

# Wounds 'dissimilar'



LEFT: Pamela Lawrence. CENTRE: Money left at the scene despite it being an alleged robbery. RIGHT: Andrew Mallard.

## Sketches were deleted by police

■ From Page 45

The conclusion of those conducting this experiment was that the wounds were "dissimilar".

After a second test conducted with a similar wrench, Clive Cooke, a forensic expert, concluded that such a wrench "could not have caused many of the injuries to the deceased".

### 2. The saltwater experiment:

There was strong evidence at the trial that the infliction of multiple blows on the skull of the deceased would have caused a spattering of blood in all directions.

The appellant's "confession" to police had him going "down to the river . . . and wash(ing) his clothing" after the attack. In its original form, a six-page report for police by government scientist Bernard Lynch contained two pages under the heading: Examination of clothing for immersion in river water.

However, at the request of police, a second version of the report was produced omitting those two pages. The missing two pages concluded that "the residual soluble salts detected in the clothing items are not consistent with immersion in river water".

### 3. The missing cap:

Mallard's "confession" to police had it that he was wearing a cap consistent with the evidence of a witness, Katherine Barsden, who described a person whom she had momentarily seen in the deceased's shop at about the time of the murder.

However, a prosecution witness, Michelle Engelhardt, had made a handwritten statement only a few days after the murder stating that Mallard's familiar cap remained on a hook in her apartment on the afternoon of the murder.

All references to the whereabouts of the appellant's cap, his wet hair and lack of headgear were removed by police from Ms Engelhardt's original statement. The police prepared a second, typed, statement which deleted this information.

### 4. The undisclosed sketches:

The day after the murder, Ms Barsden signed a statement for police stating that when she had arrived home, she had drawn sketches of the man she had seen in the deceased's shop.

In the statement that was later produced, the reference to the sketches was deleted by police. There were discrepancies between the undisclosed sketches and the appearance of Mallard at the time of the attack.

### 5. The locking of eyes:

Mallard denied that he had said that he had "locked eyes" with a girl passing by the shop where the deceased was killed.

However, in an original police statement this phrase had been attributed to him. The phrase was deleted from the draft statement (of another witness) provided to the defence. The removal of the expression from the statement lends weight to the suggestion that the "verbal confession" attributed to Mallard amounted, in substantial parts at least, to words chosen by police rather than by Mallard, and that the later deletion of the statement was designed to remove an obvious source of discrepancy that could be brought out during cross-examination.

### 6. The man wearing a bandanna:

Two witness statements, which were not disclosed to the defence, described a man seen wearing a bandanna on his head and behaving erratically within 3km of the scene of the murder several hours before it happened.

This man could not have been Mallard. The existence in the vicinity of a person more closely fitting the description of the man seen in the deceased's shop at about the time of the murder would have been a fruitful source of evidence and argument before the jury in the defence's case.

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