing it full time. Prior to this I was merely working part-time in the periods I was down from the Island. They allowed us one week off every month.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. I see, but you were in that period, working in the entertainment business?

A. Oh, yes, sir.

Q. What sort of duties were you supposed to do in this night club business?

A. Just about everything, sir, from managing the bar, ordering goods, setting up the microphones, the stage equipment, ensuring that staff got paid, and booking acts as well, making out receipts, and promoting certain other acts to other different clubs, and arranging so that the artists were there at a certain time, at a certain place. When they didn't show up, I had to do the job myself.

10

Q. And did you establish your own offices in Perth?

A. I did, sir.

Q. What was the name of the offices?

A. I registered a company under the name "Quantrill Enterprises".

Q. "Quantrill..?"

A. ..Enterprises"

20

Q. Enterprises. Now was it a success or in effect was it a failure?

A. Well, in effect it was more a failure, sir. I showed a small modicum of success in the beginning, but I lost a considerable amount of money on a promotion deal that flopped badly.

COURT: How much money did you invest in this business?

A. I beg your pardon, sir?

COURT: How much money did you invest in this business?

A. Originally, sir?

30

COURT: Yes.

A. All the funds I had. Two and a half thousand dollars, sir.

Q. I think you have an outstanding claim against you for Australian \$1,500. - in respect of a breach of contract?

A. That is correct, sir.

Q. For the booking of a performance?

In the Supreme Court of Hong Kong

A. That is also correct, sir.

Q. In that connection, did you have to borrow money at all?

Defendants Evidence

A. I did, sir.

Q. What were the circumstances?

No.40

A. Well, my credit rating, sir, is negligible, because I had no securities to offer for a loan. I was forced to go to a loan shark.

Graham Leslie Edwards

Q. Which was a person or firm or what?

Examination (continued)

10 A. It was a person, sir.

Q. And so what type of business did he run?

A. Well, the basic idea was, sir, that people with unsecured debts could borrow money from this person and repay the money at 5% interest per week.

Q. And that was his business?

A. That was his business, sir.

Q. Are you willing to give the name of that person or not?

20 A. I am willing to give the name of that person on one condition, sir, if I may be able to have this request, that is that if the members of the Press are refused access to his name.

Q. Could you write it down on a piece of paper?

A. Certainly, sir. (Paper and pen to witness)

COURT: Please put the address, too.

Q. What is his address?

A. He has many different addresses, my Lord.

Q. Well, some address that will reach him.

COURT: Business and home address.

30 What is the objection to disclosing it - not that I think it matters in the very least - surely it is in the public interest that people should be warned against sharks of this kind?

Q. What is your objection to disclosing this name to the Press?

A. I value my life far too much for that, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. Do you mean to say that this man..

A. Sir, from the information that this man has given me when I met him on a social basis, a short time after I loaned the money, he is facing a 10 to 40-year stretch for violation of the Harrison Act. He has got nothing to lose.

COURT: What - do you mean as an unregistered moneylender?

A. Pardon, sir?

COURT: As an unregistered moneylender?

A. No, sir - but I believe he is wanted in the U.S. for violation of the Harrison Act, under another name. 10

Q. Violation of the..?

A. Harrison Act, sir.

Q. I'm sorry?

A. The Harrison Act.

Q. The Harrison Act?

A. That's right, sir.

COURT: What is that?

A. That is a Federal narcotics statute, sir.

MR. DUCKETT: If he is wanted under another name, there should be no difficulty. 20

Q. Anyhow, you have written the name and the address on this paper?

A. I have, sir.

Q. Now you say that you went into the night club business?

A. That is correct, sir.

Q. Used you to run any other type of business?

A. Oh, various different things, sir.

Q. Well, used you to run a call-girl business?

A. That is correct, sir. 30

Q. What were these so-called 'call-girls'?

A. I beg your pardon, sir.

In the Supreme  
Court of Hong  
Kong

Q. What were these so-called 'call-girls'?

A. High priced prostitutes, sir.

Q. Now I come on to Mrs. Coombe. Do you know Mrs. Coombe?

A. I do.

————  
Defendants  
Evidence

Q. And when did you first meet Mrs. Coombe?

A. I believe this was the end of June, 1970, sir.

————  
No.40

MR. BERNACCHI: Now could I have P.30, please? I think that's the right Exhibit

Graham Leslie  
Edwards

Examination  
(continued)

10

Q. I now hand you Exhibit P.30. (to witness)  
Now that is a statement made by yourself?

A. That is correct, sir.

Q. And it deals with your activities in Australia at this time?

A. Yes, sir.

Q. As regards the expressions of fact..

A. I beg your pardon, sir?

Q. As regards the statements of fact..

A. Yes, sir.

Q. Is it true?

20

A. Yes, sir, quite true.

Q. This statement ends suddenly?

A. That is correct, sir.

Q. It begins: "This is a final and full confession of my activities from mid-June 1970 until the morning of my admission to this hospital on 2nd December 1970" - actually it is 1st December.

A. Yes, I must have been mistaken about the date, sir.

Q. But it ends suddenly, very much still in Australia?

A. Pardon, sir?

30

Q. In fact, it ends suddenly, very much still in Australia?

A. Oh, definitely, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. Why was that?
- A. Because a Police Officer insisted that I hand these documents to him.
- Q. And was it - when you wrote page one - was it your intention to tell the full story including the events of the night of the 30th November/1st December?
- A. Most definitely, sir.
- MR. BERNACCHI: The 'Ken Markham' papers, - P.32, please?
- Q. I now hand you Exhibit P.32. (to witness)  
I think the original is in your own handwriting? 10
- A. Yes, sir.
- Q. Now that relates to activities in Australia?
- A. That is true, sir.
- Q. Insofar as it consists of statements of fact?
- A. Yes, sir.  
There may be certain discrepancies with the dates, that's all, sir. I could not be too sure of the exact dates.
- Q. Were you at the time that you wrote this, legally represented or not? 20
- A. I was not, sir; that was the purpose of writing it.
- Q. What was your frame of mind when you wrote it?
- A. I was extremely disturbed at the time, sir. The committal proceedings were due to be heard upon the 18th, and after countless requests for legal aid, I had received no indication whatsoever, therefore I decided that to expediate matters more quickly I should write this for the simple purpose of - if I may be so blunt as to put it in an allegorical sense - making the Police pull their finger out and get me a solicitor. 30
- Q. And you say that as regards the statements of fact, apart from dates..
- A. Oh, and the name, sir.
- Q. Yes, and apart from the name..
- A. That is correct, sir.
- Q. The 'Ken Markham' was an imaginary person - the name -

I'm sorry - the name 'Ken Markham'.

A. Not at all, sir, I happen to know Ken Markham.

Q. I'm sorry?

A. Ken Markham happens to be a Police Officer.

Q. That you know?

A. I know quite a number of Police Officers.

Q. Yes, but he was not the one that accompanied you to Dr. Coombe's flat?

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

10

A. Not at all, sir. I merely chose that name as a point of ironical circumstance.

Q. Yes. Who was.. you say the statements of fact in it are true?

A. That is correct, sir.

Q. Who was the person who accompanied you?

A. The same person whose name appears on that note I handed to you, sir.

COURT: Query.

20

MR. BERNACCHI: I am talking, of course, about the statement - it is related in the statement itself that he, accompanied by another person, burgled, in effect, Dr. Coombe's flat.

COURT: I see.

Q. And that in fact took place?

A. That did, sir.

Q. Where was Dr. Coombe at the time?

A. His exact whereabouts I do not know, sir, but I can tell you who he was with at the time. He was with his common law wife and his two children.

Q. The Greek woman?

A. I believe she is Greek or Arab, sir, I am not sure.

30

Q. And his two children by Mrs. Coombe?

A. That is correct, sir.

Q. The flat that you burgled, was it his flat that he lived in



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

with this common law wife?

A. That is correct, sir.

Q. Was it the same flat that Inspector Gravener has given evidence about, or was it the previous flat?

A. It was the previous flat, sir.

Q. Do you know the address of this flat?

A. I believe it is 1B, Sandgate Street, South Perth.

Q. And you entered Dr. Coombe's room?

A. I did, sir.

Q. Would you describe the room? 10

A. To the best of my ability, sir. A slightly rectangular room, a bed in the centre of the room, towards a rear window. There was a wardrobe on the right-hand side as you enter the room. There was a bookcase alongside the bed. There was a dressing-table - I believe that is the term - on the left; and there was a desk in front of the bed against the wall.

Q. Now did you in fact find any photographs?

A. I did, sir.

Q. Where did you find them? 20

A. These were in a Manila folder in the top of the wardrobe, sir.

Q. Incidentally, how did you know that - well, how did you expect to find dirty photographs?

A. I was informed of their whereabouts, sir.

Q. By whom?

A. Mrs. Coombe.

Q. And you selected one, I think.

A. I did, sir.

Q. Which one was that? 30

A. This was a photograph showing five people.

Q. Now, where is that photograph now?

A. That photograph, sir, is torn into little pieces and somewhere in the ocean.

In the Supreme  
Court of Hong  
Kong

Q. Did you throw it in the ocean?

A. I did, sir.

Q. When?

A. On the morning of the 1st of December, sir.

Q. After you had left D. Coombe's room by the window.

A. That is correct, sir.

Q. Would you describe it, please?

A. The photograph, sir?

Q. Yes.

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Examination  
(continued)

10 A. The photograph showed a large area with several glasses and bottles around it and ash trays there. The photograph contained in a human aspect two men and three women. The bodies - I'll use the term 'bodies' to describe the people in the photograph - were divided into two groups, three in one group and two in another. There were two men and one woman in one group and two women - I beg your pardon, two women in the other group, sir.

Q. How many men were there in the photograph?

A. Two, sir.

20 Q. How many women?

A. Three.

Q. And was Dr. Coombe in the photograph or not?

A. He was, sir.

Q. Now, he was then in the photograph with the other man and a woman.

A. That is correct, sir.

Q. And now describe that part of the photograph.

A. Just that part, sir?

Q. Yes, well, the other part - I will come to it.

30 A. The woman appeared to be on a raised surface, sir. She was lying on her back with her legs around the other gentleman's neck. The other gentleman was also naked. Might I add all parties in this photograph were naked. Dr. Coombe was standing behind this gentleman who was bent

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

over similar to this (demonstrates) with his sex organ held in an erect position near the other person's anus.

Q. You mean near the other male person's.

A. That is correct, sir.

Q. And where was the other male person's sex organ?

A. It was not in the woman's vagina, sir.

Q. Was it near to the woman's vagina?

A. No, sir. The man's head was there. I believe the term is "cunnilingus".

Q. In other words, the man was in effect licking --

10

A. That is correct, sir.

Q. -- the vagina in a bent position.

A. Yes, sir.

Q. And Coombe was standing behind the man.

A. Yes, sir.

Q. With his sex organ --

A. He was standing upright.

Q. -- upright, near the man's --

A. Anus, sir.

Q. -- backside.

20

Q. What were the other two women doing?

A. One of the women was also performing cunnilingus on the other woman, sir.

Q. Would you - I mean by looking at the photograph, would you say that it was a sort of a real photograph or a posed photograph?

A. Not at all, sir. I would say it was definitely a posed photograph. I have done similar sort of things myself fooling around with photography and sex.

Q. Did you have reason to believe that Dr. Coombe liked photography?

30

A. I did, sir.

In the Supreme  
Court of Hong  
Kong

Q. Who told you?

A. Mrs. Coombe and she showed me certain photographs of a normal nature, sir.

Q. Those photographs that she showed you - what were they like? Defendants  
Evidence

A. They were just basically shots of the children, themselves, countryside shots all taken in the U.K., sir.

-----  
No.40

Q. I see, but nothing pornographic.

Graham Leslie  
Edwards

A. Pornographic. No, sir.

Examination  
(continued)

10

Q. But Mrs. Coombe, you say, told you that he had these pornographic photographs in his --

A. Wardrobe. That is correct, sir.

Q. -- in his wardrobe. She told you that.

A. That is correct, sir.

Q. And you found them there.

A. I did. I knew where to look for them.

Q. Because of information you had obtained from her.

A. That is correct, sir.

Q. Now, I come back to Mrs. Coombe. Where was she living?

A. At 4 Passmore Street, Rossmoyne.

20

Q. Which at the time was in whose name?

A. I believe in her husband's name, sir.

Q. Was she living alone or was she living with other people?

A. Oh, might I correct myself on that point. I believe it was in both names, both names, and she was living with other people, sir.

Q. What other people?

A. There were various different people at various different times, sir. It was what you might call an informal boarding house.

30

Q. I see, and did you go and board there?

A. I did, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. And in the course of time did you come to like Mrs. Coombe?

A. Very much, sir.

Q. And did you in the end have any sexual intercourse with Mrs. Coombe?

A. I did, sir.

Q. Incidentally, as far as you know, were you the only one that had sexual intercourse or --

A. Most definitely not, sir. There were numerous people.

Q. Who also had sexual intercourse?

10

A. Yes, sir.

Q. You liked Mrs. Coombe, you had sexual intercourse with her and there was talk of a divorce, I think.

A. There was, sir.

Q. Had the divorce gone through would you have married her or not?

A. Not at all, sir.

Q. Did she in any way think that you would have or not?

A. I stress that point straight away, sir: most definitely not.

20

Q. And I will now come to these divorce proceedings.

A. Yes, sir.

Q. To your knowledge, who was the one wanting a divorce - Mrs. Coombe or Mr. Coombe?

A. Mr. Coombe. Well, Mr. and Mrs. Coombe both wanted a divorce. Mr. Coombe was by far the more insistent, I believe.

Q. Did you know what Mrs. Coombe's terms were for a divorce?

A. I couldn't be too sure of the exact terms, sir, but I believe it was A\$5,000, plus the house, plus \$95 or \$100 a week maintenance, education expenses for the children --

30

COURT: How much - \$5,000 did you say?

A. \$5,000, sir.

In the Supreme  
Court of Hong  
Kong

Q. Australian?

A. That is correct, sir. Education expenses for the children up to and including University level. There was one stipulation on this: it was not to be Harvard or Yale or any of the American colleges.

Defendants  
Evidence

Q. Well, now --

A. I can't remember any more of them, sir, I think - oh, I beg your pardon, yes: that Mrs. Coombe was to receive half of any pay increases after tax had been taken out.

No.40

Graham Leslie  
Edwards

10 Q. I see. Now, what was Dr. Coombe's attitude to this \$5,000? Was he agreeable to paying it or did he, in effect, think it too much?

Examination  
(continued)

A. He thought it far too much, sir.

Q. Now, we have heard that eventually he issued a divorce petition alleging adultery by her with you.

A. That is correct, sir.

Q. Did that come as a surprise to you or not?

A. It came as quite a surprise, sir.

20 COURT: Let's get this clear. Who instituted divorce proceedings first, Mr. or Mrs. Coombe?

A. Dr. Coombe instituted proceedings first, my Lord.

COURT: That is what I thought.

Q. The position was that she - her terms for instituting divorce proceedings against him was, amongst other things, this \$5,000 cash?

A. That is correct, sir.

Q. He was, in effect, saying --

30 COURT: You used the words, Mr. Bernacchi, "her terms for instituting divorce proceedings .." - I am not sure what that means.

MR. BERNACCHI: That is --

A. Might I be permitted to explain, my Lord, Mrs. Coombe's attitude towards Dr. Coombe regarding the divorce settlement. Dr. Coombe was in a great hurry to get through his divorce, but Mrs. Coombe said to me - I said to Mrs. Coombe, "Why don't you go and give him a divorce then?" and she said to me - and I quote - "No, the bastard

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

made me suffer for ten years. Now he can hang for a while."

Q. And, in effect, she says - she said, "Well, only if he will consent to my terms will I set the wheels in motion to divorce him"?

A. That is correct, sir.

Q. And then suddenly a divorce petition came from him alleging adultery between you and she?

A. That is correct, sir. Might I point out that the petition was formed purely on the basis of circumstantial evidence only. It was merely my presence around the house at long intervals of time that prompted it. There was no prima facie evidence of adultery, sir. 10

Q. Anyhow, did he - again, of course, you can only say what you understood - did he, according to your understanding, really intend to go on with his divorce petition or was it brought with another object in mind?

A. It was brought with another object in mind, sir. He was aware, as I was and also as Mrs. Coombe was, that adultery could not be proved against me. But the idea behind his petition - I was informed the day after the petition was served - was to force Mrs. Coombe to start legal proceedings against him. 20

Q. And, as a result of his divorce petition, did she in fact start legal proceedings against him?

A. She did, sir.

Q. Alleging what?

A. Adultery, sir.

Q. Now, before you left Australia what did you understand the position to be? There were at that time two divorce petitions taken out, one by him and one by her. 30

A. That is correct, sir.

Q. What did you understand the position to be just before you left Australia?

A. Mrs. Coombe's - Mr. Coombe's petition was to be withdrawn immediately, that Dr. Coombe and the woman he was living with were served Mrs. Coombe's petition, and I was to receive a letter of apology.

COURT: His petition was to be withdrawn, you say?

A. That is correct, sir.

Q. And the terms in effect agreed upon between Mr. and Mrs. Coombe for her divorce petition - did you know them or not?

A. I did, sir.

Q. What were they?

10

A. Three and a half thousand dollars cash settlement, house transferred into her name at his expense, education costs and tuition fees up to and including university standard for the children, certain insurance policies: I am not sure whether these were life or accident - house insurance policies.

COURT: Would you mind repeating that to me? She was to get \$3,500 and what else?

A. In cash, sir, house transferred into her name at his expense.

COURT: Yes?

20

A. Education costs for the children up to and including university level.

COURT: Education, not maintenance?

A. Education costs.

COURT: Yes.

A. Up to and including university level; maintenance of \$95 a week; I believe - I forget the actual ratio now, sir - it was to be divided between Mrs. Coombe and her two children. The insurance policies, as I have said before, sir. That is all I can remember at the moment, sir.

30

Q. So the result of his petition against Mrs. Coombe and yourself was a reduction in the lump-sum payment?

A. There were several other things, too, sir, but the differences were so minor that I don't remember them, sir.

Q. But the main difference was a reduction of \$1,500?

A. That is correct, sir.

Q. Lump sum payment. Did you speak about this reduction with Mrs. Coombe or not?

A. Yes, I did.

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence

—————  
No.40

Graham Leslie  
Edwards

Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. What was your attitude?

A. When I found out about it, sir, I blew my top because I was not there when the agreement was signed up to - you know, in reducing the terms. Apparently, from what I was informed by Mrs. Coombe: that she got scared that her husband could prove the adultery, and I used several choice of terms to tell what I thought of her actions.

Q. Now, why did you commit this burglary on Mr. Coombe's flat with the person whose name that you have written on a piece of paper? 10

A. The purpose of the burglary was to remove this photograph and blackmail Dr. Coombe with it.

Q. Why did you want to blackmail Dr. Coombe?

A. Well, sir, as far as I was personally - my own impression that Dr. Coombe and his solicitor had used a very crude form of legal chicanery to trick Mrs. Coombe into lowering her divorce settlement.

COURT: In doing what?

A. I beg your pardon, sir? 20

COURT: To trick --

MR. BERNACCHI: To trick Mrs. Coombe --

COURT: -- into lowering her --

A. In lowering her divorce requirements - what she wanted, sir.

Q. And, incidentally, did you know anything more about Dr. Coombe's sexual habits? His wife told you that he had these pronographic films.

A. Oh, most definitely, sir. I quizzed Mrs. Coombe very strongly on this point there because I knew it damn well - my apologies to the court - I knew it very well that Dr. Coombe could not prove the adultery, but I wanted to find out something that I could hold over him in case there was an opportunity for him to prove adultery. 30

Q. So you quizzed Mrs. Coombe as to Dr. Coombe's sexual practices?

A. I quizzed her on just about everything, sir.

Q. Now, I am going to ask you what did she tell you and not -- In the Supreme Court of Hong Kong

COURT: Are you?

MR. BERNACCHI: -- yes, indeed, not as evidence of the truth because, of course, that would be hearsay.

Defendants Evidence

COURT: Yes.

MR. BERNACCHI: But as evidence of his state of mind.

No.40

COURT: Yes, I am prepared to hear this.

Graham Leslie Edwards

Examination (continued)

10

A. What she told me, sir, was the result of questions that I put to her, such as political affiliations - whether he was a communist or not - various different things like whether he had a criminal record, his life and loves back in England, his sexual habits with Mrs. Coombe and with other people as she knew of them.

Q. Well, I just want to know about his sexual habits, as I say, to get your state of mind as a result.

A. I couldn't really describe the actual habits but I believe a very popular expression to describe them is "as kinky as a §3 bill."

Q. What were his habits with women?

20

A. That is both, sir - that is true of both, sir: "Kinky as a §3 bill," sir.

Q. I mean, his habits with women, first of all.

A. Oh, sex in various different forms, sir.

Q. Sex in various different forms.

A. Yes, sir.

Q. Normal or perverted with women?

A. Perverted.

Q. With Mrs. Coombe only or with other people - other women as well?

30

A. Mrs. Coombe quoted herself and one other person, a German woman who was at one time Dr. Coombe's mistress whom Mrs. Coombe was now a friend of. Apparently, he had discarded both of them.

Q. Now, what about with men?

A. She could not really say then. She told me that she

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

suspected that he was queer, but she could not say for sure. Then she mentioned the photographs, sir.

Q. So it was at that stage that she mentioned photographs, and one photograph in particular - did she mention that particular photograph or not?

A. No, she did not, sir. She just mentioned the photographs of Dr. Coombe and various other people in a state of complete undress engaging in acts of a sexual nature.

Q. Did she tell you anything about photographs that he had taken with her at all? 10

A. Apparently, he had wanted to, sir - this is purely from Mrs. Coombe's information - he had wanted to but she wouldn't be in it.

Q. I see. He wanted to take --

A. -- photographs of himself with her and with various other people.

Q. Pornographic photographs?

A. Pornographic literature, sir.

Q. But she herself wouldn't have it? 20

A. No, sir.

Q. Well, now, did you know at all whether he went to blue film shows or anything like that?

A. Oh, only from Mrs. Coombe's information, yes. He was a member of - I cannot remember the name of the club, sir, but it is in London's East End. I can't think at the moment --

COURT: Where?

A. London's East End, sir.

Q. It was a blue film club? 30

A. Oh, most definitely, sir.

Q. So, having heard all that about his sexual habits, did you think him a good subject for blackmail or not?

A. Most definitely, sir. At the time it was not my particular intention to blackmail him. What I wanted to do was to set him up in the badger game. The badger game is a slang expression, sir. It is used to describe

where an elderly man manages by the girl's persuasion to go to bed with a young girl. At the crucial moment - I use the expression 'the vinegar strike' - the door suddenly bursts open, the girl's mother and father appear with a very hefty gentleman there and tell the bloke that the girl is under age, "Fork out or we'll call the cops."

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence

—————  
No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. Now, that was your intention when he served the divorce petition naming you as co-respondent?

A. That is correct, sir.

10 Q. Then it was settled and it was settled without consulting you?

A. Most definitely, sir.

Q. And it was settled on terms by which she would lose money?

A. That is correct, sir.

Q. And you say that you were annoyed about it?

A. Most definitely, sir.

Q. Did you do anything about your annoyance?

20 A. At the time, sir, it was a bit late because - I am not sure of the exact date - the petition was served on a Saturday - couldn't tell you the date, sir - and I went to see Dr. Coombe on the Sunday at his flat. I was waiting for him to return from taking his children out. Now, Dr. Coombe returned alone and I spoke to him about the divorce petition there. He said, "Don't worry about it. It's been all fixed up between my wife and myself and that's that." But, of course, I wasn't too happy about this there and silently I was cursing under my breath, and so I decided then to ask for a letter of apology to be added as a stipulation, but, of course, he showed me the divorce settlement agreement - the pre-court settlement agreement, and he added this stipulation to it. I then left and went back and confronted Mrs. Coombe.

30

Q. I see. Well, now, you say that you were most decidedly annoyed about it.

A. Most definitely, sir.

Q. Did you decide on any action?

40 A. I consulted Mrs. Coombe's solicitor in company with Mrs. Coombe.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. Well, who thought of this blackmail with the photographs?
- A. I did, sir.
- Q. Where did the gentleman whose name you have written on the piece of paper come in?
- A. I beg your pardon?
- Q. Where did the gentleman whose name you have written on the piece of paper come in?
- A. I got in touch with him on the Saturday afternoon after the petition was served because I wanted his help to set up the badger game. 10
- Q. Well, in fact, it wasn't a badger game that you set up: you set up a burglary.
- A. Well, I did not see this gentleman for a couple of weeks and I ran into him again approximately two weeks later - I couldn't be quite sure - I ran into him again and I told him that I couldn't get anything done. You see to set up the badger game you have got to have a person attracted to the girl to start with, and it didn't work.
- Q. So, then you said that you thought of the blackmail photographs. 20
- A. I did, sir.
- Q. Did you ask him to assist you on that?
- A. I did, sir.
- Q. And you burgled Dr. Coombe's room?
- A. I did, sir.
- Q. How did you know that he or she or the children wouldn't be in?
- A. I waited a discreet distance away from Mrs. Coombe's house and then when Dr. Coombe arrived to pick up the children I then went and fetched the person I have mentioned. 30
- Q. So that you knew that Dr. Coombe, the Greek woman and the children were all out walking or out --
- A. Out in the car, sir.
- Q. Out in the car, and then you stole the photograph.
- A. I did, sir.

Q. Now, what did you do with the photograph?

A. I went with the person who helped me break into Dr. Coombe's flat to his motel room, and he then took a photograph of the print.

Q. Yes.

A. He took the photograph - took a photograph of the print and said he would get it developed and I told him to hang on to the negative. I then took the photograph and went back to Passmore Street.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

10 Q. So there is a negative in existence?

A. I believe so, sir. I left him instructions before I left Perth that should I be apprehended by the police, attempting to blackmail Dr. Coombe, he was to destroy the negative and say nothing about it whatsoever and I said that I would not implicate him.

COURT: So this man kept the negative and the photo --

A. I had the photo, sir.

COURT: Who had the original?

20 A. It was the original I had, sir. He merely took another photograph of it.

COURT: Oh, yes, yes, and he kept the negative.

MR. BERNACCHI: The negative, yes.

COURT: Yes.

Q. And I believe at a later stage you did tell your father about a telephone number that he could contact this gentleman at.

A. No, sir. It was not this gentleman that he'd contact. It was a friend of his whose telephone number I knew.

30 Q. Now, what happened after that? You have got to the stage where this gentleman - he was hardly a gentleman - took the negative and you took the original positive with you.

A. That is correct, sir.

Q. Where did you go?

A. Back to 4 Passmore Street in Rossnoyne, Mrs. Coombe's address.

In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. Now, how long after that did Mr. Coombe leave Perth?

A. Approximately --

COURT: Did you show the photograph to Mrs. Coombe?

A. I did, sir.

COURT: Where is Mrs. Coombe now?

A. I have no idea, sir.

MR. BERNACCHI: The evidence is that she is not in Australia and she left -- (speaks to Crown counsel and inspector) I was giving Insp. Gravener's - that she left just before he arrived.

10

COURT: If she could be available, she would be a very valuable witness to substantiate the truth of what you say.

A. No, sir, she will not.

Q. I am sorry - why?

A. Mrs. Coombe has two children. She strictly informed me that she would not be involved in any conspiracy to blackmail charges. She would deny my very existence if she could, which I can hardly blame her for.

Q. Anyhow, you do not know where she is?

20

A. I do not, sir.

Q. But you have heard the evidence that she is apparently not now in Australia?

A. I heard that evidence several days after I was in hospital.

Q. I see. Now, the original question was: how long did Mr. Coombe remain in Perth after you had burgled the photograph?

A. Approximately, I would say, about ten days, sir.

Q. Did you have any opportunity to blackmail him in Perth?

30

A. No, sir, though I tried hard.

Q. Who told you that he was coming to Hong Kong?

A. I did not know until the Wednesday --

COURT: You say --

A. I beg your pardon, sir?

COURT: Excuse me interrupting you. You say Mr. Coombe left left Australia about ten days after you had secured the photograph.

A. That is correct, sir.

COURT: I think the question put to you was: during that time did you have any opportunity to blackmail Mr. Coombe.

A. I did not, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

10 COURT: That is your question?

MR. BERNACCHI: I asked him two questions actually.

COURT: The answer was 'No, but I tried hard.' What was the nature of your attempts?

A. I waited for Dr. Coombe at his flat, at the institute, and even on the Sunday when he returned to Mrs. Coombe's address.

COURT: What were you going to do?

A. I was going to show him the photograph, sir.

COURT: Yes?

20 A. Demand money from him, or/and threaten that unless he paid up I would send it to his colleagues and friends. As you can see, Mr. Bernacchi, I am no gentleman myself.

COURT: You'd send copies of the photo --

A. That is correct, sir.

COURT: -- to his colleagues?

A. Colleagues and friends.

Q. Would you tell him that you had a negative or not?

A. I beg your pardon, sir?

Q. Would you tell him that you had a negative?

30 A. No, sir.

COURT: Did you or would you?

MR. BERNACCHI: Would you.



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. And you had the hotel where Dr. Coombe was staying at on the itinerary which Mrs. Coombe had shown you?

A. Yes, sir.

Q. And I think you said that you asked at the desk for his actual room number.

A. That is right, sir.

COURT: Asked at the desk for --

MR. BERNACCHI: -- the actual room number.

COURT: Yes.

Q. Now --

10

COURT: Wait a minute. "asked at the desk of the --

MR. BERNACCHI: -- Hong Kong Hotel.

A. That is right, sir.

COURT: When?

Q. When was that?

A. I beg your pardon? When?

Q. When was that that you asked at the desk?

A. This was the Friday night, sir.

COURT: The day you arrived?

A. Yes, sir.

20

Q. How did you land up in the Sun Ya Hotel?

A. That was recommended to me by the gentleman I purchased a ticket from, sir.

Q. In Australia, you mean?

A. Yes.

Q. And you put your baggage down - you booked into the Sun Ya Hotel?

A. I asked the gentleman in Perth, sir, to make reservations for me, sir.

Q. I see. . So reservations had already been made --

30

A. Yes, sir.

Q. -- in the Sun Ya Hotel?

In the Supreme  
Court of Hong  
Kong

A. I was under this impression, sir. When I arrived I found they had not.

Q. I see, but in fact the Sun Ya Hotel had a room that you could take?

Defendants  
Evidence

A. Yes, sir.

-----  
No.40

Q. And then you went around to the Hong Kong Hotel and enquired of Dr. Coombe's room there?

Graham Leslie  
Edwards

A. That is correct, sir.

Examination  
(continued)

10 MR. BERNACCHI: I am now coming to the events in Hong Kong --

COURT: Yes. We will adjourn until 10 o'clock on Monday morning.

COURT ADJOURNS @ 4.32 p.m.

19th March, 1971.

22nd March, 1971.

22nd March 1971

10.05 a.m. court resumes.

Accused present. Appearances as before. Jurors present.

GRAHAM EDWARDS - On former oath.

XN. BY MR. BERNACCHI (continues):

20 Q. Now, Mr. Edwards, we had reached the stage on Friday of you arriving at Kai Tak Airport and I think you said the plane touched down at about 6.. I am sorry.. about 7 p.m.

A. That is correct, sir.

Q. Where did you go? I mean, you went through the Customs, and then where did you go?

A. Sir, there is.. if my memory serves me correct, there is what I believe is an information desk there. I was told by the airline agent in Perth to report there regarding my reservation at the Sun Ya Hotel.

30 Q. And did you ask about it at the information desk?

A. Yes, sir.

Q. What was the answer?

A. Ah, well, the gentleman there came out of the desk.. Well,

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

there was.. yeah.. a number of gentlemen there.. came out of the desk and yelled something down the corridor. I don't know what it was, sir. He yelled in Chinese.

- Q. Yes, and then what happened?
- A. Another gentleman came up and introduced himself to me and said he was a representative from the Sun Ya Hotel.
- Q. What.. Did that gentleman give evidence?
- A. He did, sir.
- Q. There was a Mr. Cho, who..
- A. I am not sure what his name is, sir. 10
- Q. He gave evidence of meeting you at Kai Tak Airport and then again the next day. Is that..
- A. That is correct, sir.
- Q. Is that the gentleman you were referring to?
- A. That is correct, sir, yes.
- Q. Well, now, did Mr. Cho indicate that there was a reservation or was not a reservation at the Sun Ya Hotel?
- A. Well, he didn't say very much about it, sir, but I automatically assumed that the Sun Ya Hotel had been notified and that he had been sent out there to pick me up. 20
- Q. That was what you presumed at the time?
- A. That is what I thought it was, sir. Yes, sir.
- Q. Did you go off with him?
- A. I did, sir.
- Q. Where to?
- A. Some place.. I have had no idea where it was, sir.
- Q. I see. Well, was it the Sun Ya Hotel or not?
- A. Oh, no, sir. It was another place he went to. It looked like a converted house or some.. a converted flat. It was full of cloth, and.. a tailor shop, sir. 30
- Q. A tailor shop. What did you do there?
- A. I had a drink there and changed some Australian currency.

In the Supreme  
Court of Hong  
Kong

Q. A drink with him or..

A. Yes, sir.

Q. He drank too?

A. Yes, sir.

Defendants  
Evidence

Q. Then he changed some Australian currency for you. Where did you go to after that?

No.40

A. Well, then himself and another gentleman who was with him at the airport took me in his.. I assume it was his car - it was a white Toyota of some description - to the Sun Ya Hotel.

Graham Leslie  
Edwards

Examination  
(continued)

10

Q. Now, just one moment. So the three of you..

A. Yes, sir.

Q. The three of you went to a shop - tailoring shop?

A. Yes, sir.

Q. The three of you had a drink together?

A. Uh.. Only the gentleman who gave evidence there and myself had a drink; the other one did not, sir.

Q. And then the three of you went to the Sun Ya Hotel?

A. That is correct, sir.

20

Q. The third person, has he given evidence or not?

A. Well, I don't think so, sir. I couldn't recognise him by sight, sir.

Q. I see. Then when you came to the Sun Ya Hotel, you told us last week that you found that no bookings had been made.

A. That is correct, sir.

Q. But the Sun Ya did put you up.

A. Yes, sir.

Q. What was the room number?

30

A. Seven twenty-one, sir.

Q. Was he.. We'll call him Mr. Cho. Take it from me that is his surname: Mr. Cho. Did he go up with you to your room?

A. Yes, sir, he did.

In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. Did he leave you or did he stay for a while with you?

A. Oh, he stayed for a while, sir, helped me unpack..

Q. Yes?

A. ..and had another drink with me, sir.

Q. Now, at that time or at any time up to that stage, did he say anything about what was his job?

A. No, sir, I assumed he was just.. well, say, had a variety of different interests, selling goods for a variety of different people: a mobile super-market, you might call it, sir. 10

Q. Yes, go on.

A. Well, sir, he was.. Well, originally he was trying to persuade me to purchase some clothes.. some clothes in the shop or, you know, have clothes made up, but I informed him I had my own tailor and when we came to the hotel we sat down and had a drink there: he was offering me discounts on watches and jewellery and articles of this nature, sir.

Q. I see. Did he eventually leave?

A. Oh, yes, sir. 20

Q. Did he give you his telephone number?

A. He handed me a card, sir, and said he would get in touch with me the following day.

Q. Now, pausing there for a moment, you said on Friday that you did go to the Hong Kong Hotel.

A. I did, sir.

Q. Did you do anything else that evening?

A. I did, sir. I went up.. I was not at the Hong Kong Hotel for very long. I then returned and went up to the night club on the ninth floor, I believe it is, of the Sun Ya Hotel, sir. 30

Q. Yes. Well, now I come to the next morning.

COURT: What did you go to the Hong Kong Hotel for that evening?

A. Pardon, sir?

COURT: What did you go to the Hong Kong Hotel for that evening?

A. I wished to find out the room number of Dr. Coombe.

Q. And you found it out, I think, from the reception desk?

A. That is correct, sir.

COURT: Did you go upstairs?

A. I did, sir.

COURT: Did you go up.. Were you told that it was on the twelfth floor?

10 A. No, sir, I was told that.. just the room number at twelfth floor.

COURT: And what number were you told?

A. Twelve twenty-three, sir.

COURT: Did you go up there?

A. I did, sir.

COURT: You went up to Room 1223. What time was this?

A. This was approximately 9 o'clock, I should think, sir.

Q. Did you actually go to the room door or did you ask the room boy?

20 A. I asked the room boy where the room was, sir.

Q. Yes.

A. I then went to the room.. or to the.. in the direction of the room and had a look, saw where the room was. I then returned.

COURT: Did you knock on the door?

A. No, sir, I did not.

COURT: You didn't try to gain admission?

A. No, sir.

COURT: You had a look at the door?

30 A. That is correct, sir. I just wanted to know where the room was.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Gordon Leslie  
Edwards

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Gordon Leslie  
Edwards

Examination  
(continued)

COURT: You didn't think it worth seeing if Dr. Coombe was there?

A. I knew he was not, sir. I rang from the desk.

Q. I now come on to the next day: the Saturday, I think, the 28th. Did you see Mr. Cho on the next day?

A. I did, sir.

Q. How did you contact Mr. Cho?

A. Well, sir, I rang him some time in the morning - I could not tell you the exact time - and asked him would he drop around.

10

Q. Which he did?

A. He did, sir.

COURT: That morning or afternoon?

A. That was the morning, sir.

Q. Now, why did you in fact telephone him?

A. Well, sir, this is rather embarrassing, but it was for a woman, sir.

Q. And when he came to the hotel, what did you talk about?

A. The price mainly, sir, and various different things concerning the prostitution racket. I do happen to know quite a bit about it myself and he was telling me how they ran things in Hong Kong and I was explaining to him the differences between the Hong Kong running and the way they do it in Australia, where the police are very touchy about the subject.

20

Q. Now, did you say that you had a colleague staying at the Hong Kong Hotel?

A. Yes, sir, I believe I did. This was when he asked me whether I knew anybody else in Hong Kong and.. I am not sure exactly how the question came up, but I was asking whether the same system worked for all the hotels as it did the.. as it did in the way it was in Perth. This was after I had explained to him how things worked in Perth.

30

COURT: What is this?

A. The system of getting a girl if you wanted one, sir.

COURT: What has this got to do with the Hong Kong Hotel?

A. Oh, absolutely nothing, sir. It is just that all the hotels in Perth do run a side business and 'call-girls' happen to work off one system.

COURT: The question put to you was: did you say you had a colleague staying at the Hong Kong Hotel?

A. I believe I did, sir.

COURT: In what connection?

A. Well, he asked me whether I knew anybody in Hong Kong, sir.

COURT: I see. Yes?

Q. Now, did you ask him about the rooms in the Hong Kong Hotel?

A. Only in a figurative sense, sir: I asked him whether all the rooms were similar to the room I was in.

COURT: What? All rooms at the Hong Kong Hotel were similar to the one you were in?

A. Oh, no, rooms in the hotels in Hong Kong, sir.

Q. Did you include the Hong Kong Hotel?

A. I may have done so. I could not be sure.

Q. What was the purpose of your asking about the rooms in the Hong Kong Hotel and other hotels?

A. Oh, not really, sir. I was just rather disgusted with my hotel room.

MR. BERNACCHI: May I have P.13, please? The glass cutter.

CLERK: 13.

Q. Now, coming very much further in the story. Did the police show you this glass cutter when you were in the hospital?

A. They did, sir.

Q. Did they ask you whether it was yours?

A. I believe they did, sir.

Q. Is it yours?

A. I have got no idea, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Gordon Leslie  
Edwards

Examination  
(continued)

10

20

30



In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Gordon Leslie  
Edwards

Examination  
(continued)

Q. Might it have been yours?

A. Oh, quite possible, sir.

Q. Why, in effect, might it have been yours?

A. Well, I have got quite numerous tools in Australia, sir, and I am notoriously lazy, sir: when I finish with something, I just normally throw it down wherever I have finished with it at.

Q. So if it was yours, where would it have been?

A. It could have been anywhere, sir. I generally throw all my stuff into my suitcase. 10

Q. So that it would be in your suitcase?

A. Well, if it was there, sir, yes.

Q. Now, is that a glass cutter for cutting windows?

A. Oh, definitely not, sir. That would never cut anything like that.

Q. What is it used for?

A. This is a chemical glass cutter, sir. It is used for cracking glass tubing.

Q. In a laboratory?

A. In a laboratory, sir. Glass tubing is put on the wheel and turned to leave a mark, an indentation, in the glass tubing, around the outside of it there, and if it is small enough it then fits into one of these gaps and it is snapped off without getting jagged edges. 20

COURT: In what circumstances would you have possessed an instrument of that kind?

A. Ah, there's quite a number of tools I brought down from the oilfields, sir.

Q. The oilfields had laboratories?

A. Yes, sir. 30

Q. And amongst your duties was..

A. In the lab, sir, yes.

Q. It was in the lab, was it?

A. Yes, sir, running tests on the specific gravity, flow of contents of oil..

Q. I see.

A. ..formation and so on, sir.

Q. Speak up, please.

A. Oh, sorry, sir.

Q. Did you ask Mr. Cho whether the Hong Kong Hotel was a good hotel or not?

A. No, sir, I did not.

Q. Well, now, did you say anything about a gun or a pistol?

10 A. I did, sir. This was in direct relation to.. I pointed out the fact that several of the nightclub owners in Australia do happen to carry weapons in their offices and that they were not above using them should the occasion arise. I mentioned this because I had noticed that the police were carrying around revolvers, sir.

Q. Yes, go on.

20 A. I am not sure exactly how the conversation came up, sir, but I know it was some time after he was telling me some of the other things he could get for me and I said, "I'll go with yuh. You get me a gun" and he said, yes, this was possible from the black market but it was very expensive and I said, "Oh yeah, how much?" and he said, "\$3,000."

Q. Now, did you mention anything about a knife?

A. Most definitely not, sir.

Q. Was anything mentioned about a knife by Mr. Cho?

A. No, sir, I do not think so.

Q. Now, I come on to the times that.. that was..

COURT: Perhaps you would wish to question him as to whether he inquired about the windows of the Hong Kong Hotel.

30 MR. BERNACCHI: Yes, indeed, thank you.

Q. Did you inquire either about hotel windows in general or the windows of the Hong Kong Hotel in particular?

A. No, sir, I did not.

Q. You inquired about the rooms?

A. I just asked whether the rooms were similar to the room I was in, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. I see. Now, that was Saturday morning. Saturday afternoon, did you do anything that could be relevant to this case or not?

A. Not unless you consider sitting in a bar relevant, sir.

Q. I see. You went to a bar in the afternoon?

A. Yes, sir.

Q. Then did you meet Dr. Coombe that day at all?

A. No, sir, I rang several times but I got no answer.

MR. BERNACCHI: The letter, please. P.10. It is an airmail letter.

10

Q. Now, I would ask you to read this letter and then I will ask you certain questions about it.

COURT: That is exhibit?

CLERK: P.10.

MR. BERNACCHI: P.10.

COURT: That is the letter to Annette, is it?

MR. BERNACCHI: Yes.

A. "Dear Annette: Details.."

Q. No, no, no. Read it to yourself.

A. Oh! (Witness then reads letter to himself.)

20

Q. Now, the first thing is: is it in your handwriting?

A. It is, sir.

Q. Second: who was Annette?

A. Annette happens to be the wife of the deceased.

Q. Annette Coombe, in other words?

A. That is correct, sir.

Q. Who paid your passage - your air ticket - to Hong Kong?

A. She supplied the money for it, sir.

Q. Yes. Now, when did you write that?

A. This was written on the Sunday afternoon, sir.

30

Q. You arrived on the....

- COURT: Sunday was the.. (Addresses court clerk): Have you got a diary there? In the Supreme Court of Hong Kong
- Q. Sunday was the 29th?
- A. Yes, sir. Defendants Evidence
- Q. I think so. I am sorry, may I have that?
- A. (Witness hands over letter to Mr. Bernacchi.) No.40
- Q. "Details." "Dear Annette, Details so far." What does that mean: "Details so far"?
- A. I was jotting this down, sir, merely in order to let her know what had happened so far. Examination (continued)
- 10 Q. She knowing full well that you were going to blackmail..
- A. Yes, sir.
- Q. ..Dr. Coombe. Now, "(1)" I am not going to question you about. It speaks for itself; it deals with the Friday. Now, "(2) 9 p.m. Dressed in black. Visited Hong Kong Hotel." That was 9 p.m. on Friday or 9 p.m. on Saturday?
- A. That was the Friday, sir.
- Q. "2 phone calls - "What does that refer to?
- A. One, I rang from the desk at the Hong Kong Hotel to Dr. Coombe's room: I received no answer. The second one was put through from the Sun Ya Hotel to the desk and through to Dr. Coombe's room: also no answer.
- 20 Q. The second phone call, was that on the Friday or on the Saturday?
- A. That was on the Friday, sir.
- Q. When you got back to Sun Ya..
- A. That is correct, sir.
- Q. ..later in the evening? Now, "American accent discovered". What does that mean?
- 30 A. When I put it through - the phone call, sir - the receptionist at the desk answered the phone and I used an American accent.
- Q. Why did you do that?
- A. The purpose of that, sir, was because Dr. Coombe was not supposed to know who was blackmailing him and who was behind it.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. I see. Now..

COURT: You say you were phoning at the desk or phoning  
through from the outside to the desk?

A. There is a phone booth in the lobby, sir.

COURT: Well, then who were you speaking to when you assumed  
American accent?

A. The receptionist, I believe, sir.

COURT: And you were phoning from where?

A. Once from the hotel lobby, sir, and once from the Sun  
Ya Hotel. 10

Q. I am sorry, but when.. going back to the first time  
from the hotel lobby were you phoning through from the  
hotel lobby to reception or from the hotel lobby to Dr.  
Coombe's room?

A. Through reception to the room, sir.

Q. I see. You had to go through reception?

A. Yes, sir.

Q. And you adopted an American accent to the person at the  
reception?

A. That is correct, sir. 20

Q. And the same when you phoned from the Sun Ya Hotel?

A. That is correct, sir.

COURT: You say the reason for that was because Dr. Coombe  
was not supposed to know who was blackmailing him?

A. That is correct, sir.

COURT: Yes.

Q. Now..

COURT: I haven't got this. Is the word "American accent" -  
"discovered"?

MR. BERNACCHI: "American accent" - I think it is  
"discovered". 30

A. The word is "discovered", my Lord.

COURT: I want to know what is the significance of the word "discovered".

In the Supreme  
Court of Hong  
Kong

A. It is the beginning of a new sentence, sir.

Q. Oh, I see! "American accent", in effect, full stop, "Discovered" and..

Defendants  
Evidence

A. That he was not there.

Q. You would have written, "Discovered that he was not there"?

No.40

Graham Leslie  
Edwards

10 MR. DUCKETT: I am sorry, my Lord, this is the document which was not copied.

Examination  
(continued)

COURT: Can I have a copy so I can understand what it is all about? This is the original, I take it?

MR. BERNACCHI: Yes. I will have a copy..

COURT: Get a copy of this made now. Well, then the last word is "discovered". Now, what did you say the word "discovered" means?

A. It is the beginning of a new sentence, sir: "Discovered that Dr. Coombe was not there."

20 MR. BERNACCHI: "Discovered he was not there." I think you do have a capital "D" for "discovered".

COURT: Yes.

Q. Well, now, you say that that was written on Sunday evening?

A. Sunday afternoon, sir.

Q. Sunday afternoon. It relates the events of Friday evening?

A. Yes, sir.

Q. And it finishes in the middle of a sentence?

A. That is correct, sir.

Q. Why was that?

30 A. Dr. Coombe returned at that time, sir. Dr. Coombe returned to the hotel at that time.

Q. Where was it written then?

A. In the lobby of the Hong Kong Hotel.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. I see.

COURT: The letter was written in the lobby of the Hong Kong Hotel?

MR. BERNACCHI: Of the Hong Kong Hotel.

Q. And it.. You stopped writing when Dr. Coombe returned?

A. That is correct, sir.

Q. Now, it was discovered, I think, in your own room?

A. This is quite possible, sir. I believe I just shoved it in my pocket.

Q. Now..

10

COURT: And you say it is unfinished? You were writing this in the lobby of the Hong Kong Hotel?

A. Yes, sir.

COURT: And it was unfinished because at that very moment Dr. Coombe came into the lobby of the Hong Kong Hotel?

A. That is correct, sir.

COURT: And what action did you then take?

A. I just folded up the letter and stuck it in my pocket, sir.

MR. BERNACCHI: I will be dealing, of course, with that particular occasion in detail, my Lord.

20

COURT: All right.

Q. and that is the reason why, although it was written on Sunday afternoon, it only deals with Friday evening?

A. That is correct, sir.

Q. Now, did you in fact speak to Dr. Coombe on the telephone on Saturday at all?

A. I did, sir.

Q. When was that?

A. This was late Saturday evening, approximately 11.30 or 12 o'clock.

30

Q. Did you tell him who you were or not?

A. I did not identify myself, sir.

Q. Did you disguise your voice at all at that time or not?

In the Supreme  
Court of Hong  
Kong

A. I did, sir.

Q. Using what accent?

—————  
Defendants  
Evidence

A. An American accent, sir.

Q. What did you say?

—————  
No.40

A. I informed Dr. Coombe that I was in possession of a certain piece of property - I did not specify it by name - that had been removed from his flat and which he might be interested in purchasing back.

Graham Leslie  
Edwards

Examination  
(continued)

10 COURT: Just one moment. Yes.

Q. Yes, go on with your conversation.

A. Dr. Coombe wanted to know who I was and I informed him that it was unimportant and that if he did not wish to purchase this article I would send copies of it to friends and associates.

Q. Go on.

20 A. I then said, "What will you be doing tomorrow?" I explained to him that if he did not wish to believe me, I was quite prepared to produce this article. I still had not specified the article by name. And he said, "I will be returning approximately 4.30." I said, "Very well. I shall see you then." I then hung up.

A. Again, did anything else relevant to this case happen on Saturday?

COURT: He said he would be returning at 4.30 p.m. the following day?

A. That is correct, sir.

COURT: Returning?

30 A. He informed me that he would not be present at the time.. during the early part of the day, but he would be there.

COURT: He would be where?

A. He would be returning, but he did not specify from where.

COURT: Returning to somewhere?

A. Returning to the hotel, sir.



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

COURT: Returning to his hotel at 4.30 and on the following day, which would be Sunday?

A. He said around 4.30, sir.

COURT: Which would be Sunday?

A. Yes, sir.

COURT: Did you say you would meet him then?

A. Yes, sir, I did.

COURT: Where?

A. I did not specify where, sir. I just said, "I'll meet you then."

10

Q. He said, "I am returning to my hotel at 4.30 the next day" and you said, "I will meet you there"?

A. Well, he said, "I will".. "I won't be here in the morning. I'll be back around 4.30." He did not specify the hotel exactly, but "back" meaning to the hotel, I presumed.

Q. Now, that was, you say, on Saturday evening?

A. Yes, sir.

Q. About what time?

A. 11.30 to 12 o'clock, sir. I couldn't be too sure.

20

Q. Then did anything else relevant to this case happen on that Saturday?

A. Not as far as I am aware, sir. I did go back to the hotel at one stage there and inquire for him but he was not there again, sir.

Q. That was before or after this telephone call?

A. This was well before it, sir. This was some time in the early evening.

Q. I see. And you inquired for him where?

A. At the desk, sir.

30

Q. At the desk.

COURT: And when was that? What time was it?

A. I have got no idea of the exact time, sir. I know it

was in the early evening. It was still quite light, sir.

In the Supreme  
Court of Hong  
Kong

COURT: That is the 29th November, Saturday?

A. Yes, sir.

MR. BERNACCHI: 28th.

Defendants  
Evidence

COURT: On the 28th. Yes, but which day did he go there?

No.40

MR. BERNACCHI: He went on the 27th and the 28th. I am just coming to the 29th.

Graham Leslie  
Edwards

COURT: Well, the incident that he is talking about now when he went to inquire at the desk and was told he was not in, was this the Saturday, the 28th?

Examination  
(continued)

10

MR. BERNACCHI: Yes.

COURT: Yes.

Q. Did you go up to the 1st floor or not?

A. The 1st floor?

COURT: 12th, 12th.

MR. BERNACCHI: The floor that Dr. Coombe's room was.

COURT: 12th.

MR. BERNACCHI: The 12th floor.

20

A. I may have done so. I do not remember. I know I inquired for him and I was informed that he was out.

Q. You may have gone up to the 12th floor?

A. I couldn't be sure. I had a look around the shopping arcades while I was there as well, sir.

Q. Now, I come to the Sunday - the Sunday morning, the 29th - did anything material to this case happen or not?

A. Not that it could be really classified as material to this case, sir. I did go to the Hong Kong Hotel some time in the late morning but.. Oh, I.. Yes, I rang Dr. Coombe again: there was no answer.

30

Q. Why did you go to the Hong Kong Hotel in the late morning?

A. Just to check and see if he was telling me the truth, sir.

Q. I see. And you discovered that he was in fact out?

A. Yes, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. Now, would you say what happened on the Sunday afternoon?
- A. Well, sir, to the best of my recollections, what happened was: I was waiting in the hotel lobby from approximately 3 o'clock onwards for Dr. Coombe to return and I decided that, discretion being the better part of valour, it would not be advisable to go flashing around a pornographic photograph in public; therefore, I decided that the best place to confront him with the photograph was his room; therefore I went up to his room. The boy opened the door for me and let me in, and I sat down to wait. 10
- Q. You got into his room because the boy opened the door for you?
- A. That's correct, sir.
- Q. Now, one of the room boys has given evidence saying that he went into Dr. Coombe's room and discovered you there. Is that the same room boy that let you in or another room boy?
- A. It was another one, sir.
- Q. Now, there is this point: did you say to the room boy that let you in anything about whether you knew Dr. Coombe or not? 20
- A. I did, sir. I said that Dr. Coombe.. I was expecting Dr. Coombe back at any moment and that I would wait here for him.
- Q. I see. Now, that particular room boy that let you in, has he given evidence or not?
- A. I could not say for sure, sir. I would not recognise him. I only saw him for a few moments.
- Q. But you say to the best of your recollection it was not the boy that later inquired, in effect, what you were doing there? 30
- A. No, sir.
- Q. Yes, We'll now go on with that. You were now.. entered the room. Did you have anything with you?
- A. Yes, sir, I did. I had a small attache case with me.
- Q. A small attache case.
- A. Inside the attache case was the photograph, sir.

In the Supreme  
Court of Hong  
Kong

Q. Was there anything else inside the attache case besides the photograph?

A. Yes, sir, there might have been a towel in there.

COURT REPORTER: A towel?

Defendants  
Evidence

MR. BERNACCHI: Yes, towel?

A. Yes, sir. Oh, and.. Oh, my wallet and passport were also in there, sir.

No.40

Graham Leslie  
Edwards

Q. Your wallet and passport?

Examination  
(continued)

A. Yes, sir.

10 Q. All inside the attache case?

A. Yes, sir.

Q. What was the size of the attache case?

A. Oh, a very small one, sir. Approximately that long. That high, sir, I should say.

Q. And how deep?

A. About.. About that deep, sir, I should say.

Q. I am sorry, I meant the width.

A. Oh, it was about that wide, sir. It had a flexiable side to it, sir.

20 Q. I see. Incidentally, where did you last see that attache case?

A. In the stairwell on the 14th floor of the Hong Kong Hotel.

Q. I will, of course, come to that in a moment. Now, you remember the knock for the boy that came in and inquired what you were doing?

