



New Zealand Police

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CREWE HOMICIDE INVESTIGATION REVIEW



**'Investigation into certain
aspects of the evidence relating
to the conviction for murder of
Arthur Allan THOMAS'**

APPENDIX 14



Appendix 14

'Investigation into certain aspects of the evidence relating to the conviction for murder of Arthur Allan THOMAS' (first report, 1979), by Robert ADAMS-SMITH QC

'Investigation into certain aspects of the evidence relating to the conviction for murder of Arthur Allan THOMAS' (second report, 1979), by Robert ADAMS-SMITH QC



Appendix 14

'Investigation into certain aspects of the evidence relating to the conviction for murder of Arthur Allan THOMAS' (first report, 1979), by Robert ADAMS-SMITH QC

THE CREWE ENQUIRY

INVESTIGATION INTO CERTAIN ASPECTS OF THE EVIDENCE RELATING TO THE CONVICTION FOR MURDER OF ARTHUR ALLAN THOMAS

A CONFIDENTIAL REPORT BY R.A. ADAMS-SMITH Q.C. TO THE PRIME
MINISTER THE RIGHT HON. R.D. MULDOON

SCOPE OF ENQUIRY

The purpose of the Enquiry was to ascertain the validity of the alleged identification by one Bruce Roddick of a woman seen at the Crewe property on Friday the 19th June 1970.

BACKGROUND

1. In October 1978 one David Yallop, an English author had published a book "Beyond Reasonable Doubt?" which contained a detailed review of the case against Thomas including the two trials by jury both of which resulted in a conviction for murder.
2. Although the discovery of the commission of a crime was not made until Monday the 22nd June 1970, the Crown case put the time of the deaths of Mr and Mrs Crewe as having occurred during the evening hours of Wednesday the 17th June 1970.
3. If this time was correct, certain evidence appeared to be inconsistent or at least needed to be reconciled with the evidence which established the guilt of Thomas. In particular there was the incontrovertible fact that the child of the Crewes, a girl aged some 18 months, had upon the face of it survived relatively well without any form of care for a period of approximately 4½ days. Indeed if the couple had died on the Wednesday evening, the medical condition of their child possibly was not as enfeebled as it would have been had she been left uncared for for that whole period of 4½ days and speculation immediately arose as to whether some person had given the child some sustenance and care during that period.
4. A Bruce Roddick, then a self-employed farm assistant was on the morning of Friday the 19th June 1970 assisting a local Pukekawa farmer to feed out hay. Roddick working from the tray of a tractor saw a woman standing in front of the Crewe home just outside the garden fence of that property.

5. Roddick was unable to identify the woman as being anyone he knew or subsequently had drawn to his attention. His consistent description of the woman however was that she was of European extraction, fairish-haired, reasonably tall and "in her 30's".

6. In the preparation of his book, Mr Yallop carried out further investigations which included the interview of many persons who had given evidence at the trials of Thomas. Roddick had by this time taken up residence in Sydney but Mr Yallop arranged that Roddick be interviewed. A woman conducted this interview and during the course of it showed to Roddick a series of photographs of women who possibly could fit the description which I have summarised. One of the photographs Roddick selected and initialled.

7. In the course of a detailed analysis of the evidence relevant to the survival of the Crewe child, Mr Yallop concluded that the child must have received some sustenance and attention and said in his book at page 23 -

"I know who fed Rochelle Crewe". I know the identity of the woman that Bruce Roddick saw on that Friday morning. The information concerning this aspect has been placed in the hands of the Prime Minister of this country with certain recommendations. At the time of writing it would be injudicious to reveal her identity until the due process of law has taken place."

8. Pursuant to that statement Mr Yallop in October 1978 sent to the Prime Minister a letter in which Mr Yallop stated inter alia:

"During early November 1977, Bruce Roddick was shown 16 unidentified photographs of 16 different women. He has positively identified the enclosed photograph as being the same woman that he saw on the Crewe farm on that Friday morning. He duly initialled the back of the photograph."

The photograph which accompanied the letter depicted a man and a woman. The Prime Minister was told that the photograph had been taken five years after the deaths of Mr and Mrs Crewe and the names of the people, the subject of the photograph were given to the Prime Minister.

9. On the 26th October 1978 the Prime Minister instituted this Enquiry. While investigations were still being carried out, a Mr Pat Booth a Deputy-Editor of the Auckland "Star" newspaper published in that paper of the 24th November 1978 an article under the heading "Woman seen driving Crewe car". Mr Booth wrote:

"The mystery woman who fed the Crewe baby was seen driving the couple's car in the week before their murder, a witness disclosed to me for the first time this week. But he cannot positively identify her...."

He believes he saw the woman:

- * Driving the Crewe car in the direction of their farm days before the murder - this has never previously been disclosed. She waved to him as he passed on a tractor.
- * Then, in front of the Crewe house near that car two days after the killings and three days before the tragedy was discovered (She was presumably back at the house to feed the Crewe's daughter 18-month old Rochelle. The baby was found crying in her cot when the house was investigated the following Monday.
- * Outside Otahuhu Magistrate's Court the day he gave evidence of his sighting in December, 1970. He remembers she "stared hard" at him.
- * Outside the Supreme Court in Auckland at the first trial in February, 1971. As he left the Court after testifying, he saw her at a range of about 7 metres. She turned and hurried away."

10. On the 11th December 1978 Mr Booth forwarded to the Prime Minister two affidavits one by Mr Roddick and the other by himself, containing statements upon which he had based his newspaper article. These affidavits were not in fact received by myself until after I had had an interview with Mr Roddick in Melbourne, where he is now resident.

SUMMARY OF ENQUIRIES MADE FOR THE PURPOSES OF THIS REPORT

For the purposes of this report I have carried out personally certain enquiries in the Pukekawa area including an inspection of the roadway area and adjoining land between the Chitty farm property and the Crewe house. I have also interviewed the parents of Mr Roddick, Mr Bruce Roddick himself and a Mrs Queenie McConachie.

DETAIL OF INTERVIEWS WITH MR AND MRS RODDICK (SENIOR), MR BRUCE RODDICK AND MRS QUEENIE MCCONACHIE

I consider it necessary to give detail of my interviews with these four persons so that the reasons why I have reached certain conclusions in this matter, are clearly understood.

INTERVIEW WITH MR AND MRS RODDICK (SENIOR)

1. This elderly couple are obviously distressed by the constant intrusion into their privacy which the Crewe murders have caused. Some years ago they moved from the Pukekawa District, retired from farming and now live in a suburb of Auckland. Though on the telephone, their number is unlisted. Even so they speak of a relation whose telephone is listed, but who of course has nothing whatsoever to do with this matter, as receiving numerous threatening and abusive telephone calls.
2. Mr and Mrs Roddick have a family of three boys and one girl. All their children went to school at Opwata which was the local school for Orton. This school apparently has now closed.

3. The parents told me that they believed their children knew the two Demler girls, Jeanette and Heather. They explained that while those girls did not go to the same primary school as their children but went instead to the Pukekawa Primary School, they believe that through certain sports fixtures between primary schools in the area the children knew one another by sight. It was explained to me however that after primary school the two Demler children went to a boarding school in Auckland, thus the very limited contact through sports fixtures came to an end. To the knowledge of the parents, their children had no knowledge of the Demler children as adults.

4. On the Monday night following the finding of the Crewe child together with signs of a possible crime, the 22nd June, there was a short news broadcast on television. Apparently the news broadcast was to the effect that Mr and Mrs Crewe were involved in the apparent crime and Mr Roddick (senior) who at the time was sitting with his wife and Bruce Roddick, all watching the television, asked Bruce who the Crewes were as Mr Roddick (senior) had not heard of them in the district. Bruce responded that he thought one of the Demler girls had married a Crewe. That appears to have been the totality of the conversation.

5. The following morning at breakfast, at approximately 8.30 a.m. or 9.00 a.m. after milking had been completed, Mr and Mrs Roddick and Bruce were sitting around the breakfast table having breakfast and listening to a radio news broadcast. A more detailed broadcast was made at that stage concerning the apparent crime during the course of which it was said that it was believed the Crewes had been murdered on the previous Wednesday. Quite spontaneously, according to the parents, Bruce said that that could not be so as he had seen Mrs Crewe only last Friday standing out in front of their house near a car. As Mrs Roddick remembered the conversation, Bruce made some comment about Mrs Crewe being fair. Mrs Roddick as the result of knowing Mrs Demler, had at times seen Jeanette accompanying her mother and therefore knew her by sight. She knew that Jeanette was not fair and upon her son Bruce making the remark she replied that he could not have seen Jeanette as she knew she was dark-haired.

6. Mr Roddick considered it would be proper for Bruce to tell the police about the woman he had seen on the Friday. Bruce appeared reluctant to become involved in the matter but the father understood that he did in fact go to see the police the following day, as at the time he was still working up at Chitty's farm where a temporary Police Headquarters had been established.

