

Dramatis Personae

Mr Donald Brown – the deceased victim

Mr Adam White – co-accused of murder with his brother

Mr Martin White – co-accused of murder with his brother

Mr Bob Pink – a neighbour of Mr Brown and witness. He is also a marathon runner.

Mr Todd Greene – another neighbour of Mr Brown and another witness.

Ms Rebecca Orange – the crown prosecutor

Mr Justin Grey – the barrister for Mr Adam White

Ms Sonya Blue – the barrister for Mr Martin White

The Hon Justice G. D. Teal – presiding judge

The Prosecution Case

Two brothers, Adam and Martin White are charged with the murder of Donald Anthony Brown. The prosecution alleges that the Mr Brown owed the brothers money for an illegal two-up debt and that the brothers visited Mr Brown with a view to intimidating him into paying the debt. The prosecution alleges that after forcing their way inside and arguing for a period, the brothers began to assault Mr Brown, before tying him up and demanding money. Finally, the prosecution alleges that when Mr Brown didn't pay, they hit him about the head and neck with a machete and, in so doing, killed him. The brothers own and run a bread business called the French Artisan Boulangerie. Martin White has a series of intricate cake tattoos on both his arms.

The Defence Case

Both defence barristers will be defending the prosecution case and not leading any evidence. The defence says that it is not possible to prove that the brothers were in Mr Brown's apartment that day. Each counsel will be trying to suggest that if the jury does not accept that the brothers were not there, that the alternative argument is that it is not possible to prove which brother actually did the violence.

The accused will be arraigned and the prosecution will be invited to open the case.

Exhibits

Ex 12 A bloodied blanket

Ex 16.14 Photograph of a white van belonging to Adam White with the letters FAB painted on the side

Ex 20 Purple Nike trainers belonging to Martin White

The first prosecution witness is Mr Robert Pink

Examination in chief - Robert Pink

Mr Pink was a neighbour of Mr Brown at 72 Monet Street living himself in apartment number 2. He heard noises from Mr Brown's apartment including very large thuds through his shared wall which became really bad. He went into the hallway and another neighbour, Todd Greene, also came out. They called out "Are you alright Bob?" and somebody said "Yeah, it's alright mate. It's OK...it's a family feud". He called out that they were proposing to call the ambulance and heard a voice from inside say "I'm an ambo". Later he said that they were going to call the police and the noise inside stopped. He and Martin Greene went into the doorway of Mr Greene's room and heard some shuffling and then saw two people with a blanket over their heads come out of Mr Brown's unit and take off through the back door. He said that they were both male, the one near the back had dark hair and a 5:00 o'clock shadow, a light shirt and dark jeans and violet shoes, perhaps like running shoes. Those two first shuffled past him and Mr Greene and then took off. He did not see a lot of either of those men at that stage, perhaps five seconds as a maximum. He then looked into Mr Brown's room, saw his feet were tied up and sticking out from the sleep-out room. This led Mr Pink to chase the men who had fled by the back stairs. He left via the front stairs and saw them running down Monet Street. He said the street light gave off good light but he could not describe their appearance more than he had previously. They headed towards Swan Street and turned left into Goose Street and stopped at a big utility or truck. He heard them arguing, they got in the utility and took off. He said it had the letters "FAB" hand written or painted on it. He went back. The police were called and arrived really quickly. He helped the police

officers stem the blood flow from Mr Brown and said that his hands and feet were tied and that he was very bloody and had suffered significant head injuries.

He said that ex. 20, the violet Nike trainers looked familiar in respect to the shoes worn by the last man coming out of Mr Brown's unit.

Cross-examination – Robert Pink

In cross-examination he agreed that the police statement he gave was only a few hours after the attack took place and was definitely more accurate than his memory now.

He agreed that the first noises he would have heard were closer to 6:15 pm than 6:30 pm and occurred probably over a minute. He said that he and Mr Greene were then outside Mr Brown's room for five to ten minutes and that he may have identified the accent of the person saying "Don't worry" from inside as European. He agreed that only two people came out of Mr Brown's room and that he did not see any weapon in their hands including a machete. One had a white t-shirt, the second man at the rear also had trousers or jeans and was wearing violet trainers like those in ex. 20.

He agreed that in his police statement he had initially said that the shoes he saw on the second man were Adidas shoes, not Nike shoes like the ones in ex. 20. He also agreed that as a keen marathoner, he knows the difference.

He agreed that at first glance or as a spur of the moment impression he thought they were related as they were the same height and build and resembled each other and had pale skin and agreed that he may have referred to them as being like twins in his police statement. He did not notice any tattoos on their arms.

Re-examination – Robert Pink

He agreed in re-examination that he had no view of the arms of the man who was in front heading towards the rear door. All he could recall was a view of the arm of the man at the back.