A. Yes, sir.

Q. I think you.. And he says you said, "Come in" and he came in, is that right?

30 A. This is correct, as far as my knowledge: I asked him what he wanted.

Q. Now, you have heard the evidence. He went down and got the assistant manager.

A. So I believe, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. And they came up together. He says that he knocked, you didn't answer and somebody - there is a difference of opinion, but either the room boy or the assistant manager - opened the door.
- A. I was on my way to answer the door when the door opened, sir.
- Q. On your way to answer the door, i.e., to open the door?
- A. Yes, sir.
- Q. And is the assistant manager's description right: that, in effect, he asked you what you were doing, he asked for your name, the place where you were staying, etc., and then he told you to wait in the lobby? 10
- A. This is correct, sir.
- Q. Now, at that time, I believe, you were wearing a wig?
- A. This is correct, sir.
- Q. You said yesterday that you were in the entertainment business in Australia.
- A. Yes, sir.
- Q. How came you by the wig in the first place?
- A. It is part of a stage make-up kit from the Riviera, sir. 20
- Q. I see. Where you did performances?
- A. Oh, yes, sir. Well, I have never worked at the Riviera, sir, but I used the Riviera's equipment in the other clubs.
- Q. You used the Riviera's equipment in the other clubs?
- A. Yes.
- Q. Including this wig?
- A. Yes, sir.
- Q. Why did you have this wig on?
- A. Sir, as you are probably aware, my hair is extremely long and it is extremely blond - it sticks out like the proverbial "in the desert". Since I did not wish Dr. Coombe to recognise me, I decided to travel incognito would be far more beneficial. 30

- Q. I see. Then the evidence is that you went to the lavatory. In the Supreme Court of Hong Kong
- A. That is correct, sir.
- Q. And you came out of the lavatory without the wig.
- A. This is also correct, sir.
- Q. So, you changed your mind, in effect?
- A. No, sir, the fact was there was a gentleman in the toilet at the time - I don't know what his exact job was there or anything, he just hands you the towels and what not, sir - and I noticed that there were extremely large chunks of blond hair sticking out from under the wig. Considering this takes quite some considerable time to put on, I decided it was going to look rather ridiculous replacing the wig on myself correctly in front of this gentleman. So I said, "Damn it. I'll take it off." So I took it off, sir.
- Q. Then you came out of the toilet and sat down in the lobby?
- A. I did, sir.
- Q. And eventually Dr. Coombe came into the lobby?
- A. This is correct, sir.
- Q. Now, the assistant manager, Mr. Zimmermann, was he there at the time that Dr. Coombe came in or not?
- A. No, sir, he was not.
- Q. In point of fact, how long afterwards did he come in?
- A. I would say approximately 15 or 20 minutes after Dr. Coombe arrived in the hotel.
- Q. Now, this was, of course, the first time that you met Dr. Coombe in Hong Kong?
- A. This is correct, sir.
- Q. And what happened? I mean: did he come up to you, did you come up to him?
- A. I went up to him, sir, and I said, "Hello there" and - I am not sure whether it is exactly verbatim and so don't quote me - he turned around to me and said, "I thought it was you." No, first of all, sir, what happened was: he said, "It was you who rang me up last night, wasn't it?" and I said, "Yes," and he said, "I thought it was you," and he said, "Okay. What do you want?" and I said, "I

---

Defendants  
Evidence

---

No.40

Graham Leslie  
Edwards

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. So that although he didn't know, the photograph in the attache case was already in his room?

A. That is correct, sir.

COURT: I still want to know: did you deliberately or unintentionally leave it in the bathroom?

A. I deliberately left it there at the time, sir, but I had no intention of leaving it there. I merely thought that whoever was at the door would accept my explanation and then leave. I merely left it there as a precaution in case he didn't.

10

COURT: When Mr. Zimmermann asked you to come downstairs, did you then not think fit to say? "Well, just let me get my attache case, it is in the bathroom"?

A. No, sir, I decided I would not do this, sir.

COURT: Why?

A. Because there was a high likelihood, sir, that he would want to know what was in the attache case, and there was also the chance that he may have suspected it was not mine.

Q. So that, when Mr. Zimmermann, in effect, ordered you downstairs..

20

A. Yes, sir.

Q. ..you decided that silence was the wisest course about the attache case?

A. Most definitely, sir.

Q. Therefore when Dr. Coombe came into the lobby, in effect, you had to - shall I say - work things to go up with him into the room?

A. That is correct, sir.

Q. And you said that you had no intention of showing the property in the Hotel lobby, and "Let's go up to the room"?

30

A. That is correct, sir.

Q. Now, in fact, did you recover the attache case in the room?

A. I did, sir.

Q. And did you disclose what the property was to him at

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No. 40

Graham Leslie  
Edwards

Examination  
(continued)

the time?

A. I did, sir.  
I unzipped the attache case and half-partly-removed the  
photograph, sir.

Q. So that he could see it?

A. That is correct, sir.

Q. What did he or you say then?

A. I said: "If you do not wish this to be sent around to all  
your friends, and wish it back, it will cost you \$3,000.-,  
in cash, within 24 hours."

10

Q. When you said '\$3,000.-', which currency did you mean?

A. Oh, Australian Currency, sir.

Q. I think the Australian dollar is almost equivalent in  
value to the American Dollar.

A. 87 cents American to one Australian Dollar, sir.

Q. I see, this is just a little more than the..

A. That is correct, sir. 6.7 Hong Kong Dollars to the  
Australian Dollar.

Q. Now, what did he say then?

20

A. He said - this is not verbatim, sir - "I haven't got that  
kind of money." I then called him a liar and said: "You  
don't go round the world on peanuts." - and I said -  
"Fork out within 24 hours or I will send this around to  
all your friends and associates."

Q. Did you or he say anything more at that time?

A. Not at that place, sir. We did at a later stage  
downstairs in the lobby. I also.. I informed him at the  
time that the Manager would like an apology from both of  
us for disturbing him. I explained to him what had  
happened.

30

Q. I see, that explanation was in his room?

A. Yes, sir.

Q. And did he come down with you then?

A. He did, sir.



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. To the lobby? To find the Manager?

A. That is correct, sir.

Q. Did the Manager in fact appear eventually?

A. Only after I had bellowed for him, sir.

Q. I see. The Manager was not yet in the lobby?

A. No, sir.

Q. When you came down?

A. No, I had to have him paged, sir.

Q. And when the Manager turned up, the Manager says that you and he, that is you and Dr. Coombe, apologised?

10

A. Yes, sir, that is correct.

Q. Did you then leave?

A. I did, sir.

Q. At that stage was anything said about a further appointment?

A. No, sir, I merely said that I wanted it within 24 hours, wanted the money within 24 hours.

Q. When you showed him the photograph in his room, did he in any way try and grab it?

A. He did, sir, but I dropped it back into the bag and stepped back to the door.

20

Q. And he made no other attempt to get it at the time?

A. He could not, sir, there were people walking past in the corridor.

Q. Well, was the door open or closed?

A. The door was open, sir.

Q. And you stepped back into the doorway?

A. Into the corridor, right on the edge of the room.

Q. I see. Now did you see Dr. Coombe again on that Sunday?

30

A. I did, sir, it was later on in the evening. He walked out with some people. I don't know who they were, sir.

In the Supreme  
Court of Hong  
Kong

Q. Where were you?

A. I was sitting in the coffee shop in the lobby of the Hong Kong Hotel.

Q. Taking anything or just sitting?

A. I was having a drink, sir.

Q. But did he speak to you this second time or not?

A. No, sir, he did not.

COURT: Did he see you, as far as you know?

10 A. I have got no idea, sir, he did not indicate in any way that he had seen me.

Q. Therefore you went back again later that evening to the Hong Kong Hotel?

A. That is correct, sir.

Q. Any particular reason?

A. Yes, sir - Dr. Coombe was not in a very, shall I say, benevolent mood, when I left, and I assumed that he may have called the Police, in which case that they would be around the place waiting for me, or waiting to arrest me when I next showed up.

20 Q. So you went into the coffee shop of the Hong Kong Hotel?

A. That is correct, sir.

COURT: He has said that.

MR. BERNACCHI: Yes.

COURT: This is his explanation for being in the coffee shop.

I thought you had said to him, I thought you said to him - if he saw him again later that evening - that was your question?

MR. BERNACCHI: And he said: "Yes, in the coffee shop"; or: "I was having a drink.."

30 COURT: So he saw him three times that day?

MR. BERNACCHI: No, my Lord.

COURT: Your question was - "Did you see him again later that evening?" - and then he said: "Yes, I did, sir, he wasn't

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

in a very benevolent mood when I left.." - and then there was a long answer.

- Q. Was that the time that you were in the coffee shop having a drink, or again another time?
- A. The time when he wasn't exactly - I use the word 'benevolent', sir - was the time when I immediately left the Hotel after the confrontation with the Manager.
- COURT: Yes.
- A. I then returned at a later period of time, I have no idea exactly what the time was, sir - and I was sitting in the coffee shop having a drink and looking out for any extra activity. I was virtually setting myself up to see if the Police were there and would attempt to arrest me. Nothing happened, sir. 10
- Q. So you went back and had a drink in the coffee shop, but the real intention of going back was to see whether there was in any way extra Police activity there?
- A. Yes, and to see if there was a possibility of a Warrant out for my arrest.
- Q. But you didn't notice anything? 20
- A. No, sir, nobody approached me.
- Q. And eventually did you go back?
- A. I did, sir.
- Q. Did you see Dr. Coombe again that Sunday?
- A. Not as far as I know, sir.
- Q. And did you go back to the Hong Kong Hotel again that Sunday?
- A. I was at the Hong Kong Hotel three times that day sir.
- Q. Yes, in the morning..
- A. In the morning, in the evening, and then later on at night, sir. 30
- Q. Once in the morning, once in the early evening, and..
- A. And once later on in the evening.
- Q. Later on in the evening.
- COURT: When you say the "early evening"..

Couldn't you say what time that was?  
Was that the time when Mr. Zimmermann came to the room?

In the Supreme  
Court of Hong  
Kong

A. Yes, sir.

COURT: What time was this?

Defendants  
Evidence

A. Well, sir, I could not say for sure, but Mr. Zimmermann said it was approximately half-past six when Dr. Coombe and I parted.

No.40

COURT: My impression was he said it was half-past four.

Graham Leslie  
Edwards

MR. BERNACCHI: It was half-past 4 when he came to the room.

Examination  
(continued)

10 COURT: Yes.

MR. BERNACCHI: But Dr. Coombe, in fact, did not come back until about 6 o'clock.

COURT: That is correct, yes.  
And what time was it when you went to the coffee shop?

A. Oh, I've got no idea, sir.

COURT: Well, 10, 11, 12?

A. It would be some time around then, sir -- it was say, between 10 and 11, sir.

20

Q. I now then come to the events of the Monday, the 30th of November. Again, not anything not material to this case, but what did you do that Monday material to this case?

A. Very little, sir. I just kept an eye out to see if there was any extra Police activity around the Hong Kong Hotel; whether there had been any messages for me at the Sun Ya Hotel, or any enquiries for me, and then I returned..  
sir, I came across to the Island on the Sunday afternoon - on the Monday afternoon, sir, I came across to the Island.

Q. You mean Hong Kong Island?

A. Yes, sir.

30

Q. Did you visit the Hong Kong Hotel in the evening?

A. I did, sir.

Q. From the interview with Dr. Coombe on the Sunday till the visit to the Hong Kong Hotel on the Monday, did Dr. Coombe communicate with you in any way?

A. No, sir, he did not.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

COURT: Had you told Dr. Coombe where you were staying?

A. No, sir, but I had informed the Manager - of the Hotel.

COURT: Yes.

Q. Well now, why did you go to the Hong Kong Hotel on the Monday?

A. Was this in the morning, sir?

Q. Well, you went in the morning to..

A. Just to check if there was any extra activity, sir.

Q. Yes, you've said that. I am not talking about that. The next time - well, what time was that?

10

A. Well, I returned from the Island about 5 or 6 p.m. on the Monday, sir. I went back to my Hotel, got showered and changed, had something to eat, and then I returned to the Hong Kong Hotel to complete my rendezvous with Dr. Coombe.

COURT: Time?

A. This would be around 7 or 7.30, sir.

Q. Now you say: "To complete my rendezvous with Dr. Coombe" - what do you mean by that?

A. To collect the money, sir.

20

Q. But had Dr. Coombe told you that he was prepared to pay the money?

A. He had inferred this, sir. He had not actually said: "Yes, I will pay you" He said, when we were discussing it in his room, that it would take him a bit of time to get the money. I said: "Yes, you've got 24 hours to get it!"

Q. And by half-past 7 that evening, the evening of Monday, in fact it was about 25 hours?

A. Yes, sir.

30

Q. So that you went back - did you carry this attache case?

A. I left the attache case in my room after I had removed it from Dr. Coombe's bathroom the previous night. I returned with the attache case around 7.30.

Q. On the Monday, the 30th?

A. On the Monday.

In the Supreme  
Court of Hong  
Kong

Q. Now did you go up to his room or not?

A. I beg your pardon, sir?

Q. Now did you go up to his room?

A. I put a call through from the desk first, sir, he was not there, or, - he was not there or he did not answer the 'phone.  
I then went up to his room and knocked on the door, and there was still no answer. I returned to the lobby.

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

10

Q. You returned to the lobby.  
Did you leave the Hotel or not?

A. I did, sir. I went to the bar just around the corner from the Hotel.

Q. Did you come back to the Hotel again later that evening?

A. I did, sir.

Q. At about what time would that have been?

A. This would be approximately 10.30 or 11 o'clock, I should say, sir.

Q. Did you still have this attache case with you?

A. I did, sir.

20

Q. On this occasion, what was in the attache case?

A. Just the photograph and a towel around it, sir.

Q. A towel around it?

A. Yes, wrapped around it.

Q. Wrapped around the photograph?

A. Yes, sir.

Q. Did you have anything else at all in that attache case?

A. Not as far as I know, sir.

Q. Did you have a knife?

A. Oh, most definitely not, sir.

30

Q. And when you got to the Hotel at about 10.30 or 11 o'clock, what did you do?

A. I was in the Pier One bar, I think it is, sir, before this, and I went out and checked to see if Dr. Coombe was back. He was not. I then..

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence

—————  
No.40  
Graham Leslie  
Edwards  
Examination  
(continued)

COURT: I'm sorry - I haven't quite got you.  
You returned at 10.30 to 11 p.m. And what did you do?  
You went upstairs?

A. I didn't go upstairs, sir. I went first to the desk.

COURT: And then what did you do? To check?

A. Yes.

COURT: Go on.

A. Pardon, sir?

COURT: What happened?

A. He was not there, sir. 10

Q. You mean no answer from his room?

A. No, sir.

Q. And then what did you do?

A. I decided that it was a little bit risky carrying  
around this photograph in the bag, sir, so I decided  
that I would leave it in the Hotel some place.

Q. And where did you leave it..

COURT: You checked at the desk to 'phone if he was in and  
there was no answer. Did you then go up to the room,  
to the 12th floor? 20

A. I did, sir.

COURT: For what purpose?

A. There is always a possibility, sir, that he was not  
answering the 'phone.

COURT: Yes. Did you knock on his door?

A. I did, sir.

COURT: No answer?

A. No answer, sir.

COURT: And then what did you do?

A. I continued down the passage to the fire escape stairs, 30  
and deposited the attache case there.

Q. Well now, if you would have the drawing again, the 7th

to the 18th floor plan, you see there, on the right-hand side, the second plan.. (to witness)

In the Supreme  
Court of Hong  
Kong

A. Yes, sir.

COURT at witnessbox, studies plan.

Defendants  
Evidence

Q. Does it indicate in any way where you deposited the attache case, or wasn't it on that floor?

No.40

A. (With plan) It is very difficult to say, sir, not being able to see, actually - as it is, it is just an elevation plan.(?)

Graham Leslie  
Edwards

Examination  
(continued)

10 Q. The room No. 1223, is marked in shade.

A. Yes, sir.

Q. You went apparently, down from the central corridor, turned right into the corridor with the room..

A. This is correct, sir.

Q. You say you knocked on the door, there was no answer?

A. This is correct, sir.

Q. Now what did you do thereafter?

20 A. I continued down the corridor, sir, until the end of the corridor where there was - if my memory is correct - a glass door. I opened this door and stepped in.

Q. I'm sorry - but where was the glass door?

A. At the end of the corridor, sir. Where room No.17 is, sir.

Q. Where room No.17 is.  
Oh, you mean there was a glass door between room 17 and 16, is that what you mean?

A. No, sir, down further. Oh, I see, there's another room there, sir, I didn't see that - room 16, sir.

Q. And then the glass door is in front of you?

30 A. That is correct, sir.

Q. Yes - you went through the glass door?

A. Yes, sir.

Q. And then what happened, what did you do?

A. I then went up the stairs.



In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. To the higher floors?
- A. To the 14th floor, sir.
- Q. The 14th floor, that is two floors?
- A. That is the next floor up, sir. There is no 13th floor.
- Q. Oh, yes, of course. Yes?
- A. I then deposited the attache case on the landing on the 14th floor.
- Q. On the landing?
- A. I could not describe it to you - actually, sir, there was some insulation there I placed it on, fire insulation, I believe it is, I placed it behind this.
- Q. You placed it behind some fire insulation?
- A. That is correct, sir.
- Q. Did you take anything out of it?
- A. Not at that stage, sir.
- Q. I see, you just left it there with the photograph wrapped up in a towel?
- A. Yes, sir.
- COURT: Was this in the corridor proper of the Hotel or..
- A. No, sir, this is in the area of the stairs. 20
- COURT: The fire escape stairs?
- A. Yes, sir.
- Q. Then what did you do?
- A. I then returned, sir, the way I had come.
- Q. I see, you came down the stairs and then returned along the corridor, passing by room 1223?
- A. That is correct, sir. I then went back downstairs, sir.
- Q. What did you do then?
- A. I went back to the Pier One bar, sir, I had another drink, and I returned to my Hotel to pack my bags. 30
- Q. Now at that stage - you have said previously that you

were in room..

A. 721.

Q. 721. Were you still in room 721?

A. No, sir, I had been shifted to room 422A.

Q. When was that?

A. This was on the Monday morning, sir.

Q. When you say you had been shifted - did you have to pack your bags or not? Did you have to pack your bags to go to another room?

10 A. I did, sir, yes.

Q. Did you unpack your bags again or not?

A. I did, sir.

Q. Do you remember seeing this glass cutter, unpacking this glass cutter?

A. No, sir, I do not.

Q. So that if you had it at all with you in Hong Kong, it would have been still in this bag?

A. This is correct, sir.

COURT: He said he returned to the Hotel to pack his bags?

20 Mr. BERNACCHI: Yes.

Q. My Lord, of course stresses this object; 'to pack your bags'. Why did you have that object?

A. Well, I was planning to leave the following morning, sir.

Q. Having got the 3,000?

A. After having got the 3,000 dollars, sir.

Q. Now what did you do after that?

A. I then sat down and watched the television set for a while, sir.

Q. Yes?

30 A. And made several calls at approximately 20 minutes, half-hourly intervals, to Dr. Coombe's room at the Hong Kong Hotel.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. Was there an answer or not?
- A. There was no answer until approximately, I would estimate, around 12.30, sir.
- Q. And then who answered?
- A. Dr. Coombe.
- Q. And did you have a telephone conversation with him?
- A. I did, sir.
- Q. What did you say - what did he say?
- A. Oh, well, originally I said some very rude words, because he was not there when I wanted him to be. 10
- Q. Yes, well, then what did you say?
- A. I asked Dr. Coombe if he had the money, and he said: "Yes". I said: "Very well, I will be around to pick it up - meet me in the Hotel lobby." Dr. Coombe said: "No, if you want the money, come up and get it." So I said: "Very well, I shall be up there."  
At this time I was slightly suspicious that there might have been a deputation from the local gendarmerie waiting to arrest me as soon as I walked into the room, therefore I originally went into the Hotel lobby, and I saw no extra activity, or anything like that. 20  
Then I rang Dr. Coombe again, from the Hotel lobby. I pointed out to him that I had decided it would be inadvisable for me to go up there, and it would be better for him to come down and meet me.  
He repeated what he had said previous to this, that if I wanted the money, "Come up and get it".  
This is when I was quite concerned about the deputation from the Police Force waiting for me.
- Q. At that stage, of course, if he had come down to the lobby and the deputation from the Police Force had been lurking in the background, you didn't have the photograph? 30
- A. No, sir, I did not.
- Q. Because you had deposited it with the attache case on the 14th floor?
- A. That is correct, sir.
- Q. Go on, please,
- A. I then caught the elevator up to the 14th floor.

Q. Which elevator, do you know?

A. This was the one on the..  
Perhaps it would be easier if I point it out on the map.  
(With plan of Hong Kong Hotel)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

COURT goes to witnessbox.

Q. There are single elevators on each side of the bottom of the map, and a combination of six elevators on each side of the corss-piece. Look, please, at the plan, "7th-18th Floor Plan".

No.40

Graham Leslie  
Edwards

10 A. It is the one nearest where it says (with map) "Bamboo Scaffolding" - yes.

Examination  
(continued)

Q. I see. The last one of the combination of six elevators on the right-hand side?

A. Oh, I've got no idea which elevator I came up in, sir.

Q. I see, it was the group of elevators near the bamboo scaffolding?

A. Yes, sir.

Q. And you took that elevator, you say, to the 14th floor?

A. I did, sir.

20 Q. Then you got out - where did you go?

A. I walked down the corridor, where it is marked.. if you consider this, down this corridor (indicating on map).. out of the elevator, down this corridor..

Q. Yes?

A. ..and then down this corridor - this is on the 14th floor - through the glass door, into the fire escape area.

Q. What did you do there?

A. I removed the photograph from the bag and stuck it in the waist-band of my trousers.

30 Q. With the towel or without the towel?

A. Without the towel.

Q. So that there would have been one towel inside the attache case?

A. Yes, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. And that is the last that you saw of the attache case?

A. That is correct, sir.

Q. Then where did you go?

A. I came back down the stairs - down the stairs to the 12th floor.

Q. Yes?

A. And I waited.

COURT: When you say 'down the stairs', you mean the fire escape?

A. Down the fire escape stairs, sir. 10

And I waited for a considerable period of time, I have no idea exactly how long it was, in order to observe the corridor to see if there was any extra movement that should not have been there.

There was no movement at all so I decided that if the gentlemen of the Police were going to be there, they would be inside the room. At that stage my motto was 'nothing ventured, nothing gained'.

I then went and knocked on the door of Room 1223.

Q. Yes? 20

A. There was a 'DO NOT DISTURB' notice on the door - I knocked, in any case. The door was opened by Dr. Coombe. I stepped into the room - Dr. Coombe was in his pyjamas at the time - I stepped into the little corridor of the room - checked the bathroom to see if there were any Police Officers there, waiting to arrest me - I then walked out of the bathroom and into the room proper. I was standing at the edge.. and I draw attention to the end of the corridor where it is marked 'Closet'.. this immediately follows the toilet and the bathroom into the room.. there is an area marked 'Closet'. I was standing at the edge of this. 30

COURT at witnessbox.

A. Here- marked.. (indicating to Court) leaning against the wall.

COURT: In the bathroom?

A. I beg your pardon, sir, - here.

A. At the time I was dressed in black trousers, black shoes, black socks, and I had on a white shirt and a white furcoat. I also happened to be wearing my driving gloves, and the wig I had worn previously was in the right-hand pocket of the white coat. 40

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards ..

Examination  
(continued)

Q. The right-hand pocket of the white coat?

A. This is correct, sir.  
The coat happens to have no buttons on it. It is a very similar sort of coat to this (as worn by witness) with the exception of one thing - it is square-fronted and it has a high collar.

Q. I think it is in evidence - Exhibit P.19. (Handed to witness)

10 A. This is the coat I was wearing.  
As you can see, it has a high collar, which is supposed to stand up around the neck.

Q. Yes.

A. I held this coat, the front edges of this coat, in front of me. The photograph was stuck in the waist-band..

Q. I'm sorry - you mean you took off the coat?

A. No, sir, I had this coat on.

Q. I see.

A. May I demonstrate on my own coat?

COURT: Put the coat on, put it on.

20 A. (Witness puts on white fur coat)  
As you can see, it stands up (collar).  
I had the coat on like this. The photograph was showed approximately 4 or 5 inches inside the waist-band of my trousers, and it was covered by the flaps of the coat.  
This coat has no buttons. (Coat removed)  
(Witness with plan sheet)  
I will now draw your attention to the map. (indicating area)

30 'Portion of 12th Floor Plan' Hong Kong Hotel.  
As I have pointed out, I was standing here.. when I came out of the bathroom.  
When Dr. Coombe opened the door he stepped back holding the door open for me, like so. I then walked in past him, had a look into the bathroom. I then came out of the bathroom, and went forward to this point I have indicated.

Dr. Coombe came past me, the door was now shut.  
Dr. Coombe came past me, and was standing here. I will indicate with point 'O'.

40 I said to Dr. Coombe: "Have you got the money?"  
Dr. Coombe replied to me in question form: "It was my wife that put you up to this, wasn't it?"  
I replied: "Obviously".  
Dr. Coombe then started to curse and swear at me.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

I might point out that at this stage there was one light on; this was the desk lamp, indicated approximately here (marking plan and showing it to Court) above the bed.

When Dr. Coombe had quietened down or, I should say more correctly, run out of words for the time being I replied to him:

"You can't talk - I don't go around giving my wife doses of the clap!"

COURT: Yes?

10

A. Dr. Coombe made.. then launched into another explosion of, shall we say, obscenity, obscene language, paying particular attention to my ancestors and to his wife and her sexual prowess. He also invited me to perform an unnatural act upon him myself.

COURT: Yes?

A. I then replied: "What, look like you"? This apparently did not please him too much. There was continuous swearing going on during the entire conversation.

20

I would repeat this language if it was possible for me to do so. However, I could neither remember the exact words that were used nor the tone that they were used in. When Dr. Coombe was still cursing and swearing at me, I said to him 'to cut the crap - let's have the money'.

Dr. Coombe then turned towards the point I have indicated, here, towards the area of where the desk lamp is - he turned, and the light went out. I assume(d) that Dr. Coombe turned the light out.

30

I now draw your attention to this area here marked with a wavy line. It is a curtain. This curtain was drawn at the time. However, there was a gap between the two edges of the curtain. When the light went out I immediately came up into the fully alert position from the wall. I could still see a certain amount of things in the room, although I could not define colours or things of this nature, or small objects. What I did notice at the time was the flash of light striking steel or glass.

40

Now this happened very quickly. I will explain it to you slowly now, so you will know what I mean. All this happened in a very short time, a few seconds. Dr. Coombe then came towards me with a knife which I assumed was at that time in his hand. He was still cursing and swearing at me during this time, and his wife.

Instinctively, I went into the defence against an underarm thrust.

I can demonstrate what this defence is at the moment, but at the time I could not, I was not conscious of

50

doing it, it was an automatic reflex action.  
I believe this is a particularly relevant point, my Lord,  
so would it be possible if I could have some gentleman,  
perhaps this gentleman here (indicating Warder in  
attendance) to assist me?

In the Supreme  
Court of Hong  
Kong

COURT: Yes.

Defendants  
Evidence

A. (Witness on step of witnessbox)  
We shall assume that this gentleman has a knife or a sharp  
object in his hand.

No.40

Graham Leslie  
Edwards

Examination  
(continued)

10 Q. I think, Mr. Edwards, - come to the same floor level (as  
Warder)

A. Yes. (Out of witnessbox on floor level)  
I will assume that he has a knife in his hand.  
The defence against an underarm thrust involves that  
(demonstrating hold on Warder's arm) and then throwing the  
gentleman across the ground.  
That is basically what it is.  
The Judo hold is (Japanese name).

20 However, to complete these manoeuvres you require a  
considerable amount of space and timing. In a dark,  
cluttered room it is impossible to estimate distances  
correctly.

30 What happened after that I can only say was I felt an  
extremely searing pain in my left hand. I then immediately  
forgot all of the unarmed combat I had learned, and  
resorted to brawling tactics, I have a very quick temper.  
What happened after this is very confusing. All I can say  
is I remember seizing Dr. Coombe's arm with the knife in  
it with both my hands and attempting to wrest the knife  
from him. From the evidence at hand it can be seen that  
I succeeded, and in fact did use this knife on Dr. Coombe.

Q. By that time, what was the state of your temper?

A. White hot, sir.

Q. Quite lost?

A. White hot, sir.

Q. White hot.. I'm sorry.

40 A. I will say this, that during the whole course of the  
fight, which I have heard evidence, that took.. the  
evidence, witnesses say that it took from 10 to 15 minutes.  
My own conscious recollection of this fight would place the  
time factor at between 10 and 15 seconds. I quite realise  
that this is impossible. This is in my own mind, in my  
own opinion, how long the fight took place, for me.  
I was not at any time conscious that I had the knife in my  
hand.



In the Supreme  
Court of Hong  
Kong

————  
Defendants  
Evidence

————  
No.40

Graham Leslie  
Edwards

Examination  
(continued)

In fact, I did not realise that I had committed any injury until I was informed of Dr. Coombe's death in the Hospital.

- Q. Do you remember where the fight took place - what part of the room?
- A. I could not say for sure, sir. My own recollection is we were rolling, struggling, all over the room.
- Q. Then what happened?
- A. At this stage, sir, I was disturbed - well, I use 'disturbed' in an allegorical sense of the word - by a loud hammering on the door and the ringing of the telephone. This is what you might say brought me back to full consciousness. At this stage, sir, we were fighting, I would say, on the bed. I then kicked Dr. Coombe away from me. I had no idea where the blow landed. I then kicked him away from me, and decided at any moment the Police would arrive.
- Q. Carry on. 20
- A. What happened then, sir, I cannot really say. I was conscious of opening a window and stepping out. How I got from the 12th floor to the roof top, and down the other side, in fact down to the Ocean Terminal wharf area, I could not say, sir. I have no recollection of it whatsoever.
- Q. Well, the trail of blood indicates that you walked on the ledge and then climbed up ledges.
- A. This I consider extremely fantastic, sir, considering I can't even climb a tree without falling out of it. 30
- Q. In fact, do you agree that..
- A. I assume it must have been - unless there were other incidents that night, sir - it must have been me. I do not know how, sir, if I did it. I would estimate - hazard a guess - saying a combination of fear and adrenalin.
- Q. Now we have you down at Kowloon Wharf..
- A. This is the Pier One area, sir.
- Q. Yes?
- A. I then looked down at myself - and I noticed my leg was hurting me, when I was walking. I looked down and I saw the blood pouring out of my leg, sir. 40

COURT: When did you notice this?

In the Supreme  
Court of Hong  
Kong

A. This was down on the dock area, sir.

Q. To pause there for a moment..  
Did you at any time that evening yourself bring a knife  
into Dr. Coombe's room?

Defendants  
Evidence

A. Most definitely not, sir. I do not like knives.

Q. And the knife that was used in the fight, was it used by  
you first or by Dr. Coombe first?

No.40

Graham Leslie  
Edwards

A. By Dr. Coombe - he had the knife when I took it off him,  
sir.

Examination  
(continued)

10

Q. And when he came at you with the knife..

COURT: You say, 'when you took it off him'.

Do you recollect taking the knife off him?

A. No, sir. Certain things I distinctly remember. One is  
going into the defence against the underhand thrust, and  
the other one is attempting to break the grip of Dr.  
Coombe's hand upon the knife across my knee.

Q. But until Dr. Coombe came at you with the knife that  
evening, did you know that a knife was in that bedroom?

20

A. I did not, sir.

Q. You were saying that when you got down to the ground in  
the Pier One area, you noticed that your leg was bleeding  
very badly?

A. This is correct, sir.  
And also my hand.

Q. And also..?

A. And also my hand.  
I immediately thought.. I was also conscious at the time  
of having a knife in my hand. The first thing I did was  
throw the knife into the water.  
I then removed my coat and shirt and ripped the sleeves  
from the shirt and attempted to apply a tourniquet.

30

Q. What had happened to the photograph?

A. The photograph was still stuck into my trousers' waist-  
band.

Q. Did you leave it there or not?

A. I beg your pardon, Sir?

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. Did you leave it there or not?
- A. In Dr. Cocombe's room, sir?
- Q. No, no, no, no - in your waist-band.
- A. No sir, - what happened was, I climbed down to the edge of the Pier. Then I removed my coat and my shirt. Then I saw the photograph there, which was covered in blood and very crushed, so to speak, so that, well, it is no good to me in this condition, so I tore it up and threw it into the water.
- Q. Now, of course, stopping there for one moment, you offered the return of Dr. Coombe's own photograph for \$3,000? 10
- A. This is correct, sir.
- Q. But, of course, you were double crossing him because unknown to him you had had a negative taken in Australia?
- A. This is correct, sir. I did not at any stage mention to Dr. Coombe that I had a negative made of it. The purpose of the negative was merely if he became obstreperous I would give the negative to Mrs. Coombe. 20
- Q. Now, you were on the dock site. You have taken off your coat; you have taken off your shirt; you have bandaged your wounds with your shirt sleeves which you tore off. What happened then?
- A. Well, the details are not very clear in my own mind, sir, but there was a ship berthed alongside the pier.
- Q. Did you go aboard?
- A. I did, sir.
- Q. One ship or more than one ship?
- A. There were two ships, sir, berthed bow to stern - facing one direction. 30
- Q. Did you go aboard both or just one of them?
- A. I went aboard both ships, sir.
- Q. For what purposes?
- A. To receive medical attention.
- Q. Did they give it to you or not?
- A. No, sir, on the first ship they could not understand me

and on the second ship the only person there was a stevedore, in my view, sir.

In the Supreme Court of Hong Kong

Q. What did you do then?

A. I then left and I caught a taxi and told him to take me to a doctor.

Defendants Evidence

Q. In your own opinion, at this stage had you - what sort of loss of blood did you suffer?

No.40

A. Well, in my own opinion, sir, I was swimming in it.

Graham Leslie Edwards

Q. Did you feel in any way faint or not?

Examination (continued)

10 A. Most definitely, sir, yes.

Q. Now, where did the taxi take you?

A. Well, according to the taxi driver, sir, he took me to the Q.E. Hospital originally, but when I arrived there ...

Q. ... Well, I am not asking you according to the taxi driver; I am asking you for your own recollection.

20 A. Well, sir, when he pulled up in front of this building there were more policemen there than there are at a police officers' ball. I certainly didn't want to go to a police station so I told him to take me to a doctor. He then took me somewhere down to a wharf area - I don't know exactly where or how - and I spoke to a gentleman there and he said to go to the hospital. I said 'O.K.', so then I climbed back into the taxi and he took me back to what I thought was a police station. I then signified that I didn't want him to go there. He then took me to the British Military Hospital where I part collapsed.

Q. Do you remember being given first aid at the British Military Hospital?

30 A. I remember the gentleman there cutting the leg of my trousers but that is all I do remember.

Q. Do you remember anything being taken to the Queen Elizabeth Hospital?

A. I was not conscious of this, sir; I was not aware of where I was at the time. I remember being in a chair; that was all, sir.

Q. You just remember being in a chair; and do you remember eventually being taken to a ward?

40 A. I was taken out of the chair, sir, and stuck on a bench of some description. I assume it was a trolley affair and they carted me off and dumped me on a bed.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40  
Graham Leslie  
Edwards  
Examination  
(continued)

Q. But it was shortly after you were awake that they came in?

A. Yes, sir.

Q. Now, the long statement Ex. P.26 ...

CLERK: Exhibit P. 26.

Q. ... Now, P.26 is an exhibit that was taken by - from you by the police that day. You have read it?

A. I have read it.

Q. What - Who spoke first before that statement was taken - who spoke first - you said several police officers came into your room - who spoke first? 10

A. I could not say, sir, which one it was.

Q. But - Were two of the police officers known to you as Supt. Harris and Inspector Gravener?

A. Yes, sir, I only saw Inspector Harris on very few occasions. Senior Inspector Gravener was generally accompanied by Senior Inspector Edwards.

Q. I see, was Inspector Edwards there that afternoon?

A. I could not say, sir. I was very groggy at the time.

Q. Now, Supt. Harris says that this statement is in his own handwriting, is that right? 20

A. I must be, sir; it is not mine.

Q. Yes. Now, he took the statement. What about Inspector Gravener - did he just sit quietly all the time that Inspector - that Supt. Harris was taking the statement or did he do things?

A. He was moving around, sir, but I could not say for sure what he was doing. I know he did supply me with several cigarettes and a cup of coffee.

Q. And was he making any 'phone calls or anything like that? 30

A. I have got no idea, sir.

Q. Now, you know what is in that statement - if you want to read it again - it is a long statement.

A. (Pause. Witness glances through statement)

Q. Come up to the part where it says adjourned and then the

evidence is that you and the Inspectors had something to eat.

COURT: (Reads) "Stopped at 1900 hrs, 1/12/70, witness given opportunity to eat."

MR. BERNACCHI: Yes.

Q. Well, I am not asking you about the latter part, the part headed "2000 hrs." I am asking you, first of all, about the former part. Was it as it purports to be question and answer?

10 A. Yes, sir.

Q. Now, during that part up to the time that you adjourned, or the police adjourned, did the police say anything to you that is not recorded in that document?

20 A. I could not say now, sir; I could not say then either, because I was not really conscious of what they were doing. I just wanted then, you know, to go away and leave me alone and let me recover. And then they informed me that Dr. Coombe was dead. I realised that I must have killed him and I decided that I would accept full responsibility for it; in other words, not involve anybody else.

Q. Now, in the middle of this question and answer I believe you were examined by the doctor?

A. This is correct, sir.

Q. Was it a thorough investigation or was it just a superficial one?

30 A. Superficial, sir, extremely superficial. The doctor - he could not touch my left hand because it was completely bandaged. He took several nail clippings, scrapings of my hair, scrapings of pubic hair, he examined the urinary track, the anus and that is about all, sir, as far as I can remember.

Q. But he did not examine you to see what wounds you had suffered?

A. No, sir, he did not.

Q. And then the police led by Supt. Harris came in again with question and answer?

A. Yes, sir.

Q. Then you adjourned at 7 o'clock?

40 A. Yes, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. "Witness given opportunity to eat." Did you in fact eat?
- A. I do not recall eating, sir; I could not say.
- Q. Then the next thing that is recorded is a lot of signatures at 7.30?
- A. Yes, sir.
- Q. Well, now - And then the next page resumed at 8 o'clock?
- A. Yes, sir.
- Q. Well, now, I will divide this into two then: 7 to 7.30 and 7.30 to 8 o'clock. Now, was anything said by any police officer not recorded in this statement between 7 and 7.30? 10
- A. No, sir.
- Q. Were there police officers in your room or not?
- A. There were some police officers there, sir, but there was nothing said.
- Q. Do you know whether or not Supt. Harris was in your room or not between 7 and 7.30?
- A. No, sir, this was - these were actually the custodian ward staff officers.
- Q. I see, so neither Inspectors Harris nor Gravener was actually in your room between 7 and 7.30? 20
- A. No, sir.
- Q. And then at 7.30 apparently they came back and you all signed including the Inspector - Supt. Harris?
- A. I could not say, sir.
- Q. Well, anyhow, ...
- A. ... Sir, I signed all this in one go. I do not know when it was I signed it but I signed it all in one complete ...
- Q. ... All right. Anyhow, the last line of page 10 is "1930 hrs", that is 7.30 hours? 30
- A. Yes, sir.
- Q. Can you say whether they were back in your room at about that time?
- A. No, sir, they were not - Oh, I could not say exactly

what the time was, sir, whether it was 7.30 or 8 o'clock.

In the Supreme  
Court of Hong  
Kong

Q. When they came back did Supt. Harris say anything?

A. He did, sir.

Q. Recorded or not recorded on this exhibit?

Defendants  
Evidence

A. This exhibit was not present when Supt. Harris made his statement to me.

No.40

Q. Not - ?

Graham Leslie  
Edwards

A. This was not present.

Examination  
(continued)

10

Q. Well, I am sorry, but the question is: was it or was it not recorded on this exhibit?

A. No, sir.

Q. Well, now, what was the conversation?

A. As best as I can recall, sir, Senior Supt. Harris and Mr. Gravener came back into the room. Mr. Gravener then left for approximately ten minutes or so, and Supt. Harris questioned me. The statement was not present at the time.

Q. Do you mean this statement that he ...

A. ... This was not present at the time, sir.

Q. Well, you didn't see him write it?

20

A. No, sir.

Q. What did he say and what did you say?

A. To the best of my memory, sir, Supt. Harris told me that "We know you killed Dr. Coombe. We know how but we don't know why. If you don't want to be hung," this is not verbatim, sir, "the best thing for you to do is to say that he made a homosexual attack on you." I can't remember the exact words he used but he said that I would be justified in using any methods to protect myself in this fashion.

30

Q. Did you say anything then or then there was a question "I am not satisfied with your explanation"?

A. That question came when Senior Insp. Gravener returned to the room.

Q. Well, before Gravener came back into the room, did you say anything? He said, "The best thing, if you don't want to be hung, is to say that Dr. Coombe made a homosexual



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- attack on you; that would justify everything really."
- A. Or words to that effect, yes.
- Q. Did you say anything or did you keep quiet?
- A. I said, "Well, if you reckon I would get off, yes."
- Q. What were you feeling at that time; I mean were you feeling fit, unfit?
- A. Very distraught, sir.
- Q. Were you feeling - Apart from feeling very distraught were you feeling physically all right or physically ...
- A. ... Very weak, sir. 10
- Q. Very weak. Were you feeling alive or were you feeling tired?
- A. Oh, very tired, sir, considering that I had very little sleep apart from that induced by shot and anaesthetic.
- Q. And what was your attitude to these questions - were you prepared to let it go on as long as the police wanted it or was your attitude that the sooner you could be done with it the better?
- A. Well, my attitude at the time was "who am I to argue with the denizens of the law?" 20
- Q. I know, but what was your attitude to the questioning - were you prepared to let them question you as much as they wanted to or was your attitude that as soon as they can please finish it?
- A. Yes, well, I would have been extremely happy if they would have hurried up and gone back to their desk or to wherever it is they go to.
- Q. And in that condition you accepted Supt. Harris's advice?
- A. Yes, sir. 30
- Q. To say that Coombe sexually assaulted you?
- A. I am not sure whether I pointed it out to you or not that at the time he did not say "sexually assaulted" me; he said "attempted sexual assault".
- Q. Well, then Supt. Gravener came into the room?
- A. That's right, Inspector Gravener came back.

- Q. And then Supt. Harris made the question that is recorded: "I am not satisfied with the explanation"? In the Supreme Court of Hong Kong
- A. That is correct, sir.
- Q. And then you gave this long answer? Defendants Evidence
- A. Yes, sir, prompted with questions from Mr. Harris.
- Q. I see, you didn't - as it appears in the exhibit it is almost one long answer. No.40
- A. Well, it was - questions were put in where he obviously did not understand what I meant at the time. Graham Leslie Edwards
- 10 Q. And did you finish up by saying, "Why can't they leave me alone. I want to go home."? Examination (continued)
- A. I do not recall what I said, sir, at the end.
- Q. That is what you are recorded to say.
- A. I was playing it up for Senior Inspector Gravener's benefit, sir.
- Q. He was not in the room when Supt. Harris suggested this attempted sexual assault to you?
- 20 A. No, sir, he was not; he arrived some few minutes afterwards there and was going backwards and forwards all the time, sir. He was there for most of the time but he was going in and out of the room at times.
- Q. Now, do you remember, going back in time now to 6 o'clock in the morning of the 1st December, a certain police officer took a very short statement from you; he wrote it down himself and you signed it, very shakily, as David Murray?
- A. That was correct, sir.
- Q. Do you remember that incident or not?
- 30 A. Not distinctly, sir; I remember I just told him something just to make him go away.
- COURT: P.25 ... you've dealt with P.25?
- MR. BERNACCHI: ... Yes, my Lord.
- Q. Now, Inspector Gravener charged you, I think, the following day?
- A. Yes, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. Of murder?

A. Yes, I believe so.

Q. You stated in answer to the charge: "I didn't mean to kill him. I didn't want him to touch me. What is going to happen to me, that's all."

A. I believe so, sir.

Q. "I didn't want him to touch me." What was the significance of that?

A. I've got no idea, sir. When I was officially charged with murder it came as a very great shock to me and I immediately accused Mr. Harris of several things.

10

Q. You have given evidence about the abrupt ending of the next document that you wrote: a full and final confession of my activities.

A. Yes.

Q. And I think you have also dealt with the Ken Markam Exhibit. I now come to the final exhibits, P.34, I think. Now, P.34A, did you write that?

A. I did, sir.

COURT: (To Mr. Duckett) Have you a copy of this?

20

MR. DUCKETT: Not at the moment, my Lord.

Q. On the 16th of December, 1970?

A. Yes, sir.

Q. Now, P.34A is the short statement written on the 16th December.

COURT: The jury haven't got copies.

CLERK: They have photostated copies.

COURT: I wonder, members of the jury, would you mind sharing one of those copies between you and let me have a copy, unless you may have made any notes on it. (Copy passed to Court) May I retain this, Mr. Foreman?

30

MR. FOREMAN: Certainly, my Lord.

COURT: Thank you very much. 34A is the short statement, yes.

Q. Now, it was written on the day that it was dated?

A. That is correct, sir.

In the Supreme  
Court of Hong  
Kong

Q. And that was the day that you came out of hospital?

A. This is correct, sir.

Q. Where did you go?

A. To the Laichikok Training Centre.

—  
Defendants  
Evidence

Q. And what were the circumstances that this particular statement was made?

—  
No.40

A. I was asked to give an explanation for my injuries. I did so verbally and he insisted that I write down what had happened.

Graham Leslie  
Edwards

Examination  
(continued)

10 Q. That is the prison officer?

A. It is the prison officer - Mr. Jessop his name is, I believe.

Q. Going back to the homosexual assault allegation, you said that you were surprised when you were charged with murder?

A. Most definitely, sir.

Q. In other words, you imagined that by stating that he has - Dr. Coombe had sexually assaulted you, you would not be charged with murder?

A. No, sir.

20 Q. Who had given you that impression?

A. Senior Superintendent Derek Roy Harris.

Q. Now, a very abbreviated statement, is that in fact the truth - this P.34A?

A. This here, sir, the first one?

Q. This exhibit that you gave to Mr. Jessop at his request?

A. That is correct, sir, he informed me that these were not generally admissible in a court unless applied for by the Court. So I did not hesitate to tell him the truth.

30 Q. Now, P.34B, that is dated the 23rd December. Now, on the 23rd December were you moved to another detention place?

A. At my own request, yes, sir.

Q. Where were you moved to?

A. Victoria Reception Centre.

In the Supreme  
Court of Hong  
Kong

-----  
Defendants  
Evidence

-----  
No.40

Graham Leslie  
Edwards  
Examination  
(continued)

- Q. And perhaps before I ask you any more questions about P.34B I will come on now to P.34C: "I placed him on an injury report".
- A. Yes, sir.
- Q. Is P.34B the result of being placed on an injury report?
- A. This, sir, is the result of that (Witness indicates an exhibit). I believe this (Witness indicates) is P.34B.
- Q. You are, I think, referring to P.34C as "that" and P.34B as "this". The injury or assault report was as a result of ... 10
- A. ... the Reception Office report.
- Q. ... the Reception Office report which concludes: "I placed him on an injury report"?
- A. That is correct, sir.
- Q. Now, did you in fact, or were you in fact admitted to hospital or sick bay or not?
- A. I was, sir, overnight.
- Q. So you were admitted ...
- COURT: ... No, no, I am sorry to interrupt you but may I just get this right: which was recorded as a result of which did you say? 20
- MR. BERNACCHI: I think it is P.34C, the injury report - I am sorry, not the injury report, the Reception report, "The above-named prisoner stated that he was hurt while he was fighting with another person at Hong Kong Hotel .."
- COURT: I see, and that was recorded - ?
- MR. BERNACCHI: That was recorded as "I placed him on an injury report". Now, the injury report itself is P.34B.
- COURT: Yes, which was recorded first?
- MR. BERNACCHI: My Lord, I don't think the witness would know. 30
- COURT: I see. At any rate, this was at the Victoria Reception Centre?
- MR. BERNACCHI: Yes.
- Q. And as a result of being placed on an injury report you were admitted to hospital, the prison hospital presumably,

from the 23rd to the 24th December?

A. That is correct, sir.

Q. And this P.34B, the injury or assault report, was as a result of your admission to hospital?

A. Yes, sir.

COURT: You were re-admitted?

Q. To the prison hospital but only, in effect, overnight?

A. Mr. Bernacchi, they did wish to keep me there but I insisted on being let out and I notified them that I had just been discharged from the Q.E. Hospital.

10

COURT: I see.

MR. BERNACCHI: This is as convenient ...

COURT: ...Members of the jury, we will adjourn until half past two this afternoon.

12:50 p.m. Court adjourns

22nd March, 1971.

2.30 p.m. court resumes. - Appearances as before. Jurors present.

GRAHAM EDWARDS - On former oath.

20 XN. BY MR. BERNACCHI (continues):

Q. The last exhibit in the P.34 Exhibits is the "D" Exhibit, which is another statement.

A. Yes, sir.

Q. It says, "Sd. (G. Edwards)".

A. G. L. Edwards, sir.

Q. Huh?

A. G. L. Edwards.

In the Supreme Court of Hong Kong

Defendants Evidence

No.40

Graham Leslie Edwards

Examination (continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

Q. I am sorry, G. L. Edwards - "0900 hrs. 24.12.70."

A. Yes, sir.

Q. Did you write it at about 9 o'clock on the 24th  
December?

A. I did, sir.

Q. At whose request?

A. At the request of the Medical Officer, V.R.C.

COURT: What document is this?

A. It is this one, my Lord.

COURT: Yes, what number is this, Mr. Bernacchi? What number 10  
is the document?

MR. BERNACCHI: 34-"D", but I think the answer is at the  
request of the doctor shown in 34-"B", that is, Dr.  
Gibbs.

COURT: Yes.

Q. Now, and you wrote it again in your own handwriting?

A. This is correct, sir.

Q. Now, I think your father visited you in prison?

A. He did, sir.

Q. Before or after the magistrate's court hearing? 20

A. After, sir.

Q. What date approximately?

A. The following day, sir. The magistrate's court hearing  
was on the Monday. He visited me on the Tuesday.

Q. What was the date?

A. Oh, the 19th, I believe, sir.

Q. He visited you on the 19th January?

A. Yes, sir.

Q. And did you tell him about the photograph?

A. I did, sir. 30

MR. BERNACCHI: Thank you.

COURT: Yes, Mr. Duckett?

XXN. BY MR. DUCKETT:

In the Supreme  
Court of Hong  
Kong

Q. This was the first time that you had left Western  
Australia, is that correct?

A. It is correct, sir.

Defendants  
Evidence

Q. You were ..

COURT: "The first time you left Australia"?

No.40

MR. DUCKETT: Western Australia, my Lord. Western Australia.

Graham Leslie  
Edwards

COURT: Very well.

Cross-  
Examination

10 Q. You were educated in seven different schools in Western  
Australia, is that right?

A. This is correct, sir.

Q. And before you came to Hong Kong, did you have the  
impression that Hong Kong was a relatively lawless place?

A. Not at all, sir.

Q. A place where narcotic drugs could be found perhaps?

A. I knew that narcotics could be found in Hong Kong, sir.  
They are also available in Australia.

Q. Where jewellery might be smuggled?

A. It is possible, sir.

20 Q. And how old were you when you left school?

A. Sixteen, sir.

Q. You said that you are now 19 years of age, is that correct?

A. That is correct, sir.

Q. When were you born?

A. On the 10th August, 1951.

Q. You are sure about that, are you?

A. Quite positive, sir. I draw your attention to the  
numerical number in the top left-hand corner.

30 Q. Would you have a look at this document? That is a birth  
certificate which relates to yourself, is that not so?

A. That is correct, sir.



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. What is the date of birth recorded there?
- A. The date of birth recorded on this is the 10th August 1950.
- Q. Why did you say that you were 19 years of age when in fact you are 20?
- A. I am 19, sir. Might I point out that the registration number is 4998/50. If you would check the Registry General's Office, sir, you will find my date of birth is indeed August, 1951. That particular birth certificate there happens to have the word "one" bleached out of it. 10
- COURT: Yes, the document will be marked exhibit..
- CLERK: P.35.
- Q. And in what circumstances was the bleaching out done?
- A. It was done approximately, I should say, December, 1967, for the purpose of putting up my age to obtain a job in the oilfield.
- Q. For the purpose of putting up your age with the oil company, is that right?
- A. That is correct, sir.
- Q. The effect of putting your age up: why did you want your age increased for the oil company? 20
- A. I should have thought that was quite obvious, sir. Big companies disapprove quite strongly of employing minors.
- Q. What age were you in fact when you applied for the job?
- A. I was 16, sir.
- Q. And what was your salary with the oil company when you had your accident?
- A. This I could not say, sir. It varied.
- Q. Would Australian \$150 a week be an accurate figure?
- A. I doubt whether it would be that much, sir - possibly less. It depended upon how many hours I worked. 30
- Q. Certainly well over \$100 a week, is that right?
- A. Yes, sir.
- Q. And you will agree that these are very high wages for someone who is 18 or 19 or 20 years of age, is that

- |    |   |   |
|----|---|---|
| Q. | not so?   | In the Supreme<br>Court of Hong<br>Kong |
| A. | That is correct, sir.   |   |
| Q. | You used to have a week off in full,<br>is that correct   | —<br>Defendants<br>Evidence             |
| A. | That is correct, sir.   |   |
| Q. | What did you do when you had your week off?   | —<br>No.40                              |
| A. | Very little, sir.   | Graham Leslie<br>Edwards                |
| Q. | Where did you go?   |   |
| A. | Generally to the clubs, where I generally<br>managed to proceed to drink myself into a<br>stupor, insult all the girls, try and con<br>the girls and generally. | Cross-<br>Examination                   |
| Q. | You used to go to Perth and spend money on<br>liquor and girls, is that right?  |   |
| A. | That is correct, sir.   |   |
| Q. | And this was in December, 1969?   |   |
| A. | This is correct, sir.   |   |
| Q. | Did you do anything else during these weeks off?  |   |
| A. | Very little, sir. I was associated with the<br>clubs. I generally hung around the clubs.  |   |
| Q. | You weren't working for the clubs at that stage?  |   |
| A. | Not officially, sir. I was not being paid for it.   |   |
| Q. | When did you start working for the clubs?   |   |
| A. | I would say while I was recuperating from my<br>accident, sir.  |   |
| Q. | When was that?  |   |
| A. | This was the beginning of 1970, uh..  |   |
| Q. | January..   |   |
| A. | March   |   |
| Q. | January and February, 1970, would that be<br>right?   |   |
| A. | March, sir. It was in the latter part of the time.  |   |

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(Continued)

- Q. January and February you spent in hospital, is that right?
- A. This is correct, sir.
- Q. You were a patient full time in the hospital, you couldn't go out?
- A. Quite full time, sir.
- Q. And then you did a month's work in Barrow Island, is that right?
- A. That is correct, sir.
- Q. And then in April you returned to Perth?
- A. That is correct, sir.
- Q. Why did you leave your employment?
- A. I didn't have any choice, sir.
- Q. You were dismissed, is that right?
- A. That is correct, sir.
- Q. And you had been paid a wage for these three months - January, February and March - is that so?
- A. That is correct, sir.
- Q. What was your wage over this period?
- A. I could not tell you what the wage was, sir. I was just paid for the normal week's work.
- Q. In the vicinity of Australian \$100 a week, would that be right?
- A. Quite possibly, sir. I could not say. It was paid directly into the bank account.
- Q. And you also received Australian \$800 compensation for your injury?
- A. That is correct, sir.
- Q. So at the end of April, you had quite a lot of money, is that so?
- A. What I had not spent, yes, sir.
- Q. You said you invested two and a half thousand Australian dollars, is that so?
- A. That is correct, sir.

- |    |   |   |
|----|---|---|
| Q. | Was that the amount of money you had at that time?  | In the Supreme<br>Court of Hong<br>Kong |
| A. | That was all I had, sir.  |   |
| Q. | What did you do with that money?  | ————                                    |
| A. | Spent it.   | Defendants<br>Evidence                  |
| Q. | What did you do with the two and a half thousand dollars?   | ————                                    |
| A. | Spent it mostly, sir.   | No. 40                                  |
| Q. | Yes, but we would like to know a little bit more than that. What did you spend it on?   | Graham Leslie<br>Edwards                |
| A. | Contacts, various different loans I had to pay for: things of this nature. I could not give you a detailed dollar by dollar description of what I did with it, sir. | Cross-<br>Examination<br>(continued)    |
| Q. | You spent a lot of it in these clubs, is that right?  |   |
| A. | That is quite correct, sir.   |   |
| Q. | And on what else?   |   |
| A. | Just about everything, sir: rent..  |   |
| Q. | Rent for what?  |   |
| A. | Rent for the offices, sir. Board.   |   |
| Q. | And what were these offices?  |   |
| A. | The offices where I had my company registered, sir.   |   |
| Q. | Was it your company?  |   |
| A. | I registered the company, sir, yes.   |   |
| Q. | And who was with you in this company?   |   |
| A. | The company was registered under my name.   |   |
| Q. | And did anyone else have anything to do with this company?  |   |
| A. | Quantrill Enterprises? No, sir.   |   |
| Q. | At any stage?   |   |
| A. | Not Quantrill Enterprises, sir.   |   |

In the Supreme  
Court of Hong  
Kong

---

Defendants  
Evidence

---

No.40

Graham Leslie  
Edwards

Cross  
Examination  
(continued)

Q. And you worked at La Riviera Club, is that right?

A. That is correct, sir.

Q. You were a waiter there?

A. Amongst other things, sir.

Q. And what else did you do there?

A. Behind the bars, setting up the rooms, spotlight:  
just about everything in general, sir.

Q. And you were then living with your father, is  
that right?

A. This is correct, sir.

Q. When did you first go to live with Mrs. Coombe?

A. Some time after I came out of hospital in June, sir -  
or July: I am not sure exactly what date I came out  
of hospital.

COURT: What year was this? 1970, was it?