7. The following Saturday morning the Police were in touch with Bruce with advice that they wanted him to go up that afternoon to see them at their Headquarters. Mr Roddick said that Bruce was away some two to three hours and that when he came back he was visibly upset. He said that the Police had given him a hard time including figureprinting him, searching his car, taking a rug on which had been spilt some raspberry icecream and enquiring into his personal life including his sex life.

8. It would seem that Bruce Roddick at that stage was under suspicion by the Police and the parents were aware that a watch was kept on their son.

9. I was given further information which I did not consider to be pertinent to my enquiry. Mrs Roddick did advise me however that at one stage, before the second jury trial, she had accompanied Bruce to the Chitty farm as the Police wished him to site where the tractor had been on the morning of the 19th June, when he was feeding out and saw the woman by the Crewe house. According to Mrs Roddick her son positioned the tractor just inside the roadside fence on Chitty's place. This would have put him 100 yards or perhaps less from the place where he says the woman was standing.

DETAIL OF INTERVIEW WITH BRUCE RODDICK

1. No prior advice had been given by me to Roddick that I intended to visit him at his home in Melbourne. When I did succeed in seeing him which was just after 9.00 a.m., he did not appear surprised at my visit. I ascertained from him that in fact his parents, from whom I had obtained his address in Melbourne, had warned of the possibility of my visiting him.

2. I did not experience any antagonism from Roddick, in spite of the fact that I had called on him somewhat early on a Sunday morning and my interview with him extended well over two hours. Indeed he appeared somewhat resigned to the fact that in spite of his hopes to the contrary, he continued to be involved in this matter.

3. He had been working for Mr Chitty during the week before the week of Friday the 19th June. It seems that Chitty normally employed a married man but he was temporarily without that help and had been using Roddick for temporary farm assistance. Roddick used to do this type of work in the district including odd jobs and relieving farmers so that they could get away for their holidays.

4. The Friday, the 19th June, was the first day that week that Mr Chitty

had asked for assistance. As Roddick recalls, Mr Chitty had telephoned him that Friday morning with advice that he was wanting to get away on a trip down south later in the day and a request that Roddick go over to his farm first thing. As Roddick recalls it, he and Chitty did the feeding out on the front paddocks after which Chitty had to get away so that Roddick was left to do the back of the farm by himself.

5. The feeding out which he did with Chitty involved both men being on a tractor fitted with the usual tray on which were stacked bales of hay. At the time of the sighting, Chitty was driving the tractor and Roddick throwing the bales off. Roddick was standing one bale high on the tray which allowing for the height of the tray above the ground plus the depth of a bale meant he would be standing some three to four feet above ground level.

6. Of the conversation regarding the sighting of the woman which he had subsequently with his parents, as reported above in the summary of my interview with his parents, Roddick thought the conversation had occurred on the Monday evening. When the news announcement stated that the couple had gone missing on the Wednesday, he said, as he recalls it "but they can't have because I saw a woman standing at the front of the house on Friday". This was not quite as his mother had given it to me and I did ask Roddick whether in fact he had said it was Mrs Crewe who was standing in front of the house. He said that he thinks in fact that is what he did say and he then recalled that his mother made the comment that it could not have been Mrs Crewe as she had dark hair whereas Roddick had spoken of a woman with fair hair.

7. Roddick has always maintained that he had no knowledge of Mrs Crewe: his belief being that he had not ever seen her. This appeared inconsistent with what his parents had given me concerning the history of their children while at primary school. Roddick said that his parents would have been referring to his two older brothers. He pointed out that Jeanette would have been some six years older than he is and Heather four years but that his two brothers were more of the age of the Demler children.

8. I referred to the fact that his mother knew Mrs Demler and through her had some knowledge of Jeanette. Roddick admitted that he knew Mrs Demler. His mother knew Mrs Demler through membership of the local Church and the women's division of Federated Farmers. Possible she had seen Mrs Demler with Jeanette on those occasions. Bruce did not know Mrs Demler through that association however but through Mrs Demler's interest in assisting at Calf Club days which

Roddick had attended.

9. I expressed surprise that Roddick had not come to know at least by sight Mr and Mrs Crewe. On his own admission he had often worked on the Chitty farm and I observed that it was not uncommon for someone working on a neighbouring property to get to know other occupiers. He told me that in fact he had not ever met Crewe and to his knowledge did not know what he looked like. He said that Crewe had a reputation in the District of keeping himself to himself. He had however seen what he presumed to be the Crewe car from time to time, he having noticed it parked in a shed on the property. He described it as a dark green Hillman and in accordance with a car shown in the police photographs.

10. In spite of the expressed views of his father, that he should tell the Police what he had seen, Roddick did not go to the Police with his information; rather did they come to him. It would appear that on the Tuesday morning when he went across to do further work at Chitty's farm, he was seen driving up the drive by the Police who then enquired as to whether he had any information. It was at that stage that Roddick made the statement which he believes is accurately set out at page 11 of Yallop's book. Although that statement was in writing Roddick was not given a copy of it and therefore he is not the source of Yallop's information.

11. The Police, to Roddick's knowledge, did not check distances involved at the time when he first made his statement. To his knowledge the first time any attempt was made by the Police to measure the distance between the point where he was on the tractor and the point the woman was standing was, he said, after the Court of Appeal case but before the second jury trial. A Policeman named Johnson telephoned Roddick stating that he wished to put a marker where Roddick was standing at the time he saw the woman as he wanted to measure the distance. Roddick by this time on his own admission was very wary of the Police and was not going to be by himself with the policeman so he arranged for his mother and another farmer, a Mr Potter, to be in attendance. Johnson wanted to put the stake further into the paddock than the point at which Roddick fixed the tractor and I gathered that there was a certain amount of heat between the two while Roddick insisted that the marker be moved closer to the roadway. No attempt however was made by the Policeman to measure the distance from the marker. As far as Roddick recalls Johnson had no measuring equipment with him at the time so that after the placing of the marker Roddick, his mother and Mr Potter left the scene. Roddick told me that Johnson subsequently at the second jury trial gave evidence that he had measured the distance and it was 120 yards. Roddick does not believe

it was as great a distance as that but re-emphasises that no measuring was done in his presence.

12. Roddick admits that the Police challenged to his face that he could not possibly have recognised a person over the distance involved. Although he admits that he was too far away to distinguish facial features, the distance was not so great as to prevent him recognising a person had he known that person. He was quite emphatic about this.

13. I enquired of Roddick as to how, if he could not distinguish facial features, he could put the woman as being "in her thirties". I said that not being able to see her face, surely it must have been difficult for him to put an age on the woman. He replied that he was able to do so "partly by the way she held herself". I then asked how he could tell, without seeing facial features that it was a woman in her thirties as opposed to someone in her twenties. His reply was that it was because the woman had a more mature figure than one would expect with that earlier age group.

14. I then asked Roddick if he knew Arthur Allan Thomas. Roddick frankly admitted that he did know him and that it was quite a friendly association. It appears it arose out of the casual work which Roddick did in the district and he also had known of the Thomas family for some time. He had gone to school with three of Thomas's brothers and sisters and also some cousins of Thomas. He had actually met Thomas through assisting a contractor with hay-baling. This contractor apparently used to bale Thomas's hay and also that of a farmer next door to where Thomas worked so that Roddick had come to know Thomas as a "workmate". At no stage however did this association develop into social contacts such as visiting Thomas or having drinks with him although Roddick had seen from time to time both Mr and Mrs Thomas at different community social functions.

15. Roddick advised me that at no stage has he recognised any person in a photograph as being one and the same person as he saw on that Friday morning the 19th June. At no stage has he said other than that the women which he has indicated, are similar to the woman that he saw. I refer to "women" because Roddick advises me that at the interview in Sydney with Yallop's representatives, he in fact selected photographs of two women. One was the person a photograph of whom has been referred to the Prime Minister while the other according to remarks made by Mr Yallop's representative, was a woman in Scotland who had not ever been to New Zealand and therefore could not in any way be associated with the case. Roddick absolutely denies that he told Yallop's representative that he positively identified any woman.

16. At the time of my interview with Bruce Roddick the newspaper article by Mr Booth had already been published, though I had not at that stage received the affidavits which were subsequently sent to the Prime Minister by Mr Booth. Roddick had been sent a copy of what was published in the Auckland Star and I was able to discuss this publication with him. The newspaper article spoke not of one sighting but of four, though the evidence of Roddick tying all four in together obviously had come about after considerable reflection on his part. I was concerned therefore to ascertain the mental process as the result of which these four incidents were connected by him and as a starting point asked when he first began to wonder to himself as to whom the woman might be that he had seen.