A. Yes, sir.

Q. You went back to hospital for a short period, is  
that correct?

A. That is correct, sir.

Q. And you then met Mrs. Coombe as you describe in that  
letter, is that so?

A. This is correct, sir.

Q. And did you pay any board to Mrs. Coombe?

A. I did originally, sir.

Q. For how long did you pay board?

A. I could not say, sir.

Q. Approximately, for weeks or for days or for months?

A. Possibly for a few weeks, sir.

Q. Mrs. Coombe ran an escort service, is that correct?

A. That is incorrect, sir.

Q.	What did she run?	In the Supreme Court of Hong Kong
A.	She ran it for me.	
Q.	Yes, and what was the name of the escort service?	_____
A.	"Date-a-Girl".	Defendants Evidence
Q.	Yes, and how did you come to set up this business?	_____
A.	I beg your pardon, sir?	No.40
Q.	How did you set up this business?	Graham Leslie Edwards
A.	Which business are you referring to, sir?	
Q.	The "Date-a-Girl" business.	Cross- Examination (continued)
A.	Through various different friends of mine, sir.	
Q.	Did that have an office?	
A.	It did, sir.	
Q.	Where was that?	
A.	First floor, 237 Adelaide Terrace.	
Q.	And what was the address of Quantrill Enterprises?	
A.	It was the same address, sir.	
Q.	And was "Date-a-Girl" registered?	
A.	It was, sir.	
Q.	And who was the proprietor of that?	
A.	Plural, sir: proprietors. Mrs. Coombe and one of the girls who was staying at Mrs. Coombe's place.	
Q.	You said that Mrs. Coombe ran this business for you?	
A.	That is correct, sir.	
Q.	How come that Mrs. Coombe was registered as the proprietor of this business?	
A.	Mrs. Coombe merely ran the legitimate side of it, sir.	
Q.	What do you mean by that?	
A.	She ran a strict escort service.	
Q.	And what did you do?	
A.	I dealt with the "call-girls".	

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
Defendants  
Evidence

\_\_\_\_\_  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. And did this mean your attending at an office?
- A. That is correct, sir.
- Q. I put it to you that in fact Mrs. Coombe ran the escort service entirely.
- A. This is quite true, Mrs. Coombe did run the escort service - the escort service as an escort. I happened to run the side of the business that was concerned with sex.
- Q. And how did you divide these two activities?
- A. Any gentleman that wished merely to take a girl out - dinner, dancing or to a club or anything - Mrs. Coombe handled it. Any gentleman that wished to take a girl to bed, I handled it. 10
- Q. And how did you decide the intention of a prospective customer?
- A. They very.. generally made their intentions very clear at the beginning.
- Q. They would telephone the company, is that so?
- A. That is correct, sir.
- Q. And if one of them indicated he wanted sex for the night, you would do it, is that right? 20
- A. That is correct, sir.
- Q. And how were they handed over to you?
- A. I beg your pardon, sir?
- Q. How were they handed over? How was the customer handed over to you?
- A. The telephone was merely given to me.
- Q. You were in the office all the time, is that correct.. most of the time?
- A. I was there most of the time. 30
- Q. And Mrs. Coombe?
- A. And Mrs. Coombe.
- Q. Do you know the address of the Windsor Bar? The Windsor Bar?
- A. Yes, sir, I do.

- Q. Where is that? In the Supreme Court of Hong Kong
- A. The Windsor Bar is in the basement of the Palace Hotel.
- Q. Can you tell us the address of the Black Club? \_\_\_\_\_
- A. It is in Melbourne, sir. Defendants Evidence
- Q. I see. And the Harlem Hideaway? \_\_\_\_\_
- A. It is in Sydney, I believe, sir. No.40
- COURT: What is that called? Graham Leslie Edwards
- MR. DUCKETT: Harlem Hideaway.
- COURT: Harlem? Cross- Examination (continued)
- MR. DUCKETT: Harlem Hideaway.
- Q. Do you know the Bentley Hospital?
- A. Yes, sir, I do.
- Q. Have you been there?
- A. I have.
- Q. You said that you had no intention of marrying Mrs. Coombe, is that right?
- A. That is quite correct.
- Q. In your statement which is headed "a final and full confession" - that is Exhibit..
- CLERK: P.30.
- Q. P.30 - you said, towards the end: "At this stage of my life all I wanted to do was drink as much booze as possible and screw as many birds as possible. I didn't give a damn what people thought of me, and people who I didn't like or who annoyed me I treated like shit. I was an arrogant son of a bitch and aloof from everybody I didn't care for, "is that right?
- A. Quite true, sir.
- Q. "Girls I liked and wanted to screw and girls I wanted to screw but didn't care for got treated a lot differently." Now, in relation to Mrs. Coombe, what were your feelings?
- A. I liked Mrs. Coombe.



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. Yes, and did you regard her as a vehicle for your sexual desires?

A. No, sir, I did not.

Q. You had a good deal of affection for her, is that correct?

A. I did, sir.

Q. She is 35 years of age, is that so?

A. So I am informed, sir.

Q. She has two children, a boy aged 9 and a girl aged 8, is that correct?

10

A. That is correct, sir.

Q. And you worked with her in connection with the escort service and call-girl service, is that so?

A. I did, sir.

COURT: Did Mrs. Coombe know the other side of the business that you were running?

A. She did, sir.

COURT: She knew all of it?

A. Yes.

Q. And you say that you had no intention at all to marry her?

20

A. This is quite correct, sir.

Q. Did you intend to go on living with her?

A. For as long as it suited me, yes, sir.

Q. Did you think that this relationship would last for any time or was it something which you thought had only a few months to run?

A. I would assume that it would depend really, sir, upon my attitude.

Q. Yes, but you didn't see it as a lasting relationship, apart from marriage? Putting the question of marriage aside, did you see it as a lasting relationship at all?

30

A. Not at all, sir.

Q. It was a friendship which might be broken off at any stage, is that right?

A. That is true, sir.

Q. Would you tell us the circumstances in which you went to the Bentley Hospital?

A. I beg your pardon, sir?

Q. Would you tell us the circumstances in which you went to the Bentley Hospital?

A. I went to see Mrs. Coombe.

10 Q. This was in September of 1970, is that so?

A. This is correct.

Q. And she was in hospital to have an abortion?

A. That is also correct.

Q. Did you suspect that the child might have been your child?

A. I did.

Q. And do you recall visiting her very shortly after the actual operation was performed, within two or three days of the operation?

20 A. I visited her just about every day, sir.

Q. I see.

COURT: Is this hospital in Perth?

A. In one of Perth's suburbs, sir.

COURT: In Perth.

MR. DUCKETT: It is in the suburb of Bentley, in fact.

COURT: I see.

Q. And on one occasion you drank a bottle of champagne with Mrs. Coombe, is that not so?

A. This is quite true, sir.

30 Q. In the hospital shortly after the operation was performed?

A. Yes, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence

—————  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. You in fact said it at an engagement party, didn't you?
- A. This was not an engagement party, sir.
- Q. Well, there was a party?
- A. There was.
- Q. And you let it be known generally that you intended to marry Mrs. Coombe, is that so?
- A. I did not let it be known generally. I mentioned it to specific people.
- Q. Yes, so your friends and acquaintances would believe that it was your intention to marry Mrs. Coombe, is that correct? 10
- A. This is quite possible, sir. The original thing came up one day in the Riviera when I was working behind the bar and Mrs. Coombe was sitting in front of the bar, and there was a gentleman pestering her and she informed him to go away and he said, "Why, you are on your own" and she said, "That's my fiance behind the bar". I considered that a very humorous joke.
- Q. Did you dispute her statement, "That's my fiance behind the bar"? 20
- A. No, sir, I laughed my head off.
- Q. And you went on to tell other people that this was in fact the case: that you intended to marry Mrs. Coombe, is that right?
- A. I carried on with the joke, yes, sir.
- Q. Was this before or after you had booked your passage to the U.K.?
- A. I have not the least idea, sir. I could not say when the passage was booked.
- Q. The passage was booked on the 23rd September, 1970. 30
- A. Well, then it would have been after that, sir.
- Q. So you booked the passage to the U.K. for the two of you and subsequently told various friends that you were going to get married, is that so?
- A. I did, sir.

COURT: Did you say that passage was booked on the  
23rd September?

MR. DUCKETT: September 1970.

COURT: I am so sorry, December?

MR. DUCKETT: September.

COURT: September?

MR. DUCKETT: September.

COURT: Yes.

Q. How was the trip to the U.K. to be financed?

10 A. That was unknown at the time, sir.

COURT: That was what?

A. Unknown.

COURT: Unknown?

A. Yes, sir, we had no idea how it was to be financed.

Q. You must have had some possibilities in mind, surely?

A. Oh, definitely, yes, sir, but there was no saying..  
no definite saying where we could get the money from  
for it.

Q. What were those possibilities?

20 A. Possibilities were: one, Mrs. Coombe's divorce  
settlement; secondly, the result of a Nor'west tour  
I was planning.

COURT REPORTER: A?

A. Northwest tour.

Q. Was this the reason why you were so concerned that the  
cash settlement in the terms of the divorce was reduced?

A. No, sir, it was not.

30 Q. Would you please explain the very violent reaction that  
you apparently had when you learned that the cash  
settlement was to be reduced by fifteen hundred  
Australian dollars?

A. The reaction was only due to the fact that I considered  
that she was completely and utterly stupid to have  
signed the agreement.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence

—————  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. And why did you consider this stupid?
- A. Because Dr. Coombe could not prove adultery.
- Q. You knew that adultery had taken place, didn't you?
- A. Quite obviously, sir.
- Q. And there were people living in the same house as yourself and Mrs. Coombe at about this time, weren't there?
- A. That is correct.
- Q. A reduction of fifteen hundred dollars Australian in the terms of the settlement was not a very large reduction, would you agree with that? 10
- A. Most definitely.
- Q. You see, you yourself had calculated that this settlement might have been worth a hundred thousand Australian dollars to Mrs. Coombe.
- A. That is incorrect, sir. I was informed so by Mr. Harris.
- Q. But that's what you have.. you calculated: a hundred thousand-perhaps - we call it fifty thousand. It is a lot of money in comparison with a reduction of fifteen hundred Australian dollars, would you not agree? 20
- A. This is true, sir, obviously.
- Q. Why were you so worried about fifteen hundred dollars?
- A. I was not worried about the fifteen hundred dollars at all, sir. I was merely pointing out to her that she was completely and utterly stupid to sign something when there was no proof. By signing it she is virtually admitting guilt.
- Q. Did you know if she had in fact signed anything?
- A. I did, sir.
- Q. Did you see what she signed? 30
- A. I did, sir.
- Q. Was it a petition for divorce? Is that what you are referring to?
- A. No, sir, it was one sheet of paper.

Q. An agreement, is that so?

A. That is correct, sir.

Q. Mrs. Coombe financed your trip to Hong Kong, is that so?

A. This is correct, sir.

Q. She gave you a cash cheque for Australian \$650, is that so?

A. She did not.

Q. How did you get the money?

10 A. She gave me \$600 in cash.

Q. Yes, and anything else - any other documents at the time?

A. She gave me no other documents.

Q. And did you have any of your own money to put towards this trip?

A. Very little, sir.

Q. How much did you put towards it?

A. I should say forty or fifty dollars myself.

20 COURT: I don't quite follow this. You say she gave you \$600 in cash?

A. This is correct, sir.

COURT: What about the ticket? How much did that cost?

A. Five hundred and seventy-two, about.

COURT: The air ticket cost.. This is a return ticket?

A. Yes, sir.

COURT: It cost how much?

A. Five hundred and seventy-two, about.

Q. It would be \$570.20, would that be the correct amount?

A. Quite possibly, sir.

In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. This was a ticket which took you to Hong Kong and then back to Darwin, is that so?

A. This is correct, sir.

Q. Why to Darwin?

A. Because I needed some cash in Hong Kong.

Q. You needed some cash in Hong Kong. And what did you plan to do when you got to Darwin?

A. I estimated then I should have had the \$3000 I was intending to demand from Dr. Coombe and I should pay my ticket from Darwin to Perth.

10

Q. You intended to fly from Darwin to Perth, is that so?

A. This is correct.

Q. When you left Perth, did you tell any of your friends where you were going?

A. I did not, sir.

Q. Did any of your associates, other than Mrs. Coombe, know that you.. where you were going?

A. Yes, sir.

Q. Where did they believe that you were going?

A. To Hong Kong.

20

Q. There was no talk of a trip to the North?

A. This was after that, sir. They assumed that I had gone up to the North at the time.

Q. What do you mean by the North?

A. The North-West of Western Australia.

Q. But you just said that you told them you were going to Hong Kong.

A. I told one person, apart from Mrs. Coombe, that I was going to Hong Kong.

Q. You say the others would have assumed that you were going to the North-West of Western Australia?

30

A. They would have assumed I had already gone.

- In the Supreme  
Court of Hong  
Kong
- 
- Defendants  
Evidence
- 
- No.40
- Graham Leslie  
Edwards
- Cross-  
Examination  
(continued)
- 10 Q. In fact this was a deliberate attempt to make up an alibi that you had gone to the North of Western Australia rather than to Hong Kong,, wasn't it?
- A. I would not say it was an alibi, sir. I saw no need to mention that I was going to Hong Kong.
- Q. You created the impression that you were going to the North of Western Australia?
- A. This is correct, sir.
- Q. You were living with.. at the same address as Mrs. Coombe for about four months before you came to Hong Kong, isn't that so?
- 10 A. I believe so, sir, yes.
- Q. And the children, Mrs. Coombe's children were living at the same address?
- A. This is correct, sir.
- Q. And Dr. Coombe used to call each Sunday to take his children out, is that so?
- A. This is correct.
- Q. Did you see him on these occasions?
- 20 A. I did on numerous occasions, sir.
- Q. On numerous occasions?
- A. Yes, sir. I could not specify how many.
- Q. You met him quite often on these occasions?
- A. I never met him. I spoke to him outside Mrs. Coombe's place on two occasions.
- Q. When were they, approximately?
- A. Oh, I have got no idea, sir. The..
- Q. Shortly before you left Perth or some time before?
- A. Shortly before, sir.
- 30 COURT: Would you just tell me this? You say that you were living with Mrs. Coombe for about four months before you came to Hong Kong. Were you living with her at the time you left for Hong Kong?
- A. I was, sir.



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

COURT: And she was then living in Perth, I take it, wasn't she?

A. This is correct, sir.

COURT: And did she then leave and go to England?

A. I beg your pardon, sir?

COURT: Did she then leave and go to England?

A. So I am informed, sir.

COURT: Do you know why?

A. I have got no idea, sir.

COURT: Had she made arrangements to go to England?  
Had you discussed her going to England before you came  
up here on your trip to Hong Kong? 10

A. No, sir, we were planning to go together by boat.

COURT: In February?

A. Yes, sir.

COURT: Of 1971. Yes.

Q. You left Perth on the 27th of November - that's a Friday-  
is that correct?

A. That is correct.

Q. Had you seen Dr. Coombe on the previous Sunday - that's  
the 21st.. 22nd of November? 20

A. I might have done so. I have no idea.

Q. And what about the Sunday before that, Sunday the 15th  
of November?

A. Yes, I had seen him.

Q. That's the day you told us that you took the photograph,  
is that so?

A. This is correct, sir.

Q. And I take it that you saw him at some distance and then  
went to his house, is that correct? 30

A. I saw him from the lounge of Mrs. Coombe's house.

In the Supreme  
Court of Hong  
Kong

Q. I see. You were also in the farewell party that saw Dr. Coombe off on the 26th November, weren't you?

A. I was not.

Q. You didn't go to the airport?

A. No, sir, I did not.

Q. Did you see him at any stage on that day, the 26th?

A. No, sir, I did not.

Q. You knew where Dr. Coombe worked?

A. I did, sir.

---

Defendants  
Evidence

---

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

10 Q. Did you try to contact him there before he came to Hong Kong?

A. I did, sir.

Q. How did you try to contact him?

A. I was waiting for Dr. Coombe both before he arrived and after he.. before he had actually left.

Q. You were waiting at the Institute, is that correct?

A. This is correct, sir.

Q. And how many times did you do that, approximately?

A. Quite a number of times, sir.

20 Q. Quite often you were waiting outside, and this was after you had the photograph - after the 15th - is that so?

A. This is correct, sir.

Q. Did you go anywhere else to try to contact him?

A. I did wait at one occasion down from his house, sir.

Q. You see, when you came to Hong Kong you did a very reasonable thing of trying to telephone Dr. Coombe, didn't you?

A. I did.

30 Q. Why didn't you try to telephone Dr. Coombe in Perth?

A. Because I knew it wouldn't work, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. Would you explain why it would not work?
- A. Mrs. Coombe had attempted to ring Dr. Coombe numerous times, and the answer was always, "He is not available."
- Q. Didn't it occur to you that perhaps with a false name or an American accent you might be able to speak to Dr. Coombe in Perth?
- A. Sir, if it means his own wife can't get through to him, certainly I am not going to be able to.
- Q. Dr. Coombe certainly might have had a good reason for not wanting to speak to his wife, but if a stranger rings up with an American accent mightn't he answer that call? 10
- A. It is quite possible. I could not say.
- Q. You see, this occurred to you in Hong Kong when you used an American accent, you told us. Why didn't you use the same tactics in Perth?
- A. It had not occurred to me, sir.
- Q. You have known David Murray for a number of years, is that right?
- A. This is correct, sir. 20
- Q. You went to the same school and he is a student of the University, is that so?
- A. I believe so, sir.
- Q. And last year he was a First-Year Art Student?
- A. I have no idea what subject he is studying, sir.
- Q. How did you come to get his passport? How did you get his passport?
- A. I removed it from his drawer, sir.
- Q. When was this?
- A. This was on Thursday. 30
- Q. Thursday?
- A. Before Dr. Coombe left. I think it was a Thursday, sir.
- Q. Dr. Coombe left on the 26th, on Thursday the 26th of November. Now, when was it that you took the passport?
- A. Possibly the Thursday before, sir. I couldn't be too sure.

Q. About a week before Dr. Coombe's departure. How did you..

In the Supreme  
Court of Hong  
Kong

COURT: You say you removed it from his drawer. What do you mean by that?

A. The drawer where he kept it, sir.

Defendants  
Evidence

COURT: Did you go to his house?

A. Yes, sir.

No.40

COURT: And take it out of his drawer.

Graham Leslie  
Edwards

Q. How did you get into his house?

Cross-  
Examination  
(continued)

10 A. The same way as to get into his house when we were kids - through the window: he always left it open.

Q. And you knew that he had been overseas in 1969, is that so?

A. I wasn't sure when it was, sir, but I knew he had been overseas.

Q. Did you only take his passport?

A. I did, sir.

Q. No other document?

A. I don't think so, sir, no.

20 Q. And what did you do with it?

A. I beg your pardon, sir?

Q. What did you do with the passport?

A. I removed certain pages from it and replaced it with one of the pages from my passport.

Q. You already had a passport, is that so? How long did you have a passport?

A. Several months, sir.

30 Q. Would you have a look at the passport, Exhibit P.12 - sorry, P.11? The second page is from your passport, is that correct?

A. This is correct, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. The first page is part of Murrays' passport?
- A. This is correct, sir.
- Q. And they in fact had different numbers cut into the pages?
- A. This is correct, sir.
- Q. A page from your passport is signed "D. Murray". How did you do that?
- A. I bleached out the name "D. Murray".. uh, the name "G.L. Edwards" and signed it "D. Murray" - David Murray".
- Q. Whereabouts did you do this counterfeiting of the passport?
- A. This was done at my father's house.
- Q. And what did you do with the remains of your passport and the remains of Murray's passport?
- A. I placed it in the glove box of my car.
- Q. And what did you do about a vaccination certificate?
- A. I had already been vaccinated but my name was not on the vaccination certificate, so I purchased another vaccination certificate and used it.
- COURT: You say your name was on the first one or was not?
- A. Was not, sir.
- Q. So the vaccination certificate, P.11, is in fact a composite of two vaccination certificates again, is that correct?
- A. No, sir, it is a complete forgery.
- Q. How were the entries made concerning the vaccination certificate shown on P.11?
- A. With a pen, sir.
- Q. And what about the stamp of the Government authorities in Australia?
- A. When a vaccination certificate is filled out by the Doctor, the Doctor does not bother to put the name in it or anything. It is left out at first.. you merely fill in the name and address and all the necessary details. You hand it to the person at the office - it is in Adelaide Terrace or the beginning of St. George's

In the Supreme  
Court of Hong  
Kong

A. Terrace somewhere - and it is then stamped.  
Q. So you had the certificate and simply..  
And had it been stamped by the time you stole Murray's  
Passport?.. By the time you stole Murray's Passport,  
did it have the official Government stamp - your  
vaccination certificate?

—————  
Defendants  
Evidence

A. I have not no idea, sir.

Q. Well, at what stage did it get stamped - before or  
after you made your final arrangements to come to Hong  
Kong?

—————  
No.40  
Graham Leslie  
Edwards

A. I would say afterwards, sir.

Q. Now you took the Passport, you stole the Passport and  
then forged the entries on P.11, the vaccination  
certificate, is that right?

Cross-  
Examination  
(continued)

A. This is correct, sir.

Q. And then took it along to be stamped?

A. Yes, sir.

Q. When did you first learn that Dr. Coombe was going  
overseas?

20 A. I could not say for sure, sir, possibly, quite probably,  
on the Wednesday night before I removed the Passport.

COURT: The Wednesday night before you removed what?

A. The Passport.

Q. That would be about the 18th of November, would that be  
correct?

A. Yes, sir.

Q. So you had the photograph for a few days?

COURT: Let me get this down:

30 You first heard of Dr. Coombe going overseas on the  
Wednesday night before you stole the Passport?

A. I believe so, sir, yes. I couldn't be too sure.

COURT: And you stole the Passport what day?

A. On the Thursday, I believe, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

COURT: You stole the Passport the next day?

A. Yes, sir.

COURT: And the Wednesday night was what date?

A. Er - I couldn't tell you the date.

MR. DUCKETT: Wednesday is the 18th, my Lord.

COURT: 18th November.

You stole the Passport the next day, the 19th.

Q. The deceased was living with a Greek lady, is that right? Did you believe that to be the case?

A. I wasn't sure of her nationality, sir. 10

Q. And what address was this? At what address was this?

A. Well, originally, the flat in Sandgate Street.

Q. You say originally in Sandgate Street, and afterwards where?

A. Somewhere on the Esplanade. I don't know where, sir.

Q. Which address did you go to?

A. The one in Sandgate Street, sir.

Q. Did you know if Mrs. Coombe had anything to do with the Greek lady, as you call her? 20

A. I couldn't say, sir, I have never asked.

Q. She never said anything to you about her?

A. Apart from the fact that her husband was living with some Arab; that was about it.

Q. You see, I suggest that when you say that Dr. Coombe.. you went to Dr. Coombe's house at Sandgate Street on the 15th November, I put it to you that he had already left that address.

A. Sir, I am not sure about what the date was. I know that I went to Dr. Coombe's flat in Sandgate Street a week before he left. I did not know, I do not know when he left. 30

Q. And you went on the Sunday, didn't you?

A. That is correct, sir.

COURT: Sandgate?

A. That is correct, sir.

Q. And Dr. Coombe left on Thursday, the 26th of November, and you said it was about ten days before that?

A. I am merely using my power of recollection, sir. I have no.. I am one of these people, time is not relevant to dates, time is relevant to experience.

Q. But things were moving fairly quickly at about this time. You had the photograph, you then learned two or three days later that Dr. Coombe was leaving Perth, and you then decided to follow him, is that so?

A. This is correct, sir. As far as the time intervals go, I couldn't say for sure.

Q. You see, Dr. Coombe left his Sandgate address on the 11th of November.

A. I do not know what the address was, sir, and I do not know what time he left. I know I seized the photograph one week before he left.  
What the date was I do not know.

Q. And at the latest, the date that you give us would be the 15th of November?

A. Sir, I could not say for sure. I have no memory for dates or anything.

Q. But you are quite sure that it was about a week before Dr. Coombe left that you got hold of this photograph?

A. As far as I can think back, sir, yes.

Q. And it was a Sunday?

A. Yes, sir, it was.

Q. Why did you go to these elaborate precautions to steal a Passport?

A. Well, sir, my own Passport was no good.

Q. And why was your own Passport no good?

A. Because, sir, I had attempted to bleach out certain things in it, and the dye had spread.

Q. What had you attempted to bleach out?

A. The date of birth.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

10

20

30



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. And why did you do that?

A. I was planning to leave Australia in February. The National Service Department takes a very dim view of people who don't stick around and fill their contribution to the war effort.

COURT: You attempted to bleach out your date of birth?

A. Yes, sir.

Q. And how would the bleaching out of your date of birth affect your National Service obligations?

A. The idea was, sir, the date of birth would be bleached out and another one substituted in its place. 10

Q. And how would this help you?

A. Sir, they do not have the names of the people who are selected by National Service - they merely have a list of the dates of birth. If you attempt to leave the country when your number or date of birth is on the list, they take a very dim view of it.

COURT: You were going to put an older date, were you?

A. This is correct, sir.

Q. So you did have notification that you were to do National Service, is that right? 20

A. Not at this stage, sir, but I wasn't taking any chances.

Q. Did you know what the birthday ballot had revealed in relation to yourself?

A. No, sir, I did not.

Q. Then why did you alter the date on your Passport if you didn't know what date was the relevant date for National Service?

A. Sir, what I was doing.. I did not go so far as to alter the date. I had merely got as far as attempting to bleach out the date. I would have filled in the date after the dates of birth were announced. 30

Q. So you believed that you would be prevented from leaving the country on your Passport, is that so?

A. If my birth date was one of the numbers that were drawn out of the ballot, yes, sir.

- Q. But at the time you left there had been no such ballot, had there?
- A. No, sir, I am not aware of what day the ballot was due to be.. to come out.
- Q. So on the possibility (a) that your birth date would be selected in the ballot, and (b) that the authorities would stop you at the airport, you stole someone else's Passport, is that so?
- 10 A. The Passport was stolen purely and simply for the fact that I could not use my own.
- Q. You didn't consider getting another Passport - another Passport to replace -
- A. My own, sir.
- Q. -your own?
- A. No, I didn't, sir.
- Q. You see, if you did in fact come to Hong Kong with the intention of killing the deceased, it might have helped to have a false name, is that not so?
- 20 A. That is a matter of hypothesis, sir, I could not say. It is quite probable.
- Q. I put it to you that it is for that reason that you in fact fabricated this Passport?
- A. That is incorrect, sir.
- Q. You also brought a wig with you to Hong Kong?
- A. That is correct, sir.
- Q. Why did you do that?
- A. I have already pointed out to my Counsel the reasons - and the Court - sir, the reasons for this. I did not wish Dr. Coombe to know who was blackmailing him.
- 30 Q. You have told us that you had met Dr. Coombe on quite a number of occasions before you left Perth?
- A. I had seen Dr. Coombe on a number of occasions. I had not met him more than twice.
- Q. You had actually conversed with him on two occasions, is that right?
- A. That is right, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. And you believed that when you presented your blackmail demand he would not recognise you in your wig, is that so?

A. This is quite correct, sir.

Q. This is rather hard to understand, that a wig should alter a person's appearance to such an extent that they are completely disguised. Are you honestly suggesting that to the members of the Jury?

A. I am, with the addition of stage make-up. 10

Q. You told us that the deceased said to you that his wife had put you up to this blackmailing, is that so?

A. I believe he asked me or stated that, sir.

Q. Did you have your wig on when you were having this conversation with Dr. Coombe?

A. No sir, I did not.

Q. So you thought that you would present yourself in your wig to Dr. Coombe and he would have no idea who you were?

A. He may have suspected -- but he would not know for sure. 20

Q. Did you in fact have stage make-up with you?

A. I did, sir.

Q. Did you use it on any occasion?

A. I did.

Q. When did you use it?

A. The Friday night, the Saturday, and on the Sunday as well.

Q. You booked into the Sun Ya Hotel..

COURT: Might I just ask him, Mr. Duckett, excuse me interrupting you.. When you were in Dr. Coombe's bedroom, and Mr. Zimmermann came up then, you had your wig on? 30

A. This is correct, sir, yes.

COURT: And had you got stage make-up on then?

A. I did, sir.

COURT: And did you remove the stage makeup at any time?

A. I did, sir.

In the Supreme  
Court of Hong  
Kong

COURT: When?

A. In the toilet, sir, when I removed the wig.

Defendants  
Evidence

COURT: Then why.. you told us why you removed the wig,  
because you say that strands of your fair hair were  
sticking out-

No.40

A. That is correct, sir.

Graham Leslie  
Edwards

10

COURT: -and it looked ridiculous and you hadn't got time  
to rearrange it. Why did you remove the stage  
make-up?

Cross-  
Examination  
(continued)

A. Well, stage make-up is very thick stuff, sir, and if  
the hair is combed forward over the head - there -  
the hair on the wig is combed forward and over - when  
you lift the wig off there is a line that goes across  
the head - where one side is white and the other side  
is almost black.

20

COURT: The stage make-up wasn't intended to alter your  
features in any way?

A. Not at all, sir.

COURT: It was only in connection with the hair?

A. Yes, sir.

Q. You booked into the Sun Ya Hotel?

A. That is correct, sir.

Q. Why did you change rooms from Room 721 to Room 422A?  
Why did you change rooms in the Sun Ya Hotel?

A. The Manager changed it for me, sir.

Q. Did this come as a complete surprise to you?

30

A. Not really, sir.

Q. Well, what happened? You came back to the Hotel one  
evening, is that so?

A. Well, I cannot remember exactly how it happened, sir, but  
I know I did change rooms on the Monday morning.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. And where you asked to change rooms by the Management?
- A. I cannot recall offhand, sir, I didn't even think about it.
- Q. Did they come and speak to you about it?
- A. They spoke to me in the Hotel lobby, sir.
- Q. When was that, in the morning that you moved or before that?
- A. Yes, sir.
- Q. And what was said on this occasion?
- A. They said they could put me into a cheaper room, if I wished. 10
- Q. Is this why you changed rooms, because you wanted a cheaper room?
- A. No, sir - well, that was one of the reasons, yes.
- Q. And what were the other reasons?
- A. Well, there was no really particular reason, sir. I just wasn't particularly worried about it - didn't think about it. They said they wanted - you know - if I didn't mind changing rooms - it's all right by me. 20
- Q. They said that the room was already booked for somebody else, is that not so?
- A. Oh, I do not recall what they said, sir.
- Q. You in fact had only booked the room for three days?
- A. I cannot recall, sir.
- Q. Did you have any intention to leave Hong Kong on the 29th of December (November)..
- COURT: Did you book the room for three days? Surely that is a matter that you can remember. Is it correct that you only booked the room for three days? 30
- A. Yes, sir, I believe it is.. but I believe they asked me, sir, how long I would be staying there, and I said: "Several days". I don't remember about anything else, sir.
- Q. You in fact planned to leave Hong Kong on the 30th November, didn't you?
- A. Yes, sir, I did.

- Q. And this was before you had seen Dr. Coombe or presented any photograph to him?
- A. Yes, sir, this is correct.
- Q. Why did you plan to leave without seeing Dr. Coombe?
- A. I did plan to see Dr. Coombe. I had already been in touch with him. I assumed I could pick up the money on the Sunday night and leave the following morning.
- 10 Q. That would have been the 1st of December, wouldn't it - the night of the killing?
- A. Which one - I don't understand, sir.
- Q. You said that you planned to collect the money and leave the following morning with it?
- A. Yes, sir.
- Q. Now you planned to collect the money, you told us, on the night that you killed Dr. Coombe?
- A. That is correct, sir.
- Q. Why did you intend to leave Hong Kong on the 30th before you had collected the money?
- 20 A. Because, sir, when I rang Dr. Coombe on the Saturday evening I anticipated picking up the money on the Sunday evening, and leaving on the Monday morning.
- Q. You anticipated leaving on Monday morning - that is the 30th November, is that right?  
So that the earliest that you thought that you would be able to leave the Colony would be the 30th of November after you had collected the money on the Monday evening - on the Monday morning, I'm sorry.
- 30 A. I could not say for sure. I made reservations on the 'planes going out each day.
- Q. Yes - of course, you also made a reservation to leave on the 29th November, didn't you?
- A. That I did, sir.
- Q. And at that stage you hadn't contacted Dr. Coombe about the backmailing at all, had you?
- A. That is true, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. Why did you make that reservation?..  
Why did you make that reservation?
- A. Because, sir, I anticipated not being here that long. I figured it was better to make the reservations, and then cancel them, than to try and make a reservation when there were no seats.
- Q. But on the 29th November you hadn't had any dealings with Dr. Coombe, had you?
- A. No, sir, I had not.
- Q. And you said that he was to hand over 3,000 Australian Dollars before you left? 10
- A. This is correct, sir.
- Q. So why was it that on the 29th November you were still making arrangements to leave Hong Kong that same day?
- A. Sir, I had no idea how long it would take for Dr. Coombe to round up the money. I did not assume it would be very long.
- Q. So you anticipated that you would see Dr. Coombe, show him the photograph, and be paid on the spot, is that what you had hoped? 20
- A. Well, within an hour, sir, yes.
- Q. Within an hour - he would find 3,000 Australian Dollars to hand over to you?
- A. This is correct, sir.
- Q. And he was to pay you this money in return for a print of a photograph?
- A. That is correct, sir.
- Q. Not even in return for the negative of the photograph, but for the print?
- A. He at the time had no idea there was a negative.
- Q. You made 4 or 5 trips to Room 1223 at the Hotel, is that so? 30
- A. This is quite possible, sir, yes.
- Q. On the first occasion you went to the desk, and you were told that he was not in, is that so?
- A. This is correct, sir.

- Q. On the next occasion you were told to go and see if he was in, is that so?  
On the occasion you went along and you were told to go and see if Dr. Coombe was in his room - do you recall that?
- A. I knew that he was not in his room, sir.  
I merely asked where the room was.  
I may have asked: "Where is the occupant of Room 1223?"  
- but I believe what I did ask was: "Where is Room 1223?"
- Q. Why did you want to find out where Room 1223 was?
- A. Obviously, sir, because that was the room he was staying in.
- Q. But you knew that he wasn't there?
- A. This is correct, sir.
- Q. Why did you want to find out where the room was exactly?
- A. I wanted to have a look around, sir, in case he decided to call the Police.
- Q. I see, So you were then concerned about the Police being there, is that right?
- A. That is correct, sir.
- Q. This was on the first or the second visit to the Hotel?
- A. Yes, sir.
- Q. And you hadn't spoken to Dr. Coombe at all then?
- A. No, sir, I had not.
- Q. Do you recall the letter that you wrote to Mrs. Coombe in the Hotel?
- A. (Pause)
- Q. You said in that letter - "American accent discovered" - is that right?
- A. The one sentence is "American accent" - the second, the start of the sentence is the word "discovered".  
(Original air letter to witness)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

COURT: You said that the telephone call came to the Hospital just a few minutes before you were about to have an operation?

A. I believe, so, sir.

COURT: Is that the operation on the 1st of December or some subsequent operation?

A. This was on the 1st, sir.

Q. The reception in the call on the 1st of December was not very good, is that right, you had difficulty in hearing?

10

A. That is correct, sir.

Q. But you were able to converse, were you?

A. Through the operator, sir.

Q. You see, it has been suggested by your Counsel that you were in a dazed condition at this stage.

A. I was, sir.

Q. But this didn't prevent you having a conversation with Mrs. Coombe?

A. There is nothing particularly difficult about having a conversation, sir. It happens all the time.

20

Q. It is your mental capacity at the time, whether you were dazed or not, that we are interested in. You were able to speak quite coherently to Mrs. Coombe, is that right?

A. I could not say whether it was interpreted as coherent or not, sir.

Q. But you don't recall having any difficulty talking to her other than the reception on the telephone?

A. I could just hear her and I had to keep asking the operator to do something about the telephone.

30

Q. And did you then know that you were to be charged with murder?

A. No sir, I did not.

Q. What did you understand the position to be at that time, as far as you were concerned?

A. I was not even aware that Dr. Coombe was injured at that time, and Mrs. Coombe asked me over the 'phone what I was doing in Hospital, and I replied that I had got into a bit of a fight. I did not specify who with nor how.

- Q. Was anything else said? In the Supreme Court of Hong Kong
- A. She said something about people in Australia wanting to get in touch with me and to get back as quickly as possible.
- 
- Q. You regarded her as your associate in this attempt to blackmail the deceased, is that right? Defendants Evidence
- 
- A. I did, sir. No.40
- Q. And you kept in contact with her by writing letters and telephoning her? Graham Leslie Edwards
- 10 A. That is correct, sir. Cross-- Examination (continued)
- Q. Have you made any attempt to ascertain where Mrs. Coombe is now?
- A. I have asked my father, and I was told that she had left the country. I was also informed of this fact in a rather nasty manner by Senior Supt. Harris.
- Q. And apart from talking to your father, have you made any effort to contact Mrs. Coombe?
- A. No sir, I have not.
- Q. You know that her parents live in the U.K., don't you?
- 20 A. This, I believe, is correct, sir.
- Q. Do you know where they live?
- A. No, sir, I do not.
- Q. You have made no attempt to contact her in any way after this telephone call to the Hospital, is that so?
- A. I did make an attempt, sir; whether or not the letter was posted I do not know.
- Q. What was that letter?
- A. This was a letter I wrote, I believe, several days after my admittance to Hospital, and it was handed to the Police. I received no reply.
- 30 Q. It was about the 5th of December, is that right, you wrote this letter to Mrs. Coombe?
- A. I could not say on what date, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. A few days after you got into Hospital - it was a letter addressed to Perth, is that so?
- A. This is correct, sir.
- Q. Did you suggest in this letter that she might give evidence on your behalf?
- A. No sir, I did not. To the best of my knowledge I did not, sir.
- Q. This case has taken about three months to come on to trial, hasn't it?
- A. I would say three and.. nearly four months. 10
- Q. Nearly four months. And you realise that if your evidence of this blackmail plot is to be believed, Mrs. Coombe could help your case very much indeed, couldn't she?
- A. Quite definitely, sir, if she would be prepared to give evidence.
- Q. And you haven't thought it worthwhile to attempt to contact her and ask her to give evidence?
- A. Mr. Duckett, I have been held virtually incommunicado until up to a short time - I had no idea where or how or by what means, to get in touch with Mrs. Coombe. I cannot address a letter to Mrs. Coombe: c/o Somewhere in the World! 20
- Q. And if Mrs. Coombe's address had been available to you, you might have made attempts to write to her, is that what you are saying?
- A. That is correct.
- Q. Did you ask the Police, Mrs. Coombe's address?
- A. No sir, I did not.
- Q. You must surely realise that the Police have had an interest in Mrs. Coombe's movements as well as you - don't you realise that? 30
- A. I quite realise it.
- Q. Why did you not ask them if they knew how Mrs. Coombe could be contacted?
- A. That is a very interesting point.  
Perhaps you would like to explain to me how a person..

- Q. It is for you to answer the questions, Mr. Edwards. In the Supreme Court of Hong Kong
- A. Mr. Duckett, I can't answer that question when I cannot get in contact with the Police.
- Q. You saw Sr. Inspector Gravener 6 or 7 times after you were admitted to the Queen Elizabeth Hospital, didn't you? Defendants Evidence
- A. Yes, sir.
- Q. Over a period of 10 to 14 days? No.40
- A. Yes, sir. Graham Leslie Edwards
- 10 Q. At no time did it occur to you to ask him about Mrs. Coombe's address, is that so? Cross-Examination (continued)
- A. I already knew Mrs. Coombe's address.
- Q. You knew her Perth address?
- A. That is correct.
- Q. You also knew that she had left Perth, is that not so?
- A. I did not know this until just prior to leaving hospital.
- Q. Why are you so confident that Mrs. Coombe would not give evidence on your behalf?
- 20 A. Because I do not believe she would. She informed me that if I was ever arrested and tried, she would definitely deny my very existence if she could.
- Q. But did she give any reason as to why she would deny your existence?
- A. If she possibly could - she claimed that she could not afford to be involved in a conspiracy to blackmail charge.
- Q. The money from this blackmail attempt, who was to get that?
- A. Mrs. Coombe.
- 30 Q. So you say that you did this all on her behalf, is that right?
- A. This is quite true, sir, yes.
- Q. You took a very grave risk indeed, didn't you, when you set out on this expedition?
- A. I did not consider it particularly grave, sir. I was under the impression that I had anticipated anything that could go wrong.

In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

A. I did not anticipate Dr. Coombe trying to kill me with a knife, I must admit. Barring that, I had anticipated virtually everything that could go wrong.

Q. And you took these risks for a woman that you say could have left quite casually at any stage at all?

A. I made no allegation as to casually, sir.

Q. You said that your relationship was a temporary one.

A. Yes, sir.

Q. Is that so?.. That it was something that you could break off at any stage you felt like?

10

A. This is correct, sir.

Q. You are also telling the Jury that you would take these risks for the sake of paying Mrs. Coombe 3,000 Australian Dollars, is that correct?

A. That is correct.

Q. I suggest that it was the \$90,000 Australian Dollars that you and Mrs. Coombe had in your mind when you planned this expedition to Hong Kong.

A. That is quite incorrect, sir.

Q. You did know that on the death of Dr. Coombe, his Estate would benefit by about 100,000 Australian Dollars, didn't you?

20

A. I did not, sir, not until I was informed by Mr. Harris.

Q. That was the first time you knew anything about it?

A. That is correct, sir.

Q. Mrs. Coombe had discussed with you the details of the Divorce Settlement, is that so?

A. She had not, sir.  
I asked her to interpret certain things from it, but that was all there was to it.

30

Q. She had told you the full financial arrangement that had been entered into between her husband and herself?

A. This is correct, sir.

Q. But no mention had been made of this sum of 100,000 Australian Dollars, is that so?

A. I had no knowledge of it whatsoever, sir.

COURT: And who was the first person who mentioned it to you?

In the Supreme  
Court of Hong  
Kong

A. I beg your pardon, sir?

COURT: Who was the first person who mentioned it to you?

Defendants  
Evidence

A. Senior Superintendent Harris.

COURT: That is the life insurance or superannuation?

-----  
No.40

A. I have no idea, sir.

Graham Leslie  
Edwards

MR. DUCKETT: This would be a convenient spot, my Lord.

COURT: Yes, we will adjourn here until 10 o'clock tomorrow morning.

Cross-  
Examination  
(continued)

4.25 p.m. Court adjourns.

22nd March, 1971.

In the Supreme  
Court of Hong  
Kong

23rd March, 1971.

10.05 a.m. Court resumes Accused present. Appearances as  
before. Jury present.

Defendants  
Evidence

- Graham EDWARDS - On former oath

XXN. BY MR. DUCKETT (Cont.):

No.40

Q. Mrs. Coombe told you about her married life with her  
husband, is that so?

A. This is correct, sir.

Q. She told you that he was sexually perverted?

A. Yes, this is correct, sir.

10

Q. And went into their life together in some details,  
is that right?

A. Yes.

Q. She also told you that they had in fact, been separated  
for about two years when you first met her?

A. Yes, sir.

Q. And they never, in fact, lived together at No.4  
Passmore Street?

A. This is correct.

Q. Now, the address at 1B Sandgate Street, had you been  
there before you went to take the photograph?

20

A. I had, sir.

Q. And the deceased was living there with the Greek  
lady, is that so?

A. So I believe, sir.

Q. Mrs. Coombe referred to the Greek lady as an Arab,  
is that right?

A. Yes, sir.

Q. Would you agree that this was meant to be derisive  
and scornful of this lady?

30

A. I could not say, sir. I use the term "Arab" to describe  
just about anybody from the Mediterranean countries.

Grahan Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. It is not a very polite way to talk about someone with dark skins, is it?

A. This depends upon your point of view, sir. I have no prejudice against dark skins.

COURT: Mr. Duckett, I wonder whether you would be good enough - did I understand him to say that he had been there to 1B Sandgate Road?

MR. DUCKETT: Sandgate Street.

COURT: He had been there before he went to get this photograph. Under what circumstances were you there?

10

A. This was the Sunday following the morning of the divorce petition I confronted Dr. Coombe.

COURT: The Sunday of the - ?

A. I have got no idea of the date, sir.

COURT: The Sunday - ?

A. The Sunday after the divorce petition was served.

COURT: You went to see him there, did you?

A. That is correct, sir.

COURT: What month was that, can you remember?

A. October or November, sir, I could not be sure.

COURT: Yes, 1970, of course?

20

A. Yes, sir.

COURT: Yes, I am sorry to interrupt but I just want to know under what circumstances he went there.

Q. The divorce petition citing you as co-respondent was served on you towards the end of October, is that right?

A. That is so, sir, quite possible.

Q. And what was said when you went to see Dr. Coombe at No.4 Passmore Street?

A. I asked Dr. Coombe ...

COURT: ... No.4 Passmore - ?

30

Q. ... I'm sorry, Sandgate Street.

In the Supreme Court of Hong Kong

Defendants Evidence

No.40

Graham Leslie Edwards

Cross-Examination (continued)



In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

COURT: No. 1B?

MR. DUCKETT: Yes.

A. I asked Dr. Coombe what the hell he thought he was doing.

Q. Yes.

A. And he informed me that it was a legal move to get Mrs. Coombe to change her mind about the divorce agreement and to hurry up and start proceedings against him.

Q. You were annoyed that you were cited as co-respondent, isn't that so? 10

A. Yes, sir, I was.

Q. The allegations that you had intercourse with Mrs. Coombe were true?

A. The allegations, were, definitely.

Q. And why were you so annoyed when you received the divorce petition?

A. I was not particularly annoyed when I received the divorce petition. I knew it could not be proved. What I was annoyed at was the fact that Dr. Coombe had persuaded Mrs. Coombe already by the time I conversed with him to agree to his terms regarding the settlement. 20

Q. But when you spoke to Dr. Coombe there had been no - at 1B Sandgate Street - there had been no agreement about divorce terms, had there?

A. There had, sir.

Q. And had the cross-petition by Mrs. Coombe been issued?

A. This was a Sunday, sir, no.

Q. So you are suggesting that before Mrs. Coombe had issued her petition there was already an agreement as to the terms of the divorce settlement? 30

A. This was to be an uncontested case, I believe, sir.

Q. I asked you had there already been an agreement as far as you know?

A. As far as I know, I saw the piece of paper that Dr. Coombe showed me.

Q. But this was almost four weeks before you left Perth, wasn't it?

A. Yes, sir.

Q. And why did it take you a fortnight before you did anything about the pornographic photographs?

A. Sir, I was not over keen on breaking into anybody's flat at that stage. I knew of the nature of the photographs at this stage. I did not know whether Dr. Coombe still had them or not. I was not endeavouring to use the photographs to blackmail him - for these purposes. I preferred to catch him, shall we say, in flagrante delicto - I believe that is the correct pronunciation.

Q. You want to play the old badger game, is that correct?

A. That is correct, sir.

Q. Did you believe that would work?

A. I had reason to believe it would, sir, yes.

Q. Mrs. Coombe told you precisely where the pornographic photographs were, is that right?

A. She told me where they were most likely to be.

Q. To your knowledge did Mrs. Coombe ever go to 1B Sandgate Street?

A. She did.

Q. In what circumstances?

A. I believe it was to collect certain articles of furniture that Dr. Coombe wished to dispose of and also some other photographs.

Q. They were not on good terms after they separated, were they, the Coombes?

A. I would not know, sir.

Q. You have just told us that Mrs. Coombe gave you a detailed account of their married life?

A. This is true, sir.

In the Supreme  
Court of Hong  
Kong

---

Defendants  
Evidence

---

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

10

20

30

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. And yet you do not know the relationship between the Coombes after they had separated?
- A. Sir, might I point out that people while they are married could be real bastards to each other; it does not necessarily mean that they have to be once they are separated.
- Q. We want to know what you know about these things, Mr. Edwards, not conjecture on your part. Now, what do you know took place when Dr. Coombe came to collect the children on a Sunday?
- A. Very little, sir.
- Q. Do you mean very little took place or you know very little?
- A. I know very little.
- Q. You were present on these occasions, is that so?
- A. Sometimes I was there and sometimes I was not.
- Q. They were - They spoke to each other but there was no real friendship, would that be right?
- A. This is correct, sir, although I could not say what they spoke about because I was not present.
- Q. And you are suggesting that, despite the fact that the Coombes had been separated for two years, Mrs. Coombe still knew where these photographs were kept?
- A. What I am stating, sir, is Mrs. Coombe told me where she kept - where her husband kept the photographs while they were married - photographs of this nature. What happened was Mrs. Coombe went to the husband's flat to remove some furniture that Dr. Coombes wished to dispose of; she also came back with a pile of photographs. That is when she informed me that she thought that the photographs would still be in the wardrobe.
- Q. And when did this take place - when did she bring these things back?
- A.. I could not say for sure, sir.
- Q. Can you just hazard a guess for us?
- A. A week or ten days perhaps after the divorce petition was served on us.

10

20

30

- Q. The Coombes had never lived together at 1B Sandgate Street, had they?
- A. That would depend, sir, upon what you mean by living together.
- Q. Had they, to your knowledge, lived as man and wife at 1B Sandgate Street?
- A. If you would be more specific, sir, and say, "Had they had sexual relations at 1B Sandgate Street"? I would say "Yes".
- 10 Q. Would you have a look at this document. Is that a copy of the divorce petition which was served on you?
- A. Yes, I would say so, yes.
- Q. And I think it is the fourth paragraph. Would you look at the sixth paragraph of that petition.
- COURT: Are you putting this in, Mr. Duckett?
- MR. DUCKETT: Yes.
- CLERK: P.36.
- MR. BERNACCHI: I have not yet acknowledged a copy of it; I don't know what's in that document.
- 20 COURT: Well, of course, he says this is a copy of the divorce petition - that's that.
- MR. BERNACCHI: Yes.
- COURT: Exhibit 36?
- CLERK: Yes.
- Q. Paragraph 6 lists where the Coombes have cohabited together, doesn't it - it gives the addresses?
- A. It does, sir.
- Q. And there is no reference to 1B Sandgate Street?
- A. I am referring to a singular instant, sir.
- 30 Q. There is no reference to 1B Sandgate Street?
- A. Not in this letter, there is not.
- Q. You have told us that Quantrill Enterprises was not very profitable, is that so?
- A. That is correct, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. In fact you had had a debt of \$1,500 Australian dollars?

A. This is correct, sir.

Q. And the escort service that Mrs. Coombe operated was that a financial success?

A. No, sir, it was not.

Q. And the call-girl business that you operated?

A. It was not very successful either, sir.

Q. And towards the end of last year you were short of money, is that right?

10

A. This is correct, sir.

Q. And Mrs. Coombe similarly didn't have very much money?

A. So I believe, sir, yes.

Q. She was paid some maintenance by her husband, is that so?

A. So I believe, sir, yes.

Q. Do you know where Mrs. Coombe got the \$600 for your fare to come to Hong Kong?

A. No, sir, I do not.

Q. Did she say nothing to you about it at all?

20

A. She said she was going to get it from a friend of hers.

Q. Did she say that that friend was her husband?

A. No, sir, she did not.

Q. Did she suggest that it was a loan or a gift?

A. I would say a gift, sir.

Q. A gift... a substantial sum for a friend to pay over, would you agree?

A. It depends upon what it is being paid over for, sir.

Q. To your knowledge Dr. Coombe had nothing to do with this sum of \$600 is that so?

30

A. Not as far as I know, sir.

In the Supreme  
Court of Hong  
Kong

Q. Would you look at the glass cutter, P.13. You suggested that you might have dropped this into your baggage?

A. I said it was possible, sir, yes.

Q. It was possible, yes. Are you saying that you had no knowledge of this article being in Hong Kong until the police showed it to you?

Defendants  
Evidence

A. This is correct, sir.

No.40

Q. You packed your case before coming to Hong Kong?

Graham Leslie  
Edwards

10 A. I had selected the clothes in it, yes, sir.

Q. And you did that at 4 Passmore Street, is that correct?

Cross-  
Examination  
(continued)

A. This is correct, sir.

Q. You didn't look to see what was already in the case, is that what you are telling the jury?

A. Sir, my suitcase is generally that full of rubbish, I never bother to look. I just throw everything on top of it.

Q. You see, Mr. Cho, the tailor's tout, said that you showed him that object.

20 A. Then I can only call Mr. Cho a liar.

Q. And he wasn't questioned as to whether or not he showed...

MR. BERNACCHI: Yes, he was.

COURT: Of course, he was. My impression is that he was; it is certainly my impression.

MR. DUCKETT: If your lordship pleases, I will leave that.

Q. Can you give us any reason why Mr. Cho should refer to this object and say that you showed it to him?

A. I can merely hazard a guess.

Q. Yes.

30 A. I would say he was put up to it by the police, obviously; since they had various difficulties as to where this was actually found, they guessed in my suitcase could be quite possible correct. They showed it to him and said: "Bla-bla-bla, etc. etc, he showed this to you, didn't he?"

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. You did discuss hotel rooms with Mr. Cho, is that so?

A. I did, sir.

Q. And you said that you asked about rooms because you were rather disgusted with your own room?

A. This was the reason I gave him, sir.

Q. It is the reason you gave us yesterday, too. You were asked what was the purpose of asking about rooms and your answer was, "I was rather disgusted with my room". Well, is that the reason why you asked about rooms?

A. That was the impression that I gave to Mr. Cho, or I attempted to give to Mr. Cho. 10

Q. Well, why did you ask about hotel rooms?

A. I phrased the question to Mr. Cho in a very roundabout sort of way. I can't describe exactly how I did it but the basic idea, the intent on my part, was to discover whether or not it would be convenient to disappear quickly from a hotel room.

Q. You were asking about the means of escape from a hotel room, is that right?

A. This is what I was inferring, sir; I did not come right out and say so. 20

COURT: From which hotel room?

A. I did not specify any particular hotel room, my Lord. I merely put strong inference on the Hongkong Hotel.

COURT: And you asked Mr. Cho if it was possible to escape from a hotel room in Hong Kong?

A. I put it in a very allegorical sense, my Lord. What I said was: "What would you do if the police were after you in a hotel room and how would you get out?"

Q. Did you make reference to Room 1223? 30

A. I definitely did not mention the room number at all, sir.

Q. Why were you interested in escaping from a hotel room?

A. I should have thought that was quite obvious, sir - blackmail.

In the Supreme  
Court of Hong  
Kong.

Q. Would you just answer - would you just answer the question without making comments. Why were you interested in escaping from a hotel room?

A. Because I assumed that there was a possibility of police intervention.

—————  
Defendants  
Evidence

Q. You thought the police might break in whilst you were trying to blackmail Dr. Coombe, is that correct?

A. This is correct, sir, or that they would be waiting there for me when I arrived. Excuse me, sir (Witness hands back the glass cutter to Clerk).

—————  
No.40

10

Graham Leslie  
Edwards

Q. And you thought it a possibility that you would escape from the police through the window of a 12th floor room?

A. No, sir, I did not; the thought did not enter my head at all.

Cross-  
Examination  
(continued)

Q. You were thinking of escaping from Room 1223, is that so?

A. If necessary, sir.

Q. When the police came?

A. That is correct, sir, or if the police were already there.

20

Q. So you thought that you might have to escape through Room 1223?

A. Or anywhere in the hotel, sir.

Q. Your chances of escaping in those circumstances would not be very good, would they?

A. No, sir, they would not.

Q. You referred in your evidence in chief to a person that you preferred to not disclose the name and you said that he could be found at two nightclubs?

30

A. I said that it was possible.

Q. Yes, you were asked by his lordship for his address, his private address or his business address, is that so?

A. This is correct, sir.

Q. And you then wrote the name of two nightclubs?

A. I did, sir.



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. And you later told us that one of those nightclubs was in Melbourne and the other one was in Sydney?

A. Yes, I did, sir.

Q. And this is the same person that was a partner with you when you burgled Dr. Coombe's flat, is that so?

A. This is correct, sir.

Q. Does he have a Perth address?

A. He does, sir.

Q. And why did you not supply the Perth address to his lordship?

A. Because I prefer not to disclose it, sir.

Q. Why do you have such high scruples about this gentleman who assisted you in this way?

A. I have scruples on all people who assist me in any way.

Q. You are charged with one of the most serious offences that are tried before these courts.

A. That singularly depressing fact could hardly escape my attention, sir.

Q. And yet you are at great pains not to reveal the name or address of the person who assisted you in this burglary; and even when you are given an opportunity to provide this information in a secret manner so that it is not revealed to the public you don't do so?

A. That is correct.

Q. And you do all of this out of a sense of moral duty towards your friend?

A. I would not go so far as saying moral duty, sir.

Q. How would you express it?

A. I would expect him, if he was in my position, to do the same thing.

COURT: Let's be quite clear about this. I understood him to say, Mr. Duckett, when he was giving evidence earlier he gave a different explanation about that; when he was giving evidence in chief, as far as my memory goes, he said he wouldn't disclose it because it was as much as life was worth in this case - that is my memory - because this man was wanted for an offence under, I think, the Harrison Act.

10

20

30

MR. DUCKETT: Yes, Harrison Act.

In the Supreme  
Court of Hong  
Kong

COURT: (To witness) Did you not say that it was as much  
as your life is worth in this case?

A. I did, my Lord.

Defendants  
Evidence

COURT: That would be the explanation - not a matter of  
moral scruples but a matter of his own life.

Q. You would expect this friend of yours to act in the  
same way towards you, is that right?

No.40

A. Yes, sir, I would.

Graham Leslie  
Edwards

10 Q. But you also fear for your life at his hands?

Cross-  
Examination  
(continued)

A. This is correct, sir.

Q. You were also asked by my learned friend why you  
obtained a false passport and you ...

COURT: I am sorry. (To witness) Are you prepared to  
write down - after all, this is a matter of some  
seriousness to yourself: it doesn't need me to  
point that out - are you prepared to write out this  
man's address?

A. No, my Lord, I am not.

20 COURT: You see, because it may well be put to you that you  
are not prepared to write it down, not because of any  
moral scruples, not because of any fear for your life  
but because your story is totally untrue. That no  
doubt must be the suggestion that will be put by  
counsel for the Crown ...

A. ... Yes, what Mr. Duckett ...

COURT: ... and that is the inference which the jury may well  
draw. In those circumstances in your own interest  
are you not prepared to write down this man's address -  
is that the position?

30

A. My Lord, what Mr. Duckett wishes to infer I cannot say  
anything about, but there is nothing that will make me  
reveal this person's address or where he can be got in  
touch with.

COURT: Is there any way in which you can substantially prove  
that there is, in fact, such a man in existence?

A. Not unless you - I could not say, my Lord.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

COURT: Because that is what will be put to you - this story about this man is a total fabrication; you are not prepared to give his name, even his address; you are not prepared to write it on a piece of paper which will only be passed to the jury and only available to your counsel and counsel for the Crown. If this man has an address in Perth I should have thought it is in your interest to clear it.

A. Might I ask one question: If I do happen to write down this person's address and it is passed to yourself, members of the jury, my counsel and Mr. Duckett, what guarantee could I receive that the police would not use this? 10

COURT: Well, it may well be that the police would want to check whether there is any truth in what you have said.

A. My Lord, I feel sure he would definitely not admit it.

COURT: Well, at least we would then be in a position to know whether, in fact, there is such a man in existence.

A. Very well, my Lord, I will write it down.  
(Witness writes on a piece of paper). 20  
That is the gentleman's real name. (Paper passed to Court)

COURT: And his Perth address?

A. And his Perth address.

Q. The gentleman is quite a close friend of yours, is that so?

A. This is correct, sir.

Q. And the name that you have written there is completely different from the name that you wrote yesterday?

A. This is correct.

Q. So that, in fact, you gave the Court a false name yesterday? 30

A. I did not, sir. This person has used that name.

Q. But he does not regularly pass for that name in Perth, does he?

A. He used this name on one single instance, sir, as far as I can recall.

Q. So you used - you provided the name that he has used on one instance in an attempt to deceive the Court, is that so?

A. In an attempt to protect myself.

In the Supreme  
Court of Hong  
Kong

Q. Because you fear for your life at this man's hands,  
is this right?

A. Not at his hands - at friends of his hands.

Q. You knew that when you gave the name yesterday no  
one would be able to trace this man in Perth, didn't  
you?

A. I did, sir.

Defendants  
Evidence

No.40

Q. When you gave the name of the two nightclubs you knew  
that no one would be able to trace this man yesterday?

Graham Leslie  
Edwards

10 A. This man could have been traced through those clubs.

Q. Without giving his proper name?

Cross-  
Examination

A. I have no fear in using the name now. Ian Leeds can  
be traced through the Black Club and the Harlem  
Hideaway.

Q. But the person you have told us about today lives in  
a suburb in Perth, the suburb of Como, isn't it?

A. This is correct, sir.

Q. So what has he got to do with these nightclubs in  
Melbourne and Sydney?

20 A. You asked me for the address of the person whose name  
I had written down. I supplied it.

Q. And that was a false address that you gave us  
yesterday, do you accept that?

A. I gave you the address of Ian Leeds.

Q. He is the same person as the man you have just written  
down on a piece of paper this morning?

A. No, sir, he is not. There is an Ian Leeds.

Q. So yesterday you said it was Ian Leeds that helped you  
in the burglary?

30 A. I did, sir.

Q. Today you say it is another man?

A. Mr. Duckett, the person whose name appears on that piece  
of paper used the name Ian Leeds for an illegal  
purpose.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. And today's man is the man who helped you burgle the flat, is that right?

A. This is correct.

COURT: Are they in fact one and the same man?

A. No, my Lord, they are not.

COURT: They are two different men. It may be the wrong impression but I understood you to say that the man whose name you have now written down did, in fact, on one occasion use the name Ian Leeds?

A. This is correct, my Lord.

10

COURT: You said that is correct - he once used the name Ian Leeds but there is, in fact, an Ian Leeds in existence?

A. There is, my Lord.

COURT: So he used somebody else's name?

A. No, sir, Ian Leeds has gone back to Melbourne as far as I know.

COURT: The man whose name you have just written down ...

A. ... used somebody else's name.

COURT: ... used the name Ian Leeds for a specific purpose, an illegal purpose, yes.

20

Q. When you wrote the name Ian Leeds on that piece of paper with the name of the Black Club and the Harlem Hideaway, were you telling the truth?

A. In so far as what goes, sir?

Q. When in answer to his lordship you were asked for the name and address of the person who burgled Dr. Coombe's flat and you provided these particulars, ...

A. ... There were two ...

Q. ... were you telling the truth?

30

A. There were two separate questions, sir: the name and shortly afterwards his lordship asked where he could be contacted.

Q. Let's take it in steps. When you wrote the name Ian Leeds on that piece of paper, were you telling the truth?

A. I was telling the truth in so far as it is an alias.

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence  
—————

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

10 Q. If every witness in this Court refers to aliases throughout his evidence we would not get very far. You were asked why you used a false passport. My learned friend asked you why did you come to Hong Kong on a false passport and you said, "I decided that since a certain gentleman would like to lay hands on me it would be advisable if I did not go under my own name. Consequently I purloined a friend's passport." Do you remember saying that? When I asked you about the theft of a passport you told us it was because your own passport had been altered.

A. That's right.

Q. Now, which of these stories is true?

20 A. My passport had been altered in order that the National Service Department or on the precaution that the National Service Department may attempt to prevent me leaving the country in January. There was no opportunity to arrange for a new passport to be issued to me at all. Therefore I purloined a friend's passport.

Q. Why in answer to your own counsel did you say that "since a certain gentleman would like to lay hands on me it would be advisable if I did not go under my own name"? Why did you say that if, in fact, the reason was because your own passport had been tampered with?

30 A. Sir, my passport had been tampered with. That is the reason why a certain gentleman could - would be after me. The mere fact that I used a friend's passport is entirely irrelevant; it was the only way that I could get out of the country.

Q. You wanted to go under another name, is that so?

A. I did, sir.

Q. And you wanted to go because if anything happened in Hong Kong it would be hard to detect you as Murray?

A. Oh, this is definitely true, sir, yes.

Q. And the passport being tampered with was merely incidental?

A. No, sir, the passport was definitely tampered with for some considerable time before this incident arose.

Q. You remember when Mr. Zimmermann found you in the room of the hotel?

A. I do, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

the time Dr. Coombe arrived. So there was the opportunity between the arrival of Dr. Coombe and Mr. Zimmermann coming back for the accused to have gone elsewhere. Anyway, I am getting a copy of the transcript.

MR. BERNACCHI: Yes, I in fact had a note from the accused.

MR. DUCKETT: Well, it is not for my learned friend to put ...

COURT: ... Yes.

MR. BERNACCHI: I then asked about the - Mr. Zimmermann's movements before he found the accused in the lobby. 10

COURT: At any rate it is quite clear that Mr. Zimmermann was not there all the time, ...

MR. BERNACCHI:.. Yes.

COURT:... that he wasn't there the full two hours between 4.30 and the arrival of Dr. Coombe at 6.30, so that he did not have the accused under constant observation during that time. That I have.

MR. BERNACCHI: Yes.

COURT: Whether somebody else had him under constant observation we haven't heard. I think that is the position, Mr. Bernacchi. 20

MR. BERNACCHI: Yes, my Lord, and, indeed, as I said, I put it both ways.

COURT: Yes.

MR. BERNACCHI: As a result of something.

COURT: Yes.

MR. DUCKETT: With respect, my Lord, if the defence is going to put these matters to a witness both ways, then it is quite proper to put one of the ways to the witness.

COURT: Yes, do, by all means. 30

MR. BERNACCHI: I said it was my own fault.

COURT: Do, Mr. Duckett, it is entirely proper for you to cross-examine on this.

Q. The evidence of Mr. Zimmermann was that he saw you leave the door of the hotel after the conversation in the foyer, is that right?

A. That is correct, yes.

- |    |  |                                   |
|----|--|-----------------------------------|
|    | Q. The photograph was lost; it meant the end of the whole blackmail attempt; at least in Hong Kong?  | In the Supreme Court of Hong Kong |
|    | A. It did, sir.  | _____                             |
|    | Q. But you didn't think to pick up the attache case before you left with Mr. Zimmermann?   | Defendants Evidence               |
|    | A. No, sir, I did not - I deliberately did not pick it up because I guessed that if I had, whoever was at the door, if he had suspected me of perhaps stealing something from the room, would certainly wish to know what was in it and would certainly wish to know whether it was mine or not. | _____                             |
| 10 |  | No.40                             |
|    | Q. And if he did look he would find a pornographic picture in the attache case, is that right?   | Graham Leslie Edwards             |
|    | A. He would, sir.  | Cross-Examination (continued)     |
|    | Q. This would have been a serious matter in your mind?   |                                   |
|    | A. Quite definitely, sir, it is possible that he would have reported it to the police.   |                                   |
|    | Q. You also left the attache case on the fire escape?  |                                   |
|    | A. I did, sir.   |                                   |
| 20 | Q. And if anyone discovering it there, it would have meant an immediate end to your blackmail attempt, wouldn't it?  |                                   |
|    | A. It would have done, sir.  |                                   |
|    | Q. After you escaped from the hotel you caught a taxi, is that right?  |                                   |
|    | A. Yes, I believe so, yes.   |                                   |
|    | Q. And you wanted medical assistance?  |                                   |
|    | A. I did, sir.   |                                   |
|    | Q. And you were taken to the Queen Elizabeth Hospital?   |                                   |
| 30 | A. So I have been informed, sir.   |                                   |
|    | Q. Don't you remember going to the Queen Elizabeth Hospital?   |                                   |
|    | A. I remember going to some building, sir, but there was quite a considerable number of police officers there. I assumed at the time that it was a police station.   |                                   |



In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. The taxi driver said that he pointed to a sign in English and Chinese, "Queen Elizabeth Hospital"?
- A. Sir, I was in hardly any condition to look at what he was pointing, and if he was pointing I have no recollection of it.
- Q. You were then taken to some docks where an inspector spoke to you; do you remember speaking to him?
- A. Not clearly, sir.
- Q. He said that after you had been told that there was no police at the Queen Elizabeth Hospital you then agreed to go back there? 10
- A. I do not recall what was said, sir.
- Q. You were in fact evading the police at this stage, is this not so?
- A. Yes, sir, I was.
- Q. Why was that?
- A. Because, sir, when there was the hammering on the door I assumed it was the police and I assumed that they would be looking for me.
- Q. And why would they be looking for you? 20
- A. For attempted blackmail, and later on I realised possibly assault and battery as well.
- Q. You knew that you had been involved in a knife fight when you got into the taxi, didn't you?
- A. I did, sir.
- Q. And you knew that the deceased could have received serious injuries, didn't you?
- A. Sir, I did not consciously think of this. I was too busy..
- Q. You didn't think of him at all, is that right? 30
- A. No, sir, I didn't.
- Q. Corporal Birtwhistle said that you ran away from him at the British Military Hospital.
- A. Sir, I might point out that it was a physical impossibility for me to run.

In the Supreme  
Court of Hong  
Kong

Q. And he was questioned about this, is this not so?

A. I believe so, sir.

Q. And he suggested in fact you had both - that you and the deceased had gone in a lift together after this conversation?

A. I believe so, sir, yes.

—————  
Defendants  
Evidence

Q. Whereas you say that in fact you left the hotel after the - immediately after the conversation in the foyer with Mr. Zimmermann?

—————  
No.40

Graham Leslie  
Edwards

10 A. Yes, I did, sir.

Q. You carried an attache case on your visits to the hotel?

Cross-  
Examination  
(continued)

A. On some of the visits, sir, yes, I did.

Q. Why was that?

A. The attache case contained the photograph, sir.

Q. Which photograph - how big was the photograph?

A. Ten by eight.

Q. It is not difficult to conceal under the waistband of your trousers?

20 A. No, sir, it was not.

Q. Why did you need an attache case to carry a photograph?

A. Well, sir, some of the time I was not wearing a coat, since with a ten by eight a certain portion of it is sticking out the trousers area, even under the shirt it is still possibly visible.

Q. There are pockets in the trousers you are wearing?

A. Very small pockets, sir.

Q. And the photograph could be folded?

30 A. Sir, I did not wish to damage the photograph.

Q. If there was such a photograph Dr. Coombe would not need very much to remind him of it, would he?

A. No, sir, he would not.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. And if the photograph was slightly damaged, this would not be a very serious matter, would it?
- A. No, sir, I should not think so.
- Q. The attache case also made you a little more conspicuous, don't you think, than if you carried nothing at all?
- A. Not at all, sir.
- Q. Do you remember the pianist at the Pier I Bar asking you about the attache case?
- A. No, sir, I do not recall this at all.
- Q. But he said in evidence that he asked you about the attache case and that you made no reply? 10
- A. Sir, we were both drinking telling jokes, talking show business, singing songs at the time.
- Q. Well - I suggest that the reason that you carried the attache case is because you had a knife inside?
- A. That is incorrect.
- Q. And this is the only convenient way of concealing a knife rather than a photograph?
- A. There is such a thing as a belt, sir.
- Q. Why did you decide to hide the attache case on the fire escape on the 14th floor? 20
- A. Because I decided it was becoming a little bit conspicuous in the hotel itself. I had been seen there several times previously and I thought that if the police had been notified they would be looking for me. If I did not have the photograph on me they can't prove any intent to blackmail.
- Q. This was the only copy of photograph you had in Hong Kong, is that correct?
- A. This is correct, sir. 30
- Q. You have told us you left it in the bathroom of the deceased's room. Didn't this disturb you somewhat leaving the photograph behind?
- A. It did, sir, more than the fact that it had my wallet and passport in the briefcase.

- Q. Well, at some stage or other before today it had occurred to you that the deceased must have been injured in some way. Now, when did that thought first occur to you?
- A. I would say when the police informed me that Dr. Coombe was dead.
- Q. You had already had a telephone conversation with Mrs. Coombe at that stage, hadn't you?
- A. Yes, sir.
- 10 Q. And you had told her where you were?
- A. I don't recall exactly what I said, sir. Obviously she must have known where I was, considering she rang me.
- Q. And despite this conversation with Mrs. Coombe, you hadn't given a thought to the possibility that Dr. Coombe would be injured?
- A. Sir, as far as, if my.. as far as I remember at this stage they were just ready to wheel me direct into the operating theatre.
- 20 Q. Yes?
- A. Possibly, sir, my sub-conscious refused to accept the fact that I might have done it, but I definitely did have.. had no conscious thought of causing any injury.
- Q. Isn't this the case concerning this whole incident: that your sub-conscious mind refuses to..
- COURT: May I have that answer again? "I definitely had no conscious thought of causing injury"?
- COURT REPORTER: "I definitely did have.. had no conscious thought of causing any injury."
- 30 COURT: "..definitely no conscious thought of having caused injury"?
- A. Of having caused injury.
- COURT: Having caused.
- Q. And in fact your failure to remember what happened after you saw a knife in Dr. Coombe's room, is this not just your refusal to accept what in fact took place?
- A. Could you be more specific, sir?

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. You have told us that you saw a knife in Dr. Coombe's room, that you tried to defend yourself.

A. I assumed it was a knife in his hand at the time, sir. I could not be sure.

Q. That you had no recollection of the 37 stab wounds..

COURT: 27.

Q. 27.. 27 stab wounds were you inflicted on the deceased, is that right?

A. No, sir, I had not.

Q. And isn't it that you choose not to remember what took place in Dr. Coombe's room? 10

A. Sir, that is a completely hypothetical question. I am afraid I cannot answer it.

Q. But it wasn't until the police came to see you that you gave any thought to Dr. Coombe, is that so?

A. This is correct, sir.

Q. And then when Superintendent Harris questioned you, to begin with, you told him a large number of lies, didn't you?

A. I did, sir. 20

Q. And then after the medical examination you admitted that you had in fact killed Dr. Coombe?

MR. BERNACCHI: Not after the medical..

A. Not after the medical examination, sir, no.

Q. Well, some time after the medical examination?

A. Quite some time, sir, yes.

Q. And you now say that the explanation that you gave Superintendent Harris was not true?

A. The explanation I gave in that statement, sir, was suggested by Superintendent Harris. 30

Q. It was entirely his idea, is that right?

A. That is correct, sir.

Q. And you believed that if you gave this explanation then you wouldn't be charged with murder, is that right?

In the Supreme Court of Hong Kong

A. That is correct, sir.

Q. And the fact that you were charged with murder the next day came as a great shock, is that so?

Defendants Evidence

A. That is an understatement, sir.

No.40

Q. You felt in fact that you had been tricked into making a false confession, is that right?

Graham Leslie Edwards

10 A. I did, sir.

Cross-Examination (continued)

Q. And that having been tricked into this false confession, the police still went ahead and charged you with murder?

A. Yes, sir.

Q. Would you have a look at this document? It is a copy of a document - a letter written by you, is that so?

A. I believe so, sir.

20 Q. It is a letter to your father which you wrote on the 5th December last year, is that so, and you wrote it whilst you were still in the custodial ward of the Queen Elizabeth Hospital?

A. I did, sir.

Q. Now, would you read out what you wrote in that particular letter?

A. (Witness reads aloud):

G.L. Edwards  
c/- Detention Ward  
Q.E. Hospital  
Kowloon  
Hong Kong.

30 Mr. E.A. Edwards  
c/- Post Office Box 116  
Morley Park  
Perth  
Western Australia.

Dear Dad,

By now you should have received the news that I don't want you to waste your money by coming (up) from Perth to Hong Kong".

In the Supreme  
Court of Hong  
Kong

- I can't read the next word, sir.

MR. DUCKETT: Is it "but"?

Defendants  
Evidence

A. Ah! - "but would prefer you to stay in Perth and help me from there.

According to the police I'm not allowed to tell you the details of the case but I think I can tell you this much.

No.40

Graham Leslie  
Edwards

On Monday night I received two knife wounds, one to the hand and one a flesh wound above the left knee, which required medical attention at the hospital.

10

Cross-  
Examination  
(continued)

On Tuesday morning I was operated on and awoke about 5 p.m. in the Detention Ward under Guard and in a Maximum Security (Hospital) Cell.

Senior Inspectors Harris and Gravener then charged me with murder Contrary to Common Law whatever that means.

I was so scared I lied to them about nearly everything but they guessed what had happened after the Police Doctor had given me an examination.

I was so ashamed of them finding out, that I told them what had really happened and that I (had) (lied) about my name and everything because I was also going to get into trouble because of being in Hong Kong illegally.

20

A Magistrate Remanded me for Seven Days on Wednesday and the police are trying to Put all the facts together before I go to Court which could be anything up to 4 Months away, So its not much good (you) coming (up) here.

I will notify you if I need help in any way.

The Police and the Nurses and Doctors and the Australian Trade Commissioner have been very helpful and explained I could apply for Government Legal Aid which I will do and my solicitor will probably be allowed to explain all the details to you.

30

Hospital food is lousy and I can't even have a shit without (an) armed guard watching me all the time but I suppose theyve got their orders. Still even If I wanted to try and escape I couldn't because my leg is too stiff to do more than hobble slowly and I have no clothes or documents or money so a naked blonde headed Australian in bandages trying to escape among 4 million Chinese sticks out like dogs balls.

Anybody who inquires after me, give them my address as c/- H.K. Police force because all my mail both ways is opened and read. I don't know what the Newspapers are saying but don't make any statements to them until I know what is going on.

In the Supreme Court of Hong Kong

When you reply please write on special Airmail letters you can get at the P.O. for 10¢ each and post before Thursday nights to arrive here on the Direct Perth-Hong Kong flight on Friday.

Defendants Evidence

No.40

10            Regards to everyone.

Love

Graham Leslie Edwards

Graham

Cross-Examination (continued)

P.S. If Mrs. Coombe should ring you please say Im terribly sorry and had no idea anything like this would happen, but Im not allowed to say anything to explain what happened.

P.P.S."

- there is also my initial underneath that -

20            "P.P.S. Since Im in enough shit now, the fact that I burned all my papers and my Passport before coming up here is not going to make the Government Immigration people"

- well -

"Commonwealth Immigration people very happy nor the State Police. Kindly tell them all to go and get stuffed."

Q. Now, you made no complaint to your father..

COURT: Is there any date on this letter?

MR. DUCKETT: The witness has agreed that this the 5th December.

COURT: You wrote this on the 5th December?

30            A. It is quite possibly so. If they say I wrote it on the 5th, I wrote it on the 5th.

MR. DUCKETT: I produce that copy.

COURT: Yes, Exhibit?

CLERK: P.37.

COURT: Yes.



In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. You made no complaint in your letter to your father about the police tricking you into making a confession.
- A. A fat lot of good it would have done me, sir. The letter would never have gone through - if in fact this did go through.
- Q. You said that you had told the police the truth. You referred to the fact that you had been charged with murder and you said nothing of being surprised that you were charged with murder, is that so?
- A. That is correct. This was - if they claimed it was correct - written three days after I was charged. 10
- Q. Yes, but you still felt that you had been tricked into confessing this offence, didn't you?
- A. Yes.
- Q. Why did you go out of your way to say that "The Police and the Nurses and the Doctors and the Australian Trade Commissioner have been very helpful? Do you see that on the second page, in the middle of the page, "The Police and the Nurses and (the) Doctors and the Australian Trade Commissioner have been very helpful? That was not true, you say, is that right? 20
- A. Senior Inspector Gravener, Inspector Edwards, the Australian Trade Commissioner had been very helpful.
- Q. But at the same time you say that the police had tricked you into signing a false confession?
- A. I used the word "police", sir, in referring to, specifically, Senior Superintendent Harris and I sincerely doubt, sir, whether if I had put my opinion of Senior Superintendent Harris in this it would have been allowed to go through. 30
- Q. You see, Mr. Edwards, you were not called to put any opinion in this letter. It is something that you volunteered yourself to write to your father - you volunteered to say that the police had been helpful. If you had been silent on this point, it might be otherwise, but you have volunteered to say that the police had been helpful.
- A. Sir, I do not..
- Q. Why did you do that?
- A. Sir, for a start I do not think you have any right to qualify my statement as interpreted.. I do not think that you have any right to interpret what I write. What I write and what you interpret may be two entirely different things. 40

In the Supreme  
Court of Hong  
Kong

Q. Now, would you tell me why you said that the police had been helpful - very helpful?

A. Because my father is very similar to me. If I had put into this.. in this letter the fact that I do not consider certain members of the Hong Kong Police Force suitable for running a two-bit brothel, my father would have come up here and personally kick shit out of several people.

————  
Defendants  
Evidence  
————

No.40

10

Q. So it was in fact to protect the Hong Kong Police Force from your father.

A. It was to keep my father, calm.

Graham Leslie  
Edwards

Q. ..that you put the statement in that letter, is that right?

Cross-  
Examination  
(continued)

A. It was to keep my father calm.

Q. You also went on in this letter to say that not only had these people been helpful but they "explained I could apply for Government Legal Aid which I will do and my solicitor will probably be allowed to explain all the details to you." And that was in fact the case, wasn't it: that you had been told that you could apply for legal aid and you had been told that you would have a solicitor?

20

A. That is correct, sir.

Q. When you were asked in examination-in-chief why you wrote the Ken Markham statement, you said it was to persuade the police - I think you said - "to pull their finger out and get a solicitor".

A. That is correct.

30

Q. And yet you knew on the 5th December that you would in fact - so you had been told on the 5th December - that you would have a solicitor, is that not so?

A. Sir, I was informed that I would have a solicitor. I was also informed that the trial would probably take place in January.

Q. I see.

A. I was then notified that a date of committal had been set - what the actual date was I do not recall. I assumed at the time that this was the trial date.

Q. You assumed that it would be in January?

A. This is what I was informed.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. That you would come up for trial - that the trial would be held, is that right?
- A. This is what I was informed.
- Q. That would be about a month after you went into hospital - a month to a month and a half is that so?
- A. I beg your pardon?
- Q. This January would be four to six weeks after you went into hospital?
- A. I was informed of this while I was in hospital: that the trial could possibly be in January, but there was no guarantee that it would be. 10
- Q. You wrote a number of other letters at about the time that you wrote this letter, did you not?
- A. I did.
- Q. And in one of those letters did you not say that it could be three to four months before you would come up for trial?
- A. It is in this letter, sir.
- Q. Now, why are you saying that you believed that it would be a trial within nine months, when in fact you knew it would be three to four months? 20
- A. This is what I was informed by the police.
- Q. And who told you three to four months?
- A. I do not know the gentleman's name. I was merely told that it would be attempted to get it into the January Sessions but it could be anything up to four months.
- Q. And despite the fact that you had been told as early as December that it might be four months, you are saying you still expected that the trial would be heard in January?
- A. Mr. Duckett! I am trying to explain to you that the police informed me that the earliest possible date for committal proceeding was in December and there was a chance that it could come up for trial in January but not to expect too much as it could run on for anything up to four months. 30
- Q. I see. So you knew there might be a four-month wait for your trial?
- A. I assumed it could have been, not knew!

Q. So why were you becoming concerned about legal aid in January? What prompted you to write the Ken Markham statement?

In the Supreme Court of Hong Kong

A. Sir, I applied for legal aid verbally while I was in hospital, I applied for legal aid in writing while I was in hospital, I applied verbally and in in writing to the magistrate's court, I then continually asked the police while I was on remand and they said they did not know!

—  
Defendants  
Evidence  
—

No.40

10 Q. But you knew that you would get legal aid, didn't you?

A. I was beginning to wonder.

Graham Leslie  
Edwards

Q. Mr. Cleaver, the Australian Trade Commissioner, had he discussed this with you?

Cross-  
Examination  
(continued)

A. He had not said very much about it at all.

Q. You knew that you would have legal aid for your trial, didn't you?

A. I was informed that I would have legal aid for my trial. I did not know it for a fact.

20 Q. And yet you say that it was because there was.. you did not have a solicitor in January that you wrote the Ken Markham statement?

A. That is correct.

Q. You knew then that it might be another two months before the trial came on?

A. I knew then, sir.

Q. Why were you so concerned to have a solicitor?

A. I was informed of the date of trial during the committal proceedings, and the date I was informed of was the 26th of February.

30 I then discovered later from the Superintendent of Prisons.. of the.. Superintendent of V.R.C. that this was only to go forward and give a plea and it could be later than that even. At the time of writing the statement, I had no knowledge as to when my trial was, I had no knowledge of when I would be given a solicitor - in fact, I was beginning to doubt whether I would get one or not.

Q. I put it to you that this letter flatly contradicts two statements that you have made from the dock this morning. It firstly contradicts that you were tricked by Superintendent

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. Harris into any confession. What do you say about that?
- A. You may suggest what you wish, sir. I merely did not put it in. If I had personally believed I was tricked by Senior Superintendent Harris, there is no necessity for me to put it in this.
- Q. I am not suggesting that you should allege trickery in your letter. I am suggesting that you shouldn't go out of your way to compliment the police for being helpful in this letter. 10
- A. I have already explained to you why I put this in the letter, sir.
- Q. And that is your only explanation?
- A. Sir, you do not know my temper and you do not know my father's.
- Q. And the second matter that this letter contradicts is your concern about legal aid. You knew when you wrote this letter that you would get legal aid for this trial and you told your father that. Is that not so?
- A. Of course it is so. I was informed I would get legal aid for the trial, but might I point out that this was written on the 5th December! 20
- Q. And you then knew or you knew it was a possibility that it would be three to four months before your trial began?
- A. Not at this stage. It was a possibility, yes! I did not know at that time.
- Q. How did you think that the Ken Markham statement (Exhibit 32) would prompt the police into finding you a solicitor?
- A. Quite simple, sir. The idea behind this was that if the police received it, they would come and check with me to verify it, I would kindly tell them what to go and do with themselves until they got me a solicitor. 30
- Q. You wanted a chance to see the police, is that what you tell us?
- A. Sir, as far as I was concerned, the police could go and jump into the harbour. I wanted a solicitor.

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence

—————  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. Just try and not get too excited, and tell us why you devised this involved method of getting the police to come and see you. You have said that you wrote the letter in the hope that the police would come and interview you and you would then tell them to jump in the harbour, was it, or words to that effect? Now, was this the only means that you could think of to get the police to come and see you?

A. They don't let me use the telephone.

10 Q. So you were anxious to see an officer of the police force, is that correct?

A. I was.

Q. Did you ask anyone to do so?

A. No, I did not.

Q. Why not?

20 A. Because if I had asked to see an officer of the police force, I would have to give a reason for doing so, the reason being that I would have to tell them why I wanted them. Obviously, once I had already told them, they had no special reason for going out and pulling the strings and getting me a solicitor.

Q. What did you think might happen to the Ken Markham statement?

A. I wasn't in the least worried.

Q. You gave it to Coleman - a prisoner by the name of Coleman, is that right?

A. No, sir, this is incorrect.

Q. Who did you give it to?

A. Coleman removed it.

30 Q. Did he steal it?

A. You can hardly put it that way, sir. It was in my cell, that is all.

Q. And you gave it to him? You say he removed it. How did he come to remove your property?

A. Everything in the prison is virtually public property, sir. You can walk into any cell and help yourself.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

Q. He took it out of curiosity as far as you can say?  
How did he come to get the statement?

A. Not at all, sir. He helped me write it.

Q. And after he helped you write it, he took it away, is  
that correct?

A. That is correct.

Q. And what did you arrange that he was to do with it?

A. He was to take it to England with him when he was  
deported, have it typed out, signed and sent back.

Q. It was in fact to lead the police on to another line  
of inquiry, is that right? 10

A. It was a stimulant to do that, sir, yes.

Q. And how would this help you to get a solicitor?

A. If they wanted any further details they would have to  
get me a solicitor before they got them.

Q. Was that the only way that you could device to get  
yourself a solicitor?

A. I don't know how to send smoke signals, sir, and I  
don't have any money.

Q. I suggest that this Ken Markham statement was written  
in a deliberate attempt to deceive this court, is that  
correct? 20

A. That is incorrect.

Q. That you decided to device another defence which might  
be useful when you came to trial, is that correct?

A. That is incorrect.

Q. You believed that the Ken Markham statement would be  
admissible in evidence?

COURT: Just one minute, please, I am sorry. Could you give  
me that question and answer? 30

COURT REPORTER: "Q. That you decided to device another  
defence which might be useful when you came to trial,  
is that correct?" "A. That is incorrect."

In the Supreme  
Court of Hong  
Kong

Q. You believed that the Ken Markham statement would be admitted in evidence is that not so?

A. No, sir, I did not.

Q. You had made no mention of blackmailing to the police up to the time when you wrote the Ken Markham statement, is that so?

Defendants  
Evidence

A. That is correct.

Q. Why not?

No.40

Graham Leslie  
Edwards

10

A. Because my personal opinion, sir, was that they 'ballsed' me around enough and now it is my turn for a while. If they want to find out they are going to have to come to me.

Cross-  
Examination  
(continued)

Q. You wanted to make things difficult for them?

A. If they wanted to find out, sir, they would have to find out the hard way, up until the instant that they received that letter.. my resolve weakened.

Q. You realise that the defence that you have made in this court is that you acted in self-defence? Do you realise that?

20

A. I realise that, sir.

Q. And that in none of the statements that you made to the police did you ever suggest that you were acting in self-defence?

A. No, sir, I did not.

Q. It must have occurred to you at some stage that if you acted in self-defence, it would help your case to tell the police about it, is that not so?

A. I had every intention of telling the truth from the instant that Senior Superintendent Harris made certain allegations to me onwards. Up until that time I was prepared to go along with whatever he suggested.

30

COURT: Can you tell me that again? "I had every intention of telling the truth until"?

A. From the instant that Senior Superintendent Harris made certain allegations to me onwards. Up until that time I was prepared to go along with what the police suggested.

COURT: "I had every intention of telling the truth". Do you mean until Superintendent Harris made certain allegations to you, is that it?



In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- A. No, from that instant, onward, my Lord. Prior to that I was prepared to go along with whatever the police suggested.
- Q. When Superintendent Harris, as you say, put to you the defence of homosexual advances, why didn't you say, "No, I acted in self-defence"? Did that occur to you?
- A. No, sir, it did not. At the time, sir, I was scared of the blackmail being brought out. And obviously people do not go around killing people for no particular reason. Therefore, if I had said to the police that it was self-defence, I would have had to give a good reason for the deceased to attempt to kill me. Consequently, I would have had to have mentioned the blackmail, which I did not wish to do at that stage. 10
- Q. You were charged with murder but you were concerned about a possible blackmail charge, is that right?
- A. This is correct.
- Q. And you had thrown the evidence of blackmailing - the photograph - into the harbour in little pieces?
- A. It wouldn't be exact to say little pieces, sir, but I threw it into the harbour, yes. 20
- Q. And you still say that because of your fear of a blackmail charge, you refused to say anything about blackmailing?
- A. At this stage, sir, yes.
- Q. You started to write your final and full confession in hospital. Why did you not go on with that statement?
- A. As I had previously informed the court, because it was removed from me without my consent.
- Q. But you had other paper to write on, did you not?
- A. I wanted it all in one piece, sir. Besides, I believe I was transferred to the court shortly afterwards - I could not be too sure, sir. I am not sure exactly when that was written. 30
- Q. Are you suggesting you didn't have an opportunity..
- A. I did not.

In the Supreme  
Court of Hong  
Kong

Q. ..to continue this statement because you were transferred to the court?

A. I am not at all sure, sir. I cannot remember exactly when it was written. I know it was taken from me.

Q. And after part of it was taken from you, you just didn't feel like writing any more, is that right?

A. I felt like writing more, sir, but I was not.. did not wish to write any more until it was returned to me.

Defendants  
Evidence

—————  
No.40

Q. Did you ask for it to be returned?

Graham Leslie  
Edwards

10 A. I did.

Q. And was that refused?

A. I did not receive any reply, sir.

Cross-  
Examination  
(continued)

Q. Whom did you ask?

A. Inspector Edwards.

Q. Do you remember that in that statement you wrote. "I have lied to the police for so long that if they took the statement I could not keep a straight face knowing they would think I was bullshitting them"? Do you remember writing that?

20 A. I do, sir.

Q. Isn't it a fact that you have lied to many people concerning this incident since the 1st of December?

A. This is correct, sir.

Q. Is that not so?

A. Yes.

Q. You have given many explanations as to why you killed the deceased.

A. I have, sir.

30 Q. And what do you.. on what basis do you invite the jury to believe that the explanation that you have just given is the true one?

A. Quite simple, sir. Sir you are attempting to prove that I, in collusion with Mrs. Coombe, did plan to come to Hong Kong and kill her husband. If you honestly believe this, sir, then two things must be brought before the attention of this court. One is that Mrs. Coombe was

In the Supreme  
Court of Hong  
Kong

Examination  
by the Court

COURT: Before you go on..

I just want to ask him one or two questions, and it may be more convenient for you if I ask them now.

COURT (to Accused):

This letter that you wrote to your father, have you got a copy of it there?

A. I do, my Lord.

Q. Now at the bottom of the first page you say in the paragraph before the last:

"I was so scared I lied to them about nearly everything..."<sup>10</sup>  
Now what did you mean by that?

A. Sir, do you have a copy of the statement, sir, that I could have for a moment, sir? I shall demonstrate.

Q. Yes.

A. Thank you. (Document to witness)

My Lord, this is the piece I was referring to - originally up until the time I was informed that Dr. Coombe was dead, and then on up until where Superintendent Harris made allegations concerning myself..

Q. Where is that? Just look at it. 20

A. This is on Page 11, sir.

Q. Yes, Have you got a pencil there?

A. No, my Lord, I have not.

Q. Well, take this pen.

A. Oh, I've another one.

Q. Would you mind - take that pen - would you mind just marking what you mean by:

"I was so scared I lied to them about nearly everything..."

A. Well, what I mean, sir, is originally when the Police first came in to me.. 30

Q. Yes?

A. ..I assumed that Dr. Coombe had reported to the Police that I had attempted to blackmail him. I did not know at this time of course that Dr. Coombe was already dead, and I figured I could get away with lying to the Police since Dr. Coombe would obviously report that 'Graham Edwards' was attempting to blackmail him. At this time

In the Supreme  
Court of Hong  
Kong

—  
Examination  
by the Court

A. I was known as 'David Murray'; that was what I meant originally. Up until the time that the Police informed me Dr. Coombe was dead, which of course I had no knowledge of prior to this, up to then - this came as a great surprise to me of course, and so obviously I realised that I had to give some explanation that would include my knowing the deceased. This I attempted to do, sir; apparently they did not believe me.

10 Q. I am only referring to your letter. Your lies refer to this statement, do they?

A. Oh, yes, sir.

Q. Up to what part?

A. This is up to the part where - at Page 11, sir.

Q. Yes - my pages are not numbered.

A. But it is divided into two parts - one up to where Dr. Coombe - they told me that Dr. Coombe was dead - and secondly up to Page 11.

Q. Up to?

20 A. Page 3.

Q. Up to where? Just mark up to where (Court at witness box)

A. There's - Page 1, 2 and 3 (Indicating directly to Court) - Page 3 to 11. (Marking document) (Further comment) This was when I thought I might as well go along with what they said.

Q. You thought you might as well go along with what Mr. Harris said?

30 A. That's right. I believed that they knew at this stage that I had killed Dr. Coombe and I did not wish to involve anybody else in it, so I thought I would go along with what he said.

Q. Go along with what he says?

A. This is correct, sir.

Q. So the paragraph reading:  
"I was so scared I lied to them about nearly everything but they queried what had happened after the Police Doctor had given me an examination."

A. Yes, sir.

In the Supreme  
Court of Hong  
Kong

—  
Examination  
by the Court

Q. That goes up to Page 16, does it?

A. Yes, sir.

Q. Well now, you then continue:

"I was so ashamed of them finding out, that I told them what had really happened."  
Now what does that mean?

A. These two paragraphs are connected, sir, to the fact that - that I did not wish my father coming up here, so I pretended in this letter to my father that what Superintendent Harris has said to me was in fact the truth. I pretended that to my father in order to prevent him coming up here. 10

Q. I see, so that the words:  
"I was so ashamed of them finding out, that I told them what had really happened."  
means that you then said in your statement that Dr. Coombe had tried to make homosexual advances to you?

A. Yes, sir.  
I'm afraid I played it up rather a little bit on this point, sir. 20

Q. I see.

A. Sir, I notice there are discrepancies in this...

Q. When you say there:  
"I was so ashamed of them finding out, that I told them what had really happened."  
is not a true statement?

A. Oh, most definitely not, sir.

Q. I see, yes.

A. Sir, I cannot explain this, but I notice there are several discrepancies from the evidence I have now heard. 30  
I have said on the Monday night I received... on the Tuesday morning I was operated on, sir. This, I was informed of, and I woke up at 5 p.m., sir. I was always under the impression it was the Monday, sir. Apparently what had happened was, I was rather confused at the time.

Q. Yes, I see, yes.

....

COURT: Yes, Mr. Bernacchi.

REXN. BY MR. BERNACCHI (of - Graham Leslie Edwards)  
(Accused)

In the Supreme  
 Court of Hong  
 Kong

Re-examination

- Q. This letter.. could I have Exhibit No.37?  
 I see that you say:  
 "Anybody who inquires after me, give them my address  
 or c/o H.K. Police Force, because all my mail both  
 ways is opened and read."
- A. What page..? Oh, yes, sir, I see.
- Q. Bottom of the second page.
- 10 A. Yes.
- Q. So in writing this letter you knew that it would be  
 opened and read by the Hong Kong Police?
- A. Oh, most certainly, sir. This was just written on a  
 piece of paper, and I was informed it would be posted.
- Q. And in fact I think one Police Officer, I think Inspector  
 Gravener himself has told the Court that he warned you  
 that all mail would be opened?
- A. This is correct, sir, Sir..
- 20 Q. So in fact did you want, on the 5th of December did you  
 want the Police to find out the real cause that you were  
 up here, that is blackmail?
- A. Oh, no, sir, I did not.  
 The 5th, I believe, was a Saturday, I think, sir, I  
 could not be too sure. Mr. Harris's allegations were  
 not made until, I believe, the Monday or the Tuesday.
- Q. I see.  
 Then comes the letter:  
 "A final and full confession of my activities"?
- A. Yes, sir.
- 30 Q. And you say that it was taken away from you and never  
 completed.
- A. That is correct, sir.
- Q. Now a passage that Crown Counsel has read, I will reread:  
 "I have lied to the Police for so long that if they  
 took the statement I could not keep a straight face  
 knowing they would think I was bull-shitting them  
 again as this story is even harder to believe and  
 infinitely harder still to prove or disprove".
- 40 A. Yes, sir, this was after Senior Inspector Gravener asked  
 me if I wished to make a statement to him, and well,

In the Supreme  
Court of Hong  
Kong

Re-examination  
(continued)

I dont think the Inspector will mind if I say he was grinning a little bit at me.

- Q. Yes, keep to the question, please.  
If the statement had not been taken away from you, what would have been written in the statement as to your coming to Hong Kong?
- A. Well, virtually the same as I have said in Court, sir. It would have been in far more detail, because then I remembered, at that stage I remembered far more of it.
- Q. You covered a considerable quantity of paper just on the month of June, I think? 10
- A. This is correct, sir. I do have a tendency to ramble.
- Q. Yes, I notice that.  
Now P.29, please. (To Counsel)  
Now do you remember, did you write this before or after you wrote: "A final and full confession of my activities"?
- A. (Exhibit to witness)  
I could not say for sure, sir. I believe possibly afterwards. (Exhibit returned to Mr. Bernacchi). 20
- Q. Now that says:  
"This is to also certify that unless a Crown appointed solicitor is present and agrees to defend my case after private consultation I will make no statements to the Police in any context, which will be both detrimental to myself and involve a lot of unnecessary investigation and loss of time to the Police in an area where they are barking up the wrong tree."
- A. Yes, sir, I believe it was after the statement I had started was taken from me but I could not be sure, sir. I would not swear to it. 30
- Q. But what did you mean by:  
"..in an area where they are barking up the wrong tree."?
- A. This was written shortly after..
- Q. What did you mean? I'm sorry, Mr. Edwards, you've been in the witness-box for a considerable period of time, but do please listen to the question.  
What did you mean by the expression:  
"..in an area where they are barking up the wrong tree."? 40
- A. It is a colloquialism.  
It means, sir, that.. going in the wrong direction.

In the Supreme  
Court of Hong  
Kong

—————  
Re-examination  
(continued)

- Q. I know. Well, you have already given a statement saying, in effect, a homosexual attack -- do you mean that statement or do you mean some other statement?
- A. I meant something else apart from that, sir. I was not referring to that.
- Q. Well, what were you referring to?
- A. I was referring to the allegations that Supt. Harris made to me.
- 10 Q. Oh, I see, the allegations that you had come to Hong Kong to murder Dr. Coombe?
- A. Amongst others, sir, yes.
- Q. Then on the 16th of December you made a statement to an officer of the Prison on the assurance that it would not be handed to the Police, about blackmail and being injured in a knife fight when you went to collect the blackmail money.
- A. This is correct, sir.  
Now what happened, sir, was originally the gentleman concerned asked me what happened, and I said I was injured in a knife fight, and he said: "No, I want the details of what happened", so I wrote that down, sir.
- 20 Q. Do please be short in your answers.
- A. Oh, certainly, sir.  
So he specified that he wanted the details and how it occurred.
- Q. So that.. do I take it that all that time, that is from the incident itself, all through December, you did not want the Police to know of the blackmail, at least until your solicitor advised you that it wouldn't make any difference for you to disclose it?
- 30 A. This is correct, sir.
- Q. And of course, P.37, the letter, you knew would be handed to the Police?
- A. Oh, most definitely, sir.
- Q. Before..
- A. Censorship.
- Q. ..it was sent to your father.
- A. Yes, sir.



In the Supreme  
Court of Hong  
Kong

Re-examination  
(continued)

- Q. When did you first ask to see a solicitor, do you remember?
- A. I could not be sure, sir, it was possibly a day or so after my admittance to hospital. I could not be sure. I believe it was on either the second or the third day.
- Q. Did the original initiative come from you or from the Police?
- A. I believe, sir, that I asked: "How can I get a solicitor" or "get in touch with a solicitor".
- Q. And from that date until you knew that a solicitor had been appointed, what was the length of time?
- A. I was informed.. I could not be sure of the exact date, sir, I believe it was around the 18th or 19th of February.
- Q. 18th or 19th of February?
- A. Yes, sir.
- Q. When was..
- COURT: That was after the completion of the committal proceedings?
- A. Oh, most definitely, sir.
- Q. And would I be right in saying that you were asking and asking to see a solicitor from December onwards?
- A. Most definitely, sir.
- Q. Now this letter to your own father, in fact he did come up from Perth to Hong Kong?
- A. He came up for the committal proceedings, sir.
- Q. When was that?
- A. Approximately the middle of January.
- Q. And did he see you privately in Prison?
- A. Well, if you consider a guard standing at the door privately, yes, sir.
- Q. Apart from a guard standing at the door.
- A. Yes, sir, he did.

10

20

30

Q. And at that time did you inform him of the real reason that you had come up to Hong Kong?

In the Supreme  
Court of Hong  
Kong

A. I did, sir.

Q. And did you ask him to try and get the negative of this photograph?

Re-examination  
(continued)

A. I did, sir.

10

Q. Now I don't know that I quite understand your English in this answer. You told the Court, and you repeated it to His Lordship: "I had every intention from after Supt. Harris made certain suggestions to me."

A. Well, sir..

Q. Now please clarify that. You were being asked about why.. I think it is in effect why you didn't tell the Police about this blackmail.

20

A. Well, sir, up until the point where Supt. Harris said to me:  
"How much out of a hundred grand did she pay you for bumping off her husband?" -  
up until that point, I was quite prepared to go along with whatever the Police suggested. After he said that to me, sir, plus several other allegations, I decided that he had been fooling me prior to this, and that now was the time to get things straightened out.

Q. In other words, up to that point, did you consider that the Police were trying to help you by making these allegations of homosexuality?

A. I did, sir. I was firmly convinced that they were definitely trying to help me.

30

Q. And you were prepared to go along with them until Supt. Harris made this accusation to you?

A. Well, it was in the nature of an accusation and a question in it too as well, sir.

COURT: When did you say he asked this?

A. I couldn't give the exact date, sir.

COURT: Well, approximately. Were you still in hospital?

A. Oh, yes, sir, I was definitely still in hospital.

In the Supreme  
Court of Hong  
Kong

Re-examination  
(continued)

- Q. After the 5th of December or before the 5th of December?
- A. Oh, this was approximately, I would say only approximately, a week or so after my admittance to hospital.
- Q. Well, your admittance to hospital was on the morning of the 1st of December, so a week after would take it to the 7th or 8th of December?
- A. Yes, sir, approximately this time.
- Q. And of course your "Final and full confession of my activities" - was that, when was that written? 10  
Oh, I think it was written on the 9th of December?
- A. Yes, sir.
- COURT: On the 9th of December 1971. I think it was received by the D/Cpl. 526 on the 10th - that's right - so it may well have been written on the 9th, yes.
- MR. BERNACCHI: Perhaps I should say it was started on the 9th of December, because it was never finished.
- COURT: Yes.
- Q. Then on the 14th of December you wrote a personal letter to Supt. Harris? 20
- A. This is correct, sir.
- Q. P.31? (to accused)  
And that is the document in which you give reasons why his theory is not possible?
- A. This is correct, sir.
- Q. And you also say:  
"The evidence now in your possession can be explained in terms other than pre-meditated murder, but this will have to wait until I have conferred with my solicitor."?
- A. That is correct, sir. 30
- Q. But in fact you never saw a solicitor until the latter part of February?
- A. That is correct, sir.
- COURT: Latter part of..
- MR. BERNACCHI: February.

Q. Now in the course of his cross-examination my learned friend asked about corroborating evidence of witnesses.

Mrs. Coombe - he asked and you said that you didn't think she would come because she had two little children to think of?

A. This is correct, sir.

Q. He asked for the name of this partner in Perth and you have now given the correct name, the real name?

10 A. I have, sir.

Q. What did you bring the photograph to Hong Kong in?

A. A red photograph album, sir.

Q. I see - and have you that red photograph album?

A. It is in my property, sir.

Q. In Prison?

A. In the Prison, sir.

COURT: Do you want that produced, Mr. Bernacchi?

MR. BERNACCHI: I would like it produced, yes.

COURT: Mr. Duckett?

20 MR. DUCKETT: assents.

Q. Now you were questioned about leaving the photograph in the attache case on the fire escape?

A. Yes, sir.

Q. Do you remember.. now did you leave it in the open or..? Where exactly did you leave it?

A. -Well, I doubt if I could actually describe it, sir. There was a pile of 'phone or wiring insulation there. I just slipped it underneath several of these sheets.

Q. So in fact you hid it?

30 A. Oh, yes, sir.

Q. By slipping it under and at the back of several of these sheets?

A. I did, sir.

In the Supreme  
Court of Hong  
Kong

Re-examination  
(continued)

In the Supreme  
Court of Hong  
Kong

—————  
Re-examination  
(continued)

Q. Of course, the remark that Supt. Harris made to you would infer that he considered Mrs. Coombe to be in the murder of her husband?

A. Yes, sir.

Q. Now you were questioned about a booking on the 29th. You had booked an air passage on the 29th - 29th morning, afternoon or evening?

A. I have no idea, sir, I could not honestly tell you.

Q. I see, and you said that you had expected originally that you would have obtained the money?

10

A. Oh, yes, sir. I would assume that it would take less than an hour to cash Travellers Cheques.

Q. I see. Of course, Travellers Cheques can be cashed anywhere?

A. Oh, definitely, sir.

Q. And you already knew from his itinerary that he was literally travelling around the world?

A. Yes, sir.

Q. I am dealing with your mind - in your mind he would have had a lot of Travellers Cheques that could be cashed?

20

A. Most definitely, sir.

Q. Now there was a question or two about your wig, and you said that it must be worn with a bit of disguise?

A. Yes, sir.

Q. And then you gave the impression that it wouldn't have disguised you all that much?

A. Oh, no, sir, but it would have disguised me sufficiently to people who only knew me by sight not to recognise me.

Q. A wig and make-up, facial make-up?

30

A. Definitely, sir.

Q. And you had seen, actually talked to Dr. Coombe, on two occasions?

A. Yes, sir - I merely said "Hello" on one occasion.

Q. And the other was the one that you had a row with him?

In the Supreme  
Court of Hong  
Kong

A. After the Petition was served, sir.

COURT: But is it right to say that prior to the occasion when you met him in the lobby downstairs at the Hong Kong Hotel on the 29th, I think it was, you had only previously seen him on two occasions?

Re-examination  
(continued)

A. Oh, I had seen him visually, sir, on several occasions, but I had only seen him to speak to on two occasions.

COURT: To speak to.

10 You had seen him, I suppose, when he came to see the children?

A. Yes, sir, I generally stayed in the room.

Q. And on one occasion you just in effect exchanged greetings?

A. Yes, sir.

Q. And on the other occasion you definitely saw him and had a row with him over the Petition?

20 A. It wasn't really so much of a row, sir. I was rather angry at the time, sir, a little bit upset, but I was severely more angry when I found out what Mrs. Coombe had done.

Q. Which was..

COURT: And when did you find that out?

A. When - this is the Sunday following the Divorce Petition, sir, when Dr. Coombe showed me a piece of paper, which stated what they had agreed to.

COURT: You hadn't known that before you went to see Dr. Coombe?

A. No, sir, I had not.

30 COURT: You only knew it at the time?

A. Yes, sir.

Q. Dr. Coombe told you himself?

A. Yes sir - he showed me the piece of paper sir.

COURT: Well, the only real difference was that the \$5,000. - was reduced to \$3,500.-.

A. As far as I could see, sir. There may have been other things that Mrs. Coombe wanted which I can't recall off-hand, sir.

In the Supreme  
Court of Hong  
Kong

—  
Re-examination  
(continued)

- Q. But your main theme was that Mrs. Coombe was wrongly persuaded to reduce the cash, the lump sum settlement from \$5,000.- to \$3,500.-?
- A. Oh, that was definitely one of the reasons, sir, but the way I felt at the time was that by signing this agreement she is virtually admitting guilt, therefore if he wants to he can say:  
"No, I am not going to withdraw my Petition, I will go ahead and produce it."
- Q. But in fact of course you were informed by his solicitor afterwards that the Petition would be withdrawn? 10
- A. Yes, sir.
- Q. You said that a deposit of Australian Dollars 100 was paid for the passages to the U.K. on the "Canberra"?
- A. That is correct, sir.
- Q. Who provided the money?
- A. I did, sir.
- Q. Now you were originally asked whether you considered Hong Kong a lawless place, and you said "No"? 20
- A. This is correct.
- Q. Then you were asked about narcotic.. trafficking in narcotics, in effect?
- A. Yes, sir.
- Q. And you said: "Well, it goes on in Australia, it goes on in Hong Kong"?
- A. Definitely, sir.
- Q. Did you know much about the trafficking in narcotic drugs when you came to Hong Kong?
- A. Are you referring to trafficking in Hong Kong itself, sir? 30
- Q. Yes.
- A. Or trafficking in general?
- Q. No, no -trafficking in Hong Kong.

24th March, 1971 Court resumes at 10.05 a.m.

Appearances as before. Accused present. JURY PRESENT.

Jurors answer to their names.

COURT: I would like the prisoner back in the witness box.

In the Supreme  
Court of Hong  
Kong

Examination by  
the Court

No. 40

GRAHAM LESLIE EDWARDS

XN. BY COURT:

Q. I understand that this photograph album was found amongst your possessions in Sun Ya Hotel?

10 A. That is correct, sir.

Q. And I understood you to say that you brought this photograph up to Hong Kong with which, you say, you intended to blackmail Dr. Coombe. You brought the photograph up in this photograph album?

A. That is correct, sir.

Q. How did you - where did you put it?

A. It was underneath one of these other photographs.

Q. Underneath one of these other photographs?

A. Yes, sir.

20 Q. Was it larger or smaller than these photographs?

A. Just about the same size.

Q. You don't know which photograph it was stuck under?

A. Underneath that one. (indicates)

Q. This one?

A. Yes, sir.

COURT: (to Clerk, Just mark that with pencil very lightly on the outside.

30 Q. I would like you to write down on a piece of paper again the alias of the person who assisted you in obtaining this photograph. (witness does so)

Q. And the address.

A. The address I gave before, sir?



In the Supreme  
Court of Hong  
Kong

Examination by  
the Court  
(continued)

- Q. Yes.  
(witness does so)
- Q. Thank you. Are you normally left-handed or right-handed?
- A. As far as writing is concerned, right-handed.
- Q. Do you play tennis?
- A. In sports I play tennis.
- Q. You play it left-handed?
- A. Yes, sir.

COURT: Thank you. Yes, Mr. Duckett.

10

2.32 p.m. 23rd March, 1971 Court resumes:

Accused present. Appearances as before. J.A.N.

MR. DUCKETT: My Lord, I now produce the album which the accused referred to as being part of his prisoner's property.

COURT: You accept that?

MR. DUCKETT: I do accept that.

COURT: And it is accepted that that was found among his belongings?

MR. DUCKETT: That is accepted.

20

MR. BERNACCHI: I call Mr. Edwards.

(Witness is sworn in English but does not give his name, reading the words 'Name in full' from the card)

COURT: Just one moment, please.

I want to make a note in my notes of this photographic album.

Yes, Mr. Bernacchi.

MR. DUCKETT: I understand the witness did not give his name when he was sworn.

COURT: Your name, please?

30

WITNESS: E.A. Edwards. Ernie Albert Edwards.

COURT: Yes.

NO. 41ERNIE ALBERT EDWARDS

In the Supreme  
Court of Hong  
Kong

Ernie Albert EDWARDS (Sworn in English)

Defence Evidence

No.41

Ernie Albert  
Edwards

Examination

XN. BY MR. BERNACCHI

Q. Now I think you are the father of the accused?

A. I am.

Q. And what business do you run in Perth, You are in Perth, I think?

A. I am.

10 Q. And what business do you run in Perth?

A. A transport business running parcels.

Q. Your age?

A. 50.

Q. Now a letter has been produced this morning - P.37 - did you receive that from your son? (To witness)

A. I did.

Q. Did you reply to it?

A. I did.

20 Q. Did you ask your son, amongst other things, why he had come to Hong Kong?

A. I did.

MR. BERNACCHI: My Lord, I am now proposing to lead evidence of another letter. Of course, I was not aware of the letter in the beginning, and indeed not aware of its importance and Mr. Edwards has left the letter in Australia: so if there is any objection I am now going to say what was in the letter in reply to that enquiry.