17. In answer to my question he said that he thought the woman was Mrs Crewe. I pointed out to him however that as subsequent events showed, this could not have been so and that there must have been a time when, knowing that it could not have been Mrs Crewe, he must have commenced to wonder to himself who in fact the woman was. He then spoke of thinking about this when the Police had him view a line up of women in an identity parade. This parade included, I understand, Thomas's wife. He was asked by the Police if he recognised any of the women as being the one he saw on the Friday morning. He of course knew Mrs Thomas though he did not tell the police that but truthfully told them that he did not recognise any of the women as being the person he saw.

18. However this did not answer my question namely as to when he first began to wonder who the woman he had seen, in fact was. He then started to tell me about seeing the woman at the Otahuhu Magistrate's Court during the preliminary hearing which of course is one of the sightings referred to by Mr Booth in his newspaper article. He said that all the Crown witnesses were sitting about waiting as also were "supporters" on both sides of the case, including the Thomas family and the Crewe family. He was sitting with other Crown witnesses. The Thomas family were on the other side of the room with, as he recalled it, Crewe's mother nearby, and as he described it, "their followers". Included in this latter group, was "the woman". However as his evidence unfolded, it was not quite as dramatic as that. All he said was that he remembers noticing a woman with fairish hair in this group. At that stage Roddick did not say to himself "that looks like the woman I saw at the house" or even "that woman looks familiar" or even "I wonder if I have seen that woman before". He merely noted the woman as being with the group and that she had fairish hair. He did not link in his mind at that stage the woman with the woman whom he had seen on the Friday morning. He frankly admitted to me he did not take much interest. He said he was feeling very nervous.

because he had not been involved in any Court proceedings before and he was more concerned as to what he had to say. In any case, he told me, he was only there a few minutes before the Police called him in to give his evidence.

19. I asked him therefore when did he first connect the woman whom he had seen at the Otahuhu Court, with the woman he had seen on the Friday morning. He told me that he thinks it was when he saw her leaving the Supreme Court after he had given evidence for the Crown in the first trial. On a closer analysis of what he had to say about that, it would seem that even then there was no sudden flash of recognition. What he told me was that he had finished giving evidence in the NO. 1 Court and that he had come out of a side door and along a side passage to the main foyer of the Supreme Court. As he came into the foyer he noticed this woman, apparently just having come down the stairs from the upstairs gallery of Court 1. He felt that she so turned her head as to discourage him seeing her face. That was the impression he received though he admitted to me that this could have been a misinterpretation on his part and a completely innocent act on the woman's part of just turning away. He did not have any flash of recognition however even then. He says he walked out to the front of the Courthouse to see which way the woman had gone but that he could not see her. He said he commented on the matter to his mother later but on closer questioning by me said that the first thought which went through his mind when he saw the woman there in the foyer was "I wonder what she is back here for?". He did recognise her from the Otahuhu Court. He might also have thought then to himself "I wonder if she is keeping an eye on me". Certainly he then did think "I wonder if that is the woman I saw on the Friday morning.". In other words his thought process was not

- (a) "I recognise that woman from the Friday morning"
- (b) "She is here keeping an eye on me to see whether I do name her".

Instead the thought process was

- (a) "I have seen that woman before at the Otahuhu Court".
- (b) "I wonder what she is doing here again".
- (c) "Could it be she is just listening to hear my evidence or could it be that she is the woman I saw at the farm".

20. I then discussed what Mr Booth had reported as the first sighting in his newspaper article which is when Roddick is said to have seen the woman driving the Crewe motor car, "days before the murder". He told me that approximately 2 weeks before he had seen

a fairish-haired woman driving the Crewe's car. He remembers the occasion as being when he was driving Chitty's tractor up to the Pukekawa garage for repair. As the woman drove by she did as is commonly done in the country, give a wave. Roddick saw no more of her than to be able to comment that she was a fairish haired woman. He could not and does not say that she was the same woman as he had seen on the Friday morning or even had similar characteristics as that woman apart from the fact that she had fairish coloured hair.

21. Until the visit of Mr Booth to Roddick's home in Melbourne, Roddick was unaware as to the identity of the woman in the photograph sent to the Prime Minister by Mr Yallop. Booth volunteered that information to Roddick who after being told commented to me that he "could have crawled under the couch".

DETAIL OF INTERVIEW WITH QUEENIE McCONACHIE

1. Mrs McConachie still lives in the Pukekawa District. She has lived in the District all her life and knew Jeanette Crewe though she could not be described as a friend of Mrs Crewe's. In her words she "knew her to say hello to" and had "played golf with her once or twice."

2. In June of 1970 Mrs McConachie was expecting her first child. Her husband was a follower of the Onewhero Football Club and on Saturday the 20th June 1970 that club was playing at Tuakau. Mrs McConachie did not accompany her husband each time he went to watch the football but on this particular Saturday decided to go. She would usually go with her husband when there was no milking as it meant they had not to be back to the farm early in the evening but instead could go on after the match and get tea somewhere.

3. The couple went through to Tuakau in their landrover in which Mrs McConachie says one sits fairly high up and gets reasonably uninterrupted view. She was the passenger with her husband driving. They were the only two in the vehicle.

4. As they drove past the Crewe house, on their way to Tuakau, it was approximately 1.30 p.m., Mrs McConachie saw a small child on the path to the house, close by the garden gate. The fenced off garden of the house was between it and the road a small paddock with a set back immediately in front of that again so that the distance involved would be approximately 50 yards. The child was described to me by Mrs McConachie as a "toddler" and appeared to be dressed in bib fronted trousers. When first seen by Mrs McConachie the child appeared to be walking up to the gate of the garden fence which was made of

wire mesh so that one would be able to look through it. The child appeared to reach up to the gate but then, in an apparent change of mind turned and started back up the path towards the house.

5. Mrs McConachie remarked to her husband "there's Jeanette's little girl". She had in fact not ever seen the Crewe child before to her knowledge but, knowing Mrs Crewe had a small daughter made an assumption. She believes that her husband turned his head and also saw the child. He was not driving the landrover particularly fast. The husband I understand also recalls the incident though he puts the sighting at a time when the couple were coming back from the football match rather than going to it. Mrs McConachie says that the garden gate was closed at the time; that the child appeared to reach up to the gate and then turned back.

6. Mrs McConachie said that she gave evidence for the Crown at both jury trials. It had not been suggested to her before that she might in fact have mixed up her days and given this incident as happening on the 20th June when in fact it had occurred on an earlier Saturday. When I suggested this to Mrs McConachie she denied any confusion in her mind. She had no doubt whatsoever that it was Saturday the 20th June that she saw the child.

7. Mrs McConachie did not observe any other persons about the house, at the time.

8. The McConachie farm would be approximately three miles from the Crewe farm. After the discovery of a possible crime it would appear that the police made enquiries from the occupiers from many of the neighbouring farms. Mrs McConachie believes it was a Monday when she first became aware of Police enquiries. This would be before she had heard any news relating to the crime. As she remembers she was visiting her brother's farm at the time the Police called there seeking information and it was at that stage that she told of seeing the small girl on what logically must have been the Saturday before. At that stage however the Police had not given any detail as to what had occurred at the Crewe property. Mrs McConachie says at that stage no information was given by the Police to suggest that the crime had been committed as long ago as the Wednesday before. Mrs McConachie said that it was some few days later that she gave a written statement which was consistent with her initial advice to the Police on that Monday.

COMMENT ON INTERVIEWS

1. Mr and Mrs Roddick, the parents of Bruce, are now quite disenchanted with the Police over the handling of their investigation of the crime, as far as Bruce Roddick is concerned. They are keen to protect their son and indeed themselves from further involvement in the matter and were extremely reluctant to give to me the address of Roddick in Melbourne.
2. This possible antagonism towards the Police however does not in my view detract from the force of their evidence as to the timing and spontaneity of the remark made by Bruce Roddick as to the presence of a woman at the Crewe house on Friday the 19th June 1970. I accept that Bruce Roddick when first aware of the suggestion that Mr and Mrs Crewe had been murdered on Wednesday the 17th June did exclaim over what he believed to be a serious error. In my opinion this tends to authenticate the evidence which he subsequently came to give.
3. Roddick's evidence has remained consistent. Again I am assisted over credibility by the discussion between mother and son which took place probably on the Tuesday morning at the breakfast table. I do not consider it a serious discrepancy that the parents stated this conversation having occurred on the Tuesday morning as to Bruce Roddick saying it occurred on the Monday evening. Mrs Roddick, knowing Jeanette Crewe by sight would quite naturally remark that the fairish woman whom her son had seen could not have been Jeanette because she was dark haired. At that time the significance of the woman's colouring could not possibly have been known or even guessed at by Roddick nor could he possibly have had any reason other than a desire for accuracy, for describing the woman as fairish.
4. Roddick I understand has been challenged as to his fixing the day he made his sighting of the woman, as Friday the 19th June. Had he been working for Chitty on other days during that week I would accept that there was justification for such an challenge. In view of the fact that within moments of his learning that the crime (suspected at that stage) was put by the police as having been committed on the previous Wednesday, he exclaimed over what he believed to be an error, I can see no reason to doubt his accuracy as fixing the day of the sighting as the Friday before. That was the only day that previous week that he had been on the Chitty farm.
5. The feeding out of hay from the tray of a tractor is not an absorbing task. I accept that it is a task which would give Roddick plenty of opportunity to look about. From his position at the rear of the tractor some three to four feet above the surface of the ground he would in my opinion have excellent visibility and if his positioning of the tractor at the time is accepted, would have had a clear view to the front of the Crewe house.