COURT: You mean a letter which was written by the accused?

MR. BERNACCHI: Yes, my Lord.

30 COURT: As a result of enquiries made from him by his father?

MR. BERNACCHI: His father said, amongst other things, of course - "Why did you come to Hong Kong?"

In the Supreme  
Court of Hong  
Kong

Defence Evidence

No.41

Ernie Albert  
Edwards

Examination  
(continued)

COURT: Yes - that I take it is included in that letter?

MR. BERNACCHI: No, my Lord, that..

COURT: But this is a letter which would presumably have been censored by the Police and passed on to him?

MR. BERNACCHI: Yes.. I don't think it would have been because by that time..

COURT: "..in the letter I asked the accused why he had come to Hong Kong" Presumably that letter is in existence, the letter from the father to the son.

MR. BERNACCHI: Presumably.

10

MR. DUCKETT: It may be with the Prisons Department. The Police have no knowledge of it at the moment. They have no knowledge of the letter at all.

MR. BERNACCHI: The essential, of course, evidence from the Defence's point of view is not the enquiry so much as the answer.

COURT: No - the answer, I quite agree.

Am I correct, Mr. Duckett, that in fact all incoming and outgoing letters, both to and from prisoners, are in fact censored by the Prisons Dept.?

20

MR. DUCKETT: Yes, that would be the position, my Lord.

COURT: That would be the position. And presumably if there was anything of importance it would be passed on to the Police?

MR. DUCKETT: This is to be presumed.

COURT: It seems a not unnatural presumption, if there was anything of importance. The reason I ask is this.. if Mr. Bernacchi is going to lead evidence as to the contents of this letter, the contents of what letter would have been known to the Prison Authorities, presumably they would have censored it when the letter went out.

30

MR. DUCKETT: That is so, my Lord, yes.  
But I have no instructions as to whether that has in fact taken place.

COURT: No, quite, quite.  
Well, I will have to listen to any objections that you might make on extrinsic evidence being given as to the contents of this letter.

MR. DUCKETT: In my submission, we should not hear from this witness as to what was in this letter, (a) because it was not written by him, it was written by the accused, and this evidence should in the first place come from the accused.

In the Supreme  
Court of Hong  
Kong

10 COURT: Well, if he received it, it would be evidence as to the contents of a letter received by him, not evidence as to the truth of the contents, but evidence as to the contents, for what it might be worth; that would be admissible.

Defence Evidence  
No.41

Ernie Albert  
Edwards

MR. DUCKETT: In my submission, the purpose of this letter being put in evidence would appear to be to substantiate what the accused has said here in Court; that would seem to be the likely purpose of this letter being, or the contents of the letter being put in evidence.

Examination  
(continued)

COURT: Yes - does it really carry the matter any further, Mr. Bernacchi?

20 MR. BERNACCHI: My Lord, not much further, in that, of course, we have now in evidence the statement of the 16th of December given to the Prisons Officer, which also of course was not disclosed to the Police. I think that the Prisons are very careful not to disclose to the Police.. I'm sorry to disagree with my learned friend, but I think that perhaps..

COURT: You say this was not disclosed to the Police?

MR. BERNACCHI: No, my Lord, no, no.

COURT: How did this come into your knowledge?

30 MR. BERNACCHI: From enquiries that I made. And then of course it was discovered.

COURT: The Prisons treat these as fairly confidential documents?

MR. BERNACCHI: Apparently so, yes.

COURT: I am interested to hear that.  
Then does it really carry the matter any further?

MR. BERNACCHI: In view of.. in the likelihood that the reply certainly wouldn't have been dated any earlier than that, presumably it would have been dated around that time.

40 COURT: Of course, it may carry the matter further in this way, that as a result of the letter that he received he himself did certain actions and made certain enquiries.

In the Supreme  
Court of Hong  
Kong

Defence Evidence

No.41

Ernie Albert  
Edwards

Examination  
(continued)

MR. BERNACCHI: No, my Lord, that was even later.  
I will go on to that, my Lord.

COURT: You may ask the question. If Mr. Duckett objects,  
I will have to consider the objection.

MR. BERNACCHI: My Lord, ...?

COURT: What I have down - "In the letter I asked my son  
why he had come to Hong Kong."

Q. Did you get a reply to that letter?

A. I received a reply to that letter.

Q. We have evidence that it was written on the 5th of  
December, when would it have been received by you? 10

A. Is this the letter you are referring to?

Q. No, no, the Exhibit, P.37, we have evidence that it was  
written on the 5th of December. When it was posted,  
of course, we have no evidence at all. But when  
would it have been received by you?

A. What day.. what was the 5th of December.. what day  
would that be on?

COURT: Have you got the envelope of this letter?  
The photostat of a letter which you have in front of you - 20  
have you got the envelope? You received that letter?

A. Yes.

COURT: Have you got the envelope?

A. It was written on an airmail letter, sir.

COURT: Oh, I see.

Q. Three pages of airmail letter?

A. Yes, sir.

Q. But is the letter, the original, here or in Australia?

A. In Australia.

Q. And can you help with saying the approximate day that you 30  
received the letter?

COURT: That is P.37?

MR. BERNACCHI: Yes.

A. I believe it would be on a Saturday. Either a Saturday or a Monday.

In the Supreme  
Court of Hong  
Kong

COURT: Well, what date?

A. 8th, 9th or 10th, sir.

Defence Evidence

COURT: Of December?

No.41

A. Yes.

Ernie Albert  
Edwards

Q. The 12th is the Saturday.

A. The 12th is the Saturday. Oh, well, it would be, about 4 or 5 days after that, it would be the following Saturday.

Examination  
(continued)

10

Q. No, no. The letter was written on the 5th.

A. Yes.

Q. But I said the 12th was the following Saturday.

A. That would be when I received it.

COURT: Or Monday - 12th or 14th.

A. That's right, yes.

Q. Then you replied so that you would have got a reply from him about the 20th December?

A. Between the 20th and 25th - approximately.

20 Q. So that it would be a reply from him written from prison?

A. No, just a minute - it was after Christmas - it would be about the 27th or the 28th because the Post Offices were all shut and no mail was delivered.

Q. I see. So that it would have come from a prison in Hong Kong?

A. Yes.

Q. Now have you got the letter here?

A. No.

Q. Where is the letter?

30 A. In my house at home.

In the Supreme  
Court of Hong  
Kong

Defence Evidence

No.41

Ernie Albert  
Edwards

Examination  
(continued)

- Q. You rang a third time?
- A. I rang the next morning.
- Q. Mr. Edwards, we are all aware of the rules of evidence. Of course you were not - Do not please say what the other voice said. All right, you rang a third time?
- A. Yes.
- Q. Was it answered?
- A. Yes.
- Q. And as a result of what the - Was it a man or a woman...
- A. A man... 10
- Q. ... who answered - a man. It was a male voice?
- A. A male voice.
- Q. As a result of what he said, did you give him your own number?
- A. I gave him my number.
- Q. And the arrangement was that he rang back?
- A. He was to ring me back.
- Q. Did he in fact ring you back?
- A. He rang me back.
- Q. And as a result of that did you report to the police in Perth? 20
- A. I don't quite understand what you mean.
- Q. Well, he rang you back and said something. I don't want..
- A. Yes.
- Q. ... It is not evidence; it is not admissible in evidence what he said. As a result of what he said, did you make a report to the police in Perth?
- A. I did.
- Q. Who did you make a report to?
- A. Detective Sergeant Chadwick. 30

Q. And it was to Detective Sergeant Chadwick presumably that you gave this number?

In the Supreme  
Court of Hong  
Kong

A. That is right.

Q. And what was your report that you gave to Detective Sergeant Chadwick?

Defence Evidence

A. What was my - ?

No.41

Q. What was your report ...

Ernie Albert  
Edwards

A. ... to Detective Sergeant Chadwick?

Examination  
(continued)

Q. To Detective Sergeant Chadwick.

10 A. I just don't quite see how you mean - what was my report ...

COURT: ...What did you say?

A. ... What did I say to Mr. Chadwick?

Q. Yes, that's right.

A. I reported to Mr. Chadwick that - the telephone number ...

COURT: ... Yes.

A. ... to him from ...

20 Q. ... Well, you have said that already. What else did you say?

A. In regards to a negative?

Q. Yes, that's right.

A. A negative photo - a negative photo for my son in Hong Kong.

Q. Yes, I know. What did you say - as far as you can recollect what did you say as regards the negative that you wanted for your son in Hong Kong?

A. To Detective Chadwick, what did I say?

Q. Yes.

30 A. That the man that I was to ask as regards this photo wanted three thousand dollars Australian money.

MR. BERNACCHI: Yes, thank you very much.



In the Supreme  
Court of Hong  
Kong

Defence Evidence

No.41

Cross-  
Examination

XXN. BY MR. DUCKETT:

Q. You have been - You came to Hong Kong on two occasions to see your son concerning these proceedings?

A. Yes.

Q. You are not a wealthy man, are you?

A. I am not.

Q. Your visits involve paying a lot of money - your visits cost you a lot of money?

A. They sure do.

Q. And you are close to your son, is that right?

10

A. Very close.

Q. Especially since your wife, the accused's mother, died?

A. I have been all the time very close to him.

Q. And you have been emotionally very involved in this case?

A. What did you say?

Q. You have been very emotionally involved in this case, is that so?

A. Most certainly, so are his three brothers.

Q. In fact on occasions you have been crying outside the Court room, haven't you, just outside the Court room here you were weeping ...

20

A. ... I have not.

Q. ... during the course of this trial?

A. No. I have been coughing, very badly.

Q. But not weeping?

A. No.

Q. The report that you were said to have made to the police was mentioned in this Court a few days ago, wasn't it?

A. What did you say?

30

In the Supreme  
Court of Hong  
Kong

Q. The report that you were said to have made to the Perth police was mentioned in this Court a few days ago, wasn't it?

A. That is true.

Q. And you were present in Court ...

A. ... I was.

Q. ... when it was mentioned; and you know that the Western Australian Police has been involved in this case as well as the Hong Kong police, don't you?

Defence Evidence

No.41

Cross-  
Examination  
(continued)

10 A. That is true.

Q. I put it to you that you made no report whatsoever to Detective Sergeant Chadwick about the photo?

A. Not at the time that he came out to interview me at my house for three and a half hours one Saturday afternoon, no.

Q. Not on that occasion?

A. No.

Q. Not on that occasion?

A. No.

20 Q. Nor on any other occasion?

A. How do you mean?

Q. At no time at all did you make ...

A. The other occasion was when I rang the police myself.

Q. Yes.

A. Yes.

Q. And you spoke to Detective Sergeant Chadwick?

A. That I did.

Q. I put it to you that no such report was made by you?

A. Well, you are a liar.

In the Supreme  
Court of Hong  
Kong

Defence Evidence

No.41

Cross-  
Examination  
(continued)

Q. You came here to give evidence for your son, didn't you?

A. I didn't know whether I was going to be called or not. I've come here to be with him in this hour of stress he is in and any other father would do the same thing, too.

Q. And you knew that this supposed photograph was important for your son's defence?

A. It is not a supposed photographed ...

Q. You knew that this supposed photograph was important for your son's defence? Would you answer the question? 10

A. Yes, sure.

Q. And your son had referred to this photograph in letters you said - your son had referred to this photograph in letters?

A. In one letter.

Q. In one letter. Didn't it occur to you to bring that letter to Hong Kong?

A. No, it did not.

Q. It seemed to have no relevance at all?

A. No, none whatsoever, none of the letters I have received nor his cablegram letter; I have brought nothing like that with me. 20

Q. You took a note of the number that you telephoned in Perth concerning the photograph?

A. Pardon?

Q. You took a record?

A. I did.

Q. And where is that?

A. That is at home with all my other business papers.

Q. You have come to this Court to commit deliberate perjury on the part of your son? 30

A. I have not, sir.

MR. BERNACCHI: Just one question.

REXN. BY MR. BERNACCHI:

Q. When you came to Hong Kong for this trial in this Court, did you know that you were going to give evidence in your son's defence?

A. I did not know.

Q. Thank you.

A. If I was to give evidence I wouldn't be allowed to sit in the gallery - according to Australian law.

10 COURT: Thank you. That concludes the case for the defence, Mr. Bernacchi?

MR. BERNACCHI: Yes.

COURT: We will adjourn to ten. Members of the jury, we will adjourn to 10 o'clock when you will hear the closing addresses by counsel and I will sum up to you.

3.04 p.m. Court adjourns.

In the Supreme  
Court of Hong  
Kong

Defence Evidence

No.41

Ernie Albert  
Edwards

Re- -  
Examination

In the Supreme  
Court of Hong  
Kong

NO. 42

EXTRACT FROM CLOSING ADDRESS BY COUNSEL FOR THE PROSECUTION

—  
No.42

Extract from  
Closing Address  
by Counsel for the  
Prosecution

MR. DUCKETT: Members of the jury, you may recall that when I opened the case for the prosecution I indicated that there were two arms to the prosecution evidence. One of these dealt with circumstantial evidence which went to establish that it was the accused who went to the room of the Hong Kong Hotel, and the other part of the evidence dealt with the motive behind this killing and the reason why the accused came to Hong Kong and that it was his intention to come to kill the deceased man. 10

Now, of course, the accused has given evidence in this court and so there is a very large part of the prosecution evidence which you can now disregard completely because the accused has said that he in fact went to this room and that he in fact killed the deceased. So I submit to you that there can be no doubt in your minds whatsoever that it was in fact the accused that inflicted these wounds on Dr. Coombe. But you are, of course, left with the other question and that is: 20  
Why did the accused come to Hong Kong? Why did he go to visit Dr. Coombe? The accused has told you that he came here to blackmail the deceased. He came on a mission to get A \$3,000 from Dr. Coombe. And it is, of course, the prosecution case that he came here not to blackmail Dr. Coombe but in order to kill him so that Dr. Coombe's estate would benefit by approximately A\$100,000. He came here as part of a conspiracy with the deceased's wife. That, members of the jury, is the first main issue for you to decide in my submission. 30  
This is the first question that you will have to consider when, at the end of addresses from myself and my learned friend and at the end of the summing - up by his Lordship, you retire and you consider the evidence that you have heard in this case.

Now, if you accept the prosecution case and if you decide that the accused did in fact come here to kill the deceased, then, in my submission, you will find a verdict of guilty of murder because the accused's evidence is in fact a complete denial of this, and if you 40  
do not accept his explanation of the blackmail mission then I submit to you that the only other motive behind this killing is in fact the financial one of the hundred thousand dollars and it is proper for you to therefore come to the conclusion that the accused intended to kill the deceased.

In the Supreme  
Court of Hong  
Kong

—  
No.42

Extract from  
Closing Address  
by Counsel for  
the Prosecution  
(continued)

If, however, you decide that in fact there was such a  
blackmail mission, that the accused came here and that  
the events took place as the accused related them then  
there will be a second question for you to consider  
because the accused in his evidence - and it is the  
defence case as I understand it - that he acted in  
self-defence. Now, a person who has a genuine fear  
for his life, who kills another person in self-defence,  
is entitled to be acquitted of the charge of murder;  
10 but if you decide that the accused in fact acted in self-  
defence there is another question, and that is: Did he  
use force that was reasonable in all the circumstances -  
because if you come to the conclusion that the force  
that he used against Dr. Coombe was in fact more than  
was necessary to repel the attack which had been made  
upon him with a knife, then you can come to the  
conclusion that the deceased - or the finding that the  
accused is guilty of the offence of manslaughter. So  
that will be a second question for you to decide:  
20 if you decide that the accused acted in self defence,  
did he use force which was more than was necessary in  
the circumstances and is he therefore guilty of the  
offence of manslaughter? While he first said that  
there were no plans for 1971 between himself and Mrs.  
Coombe he in fact later admitted that he had paid  
\$100 deposit in September, 1970 for the two passages -  
a hundred dollars, members of the jury, paid at a time  
when on the accused's own evidence the finances of both  
Mrs. Coombe and the accused were getting a little tight  
30 and their business enterprises were not successful and  
they in fact did not have a great deal of money at that  
time. He also admitted that he had told friends and  
associates that they intended to get married; and,  
finally, you have the accused's own evidence as to his  
involvement in Mrs. Coomb's affairs, his knowledge of  
all the details of the divorce settlement, his reaction  
that he has told us about to the reduction from five  
thousand Australian dollars to three thousand five  
40 hundred dollars, Australian dollars. If you accept his  
evidence on that point all these facts go to show that  
the accused was very closely involved with Mrs. Coombe  
at this time and that he in fact had a very close and  
intimate knowledge of all her affairs. He had been told  
all or a lot about the deceased's sex life and the life  
that the deceased and his wife had led before then. He  
has told you that he had telephone calls from - a telephone  
call from Mrs. Coombe but he also telephoned her from  
Hong Kong. There can be no doubt in your minds; in my  
50 submission, members of the jury, that Mrs. Coombe and  
the accused were very close indeed, quite apart from the  
accused's evidence of living together and the fact that  
they had sexual intercourse together. But it is, of course,  
the accused's evidence that he knew nothing of the hundred  
thousand dollars insurance money on the deceased's life.

In the Supreme  
Court of Hong  
Kong

—  
No.42

Extract from  
Closing Address  
by Counsel for  
the Prosecution  
(continued)

He said - he would invite you to accept, members of the jury, that he knew all of this, that he knew all the divorce details, the married life details, he knew everything but he did not know about the insurance money. Well, he has given evidence and it is for you to assess his denial on this question because he has chosen to deny this for a very obvious reason; and it is for you, members of the jury, to decide whether you can accept that denial.

But look at the accused's evidence and all the circumstances of his relationship with Mrs. Coombe. Is it likely - Can you accept that the accused did not know about this insurance money? And I would in connection with this refer you to one other point and that is Mrs. Coombe's attitude towards her husband. He was - the accused was asked about Mrs. Coombe's attitude towards the divorce proceedings and the accused said in his evidence in chief, "Mrs. Coombe's attitude to Dr. Coombe was that as he was in a great hurry she said, 'No, the bastard made me suffer for ten years and now he can hang for a while.'" Now, this members of the jury, surely indicates the attitude of Mrs. Coombe towards her husband; and we also have, if you accept it, the evidence that she was involved in a blackmail attempt, if you accept the prosecution evidence that she was part of an attempt to a conspiracy to murder her husband. If this is the attitude of Mrs. Coombe to her husband as I have suggested, is it not likely that she would at least mention to the accused that the deceased's life was worth to her, or to the estate of the deceased, this very large sum of money? Now, what did the accused actually say in evidence? He said that he came here as part of a blackmail attempt and I first want to mention a few matters quite briefly concerning the story that the accused has in fact told you. He came here, he said, to blackmail Dr. Coombe for the sum of three thousand Australian dollars and that is, of course, the sum that he mentioned in his statement to the Prison Officer on the 16th of December.

So much for the evidence of the accused and what he has told you in court. If you are convinced beyond reasonable doubt that the accused - I'm sorry. If you do not accept the accused's evidence, if you do not believe the blackmail story and if you think that he has come here and told a deliberate pack of lies, in my submission the only conclusion that you can come to is that the accused came here to kill the deceased; that it was in view of his relationship with Mrs. Coombe and the sum of insurance money that has been mentioned in court, it is because of this that the accused came to Hong Kong and he came in order to kill the deceased.

10

20

30

40

... members of the jury, and to decide whether or not in stabbing the deceased in the way that has been described to you in perhaps unpleasant detail for you, whether or not the accused acted in reasonable self-defence in all the circumstances. There were 27 stab wounds on the deceased and they were stab wounds of some weight and some seriousness. There are other cuts and abrasions and injuries but 27 stab wounds were on the body of the deceased and the evidence was that moderate to severe force would be used to inflict these stab wounds. Now it is for you to consider, members of the jury, that given this evidence and the injuries received by the deceased, is it not reasonable, is it not surely the position that the accused did in fact go further than was necessary in order to repel the attack by the deceased with a single weapon, the knife. Surely as a man of 19 years of age, once he had this weapon in his hand he would have control of the situation and that while he may have acted in self-defence in order to repel Dr. Coombe's attack, it was then open for him to dispose of the weapon in some way or to escape from the deceased, and that instead of this he in fact chose to inflict a total of 27 stab wounds on the deceased. And it is the prosecution case that if you accept that the accused acted in self-defence, he acted in a way that was not reasonable in the circumstances, in the circumstances in this hotel room, and that he is as a result therefore guilty of the lesser offence of manslaughter.

Now I have dealt with the evidence before you for a little bit longer than I had perhaps anticipated and you will no doubt appreciate that I do not have an opportunity of replying to matters which may be put to you by my learned friend for the defence. It is quite possible that matters will be raised that I have not had an opportunity to comment on, simply because I had not anticipated that these matters would be put to you or that they would be put to you in the way that they are put by my learned friend, and so if there are such matters I invite you to examine them closely and when you retire to consider your verdict that you look at all the evidence in this case, that you try to look at the whole of the evidence that has been brought you in court and consider whether or not you believe that the accused came here to murder the deceased. Members of the jury, in my submission to you there can be no doubt in your minds whatsoever. The accused came on a mission to Hong Kong on the 27th November. He came with the express purpose of killing the deceased and he came because he was involved in a conspiracy with Mrs. Coombe and he believed that they would benefit to the tune of approximately HK\$600,000.

In the Supreme  
Court of Hong  
Kong

---

No.42

Extract from  
Closing Address  
by Counsel for  
the Prosecution  
(continued)



In the Supreme  
Court of Hong  
Kong

NO. 43

EXTRACT FROM CLOSING ADDRESS BY COUNSEL FOR THE DEFENCE

-----  
No.43

Extract from  
Closing Address  
by Counsel for  
the Defence

Now, as my learned friend has said, the first thing that you must consider is, of course, self-defence. If a man kills another whilst defending himself then usually he has committed no offence, but this defence is not available if he has used much more force than was necessary and did not retreat at the first available opportunity. Now it is for you to say whether in all the circumstances of this case the accused can rely on the defence of self-defence. Certainly 10  
on the medical evidence both men must have had the knife at different times. The accused told you that Dr. Coombe drew the knife first and struck an upwards stab at his throat, which he countered in the manner he demonstrated in court, during which he received these cuts on his fingers, and obviously that was before he secured possession of the knife. Dr. Coombe must have lashed at least two deep stab wounds into the accused's leg and attempted to stab him twice, both on the small of his back and his left arm. Members of the jury, it is up to you to consider whether that is sufficient excuse for the accused afterwards to 20  
stab him again and again, once Edwards had secured the knife. Edwards, of course, does say that he does not remember that he had the knife. He only noticed the knife in his hands when he got down to the dockside and threw it into the sea. Of course, members of the jury, you may think that even the ferociousness of the original attack on Edwards was at least morally excusable in view of the threatened complete loss of character of a man in Coombe's relatively high position. He would have been very angry at Edwards' blackmail and I think that you can be sure that 30  
Dr. Coombe was not so naive as to think that this Australian \$3,000 was a once and for all payment.

But this is not enough, of course, to prevent the defence of self-defence unless you also consider that the original attack does not justify the way in which Edwards reacted; does not justify his killing of Coombe of stabbing him again and again and again. If this is your final opinion, then you must consider the doctrine which is usually known as provocation. Provocation negatives malice afore-thought. You have heard the accused say that his temper, after Coombe 40  
drew the knife, was white hot, and it is reasonable to assume from the whole of the evidence that the accused thereafter literally went berserk. Well, starting from the assumption that Dr. Coombe originally had the knife and tried either to kill Edwards or at least to take the photograph from him by force, relying upon the fact that he was a taller and heavier man and armed with a dagger or a knife, then, members of the jury, malice aforethought is completely negated and in its place you reach the conclusion, mainly on the law of

provocation that reduces the crime to manslaughter, which is unlawfully killing without malice aforethought: a serious enough crime in itself, in circumstances such as this. So in law there are three verdicts open to you: (1) is guilty of murder, (2) is not guilty of murder, (3) is not guilty of murder, guilty of manslaughter. Now, although in theory these three verdicts are open to you I am suggesting that the correct verdict, unless you are convinced beyond all reasonable doubt that it was a premeditated murder, is the third: not guilty of murder, guilty of manslaughter.

In the Supreme  
Court of Hong  
Kong

---

No.43

Extract from  
Closing speech  
by Counsel for  
the Defence  
(continued)

24th March, 1971. Court Resumes at 2.30 p.m.No.44

Jury Roll Call taken. All present.

Summing-Up

Accused present.

24th March, 1971

The Honourable The Chief Justice, Sir Ivo Rigby:

10 Members of the Jury, this morning you had the advantage of hearing the addresses of Counsel for the prosecution and for the defence, and I am sure you will treat the matters they placed before you with the most careful consideration. I would like to say that in my view the address of Counsel for the prosecution in this case was an exemplary address, conducted in a manner in which one would like to think that all cases are presented before the Courts here - conducted with ability, firmness, and, above all, with exemplary fairness. It was, in my view, an object lesson as to how a case should be conducted in these Courts.

20 Now I propose to divide what I have to say to you up into - first of all, dealing as briefly as I can - the general facts of the case, and then the case as presented to you on behalf of the prosecution, and then the case for the defence, first on the more serious charge of murder, and then I propose to deal with the lesser charge of manslaughter.

30 Well now, turning to the facts of the case. At about half-past 2 on the morning of the 1st of December, a Mr. W.L. Simpson - who is an employee in the Public Works Department and who at that time was temporarily resident at the Hongkong Hotel in a room on the 14th floor - was awakened from sleep by what appeared to him to be loud screams and the voice of someone calling out: "Help me, help me!" He got up from his bed, went to the window and he looked out, but it was very dark and he could hear nothing further at that time, so he went and washed his face and he came back and he looked out of the window again and there, what appeared to be two floors below him, he saw a man walking along this very narrow ledge. You remember that there is no 13th floor at the Hongkong Hotel, and it appeared to him that this man was walking along the outside ledge of the 11th floor. Well then, he rang the bell and called the room boy and reported the matter to him, and obviously since he regarded it as a matter of some importance he telephoned down to the Reception desk and there reported the matter.

40 Now at about the same time a room boy on the 12th floor heard a noise coming from Room No. 1223, and he went along to listen at the door and he heard a noise as of a struggle and as

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

of furniture being pushed around. There was a notice on the door 'DO NOT DISTURB', so he then went back and he 'phoned down to the Reception desk. As a result of one of those calls, the Night Manager, a Mr. Beaumont, of the Hotel, came up together with one of the Securicor officers to investigate what was the position, and they apparently listened outside the door. They heard nothing further, so they gave instructions to the room boy and they left. The room boy, according to his evidence, stayed there until about 3 o'clock and he heard nothing further and then he left. Well now, Mr. Beaumont, when he had been apprised of the situation at the beginning, had telephoned through to Mr. Welschen, who is the Night Manager or Assistant Manager, and Mr. Welschen had given him certain instructions. The following morning at about half-past 8, Mr. Welschen himself telephoned up to Room No. 1223. He got no answer, so he went up himself to the room, opened the door with one of the two master keys in the Hotel, and there, lying in the narrow corridor of the room, was a man lying full length on his face; clad only in his pyjamas and covered in blood. There was blood on the floor, there was blood on the wall and there was blood profusely spread on the sheets and blankets of the bed in the bedroom. The Police were called and it was ascertained that this was - as we all know - the body of Dr. Coombe, a married man aged 35 who was at that time the Assistant Director of the West Australian Institute of Technology; and he was up here in Hong Kong on a visit and he had been staying at that Hotel since the 27th of November. The Police were called. The Doctor, the Police Doctor, was called, and the body was examined, and you heard evidence that there were no less than 27 stab wounds on him. There were stab wounds on the head, neck, chest, right arm, the armpit region, the left shoulder, the left wrist, the left hand, the right buttock, the right thigh and the left thigh. Curiously enough there were no wounds, you will recall, on the back. There was a group of 9 stab wounds in the front of the chest; and the Doctor, Dr. LEE Fook-kay, told you that as a result of the post mortem examination he carried out, at least 5 of those - indeed, 5 of those wounds - had penetrated both the left and the right lung, and that the cause of death was shock and bleeding due to stab wounds into both lungs. He estimated that a man in that condition would have died in about half-an-hour.

Now you will recall Mr. Simpson's evidence, because he told you that when he looked out of the window the next morning at that ledge where earlier he had seen a man walking along, he saw bloodstains along the ledge, and, sure enough when the Police examined the room, they found that the window was open and that there were bloodstains running all along that ledge, and on further investigation those bloodstains were seen to run up - remarkable though it may be - to go up the outside of the Hotel building from the 11th to the 17th floor. The bloodstains were then traced through a bathroom - or into a bathroom window -; from there up the stairs, on to the roof, right across the roof

diagonally to the far corner, and then to go down that bamboo scaffolding from the 17th floor to the 6th floor - and you will recall that halfway down the bamboo scaffolding a wig was found - down to the 6th floor - which is, of course, the Ocean Terminal Roof Carpark - and then bloodstains were found going down the stairs on to the outer verandah of the Ocean Terminal. Bloodstains were found on the Ocean Terminal verandah, and finally, I think I am right in saying, a bloodstain was found right at the end of the Ocean Terminal verandah, and then on the No. 1 Wharf immediately below.

In the Supreme Court of Hong Kong

—  
No.44

Summing-Up  
(continued)

Now you have heard evidence, uncontradicted evidence, of a dockside worker who was working on No. 1 Pier at about half-past 3 in the early morning hours of the 1st of December; and he told you that he saw a European - and there is no doubt of course now that he was in fact the accused - walking along the Pier with his left hand bleeding and bandaged and his left leg bandaged, and indeed soaked in blood - that is what he said. At about half-past 3, in the same vicinity, a taxi-driver at the Star Ferry Pier picked up a European, whom he later identified as the accused; and he noticed that his left arm was bandaged, and he took him to the Queen Elizabeth Hospital - to the path going up to the Queen Elizabeth Hospital - pointed out the Hospital to him. The European apparently did not want to go in and uttered some word which the taxi-driver thought was "dock" - it may well have been that it was in fact "doctor" - as Counsel for the defence suggested; and he then took this European to the Whampoa Docks. At the docks there was a Dock Police Inspector, who saw the European - in fact the accused - in this bandaged condition, and told him that he ought to go to hospital; and the European said he didn't want to go to hospital, and said something about - asked if there were any Police at the hospital - and the Dock Inspector said - deliberately and untruthfully - he said: "No Police". So he persuaded the European to get back into the taxi - the accused - and he was taken in the taxi back to the Queen Elizabeth Hospital; and there again the accused was still reluctant to go into the Hospital entrance and the driver then took him to the British Military Hospital, where he deposited him. And then you heard the evidence of Corporal Birtwistle of the R.A.M.C. of the British Military Hospital. He said he saw a man, apparently at the entrance, and the man then turned and walked away, and since this was about half-past 3 in the morning, Birtwistle and another private soldier, an orderly there, chased round to get hold of this man, and they brought him back to the Hospital; and he was in fact the accused. Corporal Birtwistle asked him whether he was a soldier, and he said he was not but he had had something to do with the Forces, and Corporal Birtwistle saw that he was very poorly bandaged and appeared to be bleeding, so the Corporal applied First Aid bandages to him, and he asked him how he got his injuries - and you remember that Corporal Birtwistle said that the accused gave his name as 'Quantrill', and he also said that the accused said: "This will teach me not to get involved in a fight when playing cards."

10

20

30

40

50

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

Now Mr. Bernacchi, Counsel for the defence, did also, it is true, elicit from Corporal Birtwistle that in the first statement he had given to the Police he did say that the accused said to him - when he enquired from him how he had got injured - he said: "I was assaulted by somebody". But the fact remains that he gave his name as 'Quantrill', and he made this curious statement: "This will teach me not to get involved in a fight when playing cards" - and he further said that he didn't wish the Police to be informed. Corporal Birtwistle said that whether it was an Army hospital or civilian hospital the Police would have to be informed; and the accused was then taken by ambulance, on Corporal Birtwistle's directions, to the Queen Elizabeth Hospital. He was admitted and he was treated; he got there about 4.45 in the morning, and he was treated for injuries to his left hand and his left leg and he was admitted to the Orthopaedic Ward and there he was treated by a male nurse, who also enquired from him how he had got his injuries; and he said that he had been fighting with some persons in a bar. The nurse asked him which bar, and he didn't answer. 10 20

Now that was at 4.45. At 5.50 a statement was taken from him, and it was a perfectly routine statement taken from an injured person and of course at that time nobody knew - this was at 5.50 in the morning - nobody knew what had happened to Dr. Coombe. Well, the statement was taken from the accused in the Hospital by a Police Inspector HUI; and in that statement the accused said that he had gone to a bar with a Chinese and while there he had a fight with four Europeans and he got injured. Now that, as I say, was at 5.50. Later that morning we know that the accused was in fact operated on for the injuries to the fingers of his left hand, and also of course for the two stab wounds which he had on the left knee. 30

Well now, on the afternoon of that same day the accused was interviewed at the Hospital by Superintendent Harris and Mr. Gravener. By that time, of course, the body of Dr. Coombe had been discovered - the trail of bloodstains had also been discovered - and the accused was of course a suspect - indeed, no doubt a prime suspect. The accused was asked to account for his movements - and you will recall the statement in the handwriting of Mr. Harris, which is Exhibit P.26, in this case. That statement commenced at 4.50; and in the course of that statement the accused, you will remember, told a story that this injury had occurred on the Kowloon Wharf and that he had gone there because he was supposed to pick up a package of contraband and that when he got there he was told that it had been given to somebody else and there was an argument about it and a man pulled out a knife and he, the accused, tried to kick it out of his hand, and that he had got injured. Well now, that statement went on for some time, from 4.50 to 7 p.m. It was interrupted because Dr. LEE Fook-kay examined the accused and carried out a fairly thorough bodily examination for 40 50

specific purposes - you will remember what he told you about that examination. Between 7 and 8 o'clock both Supt. Harris and Mr. Gravener had something to eat and the accused was given an opportunity to have something to eat, and the Police returned at about. . at 8 p.m. - and Mr. Harris then told the accused that he was not satisfied with the explanation that he had given him. You will recall that earlier, in the first part of the statement, Mr. Harris had told the accused that Dr. Coombe was in fact dead. Mr. Harris said that the accused then cried and made a statement to him - which is Exhibit P.26 - which of course is before you as an Exhibit in this case - and the accused made a statement that he had gone up to borrow some money from Dr. Coombe and that whilst he was there Dr. Coombe had made a homosexual approach to him as a result of which he, the accused, had picked up a knife which was lying there and struck him, and he says in the course of that statement: "He screamed and I panicked and I kept hitting him until he was still." Well, gentlemen, that statement would seem to be a statement that would have supported a charge of murder on the face of the statement itself.

To the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

Well now, the case for the Prosecution is, of course, - and indeed it is now admitted by the accused - that that story was not true. The case for the Prosecution, to quote Crown Counsel's own words, is that the accused came to Hong Kong on a specific mission to kill Dr. Coombe and that he is guilty of murder. That the accused stabbed Dr. Coombe to death is beyond dispute; it is your function in this case - and your exclusive function - to determine whether that stabbing, those series of stabs, that killing, was in circumstances amounting to murder or to the lesser offence of manslaughter or whether the accused acted in self-defence in resisting a dangerous attack upon him and acted in self-defence to such an extent to protect himself that he should be found not guilty of any offence at all. Those are the three matters for your consideration: murder, manslaughter or not guilty of any offence at all.

Now the case for the Prosecution, I repeat, is that the accused came here to Hong Kong on a specific mission to kill Dr. Coombe, and that he came here in conspiracy with Mrs. Coombe who was a knowing and a willing party to this criminal venture. The case for the Prosecution of necessity depends upon circumstantial evidence, because of course what exactly happened in that room when Dr. Coombe was stabbed to death, no one but the accused can tell us, and it does not do him any injustice if I say that his evidence, as obviously a very self-interested party, must be treated with the gravest care and suspicion. You may believe what he has told you, as to the purpose for which he came here, or you may have some doubts about it, but think that it may reasonably be true; if either of those.. if you were to form either of those conclusions, then you would no doubt acquit the accused on the charge of murder; or, of course, you may wholly disbelieve his explanation as to why he came up here - and you may be satisfied on the evidence produced by the Crown that he came here with

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
No.44

Summing-Up  
(continued)

the deliberate intent to murder - if that be your view then of course you would find him guilty of murder.

Now, members of the Jury, just a word about circumstantial evidence. When you have a series of facts clearly established by reliable and independent evidence, all of which point irresistibly to only one conclusion, then of course you are entitled to draw that conclusion, but it is essential that all those inferences do, of course, point to that one conclusion and are not capable of any other logical and reasonably explicable conclusion. The Prosecution in this case have sought to put before you a series of factors, all of which, they say, point to the conclusion, as I repeat, that the accused came here quite deliberately to murder Dr. Coombe, and that he had achieved his purpose. In order to prove that they rely upon the actions, conduct and statements of the accused both before and after the killing. There are certain matters which quite clearly are beyond dispute: 10

1. That the accused was on intimate terms with Mrs. Coombe.
2. That he had been cited as co-respondent in a divorce petition brought by Dr. Coombe against his wife. 20
3. That he had visited Mrs. Coombe in hospital in September 1970, when she admittedly had gone to that hospital to have an abortion.
4. That he admitted that he thought that the child might be his.
5. That he had planned to take a trip with her to the U.K. in the "Canberra" in February of '71.
6. That he had himself paid a deposit of 100 Australian Dollars on account of the passage money. 30
7. That he had let it be known - he says of course jokingly - that he intended to marry Mrs. Coombe.  
He, of course, also said that he never had any intention of that kind at all.
8. That Dr. Coombe left Perth on the 26th November for a world trip via Hong Kong, and..
9. That the following day, that is the 27th of November, the accused, travelling on a forged passport and under a false name: "Christopher Murray" in respect of a passport which he admits he had stolen, left Australia and arrived in Hong Kong that same day, the 27th of November. 40

Now the Prosecution rely fairly substantially on the



10 evidence of this man, CHO, who, you will remember, was the  
 tailor's tout who met the accused when he arrived at Kaitak  
 Airport and took him first to his tailor's shop and then  
 arranged for him to go to the hotel where he was staying, the  
 Sun Ya Hotel. It is admitted that the accused telephoned CHO  
 the next morning and CHO went to see him in his bedroom - and  
 there was a curious conversation of which CHO gave evidence,  
 about the purchase of a gun and a knife, and CHO told you that  
 the accused asked him about the Hongkong Hotel in general and  
 mentioned Room No. 1223 in particular, and he then asked about  
 the windows of the Hotel and enquired whether they were  
 different from the windows of the Sun Ya Hotel, and you have  
 the evidence of Mr. CHO that the accused showed him a glass  
 cutter. Now, CHO asked him why he possessed such an object,  
 and the accused.. curiously enough he was not cross-examined on  
 this.. but the accused said that he was following a fellow-  
 employee. When I say he was not cross-examined, he was neither  
 examined in chief nor cross-examined on this.. the accused  
 20 said he was following a fellow-employee from Singapore to Hong  
 Kong and that the employee had stolen a contract of his  
 employer and also some unset diamonds and he, the accused,  
 was here to recover those diamonds. He said that this  
 employee was a bigger man than he was himself, and he said  
 that he trusted no one, and therefore the accused had to  
 recover these diamonds and this contract and he had to recover  
 them secretly from the fellow-employee's room And it was  
 after that that the accused then asked about the purchase of a  
 gun and also of a knife. You will remember that the accused  
 himself admitted in evidence that he had asked about the  
 30 purchase of a gun but he said that that was in the course of  
 general conversation with CHO about ~~drugs~~ and the way of  
 living in Hong Kong, prostitution and all that sort of thing.  
 But he denied that he had ever asked about a knife and he  
 further denied that he had at any time shown to CHO a glass  
 cutter. Well, now, the room - the bedroom - of the accused  
 was searched after he had been detained in hospital on the  
 1st December and a glass cutter was in fact found in his  
 luggage. His explanation, you will remember, was "I am  
 awfully careless about the things I throw into my suitcase.  
 40 I am very careless about my own possessions. I don't know how  
 it got there. I may just have thrown it in." In any event he  
 said this glass cutter was only capable of laboratory use.  
 Now, you have seen the glass cutter, members of the Jury, and  
 you form your own views about this, as indeed, you form your  
 own views about CHO's credibility on this matter. The  
 suggestion put by the defence is that CHO was admittedly a  
 tailor's tout, but the accused said that he went far further  
 than being simply a tailor's tout. He was a person who was  
 prepared to procure anything, whether it was call girls or any  
 50 other illicit underhand purchase. And the suggestion made by  
 the defence - and it is a matter for your consideration when  
 you come to consider CHO's evidence - is that CHO, as a  
 tailor's tout and a somewhat disreputable character prepared  
 to deal in any sort of dirty undertakings, of necessity, had  
 to keep in with the police and in making the statement to the

In the Supreme  
Court of Hong  
Kong

-----  
No.44

Summing-Up  
(continued)

police he had been induced to exaggerate; and, indeed, this glass cutter had been shown to him and it had been put into his mind that he should quite falsely make up some story about the glass cutter being shown to him. Well, that is the suggestion put by the defence and it is for you to consider it.

Now then, of course, you have the undisputed evidence of the three room boys on the 12th floor of the Hongkong Hotel, all of whom told you that they saw the accused on the 12th floor going to or from Room 1223 having made enquiries, first, as to the room and, secondly, as to whether the occupant of the room was there; and they saw him on the 27th, the 28th, the 29th and the 30th and, indeed, on one or more of those days they saw him more than once. Now, you have to ask yourselves: what was the purpose of his visits to the 12th floor and to Room 1223? Was it for the sinister purpose of spying out the land preparatory to committing murder?; or was it for the sinister but obviously less evil purpose of blackmail?; to find out, in truth, whether Dr. Coombe was in his room? That is a matter you will have to ask yourselves when you come to consider the evidence of these boys. Now, you will recollect that on one of these occasions, that is the 29th November, at 4.30 p.m. a room boy had actually found the accused in Room 1223 and the room boy, having enquired what the accused was doing there and having been told that the accused was waiting for the return of the occupant of that room - very properly, you may think, - 'phoned downstairs to let the Reception know; and as a consequence Mr. Zimmermann, the Assistant Manager, came up to the room and he knocked on the door, and I think the evidence is that the accused came towards the door as he was opening it. Well, now, Mr. Zimmermann - again very properly - here is a stranger in a hotel guest's room - Mr. Zimmermann asks him who he is, what he is doing there, and he escorts him downstairs and the accused writes down on a piece of paper his name and address. He gives a false name, the name on the forged passport on which he was travelling - Christopher Murray - but he gives the right address, the Sun Ya Hotel where he was staying. That was about half past four in the afternoon. We know that Dr. Coombe didn't arrive until about half past six - that is two hours later - and there is then this conflict of evidence - I call it a conflict of evidence - it may well be that it can be resolved, but it is an apparent conflict of evidence - because Mr. Zimmermann said that when Dr. Coombe arrived he saw Dr. Coombe with the accused; and I must emphasise that Dr. Coombe said he knew the accused and he apologised for any trouble; which you might think strange if, indeed, Dr. Coombe regarded the man with any hostility that he should say, "Yes, this is a friend" and that he should then apologise for any trouble caused. Mr. Bernacchi has pointed out very fairly that if Dr. Coombe had any real enmity against this man he would say, "He has no right in my room. I want him arrested for being improperly in my room."

10 However, there it is. But Mr. Zimmermann said that he saw Dr. Coombe with the accused; that Dr. Coombe went upstairs in the lift and that the accused went out of the door into Canton Road. Now, you will remember that it is part of the case for the accused that he had his briefcase in Room 1223 when Mr. Zimmermann came in, but he slipped the briefcase in the bathroom. You may think it a perfectly logical reason that if Mr. Zimmermann saw him with a briefcase he might enquire from him as to who the briefcase belonged; it might have been Dr. Coombe's briefcase that the accused was taking out of his room so that Mr. Zimmermann might very well have wanted to look into that briefcase. So the accused says that that is the reason why he left the briefcase in the bathroom and he says that after he had been taken downstairs and he was waiting for Dr. Coombe, Dr. Coombe arrived and he went upstairs with Dr. Coombe to the bedroom; and you will remember that he says that it was there that he showed Dr. Coombe just part of the pornographic photograph, and I will refer later when I come to the defence of the accused as to what the accused exactly says happened there. This is a matter of some importance to the prosecution because there is this apparent discrepancy in the evidence. But you may think that there is a gap in the evidence of Mr. Zimmermann in this matter because, you see, he went downstairs at 4.30 and he then went to his office having left - so he says - the accused under the surveillance of a Securicor guard; and Mr. Bernacchi points out very properly that if the accused had been the whole time under the surveillance of the Securicor guard then the prosecution could have called that Securicor guard to establish that fact; but Mr. Zimmermann, we know, went into his office and therefore the accused was waiting for some two hours in the lobby. And the suggestion put - and you may think that it is a perfectly reasonable suggestion and explanation - is that Dr. Coombe came in, saw the accused, that they did in fact go upstairs to his bedroom and that they came down again - because that is what the accused says - and it was when they came down again that Mr. Zimmermann saw the accused with Dr. Coombe.

40 Now, you may think, members of the jury, that if the accused had made up his mind to come here for the purpose of murdering Dr. Coombe, over those last four days, the 27th, the 28th, the 29th and the 30th, he was certainly making his presence and his identity fairly well known to a lot of persons in that hotel: his constant visits to the 14th floor asking the room attendant where Room 1223 was and whether the occupant was in: and you will ask yourselves whether this is the conduct of a man who had come here with the express purpose of murdering someone in that hotel.

50 There is also the matter of the wig. Mr. Zimmermann, you will remember, had seen the accused enter the toilet with his wig on. Mr. Zimmermann had told you this man was wearing a wig and he saw him go into the toilet with his wig on and he saw him come out without his wig. Well, now, he has got very blond hair and, again, you may ask yourselves whether a person

In the Supreme Court of Hong Kong

—  
No.44

Summing-Up  
(continued)

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

to you, the accused said that he knew nothing whatsoever about the extent to which Mrs. Coombe would benefit from her husband's death until Mr. Harris had said to him, "How much of the hundred grand did she pay you for bumping off her husband?" He said that it was Mr. Harris who told him that Mrs. Coombe would benefit to this sum of money by her husband's death. If, of course, Mr. Harris did say such a thing then it was a grossly improper thing for him to say to an accused person who was already in custody on a charge of murder. It is for you to decide whether the accused is telling the truth when he said he knew nothing about Mrs. Coombe's likely benefit from her husband's death until Mr. Harris told him about it.

10

MR. BERNACCHI: Mr. Harris does admit saying something about that one hundred thousand dollars under cross-examination. I don't recall exactly but he did say something about the hundred thousand dollars.

COURT: Perhaps you can come back to that at a later stage.

Members of the jury, that is the circumstantial evidence on which the prosecution invite you to find the accused guilty of murder on the basis that he had come up here for the express purpose of killing Dr. Coombe in order that by arrangement with Mrs. Coombe - in order that the pair of them should benefit by the life insurance that Mrs. Coombe would get on her husband's death.

20

Members of the jury, it is a matter for you, but you may well think that the whole crux of this case depends upon whether or not you believe - or even if you are not firmly convinced of its truth you think it may reasonably be true - the defence which the accused has put before you that he came up here not with any intention to kill Dr. Coombe but with the admitted intention to blackmail him. Because that is the defence. If you think this story about a dirty picture and his intention and attempt to blackmail Dr. Coombe is true, then you may well think that really disposes of the Crown's case of deliberate murder. Because it seems to me that if you believe the story of the accused that he came here with this dirty photograph to blackmail Dr. Coombe, or even if you think that the story may reasonably be true, then the actions of the accused both before and after the killing are just as logically consistent with an intent to blackmail as with an intent to murder.

30

40

You may think, members of the jury, that the real difficulty with which the prosecution is faced in this case, in so far as the charge of murder is concerned, is the fact that the accused undoubtedly had severe wounds on two of the fingers of his left hand and he had two severe wounds on his left knee. There is no reason to believe that those wounds are self-inflicted. You may think it beyond doubt that those wounds were received in the course of a struggle. If

50

for one moment you thought that they were self-inflicted, if you thought that he had the presence of mind, after deliberately killing Dr. Coombe, to inflict those wounds on himself to give the appearance of a struggle, it would seem hardly likely that he would deliberately inflict those wounds before commencing that hazardous climb along the window ledge and then up to the roof and then down again.

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

10 You may well think, members of the jury, that if this young man had come here with the deliberate intent to murder - a carefully planned and deliberate murder - you may well think that he would have made a better job of it than to inflict 27 stab wounds on a man already in pyjamas and get himself badly injured into the bargain. Furthermore, you have the evidence to which I have briefly referred, of the room boy. Let me quote it - let me refer it to you - the room boy on the 12th floor. He said he heard the sounds of furniture being bumped, noises of a struggle - "I went to the counter and I 'phoned downstairs. I then went ..." He hears the noise; he goes to the counter and he 'phones downstairs; he then goes back to Room '1223'; again, loud noises and, again, he 'phones

20 downstairs and then he, again, goes back and stands outside the door of Room 1223; there are still noises and then he knocks on the door and he says, "What is happening?" and the noise stops. And you will remember he said he didn't do anything further. You may think it somewhat natural in a room boy of this class and station in life; he didn't do anything further because there was the notice on the door 'DO NOT DISTURB', but he 'phoned downstairs twice and the struggle was still going on. It is a matter for you but you may think, as

30 I say, that if this young man had come here with the deliberate intent to murder he would have done a very much better job than getting involved in a fight which necessitated, as I say, 27 stab wounds and serious injuries to himself.

40 Then there is another point - and in my view it is a matter to which you may attach some importance - and that is that photograph album. Now there is no doubt about it that that photograph album was found in the accused's luggage when his room was searched at the Hotel and he, of course, was then in the hospital, so there can't really be any doubt that he brought that photograph album up (to Hong Kong). He told you that he brought that photograph album up because he concealed inside it this dirty photograph. If he had come up here with the intent to murder, why should he encumber his baggage with a fairly heavy photograph album of that kind? What would be the purpose of it? You may think, members of the Jury, that the finding of that photograph album in his baggage does to a substantial extent corroborate his story that he had come up here not with the intent to murder but with the intent to blackmail.

50 It might be suggested, of course, that his intention right from the outset was murder, and that he had carefully planned the story of blackmail from the very beginning as a

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

defence in case he got into trouble. Well, if that is so, if that is a feasible suggestion, that right from the beginning he had prepared the story of blackmail, you may ask yourselves why he didn't tell that to Mr. Harris at the beginning when he was given an opportunity to explain the killing. Why didn't he say then and there: "I came up here not to kill but in fact to blackmail"? Still more so, when he is charged with murder: if he had prepared a carefully cut and dried defence of blackmail just as a possible contingency of something going wrong and him being charged with murder, don't you think that he would have put up that defence right then and there: "Oh no, I came up not to kill, I came up to blackmail"? But, you see, if he intended right from the outset to come up to blackmail, then that in itself is a serious crime, and it is a crime that he would, you may think, justifiably wish to conceal from the Police, and it is because he had a guilty conscience that he told these other false stories right from the outset - and false stories to the Police - false stories about being involved in a fight in a bar and so forth. 10

Well now, let me remind you of the defence. 20

Dr. Coombe and his wife, we know, have been separated for two years. Mrs. Coombe was running some sort of boarding-house in Perth. The accused had stayed there as a boarder, and it is admitted that he had over some period of time been having sexual intercourse with her. She also assisted him on the more legitimate side of the somewhat sleazy business that he was running, this escort business of 'Date-a-girl', although he says that she knew quite well that it wasn't only escort business, it was a call-girl racket as well. 30

Now Dr. Coombe - and it is beyond dispute - had petitioned for divorce citing the accused as co-respondent. Dr. Coombe himself, at that time when he petitioned for divorce against his wife on grounds of adultery, we know that Dr. Coombe himself was living with a Greek mistress. Now it is not an unusual step.. it is not an unusual legal strategy for a person who wants a divorce, possibly with the object of getting re-married, to petition for divorce on possibly slender grounds, knowing full well that the result of himself, or herself, petitioning for divorce.. that the other spouse will be stung into bringing a cross-petition. As I say, that is by no means an unusual strategy amongst divorce lawyers. One person wants a divorce, so that person brings a divorce petition knowing full well that the other spouse will bring a cross-petition. And, of course, that is exactly what did happen in this case. Mrs. Coombe cross-petitioned on good grounds, on good grounds, for divorce, on grounds of adultery by Dr. Coombe with his Greek mistress. 40

Now the accused had been cited as co-respondent by Dr. Coombe in his divorce petition against his wife. The accused was living there as a boarder, and it may perhaps reveal his 50

somewhat curious mentality - because although he has frankly admitted in this Court he committed adultery with Mrs. Coombe, he took the view, rightly or wrongly, that although he had committed adultery, Dr. Coombe had no evidence on which he could prove that he had committed adultery. So the accused, angry at this perfectly justifiable charge - but a charge which he considered could not be proved against him - if you accept his evidence, went to see Dr. Coombe and confronted him about this, and said in words: "How dare you bring this petition against me? You have no evidence to bring this petition" - and Dr. Coombe - because he had then got what he wanted in the sense that his wife had brought a cross-petition - Dr. Coombe said: "Don't worry, old chap, I am withdrawing my petition and I will give you a letter of apology" - and furthermore, Dr. Coombe then showed him, so he says, a written agreement which the wife herself had signed as to the financial settlement to be made between Dr. Coombe and his wife. Now again, where a cross-petition has been brought in the circumstances to which I have referred -- one spouse or the other, in this case it was Mrs. Coombe - she wasn't all that anxious to get a divorce as quickly as possible but she knew her husband was, and therefore. and the accused has told you that Mrs. Coombe said.. and the accused has used rather more colourful language.. that Mrs. Coombe said: "Well, I've suffered hell for ten years, let the bastard wait!" That was approximately what the accused said that Mrs. Coombe said. At the same time, she, Mrs. Coombe, being in a pretty strong position herself when bringing her cross-petition, had laid down the conditions as to the financial settlement which she required on her cross-petition, namely, \$5,000.- capital payment, cash down, \$95.- a week (this is Australian currency), education of the children up to University standard, and I think a half-share of the increase that Dr. Coombe might get at any time in rises in salary, less, of course, tax. Now, the accused knew that - if you accept his evidence - he knew that she had made these conditions. However, when he went along to see Dr. Coombe on that day and Dr. Coombe said: "Oh, I'm withdrawing my petition" - Dr. Coombe at the same time showed him the document which had been signed by Mrs. Coombe, and if you accept the accused's evidence - and I am bound to say, it seems to me logical, but it is you that count not me, you may not think it is so logical - Dr. Coombe showed him that document and the accused then saw that instead of Mrs. Coombe getting a \$5,000.- settlement she was to get a \$3,500.- settlement; in other words it was knocked down \$1,500.-, and he said he was very angry about that because he had a certain amount of affection for this woman - after all, he had been living with her, in sexual terms, and he had planned to go for a holiday to England with her, and he was very annoyed about this, and he felt that Mrs. Coombe had been double-crossed; and, you see, he felt that there was also the possibility that Dr. Coombe might go on with the petition against him. So he was very angry against Dr. Coombe and he wanted to get his own back on Dr. Coombe, so he got in touch with, so he says, this mysterious friend and they first

In the Supreme Court of Hong Kong

—  
No.44

Summing-Up  
(continued)

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

conceived what he described as "setting up the badger". Well now, that is an unscrupulous, dirty trick, members of the Jury, which is perhaps as old as the hills, whereby a man is got into compromising circumstances with a young woman or young girl and then at the appropriate moment the alleged father or husband of the girl appears on the scene, and then there is a row and I suppose the man is persuaded to make a financial settlement. That was what he first had in mind; but that, apparently, was not going to work; so he tells you that he had learned a good deal about the sexual life of Dr. Coombe from Mrs. Coombe. He learned from her.. what are alleged to be certain perverted habits that Dr. Coombe had. He had also heard from Mrs. Coombe, so he says, about these photographs; and, furthermore, he had learned where they were normally kept. So with the assistance of this mysterious gentleman, whose alias was given as "Ian Leeds", he made arrangements to break into Dr. Coombe's flat and take from off the desk, where he was given to understand it would be, a folder which contained dirty photographs; and he told you that he went there and he obtained one particular dirty photograph which showed - I won't go into the details - but if you remember it showed two men and one woman in disgusting attitudes and perhaps Dr. Coombe himself in a particularly disgusting attitude; and he took that photograph and he took it away and it was photographed by this mysterious man so that there was a negative of it. He kept the original; the man kept the negative; and it was his intention, he admits quite unashamedly, to blackmail Dr. Coombe with that photograph, telling him that unless he paid for its recovery and paid the sum of \$3,000.-, copies of it would be sent to his various friends and colleagues. You may think, members of the Jury, that the accused is a thoroughly unscrupulous, unmitigated scoundrel, but of course he is charged not with blackmail but with murder.

Now he tells you that Dr. Coombe at the time he stole this photograph was planning a world trip, and he stole this photograph about ten days before Dr. Coombe was due to leave; and he says that he made several unsuccessful attempts to see Dr. Coombe before he left for the purpose of confronting him with this photograph and blackmailing him, but he was unsuccessful in doing so. He says that Mrs. Coombe knew about this plan and approved of it and that when Dr. Coombe left on the 26th of November for Hong Kong; on the first stop of his world trip, he, the accused, on the 27th of November, with the sum of \$600.- which Mrs. Coombe had paid to provide for his trip to Hong Kong and then return to Darwin, he bought himself an air ticket and came to Hong Kong, arriving here at 7 o'clock on the 27th of November. He tells you that he booked into the Sun Ya Hotel, and he admits part of the conversation of which the man, CHO, gave evidence. As regards the rest of the evidence, he denies it, and as I have said, the suggestion of the defence is that CHO was quite deliberately exaggerating that evidence in order to ingratiate himself with the Police.



Now the frequent visits that he made to the Hotel, if you believe the story of the accused that it was his intention to blackmail, are, of course, perfectly capable of explanation on the basis of his anxiety to see Dr. Coombe and blackmail him for the money. He 'phoned Dr. Coombe, so he says, unsuccessfully on various occasions, and visited his room, again unsuccessfully, on various occasions; and it was on those various occasions that he was seen by the room attendants. Now on Saturday evening, the 28th of November, between half-past 11 and 12 o'clock at night, he says that he finally managed, after various unsuccessful attempts, to speak to Dr. Coombe on the telephone; that he adopted an American accent - and of course there is reference in that letter to Annette about an American accent - and he told Dr. Coombe in somewhat guarded terms that he had possession of certain property which he had removed from Dr. Coombe's flat which Dr. Coombe might be interested in purchasing back, failing which there would be distribution of the articles to Dr. Coombe's friends; and he said he was prepared to show Dr. Coombe the article; and Dr. Coombe said - this was midnight on the Saturday evening, the 28th - Dr. Coombe said that he would be in his room on the next day, Sunday, at about half-past 4. We know that the accused did go to Dr. Coombe's room on Sunday at half-past 4 and it was on that occasion, of course, that Mr. Zimmermann found him in Dr. Coombe's room. He says he went there for the purpose of carrying out this purpose of blackmail. Now he says that.. I refer to the fact that he says that he left his briefcase in the bathroom and that he had to return to the bathroom in order to get the briefcase, and that is why he went upstairs with Dr. Coombe; and he says that he opened the briefcase and showed Dr. Coombe a glimpse of the photograph and demanded from him the sum of \$5,000.- to be paid within 24 hours. Now that was the afternoon of the 29th of November, Sunday. On Monday, the 30th of November, he admits that he went - and he was seen by room boys - up on the 12th floor at between 7 and half-past 7 in the evening. That was the occasion he was seen by the room boys with his briefcase - and he has told you - and I have already mentioned it, but I will, if I may, repeat it, because I am dealing with the defence of the accused at this stage - he says that before when he went there he had 'phoned up from the desk downstairs and got no reply. He went up to Dr. Coombe's door, knocked, got no reply, thought there might be a Police trap; that is why he went along with the briefcase and hid the briefcase on the 14th floor. Now that was about 7 to half-past 7. He then later that evening got back to the Sun Ya Hotel, having been unsuccessful in getting hold of Dr. Coombe, and he made several calls again to Dr. Coombe; and finally he got an answer from Dr. Coombe in, I think, the early hours of the morning; and Dr. Coombe told him to come up to his room with the photograph; and he was suspicious; again he thought there might be a Police trap; so he went up there and, still suspicious, and he then told you, and I quote his own words, he said: "Nothing venture, nothing gain". So he went and got his briefcase -- he didn't -- he went to where he had hidden

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
No.44

Summing-Up  
(continued)

10

20

30

40

50

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up

(continued)

his briefcase - took the photograph out, and went to the bedroom and knocked on Dr. Coombe's door, and of course got inside, and he has told you that Dr. Coombe was cursing and swearing and that the light went out and Dr. Coombe attacked him. Now, members of the Jury, I will come back to the details of this attack when we come to consider the lesser charge of manslaughter.

Then, members of the Jury, there was his remarkable escape from the bedroom after he had in fact stabbed Dr. Coombe to death. You have his reluctance - and I repeat it because it is relevant not only to the prosecution but to the defence - his reluctance to go to the Queen Elizabeth Hospital; his statement to the Dock Inspector, doesn't want any Police; his anxiety expressed to Corporal Birtwistle that he doesn't want the Police informed; his lies to Birtwistle; his lies to Police Inspector HUI; his lies to Mr. Harris; and the story of the homosexual attack by Dr. Coombe. The accused says that it was Mr. Harris himself who suggested to him that he should put forward the defence that Dr. Coombe had made a homosexual approach to him. Mr. Harris vehemently denied that. Of course, if he did make such a suggestion it would be a grossly improper thing for a Police Officer to do; and it is a matter for you as to whether you believe Mr. Harris on that, or whether you believe the accused. But even assuming that the accused is lying about that; even assuming that the accused of his own volition put forward the defence of a homosexual attack, you may think that that lie is entirely in keeping with all the other lies that he has told. Because he doesn't want at that stage to tell the truth; he doesn't want at that stage to admit that he had come up to Hong Kong to commit the serious criminal offence of blackmail; and for that reason he is prepared to jump at any other story that he can put forward which may be believed. Even when the next day, the 2nd of December, he is charged with murder, he says: " I didn't mean to kill him. I didn't want him to touch me." - still relating, I would suggest, to the homosexual assault. But, as I say, if you believe that this man came to Hong Kong for the purpose of blackmail, or if you think that may reasonably be true, you may, I suggest, consider that all his conduct, all his lies, are consistent with that story of blackmail and capable of a logical explanation on the basis of a guilty mind. He committed a very serious offence, attempted blackmail, and he was not prepared to admit it. The fight and death of Dr. Coombe, you may think, is directly attributable to the accused's criminal attempt to blackmail Dr. Coombe, and therefore, as I say, he was reluctant, up to the very last, to admit the reason for which he had come.

Now then you have the statement, Exhibit P.30, which was produced by the prosecution; and you will see from the beginning that that describes itself as a "Final and full confession of my activities from mid-June 1970 until the morning of my admission to this hospital on the 2nd of

December 1970". Well, it is quite clear, when you look at that document, that that is obviously an incomplete statement; and the evidence is that it (the statement) was taken from him by the Police before he had had an opportunity to complete it. It may be that that is not unreasonable. The Police obviously were anxious at that stage to obtain any information which might be relevant to the commission of the crime, so that any papers that he was writing were clearly of interest to the Police. But he says: "It was taken from me" I repeat, "before I had an opportunity to complete it."

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

Then again, a further statement on which the prosecution rely, and of which I have spoken to you before, is Exhibit P.31, which is dated 14th December, in which he gives 5 reasons as to why it could be shown that he had not been guilty of premeditated murder. But you will notice on that document, on the first page, that he says that he would be prepared to issue an honest, explanatory reason for the evidence, 'but only after private consultations with my solicitor at the earliest possible time'. And on the same page he said: 'This will have to wait until I have conferred with my solicitor'.

Now, members of the Jury, it is an unfortunate fact, and in my view a grave defect in our criminal justice, that legal aid is not afforded to a poor man, a person in the position of the accused, unless he pays for it himself, until after a committal for trial and immediately before the trial in this Court. So that an accused person, unless, as I say, he can pay for it himself, has not got the advantage of legal aid. These documents, you may think, indicate that this young man was prepared to put forward his full defence after he has had legal aid. Similarly - and here for the first time you will see he indicates what his defence is going to be - in the statement of the 16th of December to which you have been referred by defence counsel, 34A; that is the document that he signed, and it isn't a document made to the Police, remember that, it is a document made at the Prison, and as we have been given to understand, these are treated by the Prison as confidential documents; and they have only been elicited in this case by reason of the research of the defence. This is the statement that he makes to the Prison, it is 34A, and it is a statement which he makes because he is required to explain on this Injury or Assault Report, he is required to explain to the Prison, before he is admitted into Prison, the explanation for the injuries from which he was suffering; and he says there:

"On or about midnight of the 1st of December 1970, I visited the room of R.A. Coombe to collect some money (\$3,000) when I was stabbed by R.A. Coombe who apparently objected to paying black-mail. And whom I believe died after I gained possession of the knife from stab wounds inflicted in the ensuing struggle."

The comment is made, members of the jury, by counsel for the

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

prosecution - it is a perfectly proper comment - that if his intention was blackmail, why didn't he blackmail Dr. Coombe before he left Australia; and the answer of the accused to that is, "I tried, but I couldn't contact him." You may think that the question can equally well be put that if it was his intention to murder Dr. Coombe why didn't he murder him before he left Australia? You see, it seems to me that if you are going to ask why he didn't blackmail Dr. Coombe before he left Australia; if it is the case for the prosecution that he came here to murder Dr. Coombe, the question asked by the prosecution with regard to him coming here to blackmail Dr. Coombe is equally applicable to the case for the prosecution, that is: if he was going to murder Dr. Coombe why didn't he murder him in Australia?; why come all the way to Hong Kong to do it?

10

Members of the jury, questions of fact are, of course, exclusively for your consideration. But before you return a verdict of guilty of murder in this case you would have to be satisfied that it has been proved beyond reasonable doubt that the accused came here with the express intention of murdering Dr. Coombe and that he achieved his purpose and that he is guilty of that murder. You may think, members of the jury - it is entirely a matter for you, I emphasise - but you may think that the evidence in support of this charge of murder falls considerably short of such evidence as would justify you in returning a verdict of guilty of murder. You may think that such evidence as has been given, highly suspicious though it may be, is not sufficient to support a verdict of murder.

20

But that, of course, does not dispose of the matter. You have got to consider the alternative and lesser verdict of manslaughter. The law is perfectly clear and perfectly logical and sensible. A man is entitled to use such force as is necessary in his own defence; obviously, the more serious the attack made upon that man the greater the force he is entitled to use in his own self-defence; and, indeed, if there is no other way to defend himself against a serious and dangerous attack - a murderous attack - with a lethal weapon he is perfectly entitled and justified to kill if that is the only way in which he can defend himself. But if he uses more force than is necessary for purposes of self-defence then that excessive force used is unlawful, and if in the exercise of that excessive and unlawful force he kills his attacker then he is guilty of manslaughter.

30

40

Now, let me refer you to my notes on what the accused says in this matter - I don't propose to read it all to you but he says he got into the room; he looked behind the bathroom to see if there were any police there; he came to the corner of the room by the cupboard; that Dr. Coombe cursed and abused him, told him - or suggested to him - that it was Dr. Coombe's wife who had put him up to this and, again, cursed and abused him; and he said that there was

50

only one light on - the desk lamp - and he, again, demanded the money in pretty strong terms; he said, "Cut the crap, let's have the money," having already demanded the three thousand dollars from him; and he then said that the deceased turned towards the desk - that is the desk by the bed that you will see in the photograph P.1E - that is the light just over the bed - I think that is the light; and he said the curtain was drawn at the time but there was a gap between the two edges of the curtain; and he said when the light went out

10 "I alerted myself - saw a flash of light striking steel or glass - happened very quickly"; he then said, "He then came towards me with a knife in his hand still cursing and swearing. Instinctively I went into the defence against an underarm thrust, an automatic reflex action", and he demonstrated how he went to knock Dr. Coombe's right arm aside - and, of course, it may well be that that is when he got the cut - with the object of throwing him over his head and he demonstrated again; he then said, "What happened after that can only say I

20 felt an extremely searing pain in my left hand" - that, as I say, may well be, if you accept his story, that he wanted to evade Dr. Coombe's knife arm, the arm in which he held the knife - and then he said he forgot all about the usual tactics, "resorted to brawling tactics - very quick temper - seized his arm with both hands and wrested the knife from him," - so that by that time he had got the knife from him - and he then says "From all the evidence I can only say that I succeeded and used the knife on Dr. Coombe. My temper white hot."

Now, members of the jury, you may think that he used the knife on Dr. Coombe to no mean purpose. There were 27 stab wounds on him, and you will have to consider whether those stab wounds went beyond, and far beyond, the self-defence which he was entitled to use on being attacked by Dr. Coombe with a knife. It is, of course, for the prosecution to negate this defence of self-defence; it isn't for the accused to prove it as true. It is for the prosecution to prove that it is not true; there is no onus upon the accused; it is for the prosecution. But looking at the facts as they are, you may well think that those facts establish to your satisfaction that the accused exercised more force than was necessary in his own self-defence.

30

40

Now, Mr. Bernacchi raised what is certainly in the appropriate case an alternative defence to a charge of murder, or even to a charge of manslaughter - that is the defence of provocation. Mr. Bernacchi, as I understand him, suggested that the accused, when he was attacked with a knife - and particularly when he was first injured - when his hands were first injured with a knife - was so provoked that he lost all control of himself and that in those circumstances he ought not to be held responsible for what he did.

50 Members of the jury, in my view the defence of provocation cannot be of any avail to the accused in this case. Provocation, as I say, is undoubtedly a valid legal defence in

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

certain circumstances, but you may well think that it ill befits the accused in this case, having gone there with the deliberate purpose of blackmailing this man - you may well think that it ill befits him to say out of his own mouth that he was provoked by any attack. In my view the defence of provocation is not one which you need consider in this case.

It is self-defence that you need to consider and make up your minds as to whether or not you think that he acted fully and legitimately in his own self-defence when he inflicted the 27 stab wounds causing this man's death or, alternatively, whether you think he went beyond what was reasonable and proper in the circumstances. If you think that he exercised more force than was necessary in his own self-defence then you would find him guilty of manslaughter; and perhaps when considering that possible verdict it might be relevant for me to quote to you three statements made by counsel for the defence in his final address. He said - I won't quote the first part to you; I will quote the second and the third - he said - he suggested that the correct verdict is not guilty of murder but guilty of manslaughter, and his final words to you were, "In my submission, the justice of this case will be satisfied by a conviction for manslaughter." Members of the jury, those were the words of counsel for the defence.

Now, of course, you are not concerned with the opinions of counsel at all; you are concerned with facts. But you may think, when you consider these facts, that the words of counsel for the defence are not entirely inappropriate in a proper assessment of the facts of this case. There are, as I say, three verdicts open to you: murder, manslaughter, or not guilty of any offence at all. In order to return a verdict of guilty of murder your verdict would have to be unanimous either way; either guilty of murder or not guilty of murder; it would have to be unanimous. As regards the verdict of manslaughter or even not guilty of anything at all other than murder - let me put it in another way. For murder, a verdict of the jury must be unanimous one way or the other - guilty or not guilty. On the lesser charge of manslaughter your verdict may be by a majority of not less than 5 - 2; if it were 4 - 3 either guilty of manslaughter or not guilty of manslaughter, that would be unacceptable; it has got to be a verdict of either unanimous or 6 - 1 or 5 - 2. It is always desirable in cases of this kind that the verdict of the jury should, if possible, be unanimous. As I say, it is entirely a matter for you, but it might be that you would consider on the facts that the statements made by counsel for the defence were not entirely inappropriate when you consider arriving at a proper verdict in this case.

MR. BERNACCHI: My Lord, you did say to check on the fact. I interrupted your Lordship's summing-up earlier. I have checked. He did say at the end of his evidence - he did mention the motive of the insurance on the third occasion he saw the accused; he did not specify when it was.

10 COURT: Well, members of the jury, it is said by Mr. Bernacchi, counsel for the defence, that - as I understand him to say - it may well be true - the accused did not know of this insurance money amounting to some sixty thousand dollars that would come to Mrs. Coombe on her husband's death until Mr. Harris himself mentioned it. It may be that that is true, but speaking for myself - if you think that the story of the intent and attempt to blackmail is true; if you think that the story of the photograph is true and that his object in coming up here was not murder but an intention to blackmail - it doesn't seem to me to matter very much one way or the other whether he knew of the insurance money that Mrs. Coombe would get on her husband's death. As I say, if you accept the story as to why he came up here to blackmail, it doesn't seem to me to matter whether he knew before he came up here, or even after he came up here, as to whether Mrs. Coombe was going to benefit financially by her husband's death.

20 Now, members of the jury, will you please consider your verdict now and tell me how you find. As I say, there are three verdicts: murder, manslaughter and not guilty of any offence at all.

30 I think it is more convenient that you should be - the jury room here is an uncomfortable and a very cramped room. It is far better that you should stay here, uninterrupted by any one, in order that you may consider your verdict. You have with you the exhibits there; you have the documents here. By all means make reference to any exhibits that you wish, either documentary or otherwise. We will retire from this Court room and leave you in full and uninterrupted possession of it. Just one matter - the usher has to take an oath that he will keep you together and let no member of the public speak to you until you have reached your verdict. So he will be looking after you while you are considering your verdict. He won't be here, of course; he will be outside. If you want any assistance on any matter on which I can help you, do please recall me and let me know.

((4:18 p.m.))

((Jury returns to Court at 7.35 p.m. for further directions))

40 COURT: Mr. Foreman, is there any way in which I can be of assistance to you? You have obviously given this matter very careful consideration. It appears to me that there might be some problem on which you wanted some assistance.

MR. FOREMAN: My Lord, the Jury are not quite clear on just one point.

COURT: Yes?

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued.)

In the Supreme  
Court of Hong  
Kong

\_\_\_\_\_  
No.44  
Summing-Up  
(continued)

MR. FOREMAN: It was mentioned in evidence by the accused underexamination from the Defence counsel.

COURT: Yes?

MR. FOREMAN: About a pair of gloves. We had no transcript of this and we want to be quite clear as to the ownership of these gloves.

COURT: You say it was mentioned by Defence counsel. Do you recall this, Mr. Bernacchi?

MR. BERNACCHI: I don't seem to have recorded it, my Lord, but I think the Foreman of the Jury means that the accused mentioned it in answer to a question from me. I don't know at what stage of his evidence. (Pause)

10

MR. DUCKETT: Yes, my Lord. .. The accused was detailing the clothes he was wearing when he went to the room, and he made a reference there to "driving gloves".

COURT: He said he was wearing gloves, did he? It is my impression that gloves were mentioned, but I can't remember in what context, and I don't think I made a note of it at the time.

MR. DUCKETT: I have a note of the evidence here, my Lord.

20

COURT: Yes?

MR. DUCKETT: (Reading) "Before this I stepped into the bathroom, I then stepped into the room proper at the edge of the area marked 'closet'. I was dressed in black trousers, black shoes, black socks, white shirt.."

Does your Lordship have it?

COURT: No -- I recall this, yes.

MR. DUCKETT: "...white shirt, white fur coat. I was wearing driving gloves."

30

COURT: Yes?

MR. DUCKETT: "My wig in right-hand pocket of white coat."

and he identified P.19.

COURT: Yes, that seems to be.. that I think is correct.

MR. FOREMAN: That was the point in question.

COURT: Mr. Duckett, this was on what occasion? When he



went to the room - the night of the.. the early morning of the 1st of December?

In the Supreme Court of Hong Kong

MR. DUCKETT: When the deceased was in pyjamas.

COURT: The early morning of the 1st of December?

MR. DUCKETT: Yes.

COURT: Would you like that read out to you again, Mr. Foreman?

MR. FOREMAN: Yes.

COURT: I take it you accept that, Mr. Bernacchi?

MR. BERNACCHI assents.

10 COURT: If not, we can get the transcript.  
But would you mind reading it out, Mr. Duckett?

MR. DUCKETT: "I was dressed in black trousers, black shoes, black socks, white shirt, white fur coat. I was wearing driving gloves. My wig in right-hand pocket of the white coat."

and he identified the wig.

COURT: Does that resolve your question on this?

20 MR. FOREMAN: It does in so much as the ownership of the gloves -- which the Jury presume are in the Exhibits.

COURT: That may or may not be so. I don't know. It may be that.. It is true there is a photograph, in P,1-C it shows gloves on the floor. But there isn't any evidence, and I'm afraid it is too late for me to establish evidence. We can't go back on the evidence now. It is true there are gloves of a kind which are, I believe, used for driving gloves on the floor there, but that is as far as I can take it.

Now is there any other matter, Mr. Foreman?

30 MR. FOREMAN: That answers all the questions we have, my Lord.

COURT: I see. And that is your only point?

MR. FOREMAN: To be discussed at this moment.

COURT: Yes, and is there any other way in which I can be of the slightest assistance to you?

MR. FOREMAN: No, my Lord.

COURT: No? Then we must leave you to make your deliberations.

\_\_\_\_\_  
No.44

Summing-Up  
(continued)

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

Perhaps I ought to say in these matters - it is a thing which is commonly said to Juries - do sit down, Mr. Foreman - commonly said to Juries - if when they have some difficulty in making up their minds, that there must of necessity - when there are seven different persons - and it may be that they have different views - and of necessity there must be a certain amount of give and take as far as it is consistent with the conscience of the individual Juror. That doesn't mean that he must arrive at a decision with which he disagrees - but as far as possible if there are minor discrepancies or disagreements on minor matters - it is usual that there is a certain amount of give and take on these matters.

10

Do I make myself clear?

MR. FOREMAN: Quite clear, my Lord.

COURT: Very well then we will adjourn again and leave the Jury to get on with their verdict.

((7.45 p.m. Court adjourns))

2.31 p.m. Court sums up to Jury.

4.18 p.m. Court adjourns pending deliberation of the Jury.

20

7.35 p.m. Jury returns to Court for further directions.

7.37 p.m. Court resumes. Accused present. Appearances as before. J.A.N.

7.45 p.m. Jury retires again.

8.27 p.m. Jury returns to Court.

8.30 p.m. Court resumes. Accused present. Appearances as  
before. J.A.N.

In the Supreme  
Court of Hong  
Kong

---

No.44

Summing-Up  
(continued)

In the Supreme  
Court of Hong  
Kong

No.45.

VERDICT AND SENTENCE

—  
No.45  
Verdict and Sentence  
24th March 1971

CLERK: Mr. Foreman, will you kindly stand up?  
I am going to ask you to return the verdict of the Jury.  
On the charge of murder against the accused, Graham  
Leslie EDWARDS alias David Christopher MURRAY, have you  
agreed upon your verdict?

MR. FOREMAN: We have.

CLERK: Are you unanimous?

MR. FOREMAN: We are.

10

CLERK: How say you, do you find the accused guilty or not  
guilty of murder?

MR. FOREMAN: Guilty.

SENTENCE

COURT: Tell him to stand up.  
The Jury by their verdict, have found you guilty on the  
indictment of murder. There is only one sentence that  
the law empowers me to pass in this matter, that is,  
the sentence of this Court is that you suffer death in  
the manner authorised by law.

20

Members of the Jury, I am grateful to you for the  
very careful consideration you have given to this case,  
in what must have been a very painful and difficult  
case for you, and I am most grateful for your  
assistance in this matter. Thank you.

8.32 p.m. Court rises.

24th March, 1971.

Final Grounds of AppealFINAL GROUNDS OF APPEAL AGAINST CONVICTION

To the Registrar, Courts of Justice, Hong Kong.

I, GRAHAM LESLIE EDWARDS, having been convicted of the offence of murder and being now a prisoner in the Stanley Prison and being desirous of appealing against my said conviction (and sentence) do hereby give you Notice that I hereby apply to the Chief Justice, as the Judge who tried my case for leave to appeal to the Full Court against my said conviction (and sentence) on the following grounds:-

1. That the conviction was unreasonable and/or cannot be supported by the evidence particularly in as much as :-

- (a) The evidence of the actual killing, in particular the medical evidence, was more or as consistent with Manslaughter than with murder, and should have had the effect, in law and in fact, of rebutting any presumption of an intention to kill.
- (b) The rest of the evidence was circumstantial and, in particular, the evidence adduced by the prosecution is more or as consistent with the case of the defence that the appellant came to Hong Kong with the intention to blackmail, than that of the theory advanced by the prosecution that he had come here with a "specific mission to kill Ronald Allan Coombe, the deceased".
- (c) That the jury failed to make any and/or adequate allowance for circumstances which detract or weaken the adverse inferences they must have drawn from circumstantial evidence adduced against the appellant.
- (d) That the whole of the Crown's case rested, and the trial was in consequence conducted, on the basis and/or with the foregone conclusion that the appellant has the mental tendencies of a criminal, which deprived the appellant of a fair and impartial trial.
- (e) That generally the jury's verdict was perverse and, in arriving at the verdict, they must have failed to confine themselves to relevant facts but took into account evidence of character and/or antecedents, or alternatively placed undue weight on the appellant's background and antecedents.

2. Further or in the alternative that by coming back and asking the Trial Judge to clarify points on the gloves, at one time worn by the Accused the evening of the killing, the jury

In the Supreme Court of Hong Kong.

No. 46  
Final Grounds of Appeal.

10

20

30

40

In the Supreme  
Court of Hong  
Kong.

No. 46

Final Grounds  
of Appeal.

took into account irrelevant evidence that was not ever part of the prosecution's case, was not ever part of the extensive cross examination of the appellant, and was not referred to by either counsel in their addresses or by the Trial Judge in his summing up.

- 10 3. Further or in the alternative that the Learned Trial Judge did not, or alternatively did not adequately, direct the jury on their return to ask questions and/or give directions about the gloves (as aforesaid), that the evidence was irrelevant. And that if the gloves shown in one of the photograph exhibits was the pair worn by the Accused, then it must mean that the Accused took off the gloves when he came into the bedroom, which is inconsistent with any intention to kill without leaving finger-prints, whereas if the gloves on the floor were the gloves worn by the deceased then it is even more consistent with the Accused's version that the deceased was the one to produce a knife.
- 20 4. That the Learned Trial Judge, in an otherwise very favourable summing-up to the Accused, failed adequately
- (a) to put the appellant's version of Exh. P 26 (the long statement taken by Superintendent Harris on the evening of the 1st December).
- (b) to direct the jury that the onus of proof was on the prosecution throughout including the onus to disprove the appellant's version particularly where it was consistent with the circumstantial evidence.
- (c) to direct or correctly direct the jury on the defence of provocation.
- 30 (d) to explain that the main point material to the case on the life insurance money was whether Chief Superintendent Harris suggested the life insurance as a motive for murder before the appellant wrote P 29 and P31 instead of directing the jury only that one of the issues was whether the accused himself knew of this insurance money before (he alleges) Chief Superintendent Harris told him about it.
- 40 (e) to explain that the jury must accept his directions on issues of law but on the contrary in dealing with the evidence justifying a verdict of murder, an issue of law or mixed fact and law, he emphasized it was entirely a matter for them.
5. That, generally, the evidence was unsatisfactory to support the prosecution's case of a pre-meditated murder, and a verdict of manslaughter, with the appropriate sentence should be substituted.

Date this 13th day of May 1971.

Amended Grounds of Appeal

4.- That the Learned Trial Judge, in anotherwise very favourably summing-up to the Accused, failed adequately

No. 47

- (a) to put the appellant's version of Exh. P26 (the long statement taken by Superintendent Harris on the evening of the 1st December).
- (b) to direct the jury that the onus of proof was on the prosecution throughout including the onus to disprove the appellant's version particularly where it was consistent with the circumstantial evidence. 10
- (c) to direct correctly the jury on the defence of provocation.
- (d) to explain to the jury that neither the appellant in his evidence nor counsel for the appellant inferred that the appellant did not know of the existence of the life insurance on Ronald Alan Coombe's life or that the only point material to the case was whether Chief Superintendent Harris suggested the life insurance as a motive for murder before the appellant wrote Exh. P 31 but on the contrary directed the jury that one of the issues was whether the accused himself knew of this insurance money. 20
- (e) to explain that the jury must accept his directions on issues of law but on the contrary in dealing with the verdict justifying a verdict of murder, an issue of law or mixed fact and law, he emphasized it was entirely a matter for them.

---

IN THE SUPREME COURT OF HONG KONG

APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 212 OF 1971

BETWEEN

Graham Edwards alias  
David Christopher Murray Appellant

and

The Queen Respondent

In the Supreme 10  
Court of Hong  
Kong.

Coram: Full Court (Blair-Kerr, Huggins and Pickering, JJ.)

In the Supreme  
Court -  
Appellate  
Jurisdiction

J U D G M E N T O F F U L L C O U R T

No. 48

Judgement 20  
1st June 1971.

On 24th March, 1971 the appellant was found guilty of murder and sentenced to death. He now appeals against that conviction.

30 Before considering the grounds of appeal, it will be convenient to state the facts in some detail. At about 2.30 a.m. on 1st December, 1970, a Mr. Simpson, who was then resident in the Hong Kong Hotel and asleep in room 1427, was awakened by loud screaming and cries of "help me, help me". On looking out of the window a few minutes later, he saw a person walking along a cement ledge outside a bedroom window of the hotel below the 14th floor. He told a member of the hotel staff what he had heard and seen, indicating that, in his view, someone was in serious trouble. He also telephoned the reception desk of the hotel.

40 At 8.50 a.m. the assistant manager of the hotel opened the door of room 1223 by means of a double lock master key. The fact that it was necessary to use such a key indicated that the door had been locked from the inside as a result of the button in the centre of the door handle having been depressed. Outside the door, there hung a "do not disturb" notice.

On entering the room, the assistant manager found the dead body of Dr. Ronald Alan Coombe lying on the floor near the door. It was clothed in pyjamas; and these garments



were heavily bloodstained. According to his passport, Dr. Coombe was a physicist by training and he held the appointment of Deputy Director of the West Australian Institute of Technology. Having left Perth on 26th November, he spent one night in Singapore before proceeding to Hong Kong on 27th November. He had booked in at the Hong Kong Hotel for 3 or 4 nights, and there was evidence that his intention was to visit Paris, London and other cities. There was also evidence that he had applied for the Directorship of the Hong Kong Institute of Technology.

In the Supreme Court of Hong Kong.

In the Supreme Court - Appellate Jurisdiction

No. 48

Judgement (Contd.)

In room 1223 the bed is placed close to the right-hand wall as one faces the window, with the head of the bed nearest to the window. The room was in a state of disorder as if a struggle had taken place. The blankets near the foot of the bed were heavily stained with blood; and there was also blood on the carpet near the foot of the bed and on some of the furniture.

10

The deceased had been stabbed 27 times. The majority of the wounds had been inflicted on the chest and on the front of the right arm. There were also two stab wounds below the right arm-pit, and there were wounds in various other parts of the body, including the front of the neck, the left shoulder, right buttock, left side of the head, the upper lip and one stab wound had penetrated from the left wrist upwards through the limb to the back of the left forearm. The wounds on the left side of the head were directed from back to front, and the wound on the upper lip was directed from the deceased's left to right. There were also abrasions in the region of the right eye.

20

The police pathologist said in evidence that one corner of each of these stab wounds was round and that the other corner was sharp, thereby indicating that the wounds had been caused by a knife, or some similar weapon, which had a blunt edge and a sharp edge. The fatal wounds were inflicted on the chest and below the right arm-pit. In the centre of the chest there was a group of 5 stab wounds; and, in describing these wounds, the pathologist said that the left corner of the wound was round and the right corner was sharp. These 5 wounds were all fairly close together and they pointed roughly in the same direction, that is to say more or less horizontally, or, putting it another way, at right angles to the breast bone. Some of these wounds were 3" deep, and directed slightly upwards making an angle of 70° or 80° vis-a-vis the chest wall. Both lungs had been cut to a depth of 1".

30

40

The pathologist's evidence indicated that no major blood vessels had been severed. Death was due to loss of blood, and consequent shock, by far the major part of the bleeding having taken place in the lungs, one of which was completely collapsed, and the other partially so.

In the Supreme  
Court of Hong  
Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

Judgement  
(Contd)

staff had called the manager who made him wait in the lobby till the deceased had returned; that, on the deceased's arrival, he gave him his wife's regards and borrowed A\$20 from him.

Superintendent Harris stopped questioning the appellant at 7.30 p.m. to enable him to have a meal. When questioning was resumed at 8 p.m., according to Harris the accused broke down and wept and said:

"I made up the story. I did not mean to kill him."

10

The appellant was then cautioned; and, after caution, he said that at 10 p.m. on 30th November his intention was to borrow more money from Dr. Coombe; but that the deceased was not in his room; so, (the appellant said), having drunk a few beers in some bar, he returned to the deceased's room 30 - 45 minutes later; and that he tried to borrow A\$50 from deceased. He then said that they talked for a long time; and the statement continued:

20

"He" (i.e. deceased) "then put his arm around me and tried to kiss me. I tried to push him away and he kept coming after me. I saw a knife on the table. I grabbed at it and struck at him. He kept saying: 'Love me, don't hurt me.' He screamed and I panicked and kept hitting him till he was still, ..... Why does it always have to happen to me. Other people have approached me before, but I am not a queer. After he was still, the telephone rang and I wanted to get away. So I climbed out of the window and walked along the ledge ....."

30

He then described in detail his perilous journey from ledge to ledge up to the roof and down the scaffolding on the other side of the hotel; how he avoided the police at the car park; how he used part of his shirt to bandage his injuries and then threw the knife and the remnants of his shirt into the sea.

40

On 2nd December, Inspector Gravener formally charged the appellant with the murder of Dr. Coombe. After caution he said:

"I didn't mean to kill him. I didn't want him to touch me. What is going to happen to me. That's all."

This appears to be a repetition of the suggestion that Dr. Coombe tried to kiss him. The appellant then said that his name was not Murray, but Edwards.

On 3rd December Inspector Gravener explained to the appellant his rights in regard to legal aid. On 5th December the appellant wrote to his father. Part of this letter reads:

"..... Harris and Gravener .. charged me with murder ..... I was so scared I lied to them about nearly everything but they guessed what had happened after the police doctor had given me an examination. I was so ashamed of them finding out that I told them what had really happened and that I had lied about my name and everything ....."

In the Supreme Court of Hong Kong.

In the Supreme Court - Appellate Jurisdiction

No. 48

10 Judgement (Contd)

On the face of it, it would appear that in this letter the appellant was acknowledging that he had lied when he said that he had been injured when playing cards, when fighting in a bar, and finally by "Bill" and his friends on Kowloon Wharf; but that his story of the deceased having put his arm round him and having requested him to kiss him was "what had really happened" and that he was so ashamed of them finding out after the police doctor had given him an examination that he had told them what had "really happened".

20

However, whatever may be the true meaning of that part of the letter, there can be no doubt that he had no complaints to make against the police at this stage. In this letter the appellant said to his father that the police had been "very helpful and explained that I could apply for Government Legal Aid which I will do ....."

On 10th December Inspector Edwards handed the appellant forms of application for legal aid; but it is not known when he first saw his legal advisers. There was evidence that the appellant knew that the committal proceedings would be in January and that his trial would take place some weeks after that.

30

The Crown's case was this: that the deceased and his wife had been separated for about 2 years; that he had been living with another woman; that the appellant had been living with Mrs. Coombe on intimate terms since about June 1970; that she became pregnant by him; and that she had had an abortion in September 1970; that the deceased and his wife were about to be divorced; that the appellant and Mrs. Coombe were planning a sea trip to England in February, and that they intended to get married there; that, in the event of the deceased's death, his estate would have received approximately A\$100,000 from his superannuation fund with the West Australian Institute of Technology; that, in conspiracy with Mrs. Coombe, the appellant resolved to follow Dr. Coombe to Hong Kong and kill him here so that he and Mrs. Coombe would receive the benefit of the A\$100,000 from this superannuation fund; that the appellant therefor stole a passport belonging to his friend

40

In the Supreme  
Court of Hong  
Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

Judgement  
(Contd)

10

Murray (who was a student at Perth University), took out certain pages from his own passport and inserted pages from Murray's passport and forged a vaccination certificate in the name of Murray so that police inquiries following the death of Dr. Coombe would be hampered in that there would be no documentary evidence that an Australian named Edwards had been in Hong Kong at the material time and they would probably look for someone named Murray.

Some days after 2nd December Superintendent Harris received a communication from the Perth police; and, on 9th December he informed the appellant of the results of police enquiries in Australia. We do not know precisely what Harris said to the appellant on this occasion; but he said in evidence that he told the appellant that, from the information he had received, there might be more behind the killing of Dr. Coombe than he (the appellant) had previously indicated. Counsel for the appellant also elicited from Harris that on 9th December he suggested to the appellant that the payment of the A\$100,000 was the motive for the killing.

20

This interview had an immediate effect upon the appellant. He called for pen and paper; and, at 3.0 p.m. on 9th December, he commenced to write what he described as

30

"a full and final confession of my activities from May/June 1970 until the morning of my admission to this hospital on 2nd December, 1970 and was made by my own hand, and of my own free will .....to clear up the mess I have got myself in by finally telling the truth through a privately written statement."

He went on to say:

"I have lied to the police for so long that if they took the statement I could not keep a straight face knowing they would think I was bull shitting them."

40

He then proceeded to record certain events in his private life which occurred in Australia about June 1970. These matters have little or no bearing on this case. The statement breaks off suddenly; and, on the 10th December, Inspector Edwards took possession of it.

On 14th December, the appellant wrote to Superintendent Harris as follows:-

"Please find enclosed statement listing 5 reasons why the death of Ronald Alan Coombe

cannot be construed as a result of a pre-  
 meditated (sic) murder plot by his wife and myself.  
 I am aware that the facts brought forward by  
 yourself and other officers of the Hong Kong  
 Police Force do indicate the existence of such  
 a possibility. However, I shall be prepared to  
 issue an honest explanatory reason for this  
 evidence, but only after private consultations  
 with my solicitor .....

In the Supreme  
 Court of Hong  
 Kong.

In the Supreme  
 Court -  
 Appellate  
 Jurisdiction

No. 48

One of the "reasons" which he gave was expressed thus :- 10

"Since Mr. Coombe is or was at least 2 inches  
 taller and approximately 50 lbs heavier than I am,  
 I certainly would not pick a knife to commit the  
 crime with. I would also not go to the trouble  
 of stabbing myself to make things more difficult."

Judgement  
 (Contd)

So far as the evidence goes, no one had suggested to him that  
 his wounds had been self-inflicted.

Another "reason" was this: He said that he was aware  
 of the terms of Mrs. Coombe's divorce settlement with her  
 husband; that two of those terms were (a) a cash settlement 20  
 of A\$3,500 and (b) a maintenance allowance of A\$95 per week.  
 From this, the appellant argued that, on the basis of A\$95  
 per week, Mrs. Coombe would, in 30 years, have received from  
 Dr. Coombe A\$150,000; that in the event of her husband's  
 death how the A\$100,000 from the superannuation fund would be  
 reduced as a result of various death duties so that she would  
 in fact only receive A\$60,000; and that it was therefore  
 greatly to her advantage to accept A\$95 per week over 30  
 years rather than A\$60,000 now.

On 16th December, the appellant was discharged from 30  
 Queen Elizabeth Hospital and he was remanded by the magistrate  
 for 7 days in jail custody. That evening in the remand  
 prison, he wrote the following on a piece of paper :-

"On or about midnight of the 1st of December, 1970  
 I visited the room of R.A. Coombe to collect some  
 money (\$3,000) when I was stabbed by R.A. Coombe  
 who apparently objected to paying blackmail and  
 whom I believe died after I gained possession of the  
 knife from stab wounds inflicted in the ensuing  
 (sic) struggle." 40

This was the first time the word "blackmail" had been  
 mentioned by the appellant; and the statement contains no  
 reference whatsoever to the alleged attempt by the deceased  
 to kiss the appellant which, according to the latter's  
 statement to Superintendent Harris, so infuriated him that he  
 kept stabbing the deceased "until he was still".

On 24th December the appellant made a further statement  
 which was filed by the prison authorities. It reads:-

In the Supreme  
Court of Hong  
Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

Judgement  
(Contd)

"On or about midnight the 1st December, 1970 I was involved in a knife wielding fight with a fellow Australian in the Hong Kong Hotel. The preliminary result of this encounter was I suffered stab wounds to the left hand and also the left leg above the knee while attempting to gain possession of the knife. ...."

10 The appellant was committed for trial on 18th January. At this time there was a prisoner named Coleman in the Victoria Remand Prison and this man was about to be transferred, or deported, to the United Kingdom. According to the appellant, Coleman and he concocted a statement on or about 23rd January. The statement was actually written by the appellant and he gave it to Coleman to take with him to the United Kingdom, the idea being that Coleman should have it typed there and sent back to the Commissioner of Police and the Chief Justice of Hong Kong. In fact it was taken from Coleman by the prison authorities.

20 The statement purports to be by a person named Ken Markham, and the story which the appellant apparently wished this Ken Markham to tell may be summarised thus :-

30 Edwards told me in Perth that he had decided to blackmail Dr. Coombe; that he had been given information that Dr. Coombe was a collector of pornography and was likely to have some photos in his flat; we agreed to break into Dr. Coombe's flat and steal the best photo and make copies of it to distribute to various people if he refused to pay blackmail; we broke into Coombe's flat on Sunday, 22nd November and selected from a manila folder in the bedroom wardrobe a pornographic photo in which Dr. Coombe appeared with 4 others; I made a negative of the photo; Edwards told me he was going to demand from Dr. Coombe the money which he had cheated his wife of failing which he would send copies of the photo in order to ruin Coombe. I met Edwards on 27th November. He told me he could not get Coombe alone and since he had gone overseas on holiday he was going to follow him to his second stop, Hong Kong, and blackmail him there. When Dr. Coombe's death was reported, I destroyed the negative and hurriedly left Western Australia and made my way to London as I had no desire to get involved with the police.

50 In addition to the medical evidence, the Crown proved the various statements which had been made by the appellant together with the "Ken Markham" statement. They also called a witness named CHO who, it appears, is a tailor's tout. CHO's object was to solicit business for his tailor's shop

and he spoke to the appellant on his arrival at the airport at 7 p.m. on 27th November. At the appellant's request, he also visited the appellant next morning. According to CHO, the appellant said that a fellow-employee had stolen a contract and some diamonds worth about \$100,000; that he (the appellant) had come to Hong Kong to recover the stolen goods from this man whom, he suspected, might sell the goods in Paris. CHO said that the appellant mentioned room 1223 of the Hong Kong Hotel and that the appellant had said that he intended to go into the Hong Kong Hotel "secretly" and "steal back" the contract and diamonds. According to CHO, the appellant asked whether the windows of hotels in Hong Kong were the same as those of the Sun Ya Hotel. CHO also said that the appellant showed him an instrument which could be used for opening windows (a glass-cutter was in fact found in the appellant's room in the Sun Ya Hotel); and CHO said that the appellant also asked if he could obtain a pistol in Hong Kong; and that if he could not obtain such a weapon, his second choice would be a knife.

In the Supreme Court of Hong Kong.

In the Supreme Court - Appellate Jurisdiction

10 No. 48

Judgement (Contd)

20

The Crown also called various room-boys from the Hong Kong Hotel to testify as to the appellant's visits to room 1223. It appears that at 9 p.m. on 27th November, that is to say two hours after his arrival in Hong Kong, the appellant was on the 12th floor inquiring where this room was. There is no doubt that by 9 p.m. on 27th November the appellant knew that Dr. Coombe's room was no. 1223. At 6 p.m. on 28th November the appellant was seen knocking on the door of this room; but the door was not opened, and the appellant departed. The no. 1 boy on the 12th floor found the appellant actually inside room 1223 at 4.30 p.m. on 29th November. The appellant said that he was allowed to enter the room by some other boy. But no witness was called to corroborate this. The no. 1 boy immediately telephoned the reception desk. The assistant manager (Mr. Zimmermann), accompanied by a member of Securicor, came to the room immediately and took the appellant downstairs, where he was requested to remain till Dr. Coombe's return at 6.30 p.m. According to the Crown evidence, Dr. Coombe and he spoke to each other and they then apologised to the assistant manager for the trouble which had been caused. The assistant manager said that the appellant left the Hotel immediately after that and that Dr. Coombe proceeded upstairs.

30

40

The appellant was next seen on the 12th floor at 10.45 p.m. on 30th November. On this occasion he was carrying a brief case. The room-boy who saw him said that he walked in the direction of room 1223, and that he returned a few minutes later; but that, on this occasion, he was not carrying the brief case.

It appears that after receiving the "Ken Markham" statement, Inspector Gravener went to Australia and made certain inquiries there. In examining Inspector Gravener in chief, Crown Counsel made no attempt to introduce in

50

In the Supreme  
Court of Hong  
Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

Judgement  
(Contd)

10 evidence the results of those inquiries; but, strangely enough, the inspector was cross-examined in regard to the results of his inquiries by Counsel for the appellant. Presumably counsel's object was to obtain some corroboration of the appellant's allegations in regard to Dr. Coombe's sexual habits. The questions were put in the form "from your investigations can you say ....."; and Inspector Gravener said that the women with whom Dr. Coombe had been living told him that Dr. Coombe's sexual habits were perfectly normal; that there were no pornographic photos at their residence; and that, if there had been any photos of that nature, she would have been aware of them.

In re-examination, the Crown was permitted to elicit from Gravener that upon Dr. Coombe's death his estate would benefit from the superannuation fund to the extent of approximately A\$95,000.

20 When the case came on for trial, if the appellant had stuck to the story which he had told Superintendent Harris on 1st December, about his having visited the deceased in order to ask for a loan of A\$50 and having reacted violently upon the deceased allegedly trying to kiss him, the judge would have been bound to put the defence of provocation to the jury, no matter how tenuous such a defence might have appeared to be. But, there is no doubt that the appellant abandoned this story entirely during his trial.

30 He admitted that he had lived with Mrs. Coombe for several months and that sexual intercourse between them had taken place; and that he was probably responsible for her pregnancy. He admitted that Mrs. Coombe and he had planned a sea trip to the United Kingdom in February and that he had told his friends that they planned to get married in the United Kingdom. He also admitted that Mrs. Coombe had informed him that the deceased would be staying in the Hong Kong Hotel. There was also evidence that she and the appellant were in telephonic communication while he was in Hong Kong. However, he denied that he had come to Hong Kong to kill Dr. Coombe. His defence was substantially an elaboration of the "Ken Markham" story except that the person who allegedly assisted him in burgling Dr. Coombe's flat was not a person named Ken Markham. (Indeed, the only person of that name known to the appellant was a police officer in Perth!) This person Ken Markham was really a figment of the appellant's imagination. According to him, it was some other person who assisted him in burgling Dr. Coombe's flat. At first he refused to give the court this person's name. Eventually, he wrote a name on a piece of paper and handed it to the court and said that this person could be contacted through two clubs in Melbourne and Sydney. Next day, he mentioned a different name and told the court some story about the person who assisted him using an alias.

40

50

He said that the flat which he burgled was in Sandgate Street, and that it was Mrs. Coombe who told him where to



look for the alleged pornographic photos. It was pointed out to him in cross-examination that according to the statements in Dr. Coombe's petition for divorce the parties had never lived at the Sandgate Street address. It was also put to him that Dr. Coombe had left the Sandgate Street address on the 11th November. Nevertheless, the appellant maintained that he had found the pornographic photo in the Sandgate Street flat on 15th November, i.e. 12 days before he left Perth; that on 18th November he found out that Dr. Coombe was going overseas, and that he stole the passport from the house of his friend Murray on 19th November and decided to follow Dr. Coombe to Hong Kong in order to blackmail him there. He said that Mrs. Coombe paid the air fare for this trip, and that the A\$3,000 which he intended to obtain from Dr. Coombe was for Mrs. Coombe.

In the Supreme Court of Hong Kong.

In the Supreme Court - Appellate Jurisdiction

10 No. 48

Judgement (Contd)

He said that his story about the deceased having tried to kiss him was quite untrue; that it was Superintendent Harris who suggested that he should put forward this as a defence; and that in his weak state he acceded to this suggestion.

20

He alleged that on the 9th December he had intended to complete the "full and final confession" by recording in it his plan to blackmail, but that he did not do so because the police took away the first part before he had time to complete it. He did not say why, having written so much, he did not call for more paper in order to complete his "full and final confession".

His story of the events of the 29th and 30th November was this:

30

at 4.30 p.m. on 29th November a member of the Hong Kong Hotel staff allowed him to enter room 1223; that he was carrying the pornographic photo in an attache case intending to blackmail Dr. Coombe on his return to room 1223; that when the manager appeared, he did not wish to be seen with the attache case and that he put it in the bathroom; that he did not leave the Hotel, as alleged by the manager, after Dr. Coombe had spoken to him in the lobby downstairs but that he returned with Dr. Coombe to his room, recovered the attache case from the bathroom and showed Dr. Coombe the photo; that Dr. Coombe agreed to pay the A\$3,000 and that it was arranged that he (the appellant) should return the following evening to collect the money; that Dr. Coombe was not in his room at 7.30 p.m. on 30th November; that he (the appellant) returned to the hotel at 11 o'clock and, as Dr. Coombe still had not returned, he decided to deposit the attache case, with the photo inside it, somewhere on the fire-escape stairs; that he returned to the Sun Ya

40

50

In the Supreme  
Court of Hong  
Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

10

Judgement  
(Contd)

Hotel and telephoned Dr. Coombe at half-hourly intervals; that at 12.30 a.m. he contacted Dr. Coombe who said that he had got the A\$3,000; that he (the appellant said: 'Very well, I will be around to pick it up. Meet me in the hotel lobby'; that Coombe said: 'No, if you want the money, come up and get it'; that he (the appellant) first went to the fire-escape stairs and took out the pornographic photo; leaving the attache case on the stairs; that he then proceeded to room 1223; that Dr. Coombe cursed and swore at him; that he (the appellant) said: 'cut the crap, let's have the money'; that Dr. Coombe turned off the light and came towards him with what appeared to be a knife.

At this point, his evidence reads :-

20

"I felt an extremely searing pain in my left hand. I .....resorted to brawling tactics. I have a very quick temper. What happened after this is very confusing. All I can say is I remember siezing Dr. Coombe's arm with a knife in it with both my hands and attempting to wrest the knife from him. From the evidence at hand it can be seen that I succeeded and in fact did use the knife on Dr. Coombe.

Q. By that time what was the state of your temper?

A. White hot."

30

He went on to say that when he reached the Ocean Terminal, he then realised that he had a knife in his hand and that he threw the knife and the pornographic photo into the sea. We would mention here that all police efforts to recover the knife from the sea were unsuccessful.

The appellant's evidence that he returned to room 1223 with Dr. Coombe on 29th November was not in accordance with the evidence of the manager who said that after Dr. Coombe returned at 6.30 p.m., the appellant left the hotel immediately.

40

The first ground of appeal is that the conviction was unreasonable and cannot be supported having regard to the evidence. It is noteworthy that in developing this ground, counsel for the appellant did not refer to the transcript of the evidence at all. However, we have carefully studied the record; and we are satisfied that there is no substance in this ground of appeal.

Counsel's main argument was that the evidence against the appellant was largely circumstantial; that it was just as capable of being explained on the footing that the appellant came to Hong Kong to blackmail the deceased as to kill him;

and that the jury were unreasonable in rejecting the appellant's story.

The jury were perfectly entitled to reject the appellant's evidence if they felt that he was lying; and we see nothing unreasonable in the fact that they did reject his story about having travelled 6,000 miles from Australia to Hong Kong in order to blackmail the deceased into paying A\$3,000 by allegedly showing him a print of some pornographic photo.

In reaching their conclusion, we must also presume that the jury considered the whole of the evidence relating to the wounds on the bodies of the two men. They also had before them the police photographs depicting clearly the pattern of the wounds on the deceased's body and the lay-out of room 1223. They were entitled to draw such inferences from all this evidence as was reasonable.

As regards the appellant's allegation that it was the deceased who first attacked him with a knife, the police pathologist was asked this question by counsel for the defence:

"Q. ... if his injuries had been caused by a knife similar to those on Dr. Coombe's body would you ..., as a professional man, say that in all probability the knife had been, first of all, in one person's hands and then in the other person's hands?"

The answer to this question was:

"A. It could have been that way."

In our view, this answer did not advance the appellant's case in any way. The pathologist's professional knowledge was of no assistance in a matter of this kind. He had given the jury a detailed description of the wounds on the bodies of the two men; and the fact that those wounds could have been caused in the way suggested by counsel for the appellant did not in any way preclude the jury from considering whether there was a struggle for the knife while it remained at all times in the hands of the appellant, that is to say whether the appellant's wounds were caused by the deceased endeavouring to disarm the appellant. Who held and used the knife was, of course, a very important question. Naturally, the only direct evidence on the point was given by the appellant; and, as the jury appear to have rejected that evidence, it was open to them to form their own view on the whole of the remaining evidence.

In the Supreme  
High Court of  
Hong Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

10 Judgement  
(Contd)

20

30

40

In the Supreme  
High Court of  
Hong Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

Judgement  
(Contd)

10

There are only two other points with which we think it is necessary to deal in this judgement. The first is the contention that the learned judge misdirected the jury upon the burden of proof. He did not give a general direction upon this matter at the beginning of his charge but referred to it several times, mostly when he was considering subsidiary issues. It will be most helpful to cite the relevant passages in the order in which they appear in the summing-up.

In dealing with the possible effects of the Appellant's testimony as to the reason for his visit to Hong Kong the learned judge said:

20

"You may believe what he has told you, as to the purpose for which he came here, or you may have some doubts about it, but think that it may reasonably be true; if either of those .. if you were to form either of those conclusions, then you would no doubt acquit the accused on the charge of murder; or, of course, you may wholly disbelieve his explanation as to why he came up here - and you may be satisfied on the evidence produced by the Crown that he came here with the deliberate intent to murder - if that be your view then of course you would find him guilty of murder."

30

40

50

That direction continued an assumption made repeatedly in the summing-up (no doubt because that was the manner in which the case had been put before the judge by the Crown) that unless the Appellant had formed an intent to murder before he came to Hong Kong he could not be guilty of murder. That was unduly favourable to the Appellant. At the same time it assumed that if the Appellant came to Hong Kong with an intent to murder it was not open to the jury to return any verdict other than guilty of murder. The real issue for the jury was, of course, what was the state of the Appellant's mind at the time he struck the Deceased - for it is not seriously disputed that he did strike the fatal blows. It might well be that the jury would be slow to believe the Appellant's allegation of an attack by the Deceased if they were satisfied that the Appellant came to Hong Kong to murder the Deceased, but it was essential that this issue be clearly put to them. In so far as the passage cited may have given the impression that an intention to murder once formed could not be changed we think it was open to criticism. As to this we shall see that at one point the jury were told that they must be satisfied not only that the Appellant came here with the express intention of murdering the Deceased but also "that he achieved his

his purpose and that he is guilty of that murder". No point has been taken on the appeal that this insufficiently directed their attention to the material point of time and we say no more about it. We see no reason to think that the first passage cited could have led the jury to believe that the burden was otherwise than upon the Crown to prove that the Appellant came to Hong Kong with the deliberate intent to murder.

In the Supreme High Court of Hong Kong

In the Supreme Court - Appellate Jurisdiction

The learned judge later returned to this aspect of the case when he said:

No. 48

"It is for you to decide whether the accused is telling the truth when he said he knew nothing about Mrs. Coombe's likely benefit from her husband's death until Mr. Harris told him about it".

10 Judgement (Contd)

This was followed after a brief exchange with counsel by:

"Members of the jury, that is the circumstantial evidence on which the prosecution invite you to find the accused guilty of murder on the basis that he had come up here for the express purpose of killing Dr. Coombe ....."

20

Then he went on:

" Members of the jury, it is a matter for you, but you may well think that the whole crux of this case depends upon whether or not you believe - or even if you are not firmly convinced of its truth you think it may reasonably be true - the defence which the accused has put before you that he came up here not with any intention to kill Dr. Coombe but with the admitted intention to blackmail him. Because that is the defence. If you think this story about a dirty picture and his intention and attempt to blackmail Dr. Coombe is true, then you may well think that really disposes of the Crown's case of deliberate murder. Because it seems to me that if you believe the story of the accused that he came here with this dirty photograph to blackmail Dr. Coombe, or even if you think that the story may reasonably be true, then the actions of the accused both before and after the killing are just as logically consistent with an intent to blackmail as with an intent to murder."