6. After my interview with Mr and Mrs Roddick I was concerned over an apparent inconsistency as to knowledge on Roddick's part of Mrs Crewe. The parents had led me to believe that all their children would have known Jeanette Crewe at the time she was at primary school. After my interview with Bruce Roddick however I was satisfied that he would not have known Jeanette Crewe as a primary school child and this can be simply explained by considering the difference in their ages. Roddick is some six years younger than Jeanette Crewe so that it could be safely assumed that Jeanette had left the district to go to boarding school at a time when Bruce Roddick was just embarking on his primary education.

7. The distance at which Roddick made his sightings from the back of the tractor was such that he was quite unable to distinguish facial features. Accordingly he would not gain sufficient information from that sighting to be able positively later to identify a stranger. Having viewed the scene I accept however that he was sufficiently close to have recognised by general physical appearance a person already known to him. Similarly he was sufficiently close to be able to distinguish a person of dark colouring as opposed to light colouring and would have been able to make a reasonably accurate assessment as to the build of a person. While that build may well have enabled Roddick accurately to say that a person was not still a teenager or even in his twenties, I doubt whether, assuming the person seen to have been of reasonably athletic build, that one could with any accuracy tell his age within a range of 20 years. Accordingly while Roddick was sufficiently close to tell that the woman was not elderly I cannot accept that he could distinguish between a woman of athletic build in her thirties and a woman of athletic build in her fifties.

8. Because Roddick knew on quite friendly terms, Arthur Allan Thomas, it is necessary to consider whether his evidence on the sighting could have been influenced at all by that acquaintance. I have not seen the former Mrs Thomas but understand that the description given by Roddick to the Police could not be said to be a description of Mrs Thomas. The description was given at a time when Roddick did not know and could not even guess who possibly might be involved in the crime.

9. The frank admission by Roddick that he was quite unable to distinguish facial features means he is not in a position positively to identify any woman as being the woman whom he saw on that Friday morning, nor is it correct to say that he has recognised the woman in photographs or on other occasions. The sighting of a woman driving the Crewe car a fortnight before the crime was committed establishes only that at that time a woman with fairish hair drove the car, in the vicinity of the Crewe farm. The recognition of the woman in the photograph amounts to nothing more than advice from Roddick that the woman in the photograph appears to be similar to the woman he saw. That the evidence can be taken no further is demonstrated by the fact that at the

time Roddick selected that photograph, he also selected the photograph of a woman of similar appearance, who lives in Scotland and has not ever been to New Zealand. The alleged recognition of the woman first at the Otahuhu Magistrate's Court and subsequently at the Auckland Supreme Court did not amount on either occasion to recognition as such. At the Otahuhu Court Roddick was nervous and more worried as to how he might give his evidence than taking any real notice of other people present. He certainly saw a woman with fairish hair at the Court and I accept that he subsequently saw the same woman at the Supreme Court but at the Otahuhu Magistrate's Court did not even associate in his mind the woman with the woman he had seen on the Friday morning. In the Supreme Court he did make that association but it was not as the result of any flash of recognition but rather as the result of assumptions made by him. It could well be Mr Roddick now considers that the woman whom he saw at the Courts on those two occasions is one and the same as the woman whom he saw on the Friday morning but that opinion has not been reached on any recognition basis but rather on a thought deduction basis as detailed in my summary of my interview with him. I put it to him at that interview that his thought process led him to the conclusion that the woman he saw on those two Court appearances looked like the woman at the farm more than any other person he had been able to recall and he agreed that that was an accurate summary of the matter.

10. I do not consider however that Mr Roddick has deliberately tried to implicate any person. I consider that as far as this aspect is concerned, it is significant that it was only in November of last year as the result of information given by Mr Booth, that Roddick became aware as to the identity of one of the two persons whom he had selected in the series of photographs shown to him by Mr Yallop's representative.

11. Just as I find that there is no confusion on the part of Bruce Roddick over the day he sighted the woman so also I find there is no confusion on the part of Mrs McConachie as to the day she saw the child by the Crewe garden gate. Police enquiries were made at a sufficiently close time, I assume within 48 hours, of Mrs McConachie going to the football match with her husband and observing the child to prevent an error arising. Although Mrs McConachie made her formal statement some days later her verbal advice to the police concerning the sighting would appear to have been given within 48 hours of it.

FINDINGS

1. In the morning of Friday the 19th June 1970 there was a woman, as described to the Police by Bruce Roddick in the vicinity of the Crewe house.
2. The sighting of the woman by Roddick was sufficient for Roddick accurately to state that the woman he saw was not a person known to him.
3. Roddick was and is unable, from that sighting positively to identify any person as the woman he saw.
4. Roddick has not purported positively to identify any person as being the woman he saw on Friday the 19th June 1970. He has selected photographs of two women as being similar to the woman he described to the Police.
5. Roddick cannot and does not say that the woman he saw on the Friday morning is one and the same person as the woman he saw driving the Crewe car approximately a fortnight before the crime or the woman he saw first at the taking of depositions at the Otahuhu Magistrate's Court and secondly at one of the trials at the Supreme Court.
6. There was no proper basis for Mr Yallop to state in his book, "Beyond Reasonable Doubt" at page 23 that he knew who fed the Crewe child or that he knew the identity of the woman that Bruce Roddick saw on Friday the 19th June 1970.
7. There was no proper basis for Mr Booth to publish in the Auckland Star of the 24th November 1978 that the woman who fed the Crewe child was seen driving the Crewe car in the week before the murder or that the same woman was seen on three other occasions as detailed earlier in this report.
8. In the early afternoon of Saturday the 20th June 1978 a child was seen at the garden gate of the Crewe property. This child was at a stage in its development that it had recently commenced walking.

RECOMMENDATIONS

1. The intensity of the speculation stemming from the evidence of Roddick and, more particularly, Mrs McConnachie, is because the Crown case put the deaths of Mr and Mrs Crewe as occurring on the Wednesday evening.
2. I am concerned not to trespass beyond the bounds of this enquiry but as the sightings of Mr Roddick and Mrs McConnachie inevitably involved a consideration of the time of the deaths, I have felt obliged to give some consideration to that aspect of the case.
3. I say immediately that I have not examined the pertinent evidence and realising that it could well have been acknowledged on all sides that that evidence led to the indisputable conclusion that the deaths could not have occurred later than the Wednesday evening, I have hesitated to raise the matter, appreciating that any trial jury must deal with the weight of the totality of the evidence. However I have concluded I should make some reference to this matter.
4. The bodies having not been recovered for some weeks after the deaths, I have assumed that no scientific evidence was available accurately to fix the time of death and that accordingly the Crown was obliged to rely upon circumstantial evidence to fix the approximate time of the murders. I have further assumed that the relevant evidence was accurately summarised by the President of the Court of Appeal in his judgment of the 18th June 1971 where His Honour stated:

"Detective Inspector Hutton of course appreciated that it was important to endeavour to fix the approximate time when the tragedy had occurred. It was clear that it could not have been earlier than the evening of 17 June because the Police were able to ascertain from several people that Harvey Crewe and his wife Jeanette were alive during the daytime. It was thought to be unlikely that they were alive on 18 June because an inspection of the goods delivery box at the farm gate disclosed that it still contained newspapers and milk which had been delivered on 18 and 19 June..... At all events, the Crown was satisfied to present its case on the assumption that the killings had occurred some time during the evening of 17 June."
5. Assuming the police photographs accurately depict the contents of the mail delivery box as on the Monday, the 22nd June, there appears to have been delivery of at least three loaves of bread and five bottles of milk, the milk bottles appearing to be quart sized. Whether any mail was delivered and remained uncollected is not evidenced from the photograph. The contents of the box suggest that deliveries for the 18th, 19th and 20th were made rather than only the two days mentioned by His Honour Mr Justice North in the Court of Appeal. However this is a matter readily checked and perhaps is of no great significance.

6. What I feel a certain disquiet over is, assuming His Honour Mr Justice North to have summarised all the evidence on the point, that it does not lead to a conclusion that the deliveries remained uncollected from the Thursday onwards because Mr and Mrs Crewe lay dead from the Wednesday evening. The suggestion that the deaths occurred during the evening possibly does not accord with the quantity of milk apparently in the house at the time of the deaths. The Police photographs disclose two full and one half full bottles of milk, apparently quart sized. One is not led to assume from other evidence that Mrs Crewe would have been in any way wasteful and logically she would control the quantity of milk delivered to the home to what she, her husband and the child consumed. Possibly the bulk of the milk would be consumed by the child. If the deaths occurred during an evening, one would have expected the supply of milk remaining in the house, to be reasonably low, knowing that a new delivery would be available the next day. In fact however, accepting the deaths occurred at the end of the Wednesday, it would seem that the household was going into the next day with a fresh delivery of milk available, with approximately $2\frac{1}{2}$ quarts of milk on hand for only three people.

7. As I have said I only presume to comment on this matter as the evidence of Mr Bruce Roddick and Mrs McConnachie possibly might be explained if in fact the murders had not been committed until say the afternoon of Saturday the 20th June. I realise immediately that that would leave unexplained the failure of the Crewes to clear their mail delivery box and indeed would raise perhaps even more inexplicable questions than those posed at the present time, even allowing for the remote possibility that the Crewes, unbeknown to anyone, may have been absent from their home for a portion of the remainder of that week.

8. I acknowledge that this is a matter which would have been examined with care by many persons including those who have extensive legal training and experience and there could be an abundance of evidence of which I am aware discounting the possibility of the crime having been committed at a time later than the Wednesday evening. Because the question of the time of the murders is vitally connected with the evidence of Mr Roddick and Mrs McConnachie however I feel obliged to recommend that the Prime Minister be satisfied that adequate enquiries were made and evidence obtained to establish reasonably accurately the time as being during the Wednesday evening the 17th June.

9. In view of my finding that there were sightings of a woman on Friday the 19th June and a child on Saturday 20th June, it would

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appear that further enquiries are necessary in respect of this aspect of the case. While Mr Bruce Roddick is quite unable to identify the person he saw, his evidence in my opinion does warrant enquiries being made of Mrs Heather Souter as to her whereabouts at the relevant time. In his letter to the Prime Minister Mr Yallop says that Mrs Souter at the time was reputed to be in San Jose, California. I consider that in the interests of justice the Prime Minister should be satisfied that such enquiries have been made which establish that Mrs Souter had no opportunity to be a party to the crime.

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10. I consider also that the Prime Minister should be satisfied that sufficient enquiry has been made to clear of any possible involvement, the woman whom I understand is now Mr Demler's wife. Prior to my interview with Roddick in Melbourne I had not had an opportunity of reading his affidavit, obtained by Mr Booth. Accordingly I was not able to discuss statements made by Mr Roddick in paragraphs 25 and 26 of that affidavit. I am now aware that in those paragraphs Mr Roddick stated that prior to the second jury trial in 1973 he, at the request of the Police, observed the woman who is now Mr Demler's second wife while she was in the garden area of the Crewe house. According to paragraph 26 of his affidavit Mr Roddick says he told the Police that this woman was of the same general height, build and haircolouring as the woman he had seen on Friday the 19th June 1970.

11. In view of that sworn statement I feel further enquiries must be made. In respect of those enquiries, in view of the statement of Roddick that he had earlier seen the Crewe car being driven by such a woman, it would be necessary to make enquiry of people in the community at the time as to when the second Mrs Roddick was first known to have come into the district and whether it was her practice at times to use the Crewe car. I feel that it is necessary to remember that Jeanette's mother had died in February of 1970 and that this woman may well have started an association with Demler a short time after that.

DATED at Auckland this 10th day of January 1979

Roderick J. Hill



Appendix 14

'Investigation into certain aspects of the evidence relating to the conviction for murder of Arthur Allan THOMAS' (second report, 1979), by Robert ADAMS-SMITH QC

Copy not

THE CREWE ENQUIRY

INVESTIGATION INTO CERTAIN ASPECTS
OF THE EVIDENCE RELATING TO THE
CONVICTION FOR MURDER OF ARTHUR
ALLAN THOMAS

A SECOND CONFIDENTIAL REPORT BY R. A. ADAMS-SMITH Q.C.
FOR THE PRIME MINISTER, THE RIGHT HONOURABLE
R. D. MULDOON.

SCOPE OF FURTHER ENQUIRY

In my report of the 16th January 1979 I had recommended, for the reasons there given, that the Prime Minister should be satisfied that adequate evidence was available to establish with reasonable accuracy the time of the Crewe murders. I also felt, in view of what I considered was a positive sighting of an unidentified woman on the Friday morning the 19th June 1970 at the Crewe property, that further investigations should be made to ascertain whether there was a reasonable possibility that that unidentified woman was either of two women who had been named as possibly having been present at the Crewe property on that Friday morning. The Prime Minister requested that I carry out further investigations, accordingly.

SUMMARY OF INVESTIGATIONS CARRIED OUT

Because of the conclusions which I have reached as later reported herein, I consider it proper, as I did in my first report to the Prime Minister, to set out in detail investigations carried out by me.

AS TO TIME OF THE MURDERS

1. The case of the Crown was that the Crewes were murdered during the evening hours of Wednesday the 17th June 1970. While His Honour Mr Justice North in the Court of Appeal, the course of his judgment of the 18th June 1971 summarised the Crown's contention as to time as being 'that the killings had occurred sometime during the evening of 17 June it seems clear that the case for the Crown was that in fact the killings occurred late in the evening, at approximately 11 p.m., and indeed as I understand it, it was his whereabouts at that time of the night that Thomas

was subsequently called upon to account for.

2. Wednesday the 17th June was a wet winter's day with a cold wind blowing from the east. Considerable rain fell that day. One farmer witness, a Mr Irvine, recorded eighty points of rain as falling in the Pukekawa district. Crewe, his wife and their baby daughter had gone that day to a clearing sale being held on a farm at Bombay. A witness whom I have interviewed, a Mr Robin Dunlop, arrived at this clearing sale at approximately midday and Crewe and his wife and child were there at that stage. Crewe appeared to be interested in some sheep that were being sold, the sheep sale preceding that of the cattle, which was the stock which Mr Dunlop was interested in. There were heavy squally showers during part of the sale and Mr Dunlop remembers that Crewe was dressed in wet weather gear. The cattle in fact proved to be of no interest to Mr Dunlop and he left the sale at approximately 2 p.m. At this stage Crewe and his wife and child were still present. Mrs Crewe was in fact sitting in the back seat of the Crewe car, apparently waiting for her husband to return to it. The baby, Rochelle, was seated in a child's car seat attached to the back of the left front seat of the motor car. Precisely when Mr and Mrs Crewe returned home after the sale, I have not been able to ascertain. I am satisfied however that the couple were back at their farm by 5 p.m. because just after 5 p.m. Mr Irvine who then farmed some four miles from the Crewe property saw Crewes' car parked on the side of the road a short distance down from his farm house. It is true that Mr Irvine did not actually sight Crewe but he is positive that it was Crewes' car he saw parked on the side of the road and he properly, I feel, assumed that Crewe at that juncture was moving some stock for he looked across into a roadside paddock and could see a mob of sheep coming up over a rise though Crewe, and probably the dogs he was using, was at that stage hidden by a fold in the ground. Mr Irvine was well acquainted with the family and I do not think is mistaken as to his sighting of the Crewe car.

However if it is accepted that Crewe was back on his farm, working stock, by 5 p.m., the origin of a fish meal which apparently had been consumed by the Crewes that day, is thrown into question.

3. When the police came to examine the Crewe house the following

Monday, the remains of a fried flounder meal were found on the dining table. While the official police photographs suggest that the remains of three flounder were left on the dining table (remains on each plate with another flounder on a plate in the centre of the table) the inventory taken by the police and detailed descriptions such as that given by Detective Serjeant Jeffries, state there to have been the remains of only two flounder left. Close examination of the police photographs suggests that there are no flounder remain on one of the plates. I do not think there is any real significance in the point though I mention it as I recall subsequently in his book, Mr Yallop made reference to the meal having consisted of three flounder.

4. The matter which I thought should be scrutinised however was the alleged origin of this fish meal for, if one suggestion was correct, namely that the meal had been purchased from a fish shop in Pukekohe, there was possibly an inconsistency in the evidence of Mr Irvine that Crewe was back on his property by 5 p.m. The evidence regarding the possible purchase of the flounder, which I shall review, definitely put the purchase at 6 p.m. If this was correct, I could not understand why Mr and Mrs Crewe should go home to Pukekawa only to come all the way back to Pukekohe a short time later in order to purchase some fried fish. The evidence of a Mr Massey and his son Richard which related to this alleged purchase, I do not understand was ever called by the Crown at any of the trials and at one stage I did wonder whether the police placed any reliance upon the alleged purchase as assisting to fix the time of the murders. It is clear however that today the police do place some reliance upon this piece of evidence. Certainly if it is to be accepted it would seem to give some support to the contention that the flounder meal was the evening meal of the 17th June after which Mr and Mrs Crewe had settled down for the evening to watch television, leaving the kitchen to be cleaned up just before they retired to bed. In fact I believe that the flounder meal was cooked by Mrs Crewe in her kitchen and I believe that was the view that the police first held. It would seem however that today the alleged purchase of fish is advanced as assisting in establishing the approximate time of the murders. I say this because in a letter of the 8th February 1979 to the Prime Minister's Department, Commissioner Walton stated

"The key to the date of death apart from other factors, is that a flounder meal purchased on 17 June, was still on the table in the house when the murders were first discovered."

Accordingly I felt I should test the strength of the evidence as to the alleged purchase of fish.

5. The evidence comes from a Mr Colin Massey and his son Richard. In 1970 Mr Massey operated a retail cooked foods shop, commonly known as a "take-away". The shop was in Anzac Road, Pukekohe and was one of a group of three or four shops. The shop was so positioned that, for a person going from Pukekohe to Pukekawa, it would be on the generally used route though it would not be if a person was going from Bombay to Pukekawa. At an interview with him, Mr Massey told me that approximately 6 p.m. on Wednesday the 17th June 1970 a woman came into the take-away shop and ordered a meal of flounder and chips. The woman was strikingly good-looking and well dressed. She was followed into the store later by her husband and, according to what Mr Massey tells me now, one or other of the couple explained that they were running late because they had been "at a stock sale".
6. Mr Massey says that he did not recognise either of these people at the time. He says he did not connect the couple with the Crewe murder until he saw a photograph of the pair published in the paper. He thinks it was a wedding photograph. He says that this published photo identified the couple as Mr and Mrs Crewe and that at that stage he remembered Mr and Mrs Crewe from a couple having called in times past at his women's clothing store, known as Massey's of Pukekohe, which he had administered of some time before he commenced to operate the take-away shop.
7. On the face of it what Mr Massey says today appears clearly to establish that the couple who purchased the flounder from his shop at 6 p.m. that Wednesday evening, were in fact Mr and Mrs Crewe on their way back from the stock sale. Unfortunately I cannot accept the evidence of Mr Massey today as being in any way accurate. I make that comment without any reflection upon Mr Massey; both he and his wife showed me every courtesy at my interview with them and clearly were only wanting to assist as best they were able. I feel however that over the years Mr

Massey has unwittingly embellished the incident which I have no doubt did occur just on closing time on the evening of Wednesday the 17th June 1970 but which was an incident which I am satisfied now had nothing whatsoever to do with Mr and Mrs Crewe.

- B. My reason for my criticism of Mr Massey's evidence today arises mainly from a comparison between what he told me and what he set down in a police statement on the 29th June 1970. In view of my criticism of his present evidence I think it only fair that I should quote from that statement quite extensively. It reads

"Things were fairly quiet in the shop and at this time a lady came in. She was in her thirties. She was about average height for a woman and her hair looked to me to be quite dark. She was wearing a suit that is a jacket and skirt and I think that it was royal blue. I could also see what seemed to be a white blouse where it showed at the neck and lower. I think that the blouse was buttoned up to the top. When she first came in she was wearing dark glasses. She was a strikingly good-looking woman. I have been shown some photographs by Detective Roberts and from these I select a photograph marked "A" on the back. This was the woman. My son said to me that she must be rich. She looked to me as if she had just come back from Auckland."

There is not in this statement, as can be seen, any suggestion that Mr Massey recognised either the woman or for that matter her husband, from earlier trading at the women's clothing retail shop in Pukekohe. This however cannot be explained by assuming that it was only later that Mr Massey recalled having had some knowledge of the couple from business with the retail women's shop. This police statement was not made until the 29th June 1980 by which time, Mr Massey clearly told me, he had not only seen the published newspaper photograph but had made the connection in his mind between the couple in the newspaper photograph and the Mr and Mrs Crewe that he used to know through the store, Massey's of Pukekohe. If this were so I am quite satisfied this information would have been included.

in the police statement. Instead of this the police statement reads as though Mr Massey had no prior knowledge of this couple at all, as is demonstrated from the quotation above.

9. Having interviewed Mr Massey Senior I went and interviewed his son Richard who now works in the Tuakau district. Richard in 1970 was fourteen and a half years of age. He assisted his parents in the take-away business after school and was able to confirm to me the coming in just on closing time of this couple wishing to buy a meal of flounder and chips. However Richard could not remember anything of the alleged conversation related to me by his father namely that one or other of the couple had made a remark that they were running late because they had come from a stock sale. Indeed Richard appeared quite satisfied that no such conversation took place. He was in the store the whole time.
10. Both the father and his son spoke of the woman, having ordered the fish, going out from the shop and apparently purchasing what they believed to be a Star newspaper from the grocer next door. They both remember this incident as the woman wrapped this paper as extra insulation against heat loss around the fish and chips. It is to be noted however that in the inventory drawn by the police of the contents of the Crewe house and car, the only paper of the 17th June 1970, is the New Zealand Herald and that of course was delivered regularly to the Crewe house by the mailman.
11. The son Richard confirmed that he had remarked to his father that he felt the couple must be "rich". He told me that he said this because of the way in which they were dressed. He said that the woman was dressed very smartly and that the man wore a suit. Again this does not seem to be consistent with the impression which I believe Mr and Mrs Crewe would have given that day. Mr Dunlop observed Crewe at the Bombay sale to be wearing wet weather gear. I note from the police inventory that in Crewe's wardrobe there was only one lounge suit and I cannot believe that Mr Crewe would wear his only suit to go to a clearing sale on a cold wet winter's day, when he had to wear wet weather gear over it in any case. While a blue coloured suit was found in the wardrobe of Mrs Crewe, I do not accept that she would wear this type of clothing on this particular day. I note also that the son Richard was quite at variance with his father over the clothing description in that he said the woman wore a cream dress with a green cardigan.

12. The son Richard did see the car which the couple were driving. It is true that he considered it was similar to the model car which the Crewes then owned, though he believed it was a dark blue or green colour. However further detail in respect of the car leads me to believe that it could not have been that of the Crewes as Mr Richard Massey was quite emphatic that there was no third person in it. Admittedly by this time it was quite dark but Mr Richard Massey could see into the car and told me that he saw no third person in it. If it had been the Crewe car I feel that it must have contained the child Rochelle and she should easily have been seen, assuming one could see into the car, because of course she was seated in the child's chair attached to the back of the front left hand seat. Both Mr Massey and his son were quite certain that the woman wore sunglasses even though it was a dark wet night. I have been unable to obtain any evidence to suggest that Mrs Crewe was in the habit of wearing sunglasses and certainly not at night. I note from the inventory taken by the police that the only sunglasses found were a pair of heavy men's sunglasses in the driver's compartment glove box of the motor car.

13. I believe in fact that the meal of fried flounder had been cooked in the Crewe kitchen. The inventory shows, and this is confirmed by the photographs, that a frying pan was on the stove. Immediately to the left of this was an enamel plate containing flour such as would be used to dust both sides of the fish and the inventory speaks also of a container holding fat used in frying. That the police also originally believed the meal of fish was cooked in the Crewe kitchen, I think is established by notes made by Detective Serjeant Jeffries as to his observations of the kitchen which in part read

"Dirty dishes and pots on sink bench indicating that a meal had been prepared with no attempt to clean up. The dirty frying pan and flour covered plate indicated the cooking of a fish meal."

14. For these reasons I am unable to accept that there was satisfactory evidence to establish that this meal of fish had been purchased by the Crewes. It would seem to follow from

this that there is nothing in the evidence of this fish meal which could assist the Crown in establishing with any accuracy as to when the murders might have taken place.

15. In my opinion it is just as likely that this meal of flounder was a breakfast rather than a dinner. While the police photographs show that there were also two pots on the sink bench which would suggest perhaps the cooking of some vegetables, the remains of food on the plates on the dining-room table suggest that the meal had consisted exclusively of fish. There does not appear to be available evidence that this meal was other than a light meal which is hardly consistent with the meal one would expect at least Crewe to enjoy in the evening having been out most of a winter's day at a stock sale. It is of course possible that the fish meal was the dinner of the 17th June but the evidence is equally, if not more, persuasive that the meal was a breakfast. Indeed it might even have been a late lunch for the couple, if one accepts the possibility that they left the stock sale at Bombay a short time after being last seen there at 2 p.m. by Mr Dunlop.

16. The rural mail delivery in 1970 in the district was effected by a Mr Shirley who now lives at Paeroa. I have interviewed Mr Shirley and it is established from his evidence that he made a delivery of bread, milk, newspaper and any mail to the Crewe household at approximately 9.30 each week day morning. On a Saturday the only delivery was the Herald newspaper unless there was mail to be delivered.

17. Most days when he delivered, he did not see anybody about the farm though usually he would see Mrs Crewe inside the house by looking through the front windows of what I am satisfied was the sitting-room of the house. He explained to me that the left hand windows as one faces the house from the road (which were in fact the sitting-room windows) had behind them other windows situated on the back of the house. According to anyone in the living-room would be to a certain extent silhouetted making it reasonably easy for a person outside to see them inside the house. Mr Shirley is fond of children. He is unable to recall how he knew, but he was aware that there was a small child in the house though he had not seen the

little girl outside. Accordingly he did not know whether she was at the walking stage but he distinctly remembers a short time before the murders, it might have been only a matter of days, that he saw through the living-room windows the child sitting in a high-chair possibly being fed by her mother. He recalls that he waved out to the child and although she did not respond, Mr Shirley spoke of this incident as an example of how easy it was to see into the house at this point.

18. On Wednesday the 17th June he made his usual delivery of bread and milk into the milk box namely one and a half loaves of bread and two quart bottles of milk. He also left the Herald newspaper and possibly some mail though he cannot recall that. The following morning he made a similar delivery and then on the Friday morning delivered a slightly greater quantity of bread and milk namely two and a half loaves of bread and three quart bottles of milk. It was at the Friday delivery that he found Thursday's deliveries still in the box. He thought to himself that the couple must have gone away without notifying him. Though they had not done that before, it was not uncommon for other farmers in the area to do this and accordingly Mr Shirley did not think a great deal about the matter. He does recall however looking up to the house. He is quite positive that he could see into the sitting-room at that stage but was unable to see anybody about.
19. The following day, the Saturday, there was no mail for delivery so he merely threw the Herald out without stopping. It was not until the Monday therefore the 22nd June that Mr Shirley found the deliveries remained uncollected. The fact that deliveries remained uncollected from Thursday the 18th June onwards does establish satisfactorily, I agree, that by that time the Crewes had been murdered. I am bound to say however that this does not necessarily mean that they would have been murdered on the evening before, the 17th June. It is possible that they met their deaths on the morning of Thursday the 18th June before the 9.30 a.m. delivery of Mr Shirley. It is, I concede, unlikely that a crime of this nature would be committed other than during the hours of darkness. One would need a cold-blooded arrogance to carry out such a crime other than under cover of darkness but there are certain indications from evidence that someone reasonably openly returned to the property after the crimes, that the murderer was such a person. In my first report I advised that I

was satisfied an unidentified woman was on the Crewe property on the Friday morning the 19th June. I cannot think that there is any innocent explanation as to her presence on the property that morning; if there were I am sure that she would have come forward and identified herself. That somebody did go back after the murders seems clear for not only have we the evidence of this woman on the property on the Friday morning but also I am satisfied someone had the little girl Rochelle up out of her cot so that she was able to be running round in front of the property on the Saturday. That somebody did go back to the property I believe is established also from the evidence of the mailman Mr Shirley. He was quite adamant that while he was able to see into the living-room on the Friday morning (the first morning he realised that the deliveries had not been collected he was unable to see into the same room the following Monday because some covering which he was unable to identify, had been drawn across the windows. This evidence seems to fit in with that of a Mrs Sonia Hawkins whose statement to the police of the 24th June 1970 I feel I should quote from at this stage.

"On Friday the 19th of this month at about 2.30 p.m. I arrived in my car at the Chitty's home. I know that it would have been between 2.20 p.m. and 2.30 p.m. because I was running late. I was supposed to be there at 2 p.m. but I saw some people whom I know and I was delayed.

Just as I was about to turn into the Chitty's drive I looked at the Crewes' house and I thought how cold and bleak it looked. I noticed that the two big front windows which look out towards the way I was coming seemed dark, by dark I mean dark bottle green, and I got the impression that there were curtains drawn over the windows. Years ago there were venetian blinds there. I know that Jeanette had made some new curtains just before the fire. I am not sure whether they were finally fitted or not. I don't really remember ever seeing into these windows but I also don't remember them looking the way they did. I feel sure that there were curtains drawn."

I believe the totality of all this evidence namely the sighting of an unidentified woman on the Friday morning, the independent sighting of the child on the following Saturday and the drawing of the curtains across the living-room windows apparently on the

Friday morning establishes that someone obviously having knowledge of the murders, was on the property possibly twenty four to thirty six hours after the murders were committed.

20. If this were so then it could explain how the child Rochelle was able to survive approximately four and a half days without any serious ill-effects. I am aware that the Crown had the evidence of a Dr Caughey which was to the effect that the child could have survived four and a half days without any form of sustenance and still be in the relatively unharmed physical condition that she was found on the Monday afternoon. Dr Caughey did not have the advantage of seeing the child until ten days later whereas the doctor who held a contrary view to his, a Dr Fox, saw the child approximately twenty four hours after the discovery of the crime. In the opinion of Dr Fox, the child had not been left unattended any longer than seventy two hours at the most which, if his evidence were correct, would mean that someone had given care to the child no earlier than the Friday before. I am unaware as to whether his evidence was ever called by the Crown but the police also obtained a report from a leading Auckland paediatrician, Professor Elliot, the Professor of Paediatrics at the School of Medicine at Auckland. It was the opinion of Professor Elliot that it was unlikely the child could have been left any longer than forty eight hours without having been given fluids.

21. In my first report I had thought that the supplies of milk on hand in the Crewe household, might give some guidance as to when the deaths of Mr and Mrs Crewe occurred. My thinking was that if there was only a small supply of milk left, that might indicate Mrs Crewe had had time to give the baby all her feeds for the day before Mrs Crewe was murdered whereas if a large supply of milk was left, that might indicate death earlier in the day or evening. In fact quite a substantial quantity of milk was found by the police on the Monday, but I cannot obtain any assistance from this in establishing when the murders were committed for there had been a build up of milk over the three days before which means it is not a reliable indicator. Mrs Crewe in fact seems to have used much less milk than would have been expected. The amount of milk found in the refrigerator totalled three quarts and came from Monday's delivery (one quart) and Tuesday's delivery (two quarts). A pint of Monday's delivery (the 15th) was in a milk bottle on the sink bench

while the two quarts from Wednesday's delivery, were found on another kitchen bench. Because there was this large supply of milk available I am unable to obtain any indication as to the point the baby's feeding programme had reached prior to her mother's death. With a methodical tidy housewife one could perhaps properly infer that, had the death occurred late in the evening of the 17th June, it would be unlikely for the two quart milk bottles of that day to have been left out of the refrigerator. However Mrs Crewe does appear to have been a very untidy housewife and it would be dangerous to make any such assumption. However on the other hand there is nothing in this section of the evidence which suggests that the situation as found by the police on the Monday afternoon was as the couple had left it late on the Wednesday evening.

22. I understand the clothes drier which was situated in the kitchen of the house, was found to be turned on by the police on the Monday. This drier however contained only one pair of men's underpants and one pair of men's working socks. In the main bedroom however there were found not less than seventeen pairs of socks and eighteen pairs of men's underpants.

AS TO POSSIBLE IDENTITY OF WOMAN SEEN AT CREWE FARM

1. All information which I have received has only justified my making further investigations into the whereabouts, at the relevant time, of two women. Of these I am satisfied that one, because she had no association with the district at the time, would not have been in any way involved in the crime. My investigations have not disclosed any basis even to suspect her of being implicated.
2. Of the other I have been unable to come to any satisfactory conclusion. Because of information which came to me quite independently I am satisfied this other woman for purposes of gain has before been prepared to break the law. That of course does not justify one even to speculate that she would be prepared to be a party to the commission of a serious crime. However I have felt a certain unease over the matter and would have preferred to satisfy myself from evidence which it was hoped would be forthcoming from overseas, that this woman could not have possibly been at the scene at the relevant time.

Unfortunately through no fault of either the Prime Minister's Department, or the Police Department nor indeed any other New Zealand agency, I have been unable to obtain the necessary information and feel that I cannot further delay the giving of this report. This is so even though there is a possibility that further information may yet come to hand on this aspect of the case.

COMMENTARY

1. As can be seen I have concerned myself to a great extent in this second enquiry with the possible timing of the murders. I originally recommended that the Prime Minister have further enquiries made into the possible timing because I felt those enquiries might give some explanation as to the presence of a person or persons unknown at the scene of the crime on the Friday the 19th June and possibly Saturday the 20th June. In fact there is no evidence that the Crewes were still alive by the weekend so that if anybody was at the scene on the Friday and/or Saturday, as I believe there was, it is properly to be inferred that this person had knowledge of the crimes. The presence of such a person in other words cannot be explained away by the possibility that the Crewes were at that stage still alive and perhaps temporarily absent from their home.
2. Based upon the evidence summarised earlier in this report however, I do not consider that the weight of the evidence establishes the Crewes were murdered late in the evening of the 17th June, and, as this may bear on the conviction of Thomas for the murders, I feel I have a duty to bring this to the attention of the Prime Minister.
3. As I understand it, the case for the Crown at both the Thomas trials, was that the murders had been committed late in the evening of the 17th June. Indeed I understand that Thomas was called upon to explain his whereabouts late that evening. I know of no evidence however which even on the civil standard of balance of probabilities leads one properly to find that the murders must have been committed late in the evening. If it could be said to be established that the meal of fried

fish was the meal the Crewes consumed for their dinner on the 17th June, then there would be considerable force in the contention that the couple, the baby having been put to bed, settled down for the evening to watch television with perhaps Crewe dozing in his chair as apparently he was accustomed to do. If however the evidence of the Masseys is discounted, as I think it ought to be, and it is accepted that in fact the meal of fish was cooked in the Crewe kitchen (which it would appear was the original view of the police) there is no evidence which persuades me to the view that this meal was an evening meal. In fact for the various reasons which I have earlier outlined, I rather incline to the view that it was either a breakfast or possibly a late lunch. If one rejects that the flounder meal was purchased then I believe that what Commissioner Walton described as the "key" to establishing the meal as an evening meal is lost and there seems no proper evidence upon which one can then contend that the crimes were committed late in the evening. It would seem that both Mr and Mrs Crewe were seated when they were slain and at a time when they were possibly unaware of their impending fate but that does not mean that they were absorbed with watching television or dozing as they sat. I do not presume to speculate over the matter and only give the following recital of possible events not by way of reconstruction of the crimes but to explain what in my view might just as readily have occurred based upon the evidence. If one accepted that the Crewes returned home at 5 p.m., with possibly Mrs Crewe and the baby being "dropped off" at the house whilst Crewe continued on down the road to move stock, it may be that someone whom the couple knew well was waiting and that Mrs Crewe and this person engaged in conversation until Crewe came back from his work outside. It is quite possible that in the course of this conversation Mr and Mrs Crewe would both be seated. Such an interruption to what a housewife had to do in the early evening could explain why things in the kitchen were in the mess they were. An alternative possibility would be that the Crewes returned home in mid-afternoon at which point Mrs Crewe busied herself frying fish for a late lunch. While this lunch was being eaten or at the conclusion of it, someone may have called. Crewe might well have left his wife talking to this person while he moved some stock and this person may still have been there talking to Mrs Crewe when he came back from this job.

4. I do not feel that any of the evidence indicates that activities in the household had reached a point where one could safely say

that it was probably fairly late in the evening. The mail read at the table could just have readily been read over breakfast or lunch. The newspaper of that day was found by the police to be relatively undisturbed in that the only section separated from the whole paper was the last section which I assume would have contained the classified advertising. The other three sections of the Herald newspaper which included the news section were found by the police all together on the mantel of the living-room. While it may have been placed there after being read in the evening by Mr and Mrs Crewe, I feel it just as likely that it had been placed there unread and that the only section read was the fourth section which was found on top of the cabinet in the sitting-room. It is a small thing I appreciate, but I feel that such a thing as the placing of the newspaper in this way perhaps indicates that it had not been read which again perhaps indicates that the crimes occurred earlier in the day than the late evening. There is another small piece of evidence which while not establishing the time of day the household activities had reached, certainly does not argue a time in favour of the late evening. This is the evidence concerning the drier which as I understand was found still to be turned on on the Monday afternoon. In that drier there was only one pair of socks and one pair of underpants which would seem a somewhat wasteful use of an electric drier when one considers that among his clothes Crewe had clean another seventeen pairs of socks and eighteen pairs of underpants. Possibly one good reason for turning on a drier to dry two such small items would be if a man had been soaked to the skin and decided to dry these two items out without his wife having to bother to wash them. If this were so then those two small items might have been put in the drier when Crewe first returned home with the object of giving them a relatively short time of drying out. As I say this evidence does not necessarily lead to any conclusion as to the time of day that the household activities had reached. However it certainly does not lend any weight to the contention that the crimes were not committed until late in the evening.

5. Then there is always the possibility that the Crewes were not murdered until Thursday morning the 18th June. The non-collection of the bread and milk delivery that day does not necessarily establish that the Crewes had died the night before for of course the daily delivery was not effected until approximately 9.30 a.m. As I have said earlier it would be an audacious killer indeed who would kill in daylight around about

breakfast time but of course if such a person was so aware of the habits of the Crewes and was quite confident as to not being disturbed, it is possible that he would be indifferent as to the time he selected. Accepting, as I do on the evidence, that someone with knowledge of the crimes having been committed was around the property on the Friday and possibly the Saturday, the murderer must have felt very certain that he could move about reasonably freely at the property and over a period of quite a few days. While this possible explanation of the matter may appear quite bizarre, that description might aptly be applied to the whole case especially when one bears in mind the real possibility that a killer having committed these atrocious murders calmly followed them up by feeding or arranging the feeding of the child of his victims.

6. I would emphasise however that I have not set out the above in any attempt to reconstruct the crimes but merely to demonstrate how the established evidence just as readily favours the murders having been committed either earlier than late evening on Wednesday the 17th June or possibly early, around about breakfast time, of the following day.
7. The question of the timings of these murders is I feel of great importance. Possibly this importance was not sufficiently emphasised at the two Thomas trials. I feel, with respect, that the question of time was of concern to the President of the Court of Appeal, Mr Justice North and that this was reflected in his judgment of the 18th June 1971. Under the heading "Fixing of the Approximate Time of the Tragedy" His Honour referred to "two perplexing circumstances" which obviously ran counter to or at the very least needed to be explained away against, the timing proposed by the Crown, namely late in the evening of the 17th June. These two perplexing circumstances were the sighting at the property of an unidentified woman on the Friday the 19th June and the sighting of a child on the Saturday, the 20th June. The defence may have given the impression that it was not too concerned over the fixing accurately of the time of the murders and this perhaps is reflected in the concluding remarks on this subject by His Honour Mr Justice North when he said:

"At all events, the Crown was satisfied to present its case on the assumption that the killings had occurred sometime during the evening of 17 June."

With respect, I do not consider that it is a matter of what

timings the Crown is satisfied to present but rather what timings are properly established on the evidence and frankly I have considerable disquiet that the timing of the murders as occurring in the late evening of the 17th June has virtually gone unchallenged throughout all the various trials and reviews of the Thomas case.

8. From my reference to my investigation carried out into the whereabouts of two women who possibly could have been implicated in the crimes it will be seen that I discount the possibility of one being implicated but have been unable to come to a positive decision with respect to the other. It is possible and I put it no higher than that, that this other woman had the opportunity and some reason to be at the scene at the relevant time though certain documentary evidence which is available, though unsatisfactory because it is incomplete, argues the other way. As I have said, there is a possibility, dependent solely on what information might be supplied by overseas agencies, that satisfactory evidence may yet be obtained on the point.

FINDINGS

1. There is no evidence which with certainty establishes that the murders of Mr and Mrs Crewe were committed in the late evening of the 17th June 1970.
2. The murders could have been committed within a time span of a short time after 5 in the evening of the 17th June to possibly the mid-morning hours of Thursday the 18th June.
3. Upon the evidence it is just as likely if not even more likely that the murders were committed earlier in the evening of the 17th June 1970, than in the late evening.
4. There is no acceptable evidence available to establish the identity of the woman seen by Bruce Roddick at the Crewe property on Friday morning the 19th June 1970.

RECOMMENDATIONS

1. There is nothing arising as the result of my investigation which establishes in my opinion, that Arthur Allan Thomas is innocent of the murders of Mr and Mrs Crewe. The ambit of my enquiries was not such that I was called upon to investigate all aspects of the case and according I am not aware of what evidence there might be which could establish that Thomas had not the opportunity of committing the crimes earlier in the evening of the 17th June or possibly on the morning of the 18th June.
 2. However looking at the matter on the basis of a man accused of a crime as opposed to a man convicted of it, I feel that the Crown's contention that it was late at night that Thomas came upon this couple by stealth is not warranted by the evidence as I believe it to be. This is so serious a flaw in the Crown's case, a case based mainly on circumstantial evidence, that I have real doubt whether it can properly be contended that the case against Thomas was proved beyond all reasonable doubt.
 3. As I understand it, a great deal of significance was attached to evidence given by or on behalf of Thomas as to his whereabouts late in the evening of the 17th June. If, as I believe it to be, that point is largely irrelevant it not having been established that the Crewes were in fact killed at that time, it seems that an injustice may have been done.
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