30

40

The closing words of this passage and the whole of the

In the Supreme  
High Court  
of Hong Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

Judgement  
(Contd)

10

20

30

40

50

preceding passage cannot have left the jury in any doubt that they had to find an intent to murder but elsewhere the emphasis is on the truth of the Appellant's story rather than on the truth of the prosecution's story. Later the learned judge said:

"The accused says that it was Mr. Harris himself who suggested to him that he should put forward the defence that Dr. Coombe had made a homosexual approach to him. Mr. Harris vehemently denied that. Of course, if he did make such a suggestion it would be a grossly improper thing for a Police Officer to do; and it is a matter for you as to whether you believe Mr. Harris on that, or whether you believe the accused. But even assuming that the accused is lying about that; even assuming that the accused of his own volition put forward the defence of a homosexual attack, you may think that that lie is entirely in keeping with all the other lies that he has told. Because he doesn't want at that stage to tell the truth; he doesn't want at that stage to admit that he had come up to Hong Kong to commit the serious criminal offence of blackmail; and for that reason he is prepared to jump at any other story that he can put forward which may be believed. Even when the next day, the 2nd of December, he is charged with murder, he says: 'I didn't mean to kill him. I didn't want him to touch me.' - still relating, I would suggest, to the homosexual assault. But, as I say, if you believe that this man came to Hong Kong for the purpose of blackmail, or if you think that may reasonably be true, you may, I suggest, consider that all his conduct, all his lies, are consistent with that story of blackmail and capable of a logical explanation on the basis of a guilty mind."

It is contended that all this emphasis on the Appellant's story may have led the jury to believe that it was for the Appellant to raise a doubt rather than for the prosecution to dispel all reasonable doubts. However, the one place where the learned judge did deal with the general burden of proof was in these terms:

"Members of the jury, questions of fact are, of course, exclusively for your consideration. But before you return a verdict of guilty of murder in this case you would have to be satisfied that it has

been proved beyond reasonable doubt that the accused came here with the express intention of murdering Dr. Coombe and that he achieved his purpose and that he is guilty of that murder. You may think, members of the jury - it is entirely a matter for you, I emphasise - but you may think that the evidence in support of this charge of murder falls considerably short of such evidence as would justify you in returning a verdict of guilty of murder. You may think that such evidence as has been given, highly suspicious though it may be, is not sufficient to support a verdict of murder."

In the Supreme  
High Court  
of Hong Kong

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

10 Judgement  
(Contd)

We do not think the use of the word "justify" indicates that the learned judge was, as has been suggested, leaving to the jury a question of law. In our view this passage can have left the jury in no doubt that the burden of proof was upon the prosecution.

The direction that the onus was on the Crown was repeated shortly before the learned judge ended his summing-up, in relation to the defence of self-defence:

"It is, of course, for the prosecution to negative this defence of self-defence; it isn't for the accused to prove it as true. It is for the prosecution to prove that it is not true; there is no onus upon the accused; it is for the prosecution." 20

Had the matter been left there we would have rejected the argument on behalf of the Appellant out of hand. However, counsel drew the attention of the learned judge to a small error of fact and the judge gave a further direction in these words: 30

"Well, members of the jury, it is said by Mr. Bernacchi, counsel for the defence, that - as I understand him to say - it may well be true - the accused did not know of this insurance money amounting to some sixty thousand dollars that would come to Mrs. Coombe on her husband's death until Mr. Harris himself mentioned it. It may be that that is true, but speaking for myself - if you think that the story of the intent and attempt to blackmail is true; if you think that the story of the photograph is true and that his object in coming up here was not murder but an intention to blackmail - it doesn't seem to me to matter very much one way or the other whether he knew of the insurance money that Mrs. Coombe would get on her 40

In the Supreme  
High Court of  
Hong Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction.

No. 48

Judgement  
(Contd)

10

20

30

40

husband's death. As I say, if you accept the story as to why he came up here to blackmail, it doesn't seem to me to matter whether he knew before he came up here, or even after he came up here, as to whether Mrs. Coombe was going to benefit financially by her husband's death."

The attention of the jury was thus drawn back to the story of the accused and this time the emphasis was upon the jury's finding that the story was true rather than their finding that it might possibly be true. It is argued that the stage of the proceedings at which this direction was given lent special weight to it and that the overall effect of the summing-up was to place the burden of proof upon the Appellant. Having re-read the summing-up with this argument in mind we can say no more than that we are not persuaded that the overall effect of it, even to laymen, would have been that contended for on behalf of the Appellant. We think the overall impression left with the jury was that the burden was on the prosecution, not only to prove the guilt of the Appellant but also to prove that he came to Hong Kong with the intent of murdering the Deceased. If anything that was too lenient a view and in the face of the learned judge's plain hints that he thought the proper verdict to be one of Not guilty of murder but guilty of manslaughter the jury decisively rejected that version of the facts and convicted the Appellant of murder.

The second point to which we think it necessary to refer is the contention that the learned judge was wrong to withdraw the issue of provocation from the jury, as he expressly did in these words:

"Members of the jury, in my view the defence of provocation cannot be of any avail to the accused in this case. Provocation, as I say, is undoubtedly a valid legal defence in certain circumstances, but you may well think that it ill befits the accused in this case, having gone there with the deliberate purpose of blackmailing this man - you may well think that it ill befits him to say out of his own mouth that he was provoked by any attack. In my view the defence of provocation is not one which you need consider in this case."

It is now established that where there is evidence upon which a jury could come to the conclusion that the prosecution have not negatived the possibility that the accused killed the deceased as a result of provocation the judge ought to direct them accordingly and explain the circumstances



in which a killing may be excused on the ground of provocation. It is immaterial that the accused has not expressly relied upon provocation, and in cases where the accused alleges that he was acting in self-defence he will rarely advance the alternative, and inconsistent, defence. Nevertheless an attack on the accused by the deceased, where the accused has used such excessive violence that the jury reject the defence of self-defence, may constitute an act of provocation which, if it caused the accused no longer to be master of his mind, would justify a verdict of manslaughter. The learned judge did not indicate dissent from this view but he was of opinion that if the Appellant's story of an attack by Dr. Coombe upon him was true his story that he was trying to blackmail Dr. Coombe must also be true and such conduct would deprive him of the right to have the defence of provocation considered by the jury. If A makes an attack upon B with a lethal weapon and compels B to strike back, it ill befits A to suggest that the riposte of B provoked him into killing B. Counsel for the Appellant does not contest that, but he says that the present case is not analogous because all that the Appellant did was to renew a blackmailing demand which had been made 24 hours earlier; he submits that to deprive the Appellant of his right to have the defence of provocation left to the jury it was necessary that what the Appellant did in the first place should have been capable of constituting in law an act of provocation which would have availed the Deceased had he unlawfully killed the Appellant. Counsel for the Crown suggests that the learned judge was right to withdraw provocation because, he says, it would have been incumbent on the judge to direct the jury that they had to consider whether a reasonable man would, if he found himself in the situation in which the Appellant found himself, have done what the Appellant did and he points out that that would raise the absurd hypothesis that a reasonable man could be a blackmailer.

In our view it was for the jury, applying the objective test restated in Bedder v. Director of Public Prosecutions,<sup>(1)</sup> to decide as a question of fact whether the conduct of the Appellant in the present case would have been a sufficient act of provocation if the Deceased had killed the Appellant and whether the Appellant should, therefore, have realised that he was doing something likely to provoke the Deceased into doing what the Appellant alleged the Deceased in fact did: it was not a question of law for the judge. As we see it even a criminal is entitled to some protection from the law and the mere fact that the Appellant behaved initially in what some might consider a "provocative" manner would not necessarily deprive him of the right to plead provocation himself if the Deceased reacted in a way which

In the Supreme High Court of Hong Kong.

In the Supreme Court - Appellate Jurisdiction

No. 48

Judgement (Contd)

10

20

30

40

50

(1) 1954 1 W.L.R. 1119

In the Supreme  
High Court of  
Hong Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

Judgement  
(Contd)

10

the law would not consider excusable. An example may make the position clearer. Suppose a case where A, knowing that B has an inordinately jealous wife, obtains a photograph which shows B with his arm round another woman but which is not in any way suggestive of immoral conduct; and suppose A demands from B a sum of \$10 for the surrender of the photograph. Could it be right that if B thereupon attacked A with a weapon, but was himself killed by A, A should be deprived, by reason of his illegal demand for \$10, of the defence of self-defence or, if he used such excessive violence that self-defence was not open to him, of the defence of provocation? We do not think that A's initial illegal act would necessarily raise a presumption that when he killed B he had malice aforethought and that therefore the defence of provocation was negatived by the initial illegal act. It is a matter of degree and therefore a matter for the jury.

20

30

That is not, however, the end of the matter because the learned judge did direct the jury that if the Deceased attacked the Appellant and the Appellant used more force than was necessary to defend himself the proper verdict was Not guilty of murder but guilty of manslaughter. We think that in so directing the jury he must have had in mind the Australian case of Reg. v. Howe (2). In our view that was not a correct direction because it confused conduct which may justify a homicide and conduct which may excuse a homicide. Homicide in self-defence is justifiable - but only if the legal limits of self-defence are observed. An accused who has used excessive violence in defending himself cannot justify a killing: the defence of self-defence is not available to him and the questions then arise whether the killing amounted only to involuntary manslaughter or whether it was excusable on the ground of provocation or whether it was the result of malice aforethought. There is no need to complicate the law by introducing some new ground of excuse for homicide. The law in Hong Kong is now governed by the decision of the Privy Council in Reg. v. Palmer (3), where the Board said at p.844:

40

".....if the prosecution have shown that what was done was not done in self-defence then that issue is eliminated from the case .....The defence of self-defence either succeeds so as to result in an acquittal or it is disproved in which case as a defence it is rejected. In a homicide case the circumstances may be such that it will become an issue as to whether there was provocation so that the verdict might be one of manslaughter. Any other possible issues

50

(2) (1958) 100 C.L.R. 448.  
(3) (1971) 2 W.L.R. 831.

"AND Their Lordships do further report to Your Majesty that the authenticated copy of the Record produced by the Respondent upon the hearing of the Petition ought to be accepted (subject to any objection that may be taken thereto by the Petitioner) as the Record proper to be laid before Your Majesty on the hearing of the Appeal."

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

Whereof the Governor or Officer administering the Government of Hong Kong for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

W.G. AGNEW

In the Supreme  
High Court of  
Hong Kong.

No. 49

In the Privy  
Council

Order Granting  
Special Leave  
to Appeal to  
Her Majesty in  
Council  
(Contd)

10

姓名 David Murray  
籍貫 Australia  
職業 Student (Linnier)  
居住地址 2 E.H.  
工作单位 St. Andrew's

油麻地警署偵探部  
年齡 18 性別 Male  
住址 100 St. Andrew's St. Perth University  
職業地點 Perth University  
用方言 English  
時間 0.00 日期 1-11-70

Statement  
by  
Accused  
1st  
Dec.  
1970

I am David Murray a Robert Quantrell (that name is used in signing bank cheques). I am 18 yrs of age. I came from Australia by air plane on 27.4.70 for sight-seeing. I had never been staying at a/a.

At about 7 or 8 pm. on 30.11.70 I strolled alone in the a/a. I went into a bar with Chinese name to which I could not read. I consumed liquor there. I argued with some other English speakers about English. I was then hit on my left leg, probably

David Murray

IN THE SUPREME COURT OF HONG KONG  
2 12 55  
P.P. 403/404  
Case No. 5/1364 of 1970

IN THE SUPREME COURT OF HONG KONG  
Criminal Jurisdiction  
Case No. 6 of Feb, 1971 - Session  
Exhibit No. P. 25

18 MAR 1971

B. C. Jones

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement  
1st Decr. 1970

Report No. ....  
Name of informant/witness DAVID CHRISTOPHER MURRAY age 18 sex M  
Address No. 422A SUN YA HOTEL  
Occupation STUDENT  
Nationality and dialect AUSTRALIAN - ENGLISH  
Taken by SP-1 R. HARRIS in ENGLISH language  
at 16.50 hours on 1st DECEMBER 1970 at (Place) Queen Elizabeth II  
Interpreter .....

States: -

Q. Is this your passport (shown Australian passport number G 443444)?

A. Yes.

Q. Is this your signature inside the passport on Page 3?

A. Yes.

Q. Are you known by any other name than MURRAY?

A. Yes, only the name I write 'cheques' under.

Q. What is that name?

A. GENE QUANTRILL.

Q. According to your passport you arrived in Hong Kong on the 27th NOVEMBER 1970?

A. That is correct a Friday.

Q. Where from and by what means?

A. From Perth by QUANTAS flight.

Q. You understand that I am a Police officer and Senior Inspector's Li Mut Wah and GRAVENER who are with me are also Police officers?

A. Yes.

Q. Dr Lee Fook Kee (introduced to you as Dr Lee) is a Police Pathologist. do you understand?

A. Yes.

Q. Would you explain to me how you came by the injuries that you are now detained in this hospital?

ROYAL HONG KONG POLICE  
STATEMENT/REPORTCautioned Statement  
1st December 1970  
(continued)

Report No. .... Station.  
 Name of informant/witness ..... age ..... sex .....  
 Address .....  
 Occupation .....  
 Nationality and dialect .....  
 Taken by ..... in ..... language  
 at ..... hours on ..... at (Place) .....  
 Interpreter .....

States: -

Q. A. You I was on the Kowloon Wharf with this man I was supposed to pick up a package.  
 What sort of a package?

A. Contraband

Q. What do you mean by contraband?

A. It was stuff I was supposed to smuggle. I do not know what was up to it. They claimed they did not have it that they had already passed it on. I told them I did not come all this way to have someone to swindle me. They repeated that they had already passed it on. I said I am not going to stand for this one man pulled a knife I tried to kick it out of his hand and take it off him. I missed. I had had a drink. I had had a drink and they went down the wharf I went to a ship to get help but nobody spoke English so I caught a cab to the British Military Hospital and then I was brought to this hospital.

I am making enquiries into the death of a Ronald Alan COOMBE who was found dead this morning in the Hong Kong Hotel Room 1223. (within the interrupted and passed Dr. COOMBE

ROYAL HONG KONG POLICE STATEMENT/REPORT

Cautioned Statement 1st December 1970 (continued)

Report No. Station. Name of informant/witness age sex Address Occupation Nationality and dialect Taken by in language at hours on at (Place) Interpreter

States: - what happened.

A. So Coombe was murdered. witness said "How I believe you can assist me in my enquiries into this matter and I am going to ask you some questions.

Q. Were you in the Hay Koy Hotel last night?

A. I was for a while.

Q. What time?

A. At about 8.30 or 9 pm.

Q. Where in the hotel?

A. In the lounge as you go in the door.

Q. Did you go to the 12th floor?

A. I had been to the 12th floor before but I don't think I went to the 12th floor last night.

Q. When did you go there?

A. I went the other day Sunday.

Q. What did you do there?

A. I know Mrs Coombe I had told her I was going up to Hay Koy for a few days I didn't say and she said why don't you drop in and surprise my husband as he will be there at the same time. So I have got a funny sense of humor so yes I had seen the doctor twice I

\* on 28 Dec 1970 by Sgt Mungin... Row. 12th floor lobby of the building... Coombe was seen... called during... to see...

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Exhibit P.26

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
Name of informant/witness ..... age .....  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

States: - thought I would break into his room and give him a surprise when he comes back. It didn't work out as planned. The hotel porter called the Manager and he made us wait in the lobby until the Dr came along. I saw the doctor and said hello and gave the families records to him and borrowed \$20 Australian off him. He said it was okay I could pay it back to his wife when I went back to Perth and that was that. I left.

Q. Do you wear a wig?  
A. I do occasionally.  
Q. Were you wearing it when you visited the hotel?  
A. Yes.  
Q. Where is it now?  
A. I don't know it was in my pocket when I went to the wharf I have not seen it since.  
Q. What happened to it?  
A. I had it when I went to the room the blokes I was supposed to meet would not have recognised me in it as they had been told I had blond hair.



ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement

1st December

Report No. .... 1970  
Name of informant/witness ..... age ..... sex (continued)  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

States: -

Q/ When do you mean that you had it, when you went to the room?

A/ I mean when I went to the room on Sunday.

Q/ Were you on the 12<sup>th</sup> floor of the Hong Kong Hotel, between 10 and 11 pm last night?

A/ I don't think so.

Q/ Did you make a statement to a Police Officer this morning?

A/ Yes.

Q/ What was that about?

A/ How the accident occurred.

Q/ Do you remember what you said?

A/ I said I had been drinking in a bar and got into an argument as I did not want to be associated with the tragedy.

Informed that Si Lee would take certain samples from witness and that he would examine witness at 1730 hrs 1/12/70. (Inspector Li and GRAFFNER and I then left the room).

At 1745 hrs 1/12/70 after considering the matter witness agreed to the excruciation and we returned. In our presence he gave his consent and signed the consent form in my presence and I signed.

This form may be used to report (a) reports taken while Report Book is not available (b) of persons unable to come to station and (c) of accidents occurring outside station area.

*[Signature]*

Said 23/12/70  
*[Signature]*

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
Name of informant/witness ..... age .....  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

States: - as a witness. We then left the  
room and Dr Lee resumed to carry  
out his examination.

Statement resumed at 1810 hrs, 1/12/70.

Q. How many <sup>times</sup> did you go to the Hong  
Kong Hotel?

A. Many times.

Q. How many times did you go to  
Dr COOMBE'S room.

A. About 3 or 4.

Q. Can you be more specific.

A. No special times. I went there and  
he was out.

Q. How many times did you see  
him at the hotel.

A. 3 times.

Q. Would you give me details of  
these meetings?

A. I only spoke to him once  
on Sunday afternoon. At the other  
times he was gone out.

Q. When you were in the hotel  
you were seen wearing a pair  
of white gloves?

A. I have not got any gloves.

Q. (Shown wig found on scaffolding of  
Hong Kong Hotel). Have you seen this  
before?

A. It is my wig. Where was it found.

This form may be used to record reports (a) taken while Report Book is not available, (b) of persons unable to  
come to station and (c) of incidents occurring outside station area.

*John M. ...*  
*D.R. Harris*

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
Name of informant/witness ..... age .....  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

States: -

Q. Dr Coombe told a friend that he found a knife and a club under his pillow when he returned to his room on Sunday the 29<sup>th</sup> November 1970 this was the day you were in his room do you know anything about them?

A. I know nothing about them.

Q. This club (shown to witness) was found in the ~~corridor~~ in the window ledge outside the 12<sup>th</sup> floor of the Hoy Koy Hotel, is it yours?

A. No I have not seen it before.

Q. You went to the British Military Hospital this morning what did you tell the staff about your injuries?

A. I told them I got into a fight.

Q. What happened?

A. I met Bill in the Hoy Koy Hotel lobby at 9 o'clock he told me to be at the Kowloon Dock at 1130pm to pick up a shipment.

Q. Did you meet him at 1130pm?

A. A little later than that.

Q. What happened?

A. He had another chap with him an Italian he said the shipment had already been delivered. I said that I hadn't come all this way to be robbed. An argument started and Bill pulled a knife on me and threatened me by waving it around in front of me.

This form may be used to record reports (a) taken while Report Book is not available, (b) of persons unable to come to station and (c) of incidents occurring outside the station area.

*John Coombe*  
*J.R. Jones*

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement  
1st December  
1970  
(continued)

Report No. ....  
Name of informant/witness .....  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

States: -

As I tried to kick it out of his hand and missed, it stuck in my leg. I tried to grab the knife and it cut my hand, so I turned and ran away.

Q. What time was that?  
A. Half past two.  
Q. Bill you met them at 11.30 pm?  
A. Yes I was with them a couple of hours, and we drank a bottle of whisky?

Q. Where did you drink the whisky?  
A. Sitting on a pallet on the side of the wharf?

Q. What is a pallet?  
A. It is used to unload ships.

Q. Who is Bill?  
A. I was shown a photograph of him.

Q. How did you contact him?  
A. I was told to wait in the lobby of the Hong Kong Hotel and I would recognise him.

Q. Was Monday the first time you saw him?  
A. Yes.

Q. Who told you to meet this Bill?  
A. I don't know him by name. I just have a telephone number he just telephones me.

Q. Where did you meet him in

D.K. Hume

D. C. 1912

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Exhibit F.26

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
 Name of informant/witness ..... age .....  
 Address .....  
 Occupation .....  
 Nationality and dialect .....  
 Taken by ..... in ..... language  
 at ..... hours on ..... at (Place) .....  
 Interpreter .....

States: - the first place?

A7. I have never met him in my life.

Q7. How did you first contact him?

A7. I did not, he contacted me.

Q7. How did he know where to contact you?

A7. Probably through some friends.

Q7. What was the shipment you were picking up?

A7. I don't know, it was either diamonds or heroin.

Q7. What were you going to do with it?

A7. Leave it in the glove box of the car.

Q7. What car?

A7. My car.

Q7. Where is this car?

A7. It is in Perth.

Q7. (Show letter found in Rm 422A Sun Ya Hotel) Is that your writing?

A7. Yes.

Q7. What does it mean?

A7. It is a letter to a girl I know Anette which is her nickname. Her name is WENDY CAPPORN who works in the Palace Hotel, Perth. Paragraph 2 means I dressed in black and went to the Hoy Koy Hotel at 9 pm on the 27<sup>th</sup> November. I phone calls

*[Signature]*  
D.R. Hunt

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
Name of informant/witness ..... age .....  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

States: -

American Agent discovered news  
that I had two calls whilst I  
was out, I found this out on my  
return

Q. Why were you informing her of this?

A. She is just a friend who knows  
what I do.

Q. What do you do?

A. I am a student and deliver a  
few articles on the side.

Q. How did you get into the wharf  
last night?

A. I walked in through a gate?

Q. What gate was it, A. I don't know  
I took a cab.

Q. How did you know where to meet  
Bill?

A. He said he would meet me on  
the wharf?

Q. Whereabouts on the wharf?

A. Near a pile of pallets.

*10  
1/12/70*

Stopped at 1900 hrs, 1/12/70, witness given  
opportunity to exit.

*John Bowler*  
*A. R. Howe* (L. Mut-wah)  
9/1/4

1930 hrs. 1/12/70.

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
Name of informant/witness ..... age ....  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

States: - Resumed at 2000 hrs 1/2/70.

Q. I am not satisfied with the explanation that you have given me regarding the way in which you obtained your injuries do you wish to give me any further explanation?  
A. I made up the story, I did not mean to kill him. I did not know J.R. Howe said Murray you are not obliged to say anything unless you wish to do so but anything that you do say will be taken down in writing and may be given in evidence.  
I went up to see MR COOMBE in fact I call him Doctor he has a degree of some sort at about 10pm last night, when I went to his room there was no reply. I went back down to the ninth floor to the restaurant out onto the car park roof and into the pier bar which is near the clock gate. I looked at the shops in the sea terminal before I went to the bar. I had originally gone up to borrow more money from MR COOMBE and as I did not like doing it I thought if I had a drink I would have more courage to ask him. I stayed in the bar for about 30 - 45 minutes and had several beers. I then went back up

This form may be used to record reports (a) taken while Report Book is not available, (b) of persons unable to come to station and (c) of incidents occurring outside station area.

*[Handwritten signature]*  
J.R. Howe

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
Name of informant/witness ..... age .....  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter: .....

States: - to the 11<sup>th</sup> floor by the same route and then walked from the lift on the 11<sup>th</sup> floor up the stairs to the 12<sup>th</sup> floor. I then went to Mr COOMBE'S room. I saw he was in his pyjamas and I told him I was almost lost and that my ticket would only take me as far as Downing. I asked him to loan me about \$50 Australian currency. I had only met him twice before and he had always been friendly to me. I had lodged with his wife in Perth. They are separated but I had met him when he visited her. He asked me to sit down, we talked for a long time about what I planned to do with my life. He said that he would fix things up okay but I would have to do something for him. I thought he wanted me to smuggle something into Australia for him. As being a young tourist I would probably get away with it easier than he would. I said okay what do you want me to make out. I thought as we were close to China it might be drugs or jewellery. He said no it is nothing.

This form may be used to record reports (a) taken while Report Book is not available, (b) of persons unable to come to station and (c) of persons arrested outside station area.

*[Handwritten signature]*  
D.R. Harris



ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement

1st December  
1970

Report No. ....  
Name of informant/witness ..... age ...  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

(continued)

States: -

like that. I asked him what he wanted me to do. He then put his arm around me and tried to kiss me. I tried to push him away and he kept coming after me. I saw a knife on the table. I grabbed it and struck at him. He kept saying 'how we don't hurt me'. He screamed and I panicked and kept hitting him until he ~~for~~ was still. The Chinese Detective asked me last night what had happened but I was too ashamed to tell him. He kept talking to one of the doctors in Chinese. I did not mean to kill him. Why does it always have to happen to me other people have approached me before but I am just quiet. After he was still, the telephone rang and I wanted to get away so I climbed out of the window and walked along the ledge. I could not find any windows open so I climbed up and up. I saw the scaffolding on the other side of the roof. I just wanted to run away and hide I was so ashamed. I went over the roof and

This form may be used to record reports taken while Report Book is not available. (a) of persons unable to come to station and (b) of incidents occurring outside station area.

*[Handwritten signature]*  
J.R. Hume

ROYAL HONG KONG POLICE  
STATEMENT/REPORT

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
Name of informant/witness ..... age .....  
Address .....  
Occupation .....  
Nationality and dialect .....  
Taken by ..... in ..... language  
at ..... hours on ..... at (Place) .....  
Interpreter .....

States: -

climbed into a window near  
to the top and went up the stairs to  
the roof. I crossed the roof  
and climbed down the scaffolding to  
the roof of the car park. I then  
realised I had cut my leg. I  
couldn't find anywhere to hide.  
I tried to get down to the ground  
but could not find a way to  
do so without going past the  
balcony on duty. There was  
blood all over me. I ran to  
a stairway going down to the lower  
part of the car park. I then climbed  
down onto the wharf as I still  
could not find anywhere to hide.  
Blood was pouring out of my  
shoe. I took off my shirt and  
tore it up. I tied part of it  
round my leg and part round my  
hand. I then threw the knife  
and what was left of my shirt  
into the water. I thought I was  
bleeding to death so I walked up  
onto a ship and told them I  
had been in a fight. At first I  
could not make anyone understand as  
they did not speak English. I gestured  
to my foot and finally one of  
them understood me but said they  
could not have a doctor. I went to

This form may be used to record reports (a) taken while Report Book is not available, (b) of persons unable to  
come to station, (c) of incidents occurring outside station area.

*[Signature]*  
*[Signature]*

STATEMENT / REPORT

Exhibit P.26

Cautioned Statement

1st December 1970

(continued)

Report No. ....  
 Name of informant/witness ..... age...  
 Address .....  
 Occupation .....  
 Nationality and dialect .....  
 Taken by ..... in ..... language  
 at ..... hours on ..... nt (Place) .....  
 Interpreter .....

States:— the next ship but they wouldn't help me either. I told them not to tell the Police as I did not want to get in trouble. I had to get to a doctor so I went over to the taxis near the railway line. I asked to be taken to a Chinese doctor. He took me to this hospital but I told him I did not want to come here. He then took me to a gate where two policemen were on duty. There was a building which had a red cross on it. They would not help me either. The Police then told me to go to hospital. They said they could not help me because I was not a sailor. The taxi then took me to the British Military Hospital, I think that is what it is

HONG KONG POLICE  
STATEMENT / REPORT

Exhibit P.26

Cautioned  
Statement

1st December  
1970

(continued)

Report No. ....  
 Name of informant/witness ..... age....  
 Address .....  
 Occupation .....  
 Nationality and dialect .....  
 Taken by ..... in ..... language  
 at ..... hours on ..... at (Place) .....  
 Interpreter .....

States:-

called they put a bandage  
 on my hand and foot and sent  
 me by ambulance to this  
 hospital. Why can't they leave  
 me alone. I want to go home.

*[Signature]*  
 J. S. / D.R. Hanks  
 2050 hrs.  
 1/12/70.

EXHIBIT P.28  
STATEMENT IN ANSWER TO CHARGE

*B. Jones*  
P.I. Jones

P.28

Exhibit  
P.28

Queen Elizabeth Hospital, Custodian Yard ..... CHARGE ROOM.  
OFFICER IN CHARGE OF CASE Senior Inspector Brian Frederick Gravenor.....  
INTERPRETER'S NAME .....  
TIME & DATE 10.06 on the 2nd December, 1970.....  
NAME OF DEFENDANT David Christopher Murray, aged 18 years.....

Statement  
in answer  
to Charge  
2nd  
December  
1970

is charged Murder - Contrary to Common Law.

Under { Proclamation No. .... Article .....  
Ordinance No. .... of ..... Section .....

in that:—

David Christopher Murray, you are charged that on the 1st day  
of December, 1970 at Kowloon in this Colony, you murdered Ronald Alan  
Coombo.

11.01 to immediate to wipe a keyboard

OT/S/S no

IN THE MAGISTRATE'S COURT  
2.12.70  
EXHIBIT NO. P.28  
Case No. 11/634 of 1970

Defendant was cautioned in the following terms in English ..... Dialect

Do you wish to say anything in answer to the charge?

You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down in writing and may be given in evidence.

用論想嘅唔呢答你  
嚟筆你講喇，係係係  
做寫你講喇，除係係  
證住七呀，但非你  
供，或係，係自己  
。者就無己講名

警告

States:— I didn't mean to kill  
him. I didn't want him to  
touch me. What is going to happen  
to me, that's all.

*David Murray*  
*10.12.70*  
*J. Taylor*

EXHIBIT P.30.WRITTEN PAPERS

( C O P Y )

Exhibit

P.30

Written Papers

9th December  
1970

1500 hours  
9 December 1970  
Cell 6 Custodian Ward,  
Queen Elizabeth Hospital,  
Kowloon, Hong Kong.

10 This is a final and full confession of my activities from May-June 1970 until the morning of my admission to this hospital on 2nd December 1970 and was made by my own hand, and of my own free will, at 1500 hours local time in the detention ward of the Hong Kong Hospital in Kowloon. This statement is being issued by myself for two reasons. One: To clear up the mess I have got myself in by finally telling the truth through a privately written statement \*(1)

20 Two: To protect the welfare and interests of people whom I have used and do not wish to involve further in the Quagmire in which I have now jumped, head first.

The people I have come into contact with in this case since it officially began after my discharge from hospital in July 1970 are Dr. and Mrs. Coombe, myself and my partner, and sundry minor people who knew very little or nothing of what was going on.

The conditions upon which this statement is issued are:

- 30
1. I will make no further statements except in the presence of a registered solicitor and only after conferring with him in private.
  2. The original statement shall be retained by myself or by my Crown appointed solicitor. Copies of this statement shall be null and void unless my solicitors signature appears upon each page with mine as witness that each page corresponds with this original statement.

Signed G.L. Edwards

Cont. page 2

Exhibit

P.30

Written Papers

9th December  
1970

Condition 3. I will not be persecuted by the Hong Kong Police in any way and will not be required to state, give reasons or implicate any person unless under oath during recognized court proceedings. \*(2) I may volunteer additional information at any time but under advice of my legal representative.

4. My personal effects will be returned to me forthwith: i.e. tooth brush-paste-after shave etc. and my clothing, except that which is required for evidence shall be placed in the hands of my solicitor. The money being held by the police for me shall also be deposited with my solicitor. The plane ticket in the name D. Murray shall be returned to the B.O.A.C. agent in Hong Kong and the refunded money placed in the hands of my solicitor.

10

Signed this 9th day of December 1970 at 1600 hrs.  
Hong Kong Time.

Signed G.L. Edwards

20

- \*(1) I have lied to the police for so long that if they took the statement I could not keep a straight face knowing they would think I was bull shitting them. Again as this story is even harder to believe and infinitely harder still to prove or disprove.
- \*(2) Unless this violates whatever the Crown ruling is that corresponds to the 5th amendment of the U.S. constitution.

9th December 1970 1725 hrs. Cell 6 Detention Ward  
Queen Elizabeth Hospital Kowloon, Hong Kong.

My name is Graham Leslie Edwards, I am 20 years old and currently residing at 4 Passmore Street Passmore in the state of Western Australia.

30

I first met Mrs. Annette Coombe on a Wednesday night in late June at a nightclub in Perth known as "The Waldorf". I was in the company of a friend of mine from "La Riverea" Jerry Cougan, while Mrs. Coombe was with two other girls by the name of Sue Foster and Veronnica McCarry. There were two other men present at the time but their names were and still are unknown to me.

At the time of introduction first names only were used so until much later I knew the above-mentioned people only as Sue, Annette and Veronica. Jerry had introduced Sue to me as his step-sister which I suppose was a load of crap.

40

Since the atmosphere of the club was both dark and

noisy. All I learned that night was they were all attractive sexy and from the attention they received obviously unattached. The following Friday night I arranged to take them to La Riveria.

Exhibit

P.30

Written Papers

9th December  
1970

10 On Friday night after telephoning Annette to confirm the date for the four of us. Sue Annette Veronica and Myself. I picked up Sue, outside a dance studio where she worked and drove out to Annette's home under Sue's directions and arrived promptly at 8 p.m. whereupon we were invited inside and waited in the Kitchen. I was under the impression that Annette and Veronica were either boarders or guests of some lady we were introduced to at that time.

I was then introduced to two children; a boy and a girl as her children and was greatly surprised since she did not look more than 23 or 24. Discretion being the better part of valor. I kept my mouth shut.

To cut a long story short, I became extremely drunk; a habit I seem to get into, and provided a second floorshow after the remainder of the Club's guests had left.

20 At this stage we proceeded to the Latin Quarter and from there I took Sue home to Freemantle and proceeded to attempt to screw her with a negative result while Don Martin the owner of La Riveria took Annette and Veronica home.

I was at the time living with my father in Embelton and arriving there poste haste at 6 a.m. I fell asleep, until mid afternoon.

I returned to the club that evening and was aghast at what I had done the previous night. I proceeded to drink myself into a stupor.

30 Sue had told me Annette's age before. I left her and that the house and children were indeed hers and that Veronica was just living there, and she was married with a baby. Her husband wasn't mentioned. 10 minute interruption while they struck. A needle in my bum !!

On the Friday night they had asked me what I did for a living and I replied "a full time Bum and a part time thief" which was true if you consider living off your wits as stealing.

40 Since hers was the only phone number I knew I rang Annette on Sunday and apologised to her and asked her to pass it on to the other girls. My apologies were accepted. That afternoon I went into hospital for an operation on my foot.

Being my typical obnoxious self I soon made enemies with the staff by abusing them and with the nuns by saying I had never screwed a nun. The end result was they left me alone,



Exhibit

P.30

unless absolutely necessary, so I rang Annette and asked her to come in and see me but she couldn't so I kicked up a stink to be let out, which they eventually did, with a great lump of plaster attached to my left foot.

Written Papers

9th December  
1970

I returned home on the Wednesday night and made life unbearable for everyone. I was the most obnoxious, self-centred egotistical son-of-a-bitch in W.A. when I felt like it and other times, I could be kind, considerate and thoughtful which really bugged people when they saw me being the opposite to someone else.

10

I was invited to a party on the Friday night and, driving a car and hopping up 4 flights of stairs with a great lump of plaster on my foot was not easy. Annette was there but she was the only person, apart from Veronica I knew there. Both Veronica and Annette were dressed in sexy outfits and surrounded by males so I conned some Pommy bird called Diane and, if the bedroom wasn't already occupied would have screwed her there and then, so as Don and the rest of the gang arrived around 2.30 a.m. we left and I drove her to her home in Gosrells; after a brief session on the seat of the car. Sex also, isn't easy with a plaster on your foot.

20

Later I returned to the party but everyone had gone so I went to sleep in the car, until about 9 a.m. then returned to the flat, collected my father's stereo set and sat and boozed all day with the host, a bloke called Dave. I then returned home; changed, and picked up Diane and went to another party for seperated people, which Dave had invited me to, in Morley. I made myself obnoxious by asking who I had to fuck to get a drink around there and left early with Diane. We went and saw Annette and stayed there until John Potan arrived around 3 a.m. with Jerry and Sue. Annette had gone to lie down around mid-night. So between that time and the time John Jerry and Sue arrived. I screwed Diane on the lounge. Again not an easy thing to do. At this stage of my life all I wanted to do was drink as much booze as possible and screw as many birds as possible. I didn't give a damn what people thought of me, and people who I didn't like or who annoyed me. I treated like shit. I was an arrogant son of a bitch and aloof from everybody I didn't care for girls I liked and wanted to screw and girls I wanted to screw but didn't care for got treated a lot differently. Annette and Diane were like that.

30

40

Around 4.30 or 5.00 a.m. we all left, Annette had gotten up when the rest of the gang arrived and John had tried to con her - result unknown until later. I drove Diane home and went home to bed.

Annette rang me a couple of times during the week and I took her to the lunch time strip show at the Club after she had had a fight with her present boyfriend whom I apparently had not yet seen. I don't like women crying so I dried her tears and took her to the club for lunch.

50

EXHIBIT P.31.

Exhibit

WRITTEN PAPERS

P.31

Written Papers

G. L. Edwards,  
 c/o Detention Ward,  
 Queen Elizabeth Hospital,  
 Kowloon, Hong Kong.

14th December  
 1970

14.12.70

10 To: Supt. Harris,  
 Chief, Criminal Investigation Dept.,  
 Royal Hong Kong Police Force,  
 Hong Kong.

Dear Sir,

Please find enclosed statement listing 5 reasons why the death of Ronald Alan Coombe cannot be construed as a result of a Pre-Medit Murder. Plot by his wife and myself.

20 I am aware that the facts brought forward by yourself and other officers of the Hong Kong Police Force do indicate the existence of such a possibility; however, I shall be prepared to issue an honest explanatory reason for the evidence, but only after private consultations with my solicitor, at the earliest possible time.

From the information detailed herein no possible advantage or gain to anybody could be reaped from the death of Mr. Coombe and should there be an ulterior motive my "talents" preclude the possibility that I should resort to crude and unsafe methods to kill any person by the method Mr. Coombe met his unfortunate death.

30 The evidence now in your possession can be explained in terms other than pre-meditated murder, but this will have to wait until I have conferred with my solicitor.

Yours sincerely

G. L. Edwards.

Exhibit

B.L. Jones

P.31

Written Papers

14th December  
1970

Reasons Precluding the Possibility of a Pre-Meditated .....  
against Ronald Alan Coombe by his wife and myself.

1. Mrs. Coombe's divorce settlement with her husband was to be, if my memory serves me correctly,
  - (a) A cash settlement of \$13,500.
  - (b) Transfer of the house into her name at his expense.
  - (c) Transfer of Certain Insurance Policies (Details Unknown).
  - (d) Education expenses for both children up to and including University expenses. 10
  - (e) A weekly maintenance of \$495 in the ratio of 24:7:7 plus automatic proportional increases for every increase in her husband's salary including royalties from his books.
  - (f) The divorce petition against Mrs. Coombe citing myself as co-respondent was to be withdrawn and I was to receive a letter of apology from Mr. Coombe stating that the divorce petition was nothing more than legal chicanery to force Mrs. Coombe to start proceedings against her husband. 20
2. By coming to Hong Kong on a supposedly murder mission. I would leave myself no alibi and have no hiding place should I be suspected. Should I have wished to kill Mr. Coombe. I should have been more prepared to commit the crime in an area I knew and could receive help if needed.
3. Since Mr. Coombe is or was, at least 2 inches taller and approx. 50 lbs. heavier than I am, I certainly would not pick a knife to commit the crime with. I would also not go to the trouble of stabbing myself to make things more difficult. 30
- \* See page 2
4. Some of my lesser known but latent talents would make me resort to sophisticated means should I wish to kill somebody.

These talents are :

- A. I am an unqualified Souba Diver with experience to 80 feet.
- \* B. I am a crackshot with 30.30 .22 and .222 rifles over 200 yds. on open sights. 40

- C. I was also in the process of learning to fly light aircraft. Exhibit  
P.31
- \* D. I had sufficient opportunity to pick up a reasonable knowledge of explosives both properties and composition of bombs. (examples below) \_\_\_\_\_  
Written Papers
- \* E. I handled explosives in demolition work on Barrow Island. 14th December  
1970
- \* F. I also studied material on forensic medicine.
5. I myself stood to gain nothing from the death of Mr. Coombe.

10 \* 1(E) At this rate of maintenance Mrs. Coombe would make approx. \$A5,000 per year with high probability of an increase. Assuming that this rate was to remain standard, in 30 years Mrs. Coombe stood to make in the vicinity of \$A150,000 Tax Free.

By her husband's death she would receive, if my information is correct, \$A100,000 less probate, currently at 25% the estate and other taxes. Her total gain would be in the vicinity of \$A60,000.

20 \* 4(B) The likelihood of my being able to prove this on the range is negligible so I won't bother to ask for opportunity to verify my claims.

\* 4(D) T.N.T. or Tri-Nitro-Toluene is made from a combination of synthesised coal tar (a yellow crystalline powder) treated with a nitric and sulphuric acid. Nitro Glycerine or Gliserine-Tri Nitrate is made from a solution of Nitric and Sulphuric Acids and Pure Gliserine in the ratio of 60:30:10 a yellow viscous liquid lightly volatile and unstable at temperatures above 80°F and below 60°F.

30 G. E. D.

\* 4(E) This can be verified through West Australian Petroleum.

\* 4(F) Reference drugs and their effects on the human body i.e. .∴ Heroin, Morphine, Methadrine, etc.

Exhibit

EXHIBIT P.32A.

P.32A

WRITTEN PAPERS

KEN MARKHAM

Written Papers

To : Commissioner of Police (1)  
Royal Hong Kong Police Force  
Hong Kong.

Dear Sir.

To : His Lordship (2)  
The Chief Justice  
Supreme Court of Hong Kong  
Hong Kong.

10

Dear Sir,

In view of the recent developments concerning the case of the Crown versus Graham Edwards I believe my testimony regarding the antecedents of this case may be invaluable in ensuring a fair trial for the above mentioned defendant. Since I have no desire to be entertained at the Government Expense because, several embarrassing incidents during the past few years may cause my unfortunate removal from the social circuit and to acquaintance with person a cell, I have decided to give my testimony in writing and have deleted my address to ensure my freedom from investigation.

20

Please find enclosed statement to dispose of as you please and travelers cheques to the value of \$..... to be given to the defendant for purchasing anything he may need.

A copy of this has been forwarded to the Commissioner of Police.

Trusting my evidence can be of assistance. 30

I remain,

Yours truly,

(Signed)  
KEN MARKHAM

VOLUNTARY STATEMENT BY KEN MARKHAM LONDON U.K. 23.1.70

Exhibit

P.32A

Written Papers

I was approached by Graham Edwards on Saturday the of  
November 1970 at approx. 2.30 p.m. in the Windsor Bar of the  
Palace Hotel in Perth Western Australia. He told me that he  
was planning to involve a prominent person in a compromising  
situation. My impression was he was either going to blackmail  
this person or attempt a variation of the old badger game. He  
asked me would I help him. Since I owed him a favour from a  
short time back, and since he has a typical entertainers super-  
ego and would probably bungle any criminal operation by showing  
off I decided to help him on the condition that I didn't become  
involved. Graham then told me the man he was going to  
blackmail was the Deputy Director of W.A.T.T. I told him he  
was asking for trouble. He then told me that on that morning a  
bailiff had served a writ naming him as co-respondent in a  
divorce petition. He explained that he was boarding at the  
deceased's wife's home along with others and that the divorce  
petition was merely legal blackmail to force his wife to hurry  
her petition through Court. So he could marry the woman he  
was living with. It didn't make much sense to me but then he  
rarely makes much sense at the best of times. I said O.K. I  
would set it up. But he would have to get the man to go where  
it could be arranged. He said he would see if he could arrange  
it. Graham then left. About 2½ weeks later I saw him again  
and told him the cheese was ready and to lead the mouse to it.  
He replied that it was impossible because the bloke was always  
too busy. He also informed me that the deceased was going to  
withdraw his petition since his wife had agreed to reduce her  
claims and petition at once for divorce on the grounds of his  
adultery with the woman he was living with. I couldn't see  
much sense in going ahead with the Blackmail attempt. But  
Graham didn't agree since he maintained that Mrs. Coombe had  
been cheated by legal means and his name slandered. I asked  
how he intended to blackmail Dr. Coombe without evidence and he  
replied that he had been given information that Dr. Coombe was  
a collector of pornography and was likely to have some photos  
in his flat. Since many people collect pornographic material  
this was not a likely lever for blackmail; a fact I pointed out  
to Graham. But he replied "it is when you're in the photos".  
I asked him what he had in mind and he replied that we were  
going to break into his flat and remove the best photo and make  
copies of it to distribute to various people if he refused to  
pay up. After telling him he was mad and would probably get  
his neck broken or be thrown in jail for attempted blackmail.  
I agreed to help him get the photos and we decided that the  
best day was Sunday the 22 (?) of November when he took his  
mistress and his two kids out for the day. He gave me the  
address and before the Sunday I had a quick look around to make  
sure the place was easy to break into. I rang Graham Edwards  
on the Saturday night and said that it would be easy enough  
and asked him if anybody else knew of what was happening. He  
replied that only himself, Mrs. Coombe, and myself knew of  
what we planned and in the advent of being caught she would

Exhibit

P.32A

Written Papers  
(continued)

deny everything since she had 2 kids to think of. At 11.30 I met Graham Edwards at the Windsor Hotel and we went in my car to Dr. Coombe's flat. I opened the door with a piece of flexible mica and Graham went to the bedroom wardrobe and removed a manila folder. We sorted through the pictures enclosed and chose the most degrading photo (This was one of 5 people, 2 M. & 3 FM. in a pornographic situation Dr. Coombe was one of the people in the photo). Graham then replaced the folder and we left. I took the photo, had a negative made and returned it to Graham. He told me he was going to follow Dr. Coombe until he could get him alone the demand the money Dr. Coombe had cheated his wife of or he would send copies of the photo to everybody Dr. Coombe dealt with which would ruin him. I again met Graham Edwards on the Thursday night, the 27 of Nov., in the Palace Hotel. He informed me he had been trying to contact me for the past few days. He told me he couldn't get Dr. Coombe alone and that since he had gone overseas on holiday he was going to follow him to his second stop, Hong Kong and blackmail him there. Since he had previously informed me that Mr. Coombe was very violent when annoyed I offered to accompany him in case Dr. Coombe got stroppy. He said thanks but Mrs. Coombe's finances were limited and could only afford 1 person to go. He said not to worry and if anything happened to destroy the negatives and he wouldn't involve either of us, meaning myself & Mrs. Coombe. Graham handed me \$50 and said "Thanks for your help see you in couple of days." He then left. When Dr. Coombe's death was reported I destroyed the negative and hurriedly left W.A. and made my way to London, since I had no desire to become involved in a murder case. Since I do not know the circumstances of Dr. Coombe's death I can supply no information concerning it. But in my opinion Graham Edwards is not the sort of person who would brutally murder somebody with a knife. He's too much of a moral coward to attempt to kill somebody in that fashion.

(Signed) Ken Markham

589.

EXHIBIT P.32B.

WRITTEN PAPERS

Exhibit

P.32B

—  
Written Papers

23rd January  
1971

REPEAT OF PREVIOUS EXHIBIT.



590.

Exhibit

EXHIBIT P.34A.

P.34A

STATEMENT

Statement

16th December 1970

STATEMENT

16. 12. 70.

On or about midnight of the 1st of December 1970, I visited the room of R.A. Coombe to collect some money (£3,000) when I was stabbed by R.A. Coombe who apparently objected to paying blackmail. And whom I believe died after I gained possession of the knife from stab wounds inflicted in the ensuing struggle.

10

Sd. (G. Edwards)

INJURY OR ASSAULT REPORT

P.34B

COPY

Injury or  
Assault Report

23rd December  
1970

Serial Number ...1900.... H.M. Prison .....  
..... Training Centre

INJURY OR ASSAULT REPORT

To Superintendent.

Date 23rd December, 1970  
.....

Prisoner/Inmate No. ....R-9072.....

10 Place of Incident Hongkong Hotel  
.....

Time of Incident 1st December, 1970  
.....

Taken to Hospital By R.O.  
.....

Hospital or Sick Bay Report

Examined By M.Y. Khwaja P.O. (H) Time 6.30 p.m.  
.....

Preliminary report of nature of injuries and apparent cause:

- ..... Lacerations (1) App. 1" long left upper arm
- ..... (2) & (3) 1/2" long 4th & 5th fingers of left hand
- ..... (4) & (5) 2" x 1" long above left knee
- ..... (6) App. 2 1/2" long left foot

20 ..... All wounds healed and consistent with statement.  
.....

Medical Officer's Report

.....  
.....As above.....  
.....  
.....  
.....

Sd. (E.W. Gibbs)  
Medical Officer.

Date ..24..12..70.... Time ..9.15.

30 Sd. (J. Caldwell)  
Superintendent.

Date ..24..12..70.. Time 11:15 a.m.

Exhibit

EXHIBIT P.34D

P.34D

DOCUMENT SHOWING ACCUSED'S  
ADMISSION TO RECEPTION OFFICE

Document showing  
Accused's Admission  
to Reception Office  
23rd December 1970

From: Reception Office  
Date:

COPY

To Supt., H.M.R.C. (V).

Re: Prisoner's No. R-9072  
Name: Edwards Grehen

The above-named prisoner stated that he was hurt while he was fighting with another person at Hong Kong Hotel on 1st December, 1970.

Admitted this Centre  
From S.M.C. Court  
on 23.12.70 at a.m./p.m.

I placed him on an injury report.

Sd. (J.W. Ullmann)  
O i/o Reception Office  
H.M.R.C. (V).

593.

EXHIBIT P.34C.

DOCUMENT ACCUSED'S HANDWRITING

COPY

VICTORIA RECEPTION CENTRE.

Exhibit

P.34C.

Document  
Accused's  
Handwriting

24th December  
1970

10

On or about midnight the 1st December 1970 I was involved in a knife wielding fight with a fellow Australian in the Hong Kong Hotel. The preliminary result of this encounter was I suffered stab wounds to the left hand and also the left leg above the knee while attempting to gain possession of the knife. The final result of this encounter was my admittance to Q.E. Hospital, the unfortunate demise of my adversary and the inevitable, charge of homicide contrary to the judicial legalities of the colony of Hong Kong.

Sd. (G. Edwards)

0900 hrs. 24.12.70.

EXHIBIT P.37.

Exhibit

P.37

PHOTOSTAT COPY OF LETTER WRITTEN  
BY ACCUSED

Photostat Copy of  
Letter written by  
Accused

G.L. Edwards  
c/- Detention Ward,  
Queen Elizabeth Hospital,  
Kowloon,  
Hong Kong.

Mr. E.A. Edwards,  
c/- P.O. BOX 116,  
Morley Park,  
Perth.  
Western Australia.

10

Dear Dad,

By now you should have received the news that I don't want you to waste your money by coming from Perth to Hong Kong. I would prefer you to stay in Perth and help me from there.

According to the Police I'm not allowed to tell you the details of the Case but I think I can tell you this much? 20

On Monday night I received two knife wounds, one to the hand and one a flesh wound above the left knee, which required medical attention at the hospital.

On Tuesday morning I was operated on and awoke about 5 p.m. in the Detention Ward under guard and in a Maximum Security Hospital Cell.

Senior Inspectors Harris and Gravener then charged me with murder contrary to Common Law whatever that means. 30

I was so scared I lied to them about nearly everything but they guessed what had happened after the Police Doctor had given me an examination.

I was so ashamed of them finding out that I told them what had really happened and that I also lied about my name and everything because I was also going to get into trouble because of being in Hong Kong illegally.

A Magistrate remanded me for seven days on Wednesday and the police are longing to put all the facts together before I go to Court, which could be anything up to 4 Months away, so it's not much good you coming here. 40

I will notify you if I need help in any way.

Exhibit

The Police and the Nurses and Doctors and the Australian Trade Commissioner have been very helpful and explained I could apply for Government Legal Aid which I will do and my solicitor will probably be allowed to explain all the details to you.

P.37

Photostat Copy  
of Letter  
written by  
Accused  
(continued)

10 Hospital food is lousy and I can't even have a shit without an armed guard watching me all the time but I suppose they've got their orders. Still even if I wanted to try and escape I couldn't because my leg is too stiff to do more than "hobble" slowly and I have no clothes or documents or money so a naked blonde headed Australian in bandages trying to escape among 4 million Chinese sticks out like dogs balls.

Anybody who inquires after me, give them my address or C/- H.K. Police Force because all my mail both ways is opened and read. I don't know what the Newspapers are saying but don't make any statements to them until I know what's going on.

20 When you reply please write on Special Airmail letters you can get at the P.O. 10c each and post before Thursday nights to arrive here on the direct Perth - Hong Kong flight on Friday.

Regards to everyone.

Love

Graham.

P.S. If Mrs. Coombe should ring you please say I'm terribly sorry and had no idea anything like this would happen, but I'm not allowed to say anything to explain what happened

30 P.P.S. Since I'm in enough shit now; the fact that I burned all my papers and my Passport before coming up here is not going to make the Commonwealth Immigration people very happy nor the State Police. Kindly tell them all to go and get stuffed.

Love.

---

ON APPEAL  
FROM THE FULL COURT OF THE SUPREME COURT OF HONG KONG

---

B E T W E E N :

GRAHAM EDWARD ~~S~~ alias  
DAVID CHRISTOPHER MURRAY Petitioner

- and -

THE QUEEN Respondent

---

RECORD OF PROCEEDINGS

---

Stephenson Harward & Tatham,  
Saddler's Hall,  
Gutter Lane,  
Cheapside, London,  
EC2V 6BS.

Solicitors for the Appellant

Charles Russell & Co.,  
Hole Court,  
Lincoln's Inn  
LONDON WC2A 3UL

Solicitors for the Respondent

In the Supreme Court of Hong Kong

Prosecution Evidence

No. 6

Cho Chi Kau

Cross Examination (continued)

Re-examination

Q. And you speak English?

A. Yes.

Q. And you mean to say that with all the facilities open to you as a paid employee of a tailoring shop at Kaitak Airport that you don't engage in anything else but tailoring business?

A. Yes.

REXN. BY MR. DUCKETT:

Q. When you first went to Tsimshatsui Police Station you saw the sergeant. Is that correct?

10

A. Yes.

Q. And this object marked A, the glass-cutter was mentioned.

A. Yes.

Q. Who mentioned it first?

A. Well I told the sergeant everything that had happened. I gave an account of all that transpired.

COURT: Just one moment. Don't interpret for him, put the questions in English. Let him give his answers in English.

(Witness gives the rest of his evidence in English.)

20

Q. Was that object there when this conversation was taking place with the sergeant? Will you answer in English? When you had the conversation with the sergeant in the police station the first time was that object there with you?

A. It was not there.

Q. The following day you saw a European officer.

A. Yes.

Q. Was that object there then?

A. Yes.

30

BY COURT:

Q. You have chosen to give your evidence in Cantonese, as you are perfectly entitled to, but in fact is your knowledge of English quite good?

A. I don't quite understand.



Q. Just try. You have chosen to give your evidence in Cantonese but is your knowledge of English quite good?

In the Supreme Court of Hong Kong

A. Because I don't quite understand exactly what you mean, so I think you had better --

Q. The reason I ask you this is because you have given us details of the conversation that you had with the accused in the bedroom of the Sun Ya Hotel. Did you have any difficulty understanding him?

Prosecution Evidence

No. 6

A. No.

Cho Chi Kau

Re-examination (continued)

10 Q. None at all?

A. You mean conversation with the - Mr. Murray?

Q. That's right, yes. Did you have any difficulty in understanding him?

A. You mean in conversation?

Q. That is what I mean, yes.

A. No.

Q. Is your English reasonably good?

A. You mean my English?

Q. Yes.

20 A. Actually my English is very poor.

Q. Can you understand better than you can speak English?

A. Yes.

Q. Can you understand most of what is said or not?

A. Most of them.

Q. Thank you. Thank you, you needn't wait.

MR. DUCKETT: I call Mr. Moore. No. 6.

COURT: Mr. Duckett, it will help me if you will tell me if the witness who is called has only the statement he gave to the police or whether he gave evidence before the magistrate.

30

MR. DUCKETT: Page 10.

In the Supreme  
Court of Hong  
Kong

—  
Prosecution  
Evidence

—  
No.10

Charles  
Zimmermann

Examination  
(continued)

Q. Was his appearance then at all different from his appearance now?

A. Yes, sir. He was wearing a brown wig, white shirt, black trousers, white shoes.

Q. Now, you waited in the foyer, is that correct?

A. Yes, down in the lobby. I asked him for a piece of identification which he did not have on him, so I asked him for his name and address which was - which he put on a piece of paper which was David Christopher Murray living in the Sun Ya Hotel, Room 721.

10

Q. Would you have a look at P.34? (Witness looks at exhibit). Is that ...

COURT: What room, please? What room number in the Sun Ya Hotel?

A. 721. Room 721. (Witness looks at exhibit). Yes, that is the piece of paper.

COURT: He wrote it down himself?

A. Himself, yes.

Q. Do you now produce that piece of paper?

COURT: It will be exhibit P.4, is it?

20

CLERK: P.5, it is P.5.

COURT: Yes.

Q. Whilst you were waiting in the lobby did the accused go anywhere?

A. Well, I asked him to wait for Mr. Coombe in the lobby, and meanwhile I checked the name and address with our second reception manager.

Q. All right, you need not tell us about that. Did the accused go somewhere?

A. Yes, he went to the toilet.

30

Q. Yes?

A. And was followed by two of our security men.

Q. You saw this, did you? You saw him?

A. No, I did not see him going there.

- Q. What did you see? Can you tell us, please? In the Supreme Court of Hong Kong
- A. When I came back after checking his address, the people from the Securicor told me that he ...
- Q. You cannot tell us what they told you. What did you see when you came back to where the accused was? Prosecution Evidence
- A. I saw that the chair was empty, that he went to the toilet. No.10
- Q. I see. He was not there when you came back? Charles Zimmermann
- A. No. Examination (continued)
- 10 Q. What was the next thing you saw?
- A. The next thing, I expected him in front of the toilet door.
- Q. What did you see?
- A. And a few minutes later he came out and had blond hairs.
- Q. You saw him come out of the toilet door. It was a cubicle, was it?
- A. Yes.
- Q. He had blond hair?
- A. This time - the second time I saw him he had blond hair.
- 20 Q. The same as he has today, is that right?
- A. The same - a little bit shorter.
- Q. What did you do then?
- A. I asked him again to sit down in the lobby and to expect Mr. Coombe and not to leave the hotel. Securicors had an eye on him, and when Mr. Coombe came back about six-thirty they called me, and they were standing together down in the lobby.
- Q. The accused was?
- 30 A. Was in a discussion with Mr. Coombe. They both apologised for the troubles they had caused, and for me the case was settled.
- Q. Did you see where the accused went after this?
- A. He left the hotel.

In the Supreme  
Court of Hong  
Kong

—————  
Prosecution  
Evidence

—————  
No.12

Mak Tsan

Re-Examination  
(continued)

COURT: Well what happened at 3.00 a.m.?

A. There was no noise.

COURT: You mean you walked away?

A. I kept watch until 3.00 a.m. and then left to attend to other work.

COURT: You didn't go back to the room?

A. I was in the vicinity all the time, in the corridor.

COURT: I see, thank you.

MR. DUCKETT: I call Mr. Welschen, No. 11 on your Lordship's list at page 51.

Benno WELSCHEN. Sworn.

\_\_\_\_\_  
Prosecution  
Evidence

XN. BY MR. DUCKETT.

\_\_\_\_\_  
No.13

Q. Your full name, Mr. Welschen?

A. Welschen Benno.

Benno Welschen

Q. And you are assistant manager of the Hongkong --

Examination

COURT: I am not quite sure which of those two names is the  
surname.

10 A. Welschen is the surname.

Q. You are assistant manager of the Hongkong Hotel.

A. That is correct.

Q. And you live at the hotel, is that correct?

A. That is correct.

Q. Now early in the morning of the 1st December last year  
did you receive a telephone call concerning an incident  
on the 12th floor?

A. Yes, that's right.

20 Q. Did you give instructions that a watch should be kept  
over room 1223?

A. That is correct.

Q. But you did nothing further. Is that right?

A. No.

Q. And the next morning at about 8.50 in the morning did  
you telephone to room 1223?

A. That is correct.

Q. There was no reply.

A. That is correct.

Q. So you went up to that room.

30 A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Examination  
(continued)

Q. How much luggage was there in the room?

A. There was a suitcase and some clothes hanging in the wardrobe.

Q. It appeared that a person was occupying the room?

A. Yes.

COURT: The question you were asked was, how much luggage was there?

A. Well, I only saw one suitcase and some clothes hanging in the wardrobe.

COURT: Only luggage was a suitcase and clothes hanging in the wardrobe?

10

A. Yes.

COURT: Yes.

Q. On the same afternoon did you go to the Kowloon Public Mortuary?

A. Yes I did.

Q. And did you see a body identified to you as that of Dr. Ronald Alan Coombe?

A. Yes.

Q. Who identified?

20

A. I cannot remember who because there were many people there at the time.

Q. Were they police officers, or who was it? The staff of the mortuary? Who was present?

A. There was staff of the mortuary, and apart from myself there was also Detective Police Constable 7061-64.

Q. Look at exhibit P.3B, would you? (Witness looks at exhibit). Is that a photograph of the deceased that you took these things from?

A. Yes, I took the clothings from the body of the deceased. 30

Q. Yes. Would you look at P.15 and 16?

COURT: Did you yourself take the clothing off the body?

A. Yes.

Q. Was the first of those a pyjama jacket?

A. (Witness looks at exhibit). Yes.

Q. The second a pyjama trousers. Is that correct?

A. Yes.

CLERK: P.14 the pyjama jacket, P.15 the pyjama trousers.

Q. Now later the same afternoon at the Tsim Sha Tsui Police Station did you receive some articles from D.P.C.5386?

A. Yes I did.

10 Q. Look at P.17.

A. (Witness looks at exhibit). One pair of trousers soaked with blood.

Q. Do you now produce those trousers?

A. Yes.

Q. And P.18, a pair of socks, is that correct?

A. (Witness looks at exhibit). Yes.

Q. P.19, shoes soaked in blood?

A. (Witness looks at exhibit). Yes.

COURT: 18?

20 CLERK: Yes.

Q. P.20?

A. (Witness looks at exhibit). Yes.

Q. Is that a white jacket?

CLERK: P.19.

A. Yes, a jacket.

CLERK: P.19.

Q. P.21, a driving licence?

A. (Witness looks at exhibit). Yes.

Q. Two Australian driving licences, is that correct?

30 A. Yes.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.16

Wong Kin Yam

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

No. 17

SHEILA ELIZABETH HAMILTON

Prosecution  
Evidence

Sheila Elizabeth HAMILTON Sworn.

No.17

Sheila Elizabeth  
Hamilton  
Examination

XN. BY MR. DUCKETT:

Q. Your full name is Sheila Hamilton, is that right?

A. Sheila Elizabeth Hamilton, yes.

Q. And you are an acting Senior Government Chemist, is that correct?

A. I was at the time when I did the examination. I am now just Chemist. 10

Q. Employed at the Government Laboratory, is that correct?

A. Yes, that is so.

Q. And what are your qualifications?

A. Honours Degree B.Sc. in Chemistry, Glasgow University and Associate of the Royal Institute of Chemistry.

Q. And you have had two years experience in forensic work at the Hong Kong Government Laboratory, is that right?

A. Yes, just over two years.

Q. And have you given evidence as an expert witness in Hong Kong concerning the identification of human and animal hairs? 20

A. Yes, I have.

Q. On the 2nd December last year at the Government Laboratory did D.P.C.7153 hand to you a brown wig?

A. Yes, that is so.

Q. Will you have a look at P8.

A. Yes, this is the wig I received.

Q. And the following day, on the 3rd December, did you receive from D.P.C.7153 an envelope marked "2"?

A. Yes, I did. 30

Q. Would you have a look at Exhibit P23?

A. Yes.



Q. Is that the envelope?

A. Yes.

Q. Now what did you do with these articles?

A. I removed certain hairs from the brown wig. The brown wig was made of synthetic material and the hairs that I removed were fair human head hairs.

COURT: The hairs that you removed from -

A. From the brown wig were fair human head hairs.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.17

Sheila Elizabeth  
Hamilton

Examination  
(continued)

10

Q. From what part of the wig did you remove them? Will you show us?

A. Yes, certainly. These were removed from the edge of the wig.

Q. And the inside, is that correct?

A. And the inside, oh yes, certainly, not the outside.

Q. Now how did you examine them?

A. These were examined with the use of a microscope, and I found that these were similar to fair hairs present in Exhibit P23.

Q. You examined the hairs in P23 under a microscope also?

20

A. Yes, that is so.

Q. Now when you say they were similar, what features were similar?

A. They were similar in that they were very fair indeed and extremely fine.

NO XXN. BY MR. BERNACCHI

BY COURT:

30

Q. When you say similar are you in a position to go any further than that? Could you say that the hairs that you removed from the edge and inside the wig came from the same head as the hairs which were contained in the envelope?

A. No, my Lord, I am afraid it is not possible, it is not scientifically possible to say that hairs originated from a particular person.

In the Supreme  
Court of Hong  
Kong

"Page one. 1500 hours, 9th December, 1970.  
Cell 6, Custodian Ward, Queen Elizabeth  
Hospital, Kowloon, Hong Kong.

Prosecution  
Evidence

This is a final and full confession of my  
activities ..."

No.29

Brian Frederick  
Gravener

Examination  
(continued)

COURT: If I may interrupt you. Are there spare copies of  
this for the jury?

MR. DUCKETT: There are typed copies, my Lord.

COURT: There are typed copies. Enough for them all to  
have typed copies? I take it you have no objection? 10

MR. DUCKETT: No. (Copies given to jury).

COURT: It is easier to follow it. Yes.

A. Yes.

"This is a final and full confession of my  
activities from mid-June 1970 until the morning  
of my admission to this hospital on 2nd December,  
1970 and was made by my own hand and of my own  
free will at 1500 hours local time in the  
Detention Ward of the Hong Kong hospital in  
Kowloon." 20

MR. DUCKETT: I am sorry to interrupt. I have just  
remembered there is other material on those letters;  
perhaps they could be extracted?

COURT: Yes. (Documents collected from jury).

MR. DUCKETT: Yes, the first five pages.

MR. BERNACCHI: Apparently the other material is to be  
exhibited; no copies have been done. The jury can  
have all the full statements. (Documents given back  
to jury).

COURT: Yes. 30

A. "... This statement is being issued by myself for  
two reasons. One: to clear up the mess I have  
got myself in by finally telling the truth through  
a privately written statement \*(1)

Two: to protect the welfare and interests of  
people whom I have used and do not wish to involve  
further in the quagmire in which I have now jumped,  
head first.

The people I have come into contact with in this case since it officially began after my discharge from hospital in July 1970 are - a crossing out - Dr. & Mrs. Coombe, myself and my partner .." - there follows three lines of crossing out - ... and sundry minor people who knew very little or nothing of what was going on.

In the Supreme Court of Hong Kong

Prose cution Evidence

No.29

Brian Frederick Gravener

The conditions upon which this statement is issued are:

Examination (continued)

10

- 1. I will make no further statements except in the presence of a Registered Solicitor and only after conferring with him in private.
- 2. The original statement shall be retained by myself or by my Crown appointed Solicitor. Copies of this statement shall be null and void unless my Solicitor's signature appears upon each page with mine as witness that each page corresponds with this original statement.

(Signed) G.L. Edwards.  
Cont. Page 2.

20

Page 2.

Condition 3. I will not be persecuted by the Hong Kong Police in any way and will not be required to state, give reasons or implicate any person unless under oath during recognised court proceedings. \*(2) I may volunteer additional information at any time but under advice of my legal representative.

30

- 4. My personal effects will be returned to me forthwith: i.e. toothbrush, paste, after shave etc. and my clothing, except that which is required for evidence shall be placed in the hands of my Solicitor. The money being held by the police for me shall also be deposited with my Solicitor. The plane ticket in the name of D. Murray shall be returned to the B.O.A.C. agent in Hong Kong and the refunded money placed in the hands of my solicitor.

Signed this 9th day of December 1970 at 1600 hours Hong Kong time.

40

(Signed) G.L. Edwards.

\*(1) I have lied to the police for so long that if they took the statement I could not keep a straight face knowing they would think I wes bull shiting them again as this story is

Veronica home. I was at the time living with my father in Embleton and arriving there poste haste at 6 a.m. I fell asleep until mid afternoon.

I returned to the club that evening and was aghast at what I had done the previous night. I proceeded to drink myself into a stupor.

Sue had told me Annette's age before I left her and that the house and children were indeed hers and that Veronica was just living there and she was married with a baby. Her husband wasn't mentioned.  
10 10 MINUTE INTERRUPTION WHILE THEY STUCK A NEEDLE IN MY BUM!!

On the Friday night they had asked me what I did for a living and I replied "A full time Bum and a part time thief" which was true if you consider living off your wits as stealing.

Since hers was the only phone number I knew I rang Annette on Sunday and apologised to her and asked her to pass it on to the other girls. My apologies were accepted. That afternoon I went into hospital for an operation on my foot.  
20

Being my typical obnoxious self I soon made enemies with the staff by abusing them and with the nuns by saying I had never screwed a nun. The end result was they left me alone, unless absolutely necessary, so I rang Annette and asked her to come in and see me but she couldn't so I kicked up a stink to be let out, which they eventually did, with a great hunk of plaster attached to my left foot.

I returned home on the Wednesday night and made life unbearable for everyone. I was the most obnoxious, self-centred egotistical son-of-a-bitch in W.A. when I felt like it and other times, I could be kind considerate and thoughtful which really bugged people when they saw me being the opposite to someone else.  
30

I was invited to a party on the Friday night and, driving a car and topping up - hopping up four flights of stairs with a great lump of plaster on my foot was not easy. Annette was there but she was the only person apart from Veronica I knew there.  
40

Both Veronica and Annette were dressed in sexy outfits and surrounded by males so I conned some Pommy bird called Diane and if the bedroom wasn't already occupied would have screwed her there and then, so as Don and the rest of the gang arrived around 2.30 a.m. we left and I drove her to her

In the Supreme Court of Hong Kong

Prosecution Evidence

No.29

Brian Frederick Gravener

Examination (continued)

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Examination  
(continued)

home in Gospells; after a brief session on the seat of the car. Sex also, isn't easy with a plaster on your foot.

Later I returned to the party but everyone had gone so I went to sleep in the car until about 9 a.m. then returned to the flat, collected my fathers stereo set and sat and boozed all day with the host, a bloke called Dave. I then returned home, changed and picked up Dianne and went to another party for separated people which Dave had invited me to, in Morley. I made myself obnoxious by asking who I had to fuck to get a drink around there and left early with Diane. We went and saw Annette and stayed there until John Paton(?) arrived around 3 a.m. with Jerry and Sue.

10

Annette had gone to lie down around midnight so between that time and the time John Jerry and Sue arrived I screwed Diane on the lounge. Again not an easy thing to do. At this stage of my life all I wanted to do was drink as much booze as possible and screw as many birds as possible. I didn't give a damn what people thought of me and people who I didn't like or who annoyed me I treated like shit. I was an arrogant son of a bitch and aloof from everybody I didn't care for. Girls I liked and wanted to screw and girls I wanted to screw but didn't care for got treated a lot differently. Annette and Diane were like that.

20

Around 4.30 or 5.00 a.m. we all left, Annette had gotten up when the rest of the gang arrived and John had tried to con her - result unknown until later. I drove Diane home and went home to bed.

30

Annette rang me a couple of times during the week and I took her to the lunchtime strip show at the Club after she had had a fight with her present boyfriend whom I apparently had not yet seen. I don't like women crying so I dried her tears and took her to the club for lunch."

End of statement.

Q. Now, on the 12th of December did you receive a message that the accused wanted paper to write on?

40

A. Yes, I did, and I gave instructions that paper be supplied.

Q. On the 14th of December at 1525 hours did you again visit Edwards concerning the - in the hospital?

A. Yes, I visited him. The paper I had supplied on the -

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

Q. And then "F. The divorce petition against Mrs. Coombe citing myself as Co-Respondent was to be withdrawn." Is that correct?

A. That part is correct, sir, also the part mentioning the letter of apology was correct, but the latter part referring to nothing more than legal chicanery isn't strictly correct, sir.

Q. Did you see the body of Dr. Coombe?

A. Yes sir, I did, at the hotel.

Q. What approximately would you say was his weight? 10

A. I would say between 150/160 possibly, sir.

Q. What would you say my weight was?

A. Yes, I would say you were about 165 possibly.

Q. In fact I am almost 200. 196.

A. It is very hard to tell actually when a man is lying on the floor dead.

Q. There is another peculiar aspect of this case. Do you know about a telephone call that I personally received asking whether a Kenneth Markham, I had interviewed a Kenneth Markham? I said that I did not discuss cases over the telephone. 20

A. I know nothing about this whatsoever. I did discuss this particular statement with Mr. Taylor but I knew nothing about that telephone call.

Q. I don't understand it either. Now I will come back to the long statement that Mr. Harris took. Incidentally, Mr. Harris, is he your immediate superior officer?

A. That is correct.

Q. Now how was that taken? In other words, this is in Mr. Harris' own handwriting? 30

A. That is correct.

Q. Now did he ask a question and then record it?

A. No. Actually he wrote the question, then read it out.

Q. He wrote the question, read it out.

A. Then when the answer was given he wrote that.

Q. He wrote the question, then read it out.

A. As I remember it, that was the procedure.

Q. Now Dr. Lee says that he came with the police party including Superintendent Harris to Queen Elizabeth Hospital. Do you agree with that?

A. That is correct, yes sir.

Q. Then Dr. Lee says that he was asked to remain outside the door whilst the police party went in and then he was asked, well he was invited to go into the room about a quarter of an hour later.

10

A. No, that is not my recollection. Initially we all entered the room together, sir, and Mr. Harris introduced everybody present to the, well identified everybody present to the accused.

Q. Now the questioning ceased eventually, the questioning ceased the first time for the medical inspection.

A. That is correct.

Q. Then the questioning ceased at 7 o'clock. The note is "Witness given opportunity to eat."

20

A. Yes, that is correct.

Q. Well now, what did you do? I am talking of you yourself now.

A. I had something to eat myself, sir, with Mr. Harris.

Q. Where?

A. In the Queen Elizabeth Hospital canteen, sir, on the 1st floor I think it was.

Q. How long did that take?

A. Well, exactly one hour.

Q. What did you have?

30

A. I can't remember. I think we might have had some rice, I am not sure.

Q. Some rice. Anything else?

A. I had a cup of tea.

In the Supreme  
Court of Hong  
Kong

Prosecution  
Evidence

No.29

Brian Frederick  
Gravener

Cross-Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence

—————  
No.40

Graham Leslie  
Edwards

Examination  
(continued)

COURT: Yes.

A. No, sir, I would not.

Q. Now, in fact he left Perth without you having an opportunity to in effect blackmail him?

A. That is correct, sir.

Q. Did you discuss this with Mrs. Coombe?

A. I did, sir.

Q. Did she tell you where he was going?

A. She handed me a sheet of paper showing his itinerary.

Q. Was he going - I think he was going to stop somewhere on the way and then Hong Kong? 10

A. That is correct, sir.

Q. Where was he going from Hong Kong?

A. Japan, I believe, sir.

Q. Well, was he going to a number of places before he came back to Australia?

A. Oh, definitely, sir, yes: Europe, England, the United States - I couldn't mention the names of the cities or anything - and back to Sydney.

Q. So that it would be a considerable time before he came back to Australia? 20

A. Oh, yes, sir.

Q. What happened then? I mean, she showed you the schedule. In effect how did you arrive in Hong Kong?

A. I decided that since certain gentleman in Australia would very much like to lay their hands on me and they do keep a very close watch on airports and what not, that it would be advisable if I did not go under my own name. Consequently I purloined a friend's passport.

Q. Just pause there. Had you the money to pay the airtrip to Hong Kong and back? 30

A. No, sir, I had not.

Q. Who advanced the money?

A. Mrs. Coombe.



- Q. And what was the purpose of you going to Hong Kong?
- A. I believed that (1) in Hong Kong I should be able to get Dr. Coombe alone long enough to present my demands and collect the money and disappear; secondly, I believed that since I was travelling under another name, should he kick up a stink about it, in other words, inform the police, they would not be looking for me as David Murray. So I purchased the airline ticket to Hong Kong.
- Q. And travelled on a friend's passport?
- 10 A. That is correct, sir.
- Q. And I think you arrived in Hong Kong on the 27th of November?
- A. That is correct, sir.
- Q. About what time did you arrive in Hong Kong?
- A. I would say the aircraft touched down at 1900 hours, sir - 7 o'clock.
- Q. 7 o'clock. So you actually touched down in Hong Kong at 7 o'clock?
- A. Yes, sir.
- 20 Q. There is evidence later that night you went to the Hong Kong Hotel.
- A. That is correct, sir.
- Q. Where did you discover where Dr. Coombe was residing?
- A. I beg your pardon, sir? Where or how?
- Q. Where did you find out where Dr. Coombe was residing - what his hotel was?
- A. I asked at the desk, sir. I knew what hotel he was staying at, sir : it was on the itinerary.
- Q. I see, which Mrs. Coombe had shown you?
- 30 A. That is correct sir.
- COURT: Did I understand you to say you borrowed a friend's passport?
- A. Purloined would be a better word, my Lord - stole.
- COURT: And you arrived here about 7 p.m. on the 27th of November?
- A. That is correct, my Lord.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

don't plan to discuss it here in public." He said, "Okay. Come up to the room." We then went up to the room. At this stage, just before the assistant manager walked in prior to Dr. Coombe's arrival I had placed the attache case containing the photograph and what not just inside the wall inside the toilet. If I might be permitted to demonstrate on a photograph, sir?

Q. On the?

A. On a photograph, if there is one of it?

Q. I don't think there is. Oh, I think you mean the exhibit - the plan, not the photograph. P.4, is it? 10

A. It is this one here, my Lord. It is this one here, my Lord, which shows Dr. Coombe's room.

Q. The part in the middle?

A. It says, "Portion of Twelfth Floor Plan, Hong Kong Hotel."

Q. Yes?

A. As you can see, sir, where it says, "Room Number 1223"..

Q. Yes?

A. ..the door opens inwards and to the left. 20

Q. Yes?

A. I would say approximately four to six feet further up on the right-hand side that's a door that opens to the right and leads to the bathroom.

Q. Yes?

A. This was there. As you open the door, sir, if you turn immediately left, against that portion of the wall is where I placed the attache case.

Q. I see.

COURT: There? 30

A. That is correct, sir.

COURT: The bathroom?

A. Yes, sir, just inside the door.

Q. So, unbeknown to Dr..

In the Supreme  
Court of Hong  
Kong

COURT: You might take that and show it to the jury.

A. Yes, sir.

(Shown to Jury by accused) (Accused returns to witnessbox)

Defendants  
Evidence

COURT: Do I understand you to say that when Mr. Zimmermann entered the room and escorted you downstairs, you had already left the attache case..?

No.40

Graham Leslie  
Edwards

A. Yes, sir.

COURT: ..in the bathroom?

Examination  
(continued)

10 Q. When the room boy came in and asked you what you were doing and went out, did you have an inkling that another person would come?

A. No, sir, not at that stage, no, I did not.

Q. And then another knock came on the door?

A. Then I guessed that he had probably gone to get somebody else, sir.

Q. And so you didn't answer but you made towards the door?

A. Oh, I did go to answer the door, sir. I automatically assumed it would not be Dr. Coombe knocking on his own door, therefore it must have been somebody else.

20

Q. And you put the attache...

A. As I was going towards the door, sir, yes.

Q. ...in the bathroom as you were going towards the door?

A. That is correct, sir.

Q. It was the Assistant Manager.  
Did you have an opportunity of collecting the attache case or not?

A. At that stage, sir?

Q. Yes.

30

A. No, I did not.

Q. So that when Dr. Coombe came into the lobby the attache case was still in his bathroom?

A. That is correct, sir.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Examination  
(continued)

- Q. Yes. Do you remember the next day going into the operating theatre?
- A. The only thing I remember, sir, is being woken up by some gentleman who asked me to sign a consent form.
- Q. Which you did?
- A. I did, sir.
- Q. Do you remember going to the operating theatre at all?
- A. Not at all, sir.
- Q. Do you remember coming back to your own ward?
- A. No, sir, I do not. 10
- Q. What is the next thing that you remember?
- A. I woke up in bed with my arm in plaster and my head throbbing. I was in a cell with bars on the windows and bars on the door. I shouted out something or other - I do not know what it was - and then I went back to sleep again, I assume; I do not remember anything more.
- Q. At this stage you did not know Inspectors Harris or Gravener?
- A. No, sir, I did not.
- Q. Now - and I think this would be as convenient a time as any - when you were indeed conscious, did you in fact inspect your body for your wounds? 20
- A. No, sir, I did not.
- Q. You have mentioned already the wounds on your hands and your knee?
- A. Yes, sir.
- Q. Do you remember whether you were wounded in the - further up in the left arm?
- A. I did not at the time, sir, because the entire area was covered in a plaster cast. This is - I only found out on the 21st of December, I think, sir. 30
- Q. Your jacket has two cut holes in the rear. Do you remember whether there were any form of wounds on your back?
- A. Well, I could not say whether there were any wounds or not, sir; the area where the cut holes are in the

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. You still say that this relationship between the two of you was only a temporary affair, is that right?
- A. It was only a temporary affair in so far as the fact that I had not the least intention of getting married.
- Q. And no intention of living with Mrs. Coombe as husband and wife for considerable periods?
- A. No, sir. Only for as long as it suited me.
- Q. Now, at about the time that you had this champagne in the hospital, did you have any other plans with Mrs. Coombe? Did you plan anything with Mrs. Coombe in about September, 1970? 10
- A. Not so far as I am aware, sir.
- Q. No long-range plans going into the following year, 1971?
- A. Not at that stage, sir, no.
- Q. Think hard, would you, because there is something I propose to put to you in a moment? Did you not plan to do something fairly specific with Mrs. Coombe in February, 1971?
- A. I did, sir.
- Q. Would you tell us what that was? 20
- A. Catch a boat.
- Q. Why didn't you mention this when I suggested.. asked you if you had any other plans with Mrs. Coombe?
- A. You've lost me for an moment, sir.
- Q. Why did you not mention this boat trip when I asked you if you had any plans to do anything with Mrs. Coombe?
- A. The inference I gained from your question was along matrimonial lines. I would not consider a boat trip matrimonial lines.
- Q. What was this boat trip; What was the boat trip. 30
- A. Do you mean, sir, where was the boat going to?
- Q. What was the boat trip about, yes.
- A. The boat trip was from Perth to United Kingdom.

- Q. On the "Canberra"?
- A. That is correct.
- Q. What was done about it?
- A. I booked the ticket, sir.
- Q. You booked tickets for you both?
- A. That is correct, sir.
- Q. To go on the "Canberra" to Southampton, is that right?
- A. I am not sure what its point of embarkation was, sir.
- 10 COURT: Could you just tell me when was this time that Mrs. Coombe was in the hospital having an abortion?
- A. September some time, sir.
- COURT: What?
- A. September.
- COURT: September, 1970, was it?
- Q. I suggest to you that it was on the 14th September that the champagne was drunk.
- A. I have no idea what date it was.
- Q. Now, the.. you booked the passage for the two of you to travel to the U.K., is that correct?
- 20 A. This is correct, sir.
- Q. And did you pay any money?
- A. I did, sir.
- Q. What did you pay?
- A. A deposit of \$100.
- Q. And you planned to get married in the U.K. is that not so?
- A. That is incorrect, sir.
- Q. Have you ever said that to any person?
- A. I have said it to quite a number of people, sir.

In the Supreme  
Court of Hong  
Kong

—————  
Defendants  
Evidence

—————  
No.40  
Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. This is P.10.  
At the time that you wrote that letter you had received two telephone calls from Mrs. Coombe, is that not so?
- A. That is incorrect.
- Q. Two long distance telephone calls had been put through to the Sun Ya Hotel for you, is that not so?
- A. I had not received any telephone calls at this stage.
- Q. I am not suggesting that you had received the calls, but had you not received a message to the effect that two long distance telephone calls had been put through for you at the Sun Ya Hotel? 10
- A. I received no message, sir.
- Q. Did you receive any messages at all about long distance telephone calls from Australia?
- A. I did, sir.
- Q. When was that?
- A. Well, at the time I was in Hospital.
- Q. When was it that you heard about the long distance telephone calls in Hospital - how long after your admission? 20
- A. I could not say, sir.
- Q. What took place in the Hospital concerning long distance telephone calls?
- A. Mr. Harris asked me whether I knew anything about long distance telephone calls made to the Hotel, to the Police and to the Hospital.
- Q. And did you in fact know anything about these calls?
- A. No, sir, I didn't know.
- COURT: Long distance calls - (1) to the Hotel, (2) to the Hospital where you were, and (3) to the Police? 30
- A. Yes, sir.
- COURT: These calls had been put through to these three different places?
- A. This is merely what I was informed, sir.

COURT: I see.

In the Supreme  
Court of Hong  
Kong

Q. Superintendent Harris spoke to you about these telephone calls, is that right?

A. He did, sir.

Defendants  
Evidence

Q. But you did, in fact, receive one telephone call from Australia, didn't you?

A. I made one, sir.

No.40

Q. You made one - when was that?

Graham Leslie  
Edwards

A. This was on the Sunday evening.

Cross-  
Examination  
(continued)

10 Q. And who was that telephone call to?

A. Mrs. Coombe

Q. And you also received a telephone call from Mrs. Coombe, didn't you?

A. I did, sir.

Q. Where exactly were you when you received this telephone call?

A. In the Hospital, sir.

Q. In what part of the Hospital?

20 A. I have no idea where it was, sir.  
It was not the Custodial Ward, sir.

Q. It was not?

A. No, sir.

Q. You were about to have an operation, weren't you?

A. This is correct, sir.

Q. It was just a few minutes before the operation began? And you spoke to Mrs. Coombe on this occasion?

A. I assumed it was Mrs. Coombe. I had very great difficulty in hearing anything over the line and I had to ask the operator to see if they could do anything about it.

30 Q. Why did you telephone Mrs. Coombe on the previous occasion, on the Sunday?

A. The purpose of the telephone call was to inform her that I would be delayed slightly, and that secondly her husband knew who was behind the blackmail, and to expect some nasty work from his solicitor.



In the Supreme  
Court of Hong  
Kong

—  
Defendants  
Evidence

—  
No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. At about 4.30 and he escorted you down to the foyer?
- A. Yes.
- Q. It was shortly after this that you went to the toilet, is that so?
- A. This is correct, sir.
- Q. And you then emerged without your wig?
- A. I did, sir.
- Q. And Mr. Zimmermann was waiting for you outside?
- A. I believe so, sir, yes.
- Q. And you were, in fact, in the hotel for two hours in the foyer of the hotel for about two hours? 10
- A. I was, sir.
- Q. And the hotel staff were, in fact, keeping a watch on you, weren't they?
- A. I believe so, sir.
- Q. They, in fact, insisted that you stayed there until Dr. Coombe came back?
- A. The manager insisted, sir.
- Q. The manager insisted.
- A. Might I point out, sir, that if I had wished to leave it would have been quite simple. I merely had to catch the elevator to the 1st floor into the shopping complex or to the 6th floor and the roof top of the Ocean Terminal. 20
- Q. But, in fact, you had members of the staff - Securicor - watching your movements, didn't you?
- A. I am not aware of whether they were watching my movements, sir. They were posted at the door as far as I know.
- Q. And they, in fact, saw you when you went to the toilet and Mr. Zimmerman was waiting when you came out? 30
- A. I have no idea, sir. I know that Mr. Zimmermann was waiting when I came out.

Q. And yet you say that you were able to go up to Dr. Coombe's room with Dr. Coombe and that the hotel staff took no notice of this at all, is that right?

In the Supreme Court of Hong Kong

A. This is correct, sir, they did not.

Q. It was put to Mr. Zimmermann that after he was together with you and Dr. Coombe that you then went up in a lift in the hotel. That is what ...

Defendants Evidence

10 MR. BERNACCHI: No, I am sorry, it was put to Mr. Zimmermann both ways - how long, does he know, Dr. Coombe had been there before he came, what happened after and would he have seen them. It was put both ways.

No.40

Graham Leslie Edwards

Q. It was put to you that Dr. Coombe went up in the lift after you had - both you and Dr. Coombe went up in the lift after you had all spoken together in the foyer of the hotel. Is that not so?

Cross-Examination (continued)

A. That is incorrect. It was put to Mr. Zimmermann, I believe.

Q. I am sorry, it was put to Mr. Zimmermann that, in fact, you then went up in the lift.

20 A. No, sir, this was prior to Mr. Zimmermann's arrival.

Q. But it was suggested to Mr. Zimmermann, wasn't it, that after the meeting of the three of you in the foyer you went up in the lift with the deceased?

A. It was suggested in both ways, sir.

MR. BERNACCHI: I must protest respectfully, my Lord, because I am at fault and not Mr. Duckett. I did put it the other way first and then I ...

COURT: ... Yes.

30 MR. BERNACCHI: .. and then I had a note from the accused and I immediately put it the following way.

COURT: It was certainly my impression that it was put both ways. The specific question you put - I have a note which may help you - (Court reads from Court notes) "Q. Accused will say he and Dr. Coombe went up together;" and the answer, "I saw him go out leaving the hotel, walking through entrance, going in the direction of Canton Road and I saw Dr. Coombe take elevator - go into elevator." But it is certainly my impression that you did manage to elicit from Mr. Zimmermann that he himself had been in the lobby for some time and that he wasn't in fact present at

- |    |  |                                   |
|----|--|-----------------------------------|
|    | Q. And he was questioned about this, is this not so?   | In the Supreme Court of Hong Kong |
|    | A. I believe so, sir.  |                                   |
|    | Q. And he suggested in fact you had both - that you and the deceased had gone in a lift together after this conversation?  | ————<br>Defendants Evidence       |
|    | A. I believe so, sir, yes.   | ————                              |
|    | Q. Whereas you say that in fact you left the hotel after the - immediately after the conversation in the foyer with Mr. Zimmermann?  | No.40                             |
| 10 | A. Yes, I did, sir.  | Graham Leslie Edwards             |
|    | Q. You carried an attache case on your visits to the hotel?  | Cross-Examination (continued)     |
|    | A. On some of the visits, sir, yes, I did.   |                                   |
|    | Q. Why was that?   |                                   |
|    | A. The attache case contained the photograph, sir.   |                                   |
|    | Q. Which photograph - how big was the photograph?  |                                   |
|    | A. Ten by eight.   |                                   |
|    | Q. It is not difficult to conceal under the waistband of your trousers?  |                                   |
| 20 | A. No, sir, it was not.  |                                   |
|    | Q. Why did you need an attache case to carry a photograph?   |                                   |
|    | A. Well, sir, some of the time I was not wearing a coat, since with a ten by eight a certain portion of it is sticking out the trousers area, even under the shirt it is still possibly visible. |                                   |
|    | Q. There are pockets in the trousers you are wearing?  |                                   |
|    | A. Very small pockets, sir.  |                                   |
|    | Q. And the photograph could be folded?   |                                   |
| 30 | A. Sir, I did not wish to damage the photograph.   |                                   |
|    | Q. If there was such a photograph Dr. Coombe would not need very much to remind him of it, would he?   |                                   |
|    | A. No, sir, he would not.  |                                   |

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

- Q. And if the photograph was slightly damaged, this would not be a very serious matter, would it?
- A. No, sir, I should not think so.
- Q. The attache case also made you a little more conspicuous, don't you think, than if you carried nothing at all?
- A. Not at all, sir.
- Q. Do you remember the pianist at the Pier I Bar asking you about the attache case?
- A. No, sir, I do not recall this at all.
- Q. But he said in evidence that he asked you about the attache case and that you made no reply? 10
- A. Sir, we were both drinking telling jokes, talking show business, singing songs at the time.
- Q. Well - I suggest that the reason that you carried the attache case is because you had a knife inside?
- A. That is incorrect.
- Q. And this is the only convenient way of concealing a knife rather than a photograph?
- A. There is such a thing as a belt, sir.
- Q. Why did you decide to hide the attache case on the fire escape on the 14th floor? 20
- A. Because I decided it was becoming a little bit conspicuous in the hotel itself. I had been seen there several times previously and I thought that if the police had been notified they would be looking for me. If I did not have the photograph on me they can't prove any intent to blackmail.
- Q. This was the only copy of photograph you had in Hong Kong, is that correct?
- A. This is correct, sir. 30
- Q. You have told us you left it in the bathroom of the deceased's room. Didn't this disturb you somewhat leaving the photograph behind?
- A. It did, sir, more than the fact that it had my wallet and passport in the briefcase.

In the Supreme  
Court of Hong  
Kong

Defendants  
Evidence

No.40

Graham Leslie  
Edwards

Cross-  
Examination  
(continued)

allowed to leave Australia with no interference from the police. Secondly, she has not to my knowledge been indicted on conspiracy charges. So much for that so far, sir. Secondly.. Now, I shall assume a hypothesis. I shall assume that I wished to kill Dr. Coombe. I cannot think of any particular reason why I should travel 6,000 miles to do this when it is quite possible that I could have done it in Perth. Secondly, the method. I, sir, am not a very strong person. I only weigh 138 pounds at the moment. Dr. Coombe is considerably stronger and bigger than I was. Therefore - call it cowardice or what you wish, If I had wished to kill him, I certainly would not have got very close to him. Now, sir.. 10

Q. Now..

A. ..in my statement.. You asked me to give a reason, sir. I am doing so. I beg your pardon. Please do not interrupt me. I, sir, happen to be fully qualified with various different sorts of weapons. I happen to have several weapons of my own. Therefore, should I have wished to kill Dr. Coombe, it is quite possible that I should have used a rifle to do it from some distance. Secondly, I have considerable experience with both the preparation and use of explosives. Let me bring up one point before this. I realise that if I had gone out wishing to kill Dr. Coombe and in fact had done so with a rifle, I should have been suspect. Now, let us assume that I wished to kill Dr. Coombe without any suspicion falling upon myself or Mrs. Coombe. I have given this considerable thought while I have been in prison custody and I have come to the conclusion that if I had wished to kill Dr. Coombe in collusion with Mrs. Coombe without any suspicion being placed upon either of us, I should have manufactured a small, highly powered bomb out of the explosives I had; I should then have placed this bomb in a dummy device - some inanimate object, such as a large 'teddy bear'; I would then have given this to Mrs. Coombe; Mrs. Coombe would then have given this to her husband to deliver to a friend of hers - in England, we shall assume; therefore, while the plane is a considerable distance out at sea, there is a sudden explosion - bang; there goes the plane; no witnesses; no suspicion upon myself or Mrs. Coombe. 20 30 40

Q. I suggest that this little story that you have just told us about the exploding aeroplane simply illustrates the very wild imagination that you have shown in all the evidence that you have given in this courtroom.

A. Sir, would you care to produce before the court several sticks of gelignite and some timing fuse, etc., and I shall make you a bomb. 50

- Q. You said why should you travel 6,000 miles in order to kill Dr. Coombe. Why should you travel 6,000 miles - if your evidence is to be believed - in order to blackmail Dr. Coombe? In the Supreme Court of Hong Kong
- A. Because, sir, for one point anyway: to kill Dr. Coombe I would not necessarily have to be seen, I could have been in hiding and it would not have made the least amount of difference whether he was with other people or not; to blackmail him, I wished to have Dr. Coombe alone - q.e.d., I came to Hong Kong. Defendants Evidence
- 10 Q. You saw no chance of finding Dr. Coombe alone in Perth? No.40
- A. No, sir, I did not. Graham Leslie Edwards
- Q. You spoke to him twice alone in the past. Cross-Examination (continued)
- A. The first occasion, sir, was immediately after the divorce petition was served - the Sunday; and the second occasion, there was an R.A.C. gentleman in attendance.
- 20 Q. You have also told us that with your disguise on you believed that Dr. Coombe would not recognise you.
- A. This I believed, sir.
- Q. Well, this would hold as true in Perth as it would in Hong Kong, wouldn't it?
- A. This is quite true, sir.
- Q. Why come to Hong Kong to blackmail this man?
- A. Because, sir, I did not wish to throw any suspicion at all upon myself. If even with the disguise I had managed to do it in Perth, I most certainly would have done so, but, unfortunately, I could never get Dr. Coombe alone.
- 30 Q. You came to Hong Kong with the express intent of killing Dr. Coombe.
- A. That is incorrect.
- Q. And you came as part of a conspiracy between Mrs. Coombe and yourself because you knew that the deceased's life was worth about a hundred thousand Australian dollars.
- A. I did not. I was informed of this fact by Senior Superintendent Harris in a very nasty manner, and if the court pleases I shall repeat the words used: "How much out of a hundred grand did she pay you to bump her husband off?" I invited him to go and do something to himself.
- 40

A. I knew that Hong Kong was generally the Mecca of smugglers, that was all, sir.

In the Supreme  
Court of Hong  
Kong

Q. Where did you learn the final details of this trafficking in drugs?

A. In the can, sir.

Re-examination  
(continued)

Q. Please, in the Prison, not in the can.

A. In the Prison, sir.

Q. So you learned really about the trafficking in Hong Kong in narcotics in the Prison?

10 A. Oh, yes, sir.

Q. Thank you very much.  
And of course you didn't go to Prison until after this killing of Dr. Coombehad occurred?

A. No, sir.

COURT: Thank you.

COURT: Mr. Bernacchi, are there any more witnesses that you wish to call?

20 MR. BERNACCHI: I have one witness, the accused's father. I would like to see him on this letter that has now been produced. If it would be convenient to take the adjournment until the afternoon..?

COURT: It is quarter to one - I am prepared to do that.

MR. BERNACCHI: The witness will not be very long, about a quarter of an hour at the most - unless there is -- my learned friend has a long cross-examination, which I don't think is likely.

Would your Lordship take the addresses of Counsel today or adjourn until tomorrow?

30 COURT: Mr. Duckett, would it be convenient for you to address today?

MR. DUCKETT: I am prepared to address now. I think the two addresses of Counsel should be heard the same day; that would be the only suggestion that I would make. The Prosecution and Defence addresses this afternoon, and have your Lordship's summing-up in the morning.

In the Supreme  
Court of Hong  
Kong

Re-examination  
(continued)

COURT: I shall be quite prepared to sum up tomorrow morning. I am only wondering whether you will be able to complete your addresses. How long do you think you will take?

MR. DUCKETT: About an hour.

COURT: And Mr. Bernacchi?

MR. BERNACCHI: I suppose about two hours. Although I am in your Lordship's hands, I should prefer to address tomorrow morning rather than late this afternoon. It is entirely up to your Lordship. 10

MR. DUCKETT: In those circumstances I would submit that it would be better if the addresses were all tomorrow morning - Prosecution and Defence addresses in the morning.

COURT: Yes, Very well. It has been a long case. I think it is desirable that both Counsel should address the Jury on the same day.

MR. BERNACCHI: I agree with your Lordship.

COURT: I don't imagine that, despite what you say, Mr. Bernacchi, that we would finish much before half-past 5 or possibly 6. 20

In those circumstances we will take the final addresses tomorrow. Perhaps I shall have time to sum up in the afternoon.

Yes, We will adjourn then to half-past 2.

Mr. Duckett, you will see that that..

MR. DUCKETT: It is on its way.

COURT: It is on its way. Yes.

12.45 p.m. Court adjourns.



In the Supreme  
Court of Hong  
Kong

Defence Evidence

No.41

Ernie Albert  
Edwards

Examination  
(continued)

MR. BERNACCHI: Now perhaps if my learned friend will object?

MR. DUCKETT: I do object to secondary evidence.

MR. BERNACCHI: I am now going to ask him the content of the letter, in particular regarding this case.

COURT: Mr. Bernacchi, you know just as well as I do that strictly speaking such evidence is not admissible if the original document cannot be produced.

MR. BERNACCHI: The original document is in Australia.

COURT: I dare say - but surely Counsel and solicitor should have had an opportunity to advise their client in matters concerning the defence? 10

MR. BERNACCHI: My Lord..

COURT: I have no doubt it is not admissible, but I am going to allow it. I shall allow it. I shall allow it in these circumstances, that clearly the original letter ought to be here. I don't think it carries the matter much further, having regard to the document to which you have already referred, that is Exhibit 34A, which was the statement made by the accused as to the circumstances in which he alleged that he received an injury. As I say, I don't think it takes the matter much further, but in the circumstances, rather than delay this trial by adjourning it in order that the original document can be produced, it seems to me more satisfactory to go on and allow the evidence to be given, for what it may be worth. 20

Q. In answer to your question: "Why did you come up to Hong Kong?", what did the letter say?

A. In one part of the letter it referred to saying: "Dad I'm sorry, I come up to blackmail Mr. Coombes." 30

Q. Now I think you yourself came up to Hong Kong for the Magistrate's hearing?

A. I did.

Q. And after the Magistrate's hearing, did you see your son in prison?

A. I visited him the next day.

Q. And did he give you certain information?

A. He did.

Q. Did he in particular give you a telephone number?

A. He gave me a telephone number.

Q. As a result of this, did you ring this telephone number when you got back to Perth?

A. I did.

Q. To ask for what?

A. To ask for a negative.

Q. To ask for a negative.

10 COURT: I take it you have got a note of the telephone number?

A. Pardon, sir?

COURT: You have got a note of the telephone number?

A. No, I can't remember, sir. The first two numbers were 8 - 6. I can't remember the other four numbers.

Q. Eventually did you give that telephone number to the Police in Perth?

A. Eventually I rang the telephone number through.

Q. Did you give the telephone number to the Police in Perth?

20 A. Yes.

Q. So they would have a note of that telephone number?

A. They should have, yes.

Q. Now, when you phoned the telephone number did you get a reply or not?

COURT: You are not going to elicit the answer?

MR. BERNACCHI: No, no.

COURT: Yes.

A. No, there was no answer.

Q. Did you ring again?

30 A. I rang again and still no answer.

In the Supreme  
Court of Hong  
Kong

Defence Evidence

No.41

Ernie Albert  
Edwards

Examination  
(continued)

In the Supreme  
Court of Hong  
Kong

—  
No.44

Summing-Up  
(continued)

bent on premeditated murder would have acted in this way, going into a toilet in the presence of, and in the sight of, an Assistant Manager, with a wig on and coming out without it on and, as I say, looking fairly conspicuous with blond hair. Is that the conduct of a person who has a deliberate intent of murder?

Then you have the curious incident of the briefcase on the night of the 30th November . You will remember that at 10.40 p.m. the accused was seen by two room boys on the 12th floor walking in the direction of Room 1223, and somewhat curiously both these room boys - if you accept their evidence - noticed that he was carrying a briefcase. Now, when he came back two or three minutes later he had no briefcase and the head room attendant was so curious about this - as to where the briefcase had gone - that he walked along the corridor and he tried the various doors but he found them all locked, and he looked in the passageway but he could find no briefcase.

10

Now, we know that four hours later Dr. Coombe was dead - he had been stabbed to death - and he had been stabbed to death by the accused. The suggestion of the prosecution - and it is no more than a suggestion - it is pure surmise and conjecture - is that in that briefcase was the knife with which the accused murdered Dr. Coombe. The explanation given by the accused was that he had come up to Room 1223 in order to collect the money but he was suspicious because he had telephoned in advance, if you will remember; he was suspicious that Dr. Coombe might have reported the matter to the police and that the police might have laid a trap. And, therefore, having 'phoned first from downstairs and getting no reply he then went up to the door and knocked and, again, got no reply. So he took his briefcase further along the passage and out of the glass door at the end, up the fire escape to the 14th floor where he hid the briefcase, with the pornographic picture in it, behind some fire precaution material which was there.

20

30

Now, we then come to his conduct subsequent to the killing. You have this - to me - quite terrifying escape from the hotel room walking along that ledge which is 18 inches by 2 feet wide, going round the corner of the hotel, going up the outside of the hotel from ledge to ledge, from the 11th to the 17th floor, walking along the roof and then climbing down that bamboo scaffolding from the 17th to the 6th floor. You have - and I am dealing with the matters put before you by the prosecution - his reluctance to be admitted to hospital, first to the Queen Elizabeth Hospital and then to the British Military Hospital; he gives the false name of Quantrill to Birtwistle; he gives a false explanation as to the cause of his injury, namely, that he had been playing cards and he said that "I will never get involved" - "This will be a lesson to me not to get involved in playing cards again"; he gives a false explanation to the male dresser as

40

50

to how he had got his injury - he said he had got it in a bar; he gives a false statement to Police Inspector HUI who had come to take a routine statement from him; and, finally, he gives a false statement to Mr. Harris, first about contraband - that he had gone to collect on the wharf and the attack with the knife and then later when cautioned by Mr. Harris, you will remember - after the interval of an hour when he had an opportunity of something to eat - he gives what is now admitted to be a false story that Dr. Coombe made a homosexual advance to him - and it was under the stress of that homosexual advance that he then picked up the knife and stabbed Dr. Coombe - the accused himself has said that was not true; and then, finally, on the 2nd December, that is the next day, when he is formally charged with the offence of murder, he again gives what you may think is an inadequate statement. Let me just refer you to it; he says this, "I didn't mean to kill him. I didn't want him to touch me"; and you may think that those words "I didn't want him to touch me" relate back to the explanation which he had given to Mr. Harris, namely that a homosexual advance had been made to him. And then on the 14th December - and the prosecution rely upon this matter - whilst the accused was in custody still at the hospital, the accused wrote that letter or document - which is Exhibit P.31 - to Mr. Harris in which he gives five reasons as to why it can be demonstrated that he did not commit premeditated murder; and you will remember that in the course of those reasons he refers to the financial position of Mrs. Coombe and he points out a paragraph on the third page:

30 - that is Mrs. Coombe -  
 "By her husband's death she"  
 "would receive, if my information is correct,  
 \$A100,000 less probate, currently at 25% of  
 the estate and other taxes. Her total gain  
 would be in the vicinity of \$A60,000."

So he is seeking to point out that it was to Mrs. Coombe's greater advantage that her husband should still be living than that he should be dead.

40 The prosecution say this: not only does that document show a remarkable insight into Mrs. Coombe's financial position, but that that passage which I have read out to you, the prosecution suggest, is the very motive for the killing, namely, that by Dr. Coombe's death, within the knowledge of the accused Mrs. Coombe would profit from what I will call life insurance to the extent of some sixty thousand Australian dollars. It is said fairly and squarely by the prosecution that that is the motive behind the killing: that in conjunction with Mrs. Coombe he had come up here to kill Dr. Coombe so that she might get this money and he might subsequently join her in England having sailed in the  
 50 "Canberra" sometime in February. That is the submission for the prosecution. You will remember, members of the jury, that in dealing with that particular passage which I have read out

In the Supreme  
 Court of Hong  
 Kong

—  
 No.44

Summing-Up

(continued)

In the Supreme  
Court of Hong  
Kong.

In the Supreme  
Court -  
Appellate  
Jurisdiction

No. 48

Judgement  
(Contd)

10

The pathologist said that a person with such wounds could have lived for about half an hour.

From the police examination, it was clear that, however the assailant had entered the room, he had left the room by the window and that he had climbed from ledge to ledge from the 12th to the 17th floor; that he had then entered the window of a toilet and had subsequently proceeded to the roof of the hotel, across the roof and down the scaffolding on the west side of the hotel to the Ocean Terminal. On the face of it, this was no mean athletic feat and it required nerves of steel.

20

By far the greater part of the blood in room 1223 was group "O" (and there is no doubt that this was the deceased's own blood); but there were also a few small spots of group "A" blood on one of the bed sheets and there was some group "A" blood on the window ledge. There was also a trail of blood all the way up to the roof, across the roof, and down the bamboo scaffolding to the Ocean Terminal. Clearly, the assailant had been injured to some extent in room 1223.

The appellant was seen about 3 a.m. on 1st December near the Ocean Terminal; and at 3.30 a.m. he boarded a taxi near the Star Ferry. At this time, his left hand and left leg were bleeding. His blood group is "A". He told a nurse at the British Military Hospital that his name was Gene Quantrill; and that he had been discharged from the Army. When asked by this nurse how he came by his injuries he said:

30

"This will teach me not to get involved playing cards".

He also said to the nurse that he had got into an argument with someone who had pulled a knife on him.

40

He was taken by military ambulance to Queen Elizabeth Hospital at 4.25 a.m. On admission, he again gave the name Quantrill and said that he had been fighting with some persons in a bar. He had lacerations on the outside surface of the 4th and 5th fingers of the left hand and there were two sharp clean-cut lacerations above the left knee, one on the outer aspect and the other on the inner aspect of the leg. To the first doctor who spoke to him he said that he had been stabbed by a friend.

A police inspector took a short statement from the appellant at 5.15 a.m. On this occasion he gave his name as "David Murray alias Robert Quantrill"; and he said that he had come from Australia "for sight-

seeing"; that he was staying at Sun Ya Hotel; and that he had argued with some Europeans in a bar. His statement concludes:

"I was then hit on my left leg probably".

The lacerations to the left hand were repaired and the knee wounds were explored and repaired under a general anaesthetic. He was out of anaesthesia by 12.45 p.m.; and the medical evidence was that such a patient would have been back to normal in about half an hour to an hour. The doctor who treated the appellant said that his general condition was good.

At 5.30 p.m. he was asked if he consented to being medically examined by the police pathologist. He thought about that for 15 minutes; and at 5.45 p.m. he gave his consent. The pathologist's examination included the taking of swabs from the urinary passage and the anus. It appears to have been a routine examination carried out in the normal course of police inquiries.

Senior Superintendent Harris was present in the hospital at this time; and the police pathologist told Harris then that, subject to confirmation by laboratory tests, there was nothing to indicate that the appellant had been sexually assaulted, but there was no evidence that the appellant knew that the doctor had expressed this view.

The police had visited the Sun Ya Hotel and they had seized the appellant's belongings including a passport in the name of David Christopher Murray. He admitted to Senior Superintendent Harris that the passport was his and that he had arrived from Australia on 27th November. When asked to explain his injuries, he told Superintendent Harris some story about having gone to Kowloon Wharf at 11.30 p.m. the previous night (30th November) to pick up a "contraband package" containing either diamonds or heroin, which he was supposed to smuggle into Australia and leave in the glove compartment of his car in Perth; that he drank a bottle of whisky with these men between 11.30 p.m. and 2.30 a.m. sitting on a pallet by the side of the wharf; that these men said that the package had been "passed on"; that he said to them that he hadn't come all this way to be swindled; that an argument started; that one of the men named "Bill" threatened him with a knife; that when he tried to kick the knife out of Bill's hand, it had cut his leg; and that when he tried to grab the knife it had cut his hand.

When asked whether he knew the deceased, he said that he had met him twice; that he knew Mrs. Coombe; and that when he told her that he was coming to Hong Kong for a few days' holidays, she asked him "to drop in and surprise" her husband; that on Sunday 30th November he had "sneaked" into the deceased's room to give him a surprise; that the hotel

In the Supreme Court of Hong Kong.

In the Supreme Court - Appellate Jurisdiction

No. 48

Judgement (Contd)

10

20

30

40

will remain. If in any case the view is possible that the intent necessary to constitute the crime of murder was lacking then that matter would be left to the jury."

In the Supreme High Court of Hong Kong.

In the Supreme Court - Appellate Jurisdiction

No. 48

Judgement (Contd)

In our view, therefore, there was clearly a misdirection as well as a nondirection, but it remains to consider whether it is open to this Court to apply the proviso to s.80(2) of the Criminal Procedure Ordinance. While the nondirection on the face of it deprived the Appellant of a possible verdict of Not guilty of murder but guilty of manslaughter the misdirection supplied a possibility of such a verdict which he should not have had. Moreover, what that misdirection did in effect (though, of course, not in theory because provocation was expressly withdrawn) was to tell the jury that conduct which might constitute an act of provocation was sufficient to reduce the crime to manslaughter even though the Appellant did not as a result thereof become no longer master of his mind. That was unduly favourable to the Appellant. By their verdict the jury necessarily rejected the possibility that the Deceased attacked the Appellant in this way. Counsel for the Appellant submits that it would nonetheless have been open to the jury to accept that possibility in relation to the defence of provocation: he said that the mere fact that that would have involved inconsistent findings was immaterial because juries do sometimes return inconsistent verdicts. So they do, but we are not going to assume that this jury would so have misconducted itself. In our view the verdict of murder which was returned shows that the jury was satisfied that the Deceased did not attack the Appellant first. It follows that even upon a proper direction as to the law of provocation they must have rejected that defence. That being so, the errors of direction have not caused any possible miscarriage of justice and this is a proper case for the application of the proviso.

10

20

30

For the above reasons, this appeal is dismissed.

No.49In the Privy  
CouncilOrder Granting  
Special Leave  
to Appeal to  
Her Majesty in  
Council

4th February 1972 10

No.49

AT THE COURT AT BUCKINGHAM PALACE

The 4th day of February 1972

PRESENT

THE QUEEN'S MOST EXCELLENT MAJESTY

LORD PRESIDENT

LORD BAINIEL

MRS. SECRETARY THATCHER

SIR MARTIN CHARTERIS

MR. HAROLD MACMILLAN

SIR MICHAEL ADEANE

MR. PYM

MR. CORFIELD

MR. MAURICE MACMILLAN

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 21st day of December 1971 in the words following viz:-

20

30

"WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was referred unto this Committee a humble Petition of Graham Edwards alias David Christopher Murray in the matter of an Appeal from the Full Court of The Supreme Court of Hong Kong between The Petitioner and Your Majesty Respondent setting forth that the Petitioner prays for special leave to appeal to Your Majesty in Council from a Judgement of the Full Court of the Supreme Court of Hong Kong dated the 1st June 1971 whereby the said Court dismissed the Petitioner's Appeal against his conviction in the Supreme Court of Hong Kong Criminal Jurisdiction on the 24th March 1971 for the offence of murder when he was sentenced to death: And humbly praying Your Majesty in Council that the Petitioner shall have special leave to appeal from the Judgment of the Full Court of the Supreme Court of Hong Kong dated the 1st June 1971 and for such further or other order as to Your Majesty may appear fit and proper:

40

"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof and in opposition thereto Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought to be granted to the Petitioner to enter and prosecute his Appeal against the Judgment of the Full Court of The Supreme Court of Hong Kong dated the 1st June 1971: