



AUSTRALIAN ADVOCACY INSTITUTE

MARTIN JACKSON v FAA INSURANCE Co LTD (CIVIL CASE)

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Revised 2018

Advocacy Skills Workshop



MARTIN JACKSON v FAA INSURANCE CO LTD

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CASE SUMMARY

Mr. Jackson brings an action against FAA Insurance to recover for the loss of his 1959 Austin Healy, which he had insured with FAA. The car was found abandoned and burnt on 2 June, last year. It was insured for an agreed value of \$20,000. FAA refuses to honour the contract, alleging fraud, namely that Mr. Jackson burnt his own car specifically to recover insurance.

FAA in its defence admits the contract of insurance and that the car was destroyed by fire, but denies liability. It alleges that Mr. Jackson drove his car to the Murray Creek and set it alight with the intention of defrauding the insurance company. They indicated that they will rely on the same evidence as that given at the Criminal Trial.

Mr. Jackson was charged with destroying property by fire and attempting to obtain a financial advantage by deception. He was found not guilty. A transcript of his sworn evidence in chief taken from an authorised recording is attached. He called his wife, Marina Jackson to give evidence in support of his alibi. She gave evidence in accordance with the transcript of her interview with Mr. Jackson's solicitor on 12 December last year. Mr. Jackson denies that he was down at Murray Creek. He has never worn a moustache and his wife will confirm this.

Pursuant to the order of the trial judge all evidence to be relied on at the civil trial has been notified to the other party. Mr. Jackson's solicitors have advised that Mr. Jackson will give evidence in accordance with his sworn evidence in chief at his criminal trial and the additional statement dated 31 January last year. Mrs. Jackson will give evidence in accordance with her sworn evidence in chief in the criminal trial.

INSTRUCTIONS

You are to assume that the matter is being heard in the District Court.

Participants should prepare to present opening & closing addresses for both parties and to examine and cross examine witnesses.

Please note that it is necessary to be familiar with the statements of all witnesses, and all exhibits in order to examine any witnesses and present the addresses.

For the purpose of addresses you can assume that all witnesses gave evidence in accordance with their statements and all admissible exhibits can be relied upon.

MARTIN JACKSON v FAA INSURANCE CO LTD

Chronology

1. **Classified Ads placed in Buxton Trader** **15, 29th April,** **p.13**
2. **Vehicle Appraisal** **18 April,** **p.16**
3. **FAA Insurance Policy commences** **1 May,** **p.14**
4. **Classified Ads placed in Buxton Trader** **13 & 27 May,** **p.13**
5. **TV list in Buxton Trader** **1 June,** **p.13**
6. **Statement: Constable Pearce,** **1 July,** **p.11**
Re Investigation
7. **Statement: Jay Molnar,** **2 June,** **p.7**
 - a) Molnar was delivering papers at about 6am,
 - b) Saw red sports car and man jogging,
 - c) Saw smoke by creek.
 - d) Identifies Sprite and Jackson as “looks like the man.”
8. **Statement: John Norta,** **2 June,** **p.8**
 - a) On 1st June, Jackson went to Norta’s around 6pm,
Stayed for dinner and watched TV until almost 1pm.
9. **Report of James Crawford,** **2 June,** **p.30**
 - a) Attended scene of vehicle fire at 8.30 am,
 - b) Eyewitness put time of fire at approximately 6.15am,
 - c) Liquid accelerant used on vehicle.
10. **Statement: Martin Jackson,** **2 June,** **p.17**
 - a) Home alone day before fire,
 - b) Went to friends house, had a few beers & watched football on TV,
 - c) In no state to drive car home,
11. **Statement: A. Craig,** **3 June,** **p.9**
 - a) Jackson always parks car in garage,
 - b) On 1 June, at about 11.30pm, checked yard & saw Jackson’s car
parked in street,
 - c) Jackson was behind in rent,
 - d) Jackson was trying to sell his car, car was insured for \$20,000 said if he
couldn’t sell his he would torch it to get the money.
12. **Letter to FAA Insurance from Martin Jackson, 3 June,** **p.23**
13. **Recorded interview conducted by Constable**
Pearce with Martin Jackson at 7.20am **4 June,** **p.18**

- | | | | |
|------------|--|-----------------|--------------|
| 14. | Statement: B. White
a) Saw neighbour on 2 June
Running to his car at about 3.05am. | 5 June, | p.6 |
| 15. | Statement: B. White
a) Arrived home from party just before 3pm
& saw neighbour get into his car. | 10 June, | p.10 |
| 16. | Statement: R. Morris
a) Employed Jackson for 3 years until he had to retrench him.
b) Jackson reported a co-worker (Monero) for taking tools from the premises. | 14 June, | p. 29 |
| 17. | Jackson's instructions to Solicitor. | 23 July, | p.35 |
| 18. | Transcript of Interview of Marina Jackson
with Jackson's solicitor. | 12 Dec, | p.25 |
| 19. | Notice of Alibi. | 12 Dec, | p.24 |
| 20. | Certified Exrtact: Transcript of Evidence in Chief of Martin Jackson
given at his Criminal Trial. | 16 Sept, | p.37 |

STATEMENT OF BARBARA WHITE (HOME DUTIES)

Early in the morning of 2 June I went to close the front window of my first floor unit at 461 High Street, Buxton Heights which overlooks High Street. It was a cold night and the wind woke me. As I was closing the window I looked out into the street.

I saw there a neighbour, who lives at 454 High Street run to his car. He came from the side of his house. The car was a fancy sports car, which was parked in the front - I had seen him driving the car around before. He got into the driver's seat and sat for a few moments. It looked as if he was fumbling for his keys. He started the car and drove off. I thought it strange at the time that he didn't put his lights on and I don't think that he even closed his door. As he was heading west along High Street he drove the car fairly slowly. I finished closing the window, drew the curtains and went back to bed. This was at about 3:05am - I looked at our clock in the lounge room. It was still dark but I could see outside clearly.

The neighbour was wearing blue jeans, a dark blue tracksuit type jacket and a dark blue baseball cap with the gold Nike symbol. He always wore a baseball cap. I didn't see anything on the jacket. He was wearing white Nike running shoes.

I saw his face as he turned to look over his shoulder prior to pulling out and at that time he would be facing right into the light.

I didn't think anything of what I had seen until I heard that the car was supposed to have been stolen and set alight.

I have read over this statement and it is accurate and correct.

Taken by: F Pearce

Original signed: B White

Date: June 5, last year

STATEMENT OF JAY MOLNAR

I am 13. I do a paper round in Buxton in the mornings. On 2 June, I was delivering papers in Kilkenny Drive at about 6 o'clock in the morning. When I was near the big bend at the end of the road I saw a red sports car go by and then turn off the road down towards the creek. I delivered to a few more houses and when I was at the house nearest to the creek and Kilkenny Drive, I saw a man jogging. It must have been soon after 6am. He was running from the park. He ran right by me as he took the pathway to Vassar Street. He wasn't any more than 15 or 20 metres away from me. I don't think he saw me.

He was wearing running shoes, trackie pants and a sweatshirt. He had on a baseball cap and sunglasses. I got a good look at him. I'm not sure what was on the baseball cap - it was blue. I didn't see any markings on the top. He was pretty tall. About 1.8 metres. He had a moustache and his hair was short. It didn't stick out much from under his cap. He had brown hair.

I finished delivering the papers to the end house and I then saw smoke by the creek. I went to see what it was and I saw a car on fire so I then rode home and my mother phoned the police.

I told the police about the man I saw. Later that day I went to the police station. I saw a photo of a car and I recognised the man in the car. He was just like the man who went jogging past me.

Taken by: F Pearce

Original signed: Jay Molnar

Date: 2 June, last year

STATEMENT OF JOHN NORTA

On June 1, Martin Jackson dropped into our house at 466 High Street, Buxton Heights for dinner. My wife, Shirley, and I are friends of the Jacksons and we knew that his wife was going to be away overnight. He came over at around 6 o'clock in the evening. We had a few beers and then he stayed for a BBQ. We watched the AFL match until early on Sunday morning. The match was West Coast and Carlton and did not finish until almost one o'clock.

We were both drinking pretty heavily. I had bought a slab (24 stubbies) that day and we finished off the carton. I would say that Martin and I had close to 12 stubbies each during the evening. When Martin left my place he looked pretty drunk. He kept joking about jogging. Martin often jogs. The last I saw of him that night he was heading home.

I have read the above statement and have been told that I can correct, alter or add anything I wish. This statement is true.

Taken by: F Pearce

Original signed: John Norta

Date: 2 June, last year

STATEMENT OF A CRAIG

I own adjoining houses at 452 and 454 High Street, Buxton Heights. Martin Jackson and his wife live in number 454. They have lived there since May, 2 years ago. Prior to renting the house Mr Jackson inspected the garage. He told me that he had a vintage car and needed to store it in a safe place. In fact, before he moved in I agreed in writing to replace the side door to the garage.

Martin always parked his car, a red sports car, in the garage. Rarely have I seen the car on the street and that would only be during the day when he was outside with it. He was fanatical about the car.

On June 1, at about 11:30pm I went outside to check the yard. Before going to bed I always do a routine check of the house and yard. I saw Martin's car parked in front of his house in the street.

Earlier that day I had spoken to Martin. He had his usual outfit on, tracksuit and cap worn backwards. He appeared to have been drinking. He was behind in his rent. I told him to either pay up or get out. He told me he was having a rough time. He said that he had been retrenched and that his wife was going to have a baby in July. She was on maternity leave. I told him that I also had bills to pay. Then he said to me to be patient - that he had already sold one car and that he was trying to sell his sports car. I asked him how much it was worth. He told me that it was insured for \$20,000 and then he said, "so if I can't sell it I can still torch it to get \$20,000". I told him that I would give him until the 15th of the month to pay the rent. This conversation took place in the backyard. I saw him in his backyard and went out to talk to him about the rent.

A month ago there was a suspicious fire at the back of our garages. The rubbish bins were set on fire. Police were called, but no one was caught. The garages in the back are joined together - if one was alight then they both would have gone up.

I have read over the above statement and I have been told that I can correct alter or add anything I wish. This statement is true.

Taken by: F Pearce
Original signed: A Craig
Date: 3 June, last year

FURTHER STATEMENT OF BARBARA WHITE

I had been at a party and returned home at just before 3:00 in the morning. My niece was staying over to baby-sit my two children. Everyone was sleeping. Since my niece was on the couch in the lounge room, I didn't turn the light on. I went to close the window. It was then I looked out and saw my neighbour get into his car. I could see quite well. The street light was on.

He got into his car and proceeded west on High St. He drove right by the unit window. I can't say that I saw his face at that time. I really wasn't looking. I knew it was him. I clearly saw his face earlier when he looked over his shoulder before driving out of his parking place.

He was wearing blue jeans, a dark blue baseball type jacket and a baseball cap with a gold Nike insignia. He always wore a baseball cap. I didn't see anything on the jacket. He also had running shoes on with the Nike tick.

I had been drinking earlier that evening. I don't think that I had more than three drinks. I wasn't drunk.

Signed: B White

Date: 10 June , last year

Witness: Constable Pearce

STATEMENT OF CONSTABLE PEARCE

On 2 June, I was stationed at Buxton police station. At approximately 6.19am whilst on mobile patrol duties with Constable Lim in the Buxton area, I was directed via the police radio to attend the scene of a fire on the bank of Murray Creek, at the eastern end of Kilkenny Drive, Buxton. I activated the siren and lights on the police vehicle and proceeded to the scene. At approximately 6.24am we arrived at the eastern end of Kilkenny Drive. Upon arrival I observed a vehicle on fire on the west bank of the creek. There were tyre tracks visible in the grass, running from the end of Kilkenny Drive to the point where I observed the vehicle. The grass was damp. I approached and observed that the vehicle was an open top sports type vehicle, which I later ascertained to be a 1957 Austin Healy Sprite. I ascertained there were no persons in the vehicle.

At approximately 6.27am 2 units from the Buxton Fire Station arrived and proceeded to put out the fire. By 6.45am the fire was extinguished and with personnel from Fire and Emergency services I secured the crime scene pending further investigation by police and fire service personnel. I examined the registration plates of the vehicle and ascertained the number "25 ABH". I was advised that the plates were issued to a 1957 Austin Healy Sprite, in the name of Martin Joseph Jackson of 454 High Street, Buxton Heights. The vehicle had not been reported as stolen.

As I was leaving the scene I was approached by a young person who I now know to be Jay Molnar, who told me he had seen a person decamping the scene at about 6am. He gave me a description which I noted in my notebook. Molnar read it over and signed it as correct. **I produce the extract from my notebook.**

At approximately 7.10am I left the scene and proceeded to High Street, Buxton Heights.

At approximately 7:25am I arrived at the residence at 454 High Street, Buxton Heights. It was 5.7kms from the fire scene. I knocked on the front door. After the second knock, from inside a person asked, "Who is it?" I identified myself and said that I would like to speak to Mr Jackson. A man, who subsequently identified himself as Martin Jackson, opened the door. He was dressed in striped pyjama pants and was wearing a bathrobe.

I asked him if he owned a small sports car, registration no 25 ABH. He responded "yes". I said "it has been found by Murray Creek it was set alight". He looked upset. He looked past me to the street and said, "Shit, it's gone". I said "Someone fitting your description was seen running away from the scene just after 6am". He did not reply and kept looking past me into the street. I said "Can I come in and obtain further information?". He said, "Yes. Sorry for the way I look. You woke me up." I formed the opinion he had been drinking. I could smell alcohol on his breath, but he was not intoxicated. His answers were clear and coherent. I took a statement from him. **I produce that statement.** He gave me a photograph of the car, with him sitting at the wheel. I cannot now locate the photograph.

He asked to be taken to his car. I said that it was not possible for him to look at his car until the police investigation was completed

At approximately 8.35am I attended at 466 High Street, Buxton Heights, and spoke to the occupant, John Norta.

I proceeded to inspect the nature strip outside Jackson's residence. I was approached by a person I now know to be Barbara White. She told me she had seen a male person drive the car away from outside Jackson's house at approximately 3.00am that morning. She described that person to me. I noted her description in my police notebook. White read it over and signed it as correct. **I produce the extract from my notebook.**

At approximately 1.30pm Jay Molnar attended at the Buxton Police Station to make a statement. I showed Molnar the photograph Jackson had given me of himself in the Sprite. Molnar looked at the photograph and said "That man looks like the man I saw running from the burning car".

I conducted further inquiries.

On 4 June, at approximately 6.30am I attended at 454 High St Buxton Heights in company with Constable Lim. We had a warrant to search the premises.

On 5 June I took a statement of Barbara Jones and she made a further statement on 10 June.

Jackson and a person I now know to be Marina Jackson, the wife of the accused, were at home at the time. We searched the premises and I took possession of a pair of Nike track shoes size 9, a blue tracksuit and a blue baseball cap. The jacket of the tracksuit and the baseball cap had Nike written on them in large gold writing. At the conclusion of the search, Jackson was conveyed to the Buxton Police Station where he was interviewed on audio tape. During the interview I asked the accused to put his cap on. He did. The peak did not obstruct the view of his face although the cap had a long peak.

I produce the tape and an accurate transcript of the tape.

Jackson was charged with arson and fraud and bailed.

Kilkenny Drive is a dead end street, which runs from High Street Buxton to Murray Creek. There is a park at the end of Kilkenny Drive. It slopes gently for approximately 30 metres from the end of Kilkenny Drive to the creek, which runs approximately north/south at that point. 454 High Street Buxton Heights is approximately 5.7km from the creek end of Kilkenny Drive. **I produce diagrams of the area.**

I produce certified extracts from Buxton Trader Free Press and FAA Insurance.

Dated : 1 July, last year

Extract from notebook of Constable Pearce.

2 June,.

Description given by Jay Molnar.

Male young - 20's

Baseball cap

Tracksuit pants and jacket, blue

Running shoes

Signed as a true and accurate record by J Molnar in the presence of Constable Pearce

Description given by Barbara White

Male

Blue jeans

Baseball cap. Sign with gold writing. Couldn't make out what it was.

Dark blue tracksuit.

Running shoes

Recognised male as owner of car. Always wears baseball cap.

Saw face only when turned to look over shoulder before driving off.

Signed as a true and accurate record by B White in the presence of Constable Pearce

CLASSIFIED AD FROM BUXTON TRADER FREE PRESS

15, 29 April & 13 May, 2 years ago.

'59 Austin Healy Sprite - Mint Condition. Must see.
A steal at \$25,000. Phone Martin on 9249-3359.

27 May, 2 years ago.

'59 Austin Healy Sprite - Mint Condition. Must sell.
All offers considered. Phone Martin on 9249-3359.

**TELEVISION LIST FROM
BUXTON TRADER FREE PRESS**

JUNE 1, 2 years ago.

Channel 7 - AFL, West Coast Eagles v Carlton 10:30pm.

FAA INSURANCE COMPANY LIMITED
129 King Street, Melbourne VIC 3000

Mr. Martin J Jackson
454 High Street
BUXTON HEIGHTS VIC 3217

CAR INSURANCE SCHEDULE

This schedule and any attachment is referred to as "The Current Schedule" in your Car Insurance Policy booklet. This schedule, together with the terms and conditions of the Car Insurance Policy booklet, constitute you car insurance policy with FAA Insurance Company Limited.

Policy Number	78968
Insured	Jackson, Martin J
Vehicle Insured	Austin Healy Sprite, 1959
Vehicle Registration	25 ABH
Serial Number	000HQ7P546
Sum Insured	\$20,000.00
Rate	06
Amount Paid	\$600.00
Period of Insurance	1 year
Policy commencement date	1 May, 2 years ago

Signed for FAA Insurance Company Limited

A Orange
General Manager

Signed by Martin J Jackson

Martin J Jackson
Insured

CERTIFIED EXTRACT FROM FAA INSURANCE RECORDS

- 1 May, 2 years ago: Martin Jackson's application for antique car insurance on 1959 Austin Healy Sprite - Serial No. 000HQ7P546 - appraised value (see attached appraisal \$20,000). Agreed value endorsement accepted. Premium \$600 per year, paid 1 May. FAA policy 78968 issued, \$350 excess. Mr. Jackson filed a proof of loss and claim for \$20,000 on the insurance policy on 3 June, 2 years ago. That claim has not been resolved.

Signed: F Pearce

Date: 14 June, 2 years ago

SPORTS CAR ASSOCIATION OF AUSTRALIA
(Central Division)

GPO Box 50, Central City.

18 April, 2 years ago

Ms G Black
PO Box 332
Central City.

Member of the Sports Car Association of Australia

Re: Vehicle Appraisal

I have inspected and appraised the following vehicle:

Austin Healy - Sprite - Year: 1959
Serial No.000HQ7P546
Kms: 35,072
Condition: Restored Operation

Based on an on-site inspection, I am of the opinion that the appraised value of the vehicle in comparison to comparable vehicles of that year, make and condition is \$20,000.

Yours

I Pappas
Secretary

STATEMENT OF MARTIN JOSEPH JACKSON

I live at 454 High Street, Buxton Heights with my wife Marina. Yesterday afternoon I was at home on my own. I washed my car, a 1959 Austin Healy Sprite, registration number 25 ABH. The car is my pride and joy. I did it up myself. It took me 4 years. I love it. After I had finished, I went to visit a mate, John Nortia who lives a few doors up the road. I ended up staying there all night. We had a few beers and watched the West Coast Eagles play Carlton under lights in Perth. By the time the game finished it was late and I was whacked. I left the car outside, as I did not think I should have driven it, even around the block to the garage. In the state I was in, I would have pranged it and I'd just got my licence back. I didn't want to run the risk of losing it again. I went home and crashed. The next thing I knew, you cops were at the door telling me someone had pinched the car and set it alight and insinuating that I was involved. I have two sets of keys to the car they are both here in the house. The car is insured. I could kill myself for leaving it outside. I never do. I did not give anyone permission to take my car or damage it. I was not the jogger at Murray Creek and I have never had a moustache.

Signed as a true and accurate record by Martin Jackson in the presence of Constable Pearce.

2 June, last year.
8.30am

TRANSCRIPT:

Recorded interview conducted by Constable Pearce with Martin Joseph Jackson at Buxton Police Station on 4 June, last year, commencing 7.20am.

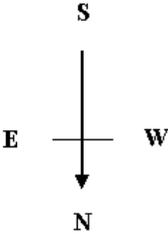
- 1 Q State your full name, address, age and occupation.
A Martin Joseph Jackson, 454 High Street Buxton Heights.
I am 30. Unemployed.
- 2 Q I propose to question you in relation to the setting alight of an Austin Healy Sprite sports car registered number 25 ABH which occurred in the early hours of the morning of 2 June, and in relation to a claim for insurance in respect of that vehicle. Do you understand that?
A Yes, but I have done nothing wrong.
- 3 Q Before I proceed to question you I must caution you. [Caution administered in accordance with applicable law]. Do you understand your rights?
A Yes.
- 4 Q Are you the owner of an Austin Healy Sprite sports car, red in colour, registered number 25 ABH?
A Yes I am, or was rather. There's not much left of it left to own.
- 5 Q Where was the car on the night of 1 June?
A Outside my house.
- 6 Q Do you normally leave the car outside your house?
A No, I usually park it in the garage.
- 7 Q Where is the garage?
A At the back of the house.
- 8 Q Why didn't you park it in the garage on 1 June?
A Just stupid. I could kill myself.
- 9 Q Were you at home on 1 June?
A Yes.
- 10 Q Was anyone else home with you?
A No. My wife had gone to visit her parents in the country and stayed the night there.
- 11 Q When did you put the car in the street?
A After my wife left I decided to wash my car. It would have been late afternoon.

- 12 Q Why didn't you put it away?
A I started talking to a mate, John Norta who lives up the road. I told him Marina had gone to visit her parents and he invited me in for a drink. I went up to his place and a few beers turned into all night. I stayed for dinner and we watched the football. It was very late when the match finished, and I was drunk. I went home. I thought about putting the car away but I was too drunk. I thought you blokes might pull me up for drink driving. It would be just my luck to get pulled up just for driving round the corner. I had only just got my licence back. Besides, I was trying to sell the car. it would have been just my luck to prang it driving it into the garage in the condition I was in.
- 13 Q What did you do then?
A Went to bed I suppose. Knew nothing more till you knocked on my door next morning and you told me the car was gone and burnt.
- 14 Q How long had you owned the car?
A 3 years.
- 15 Q Was the car insured?
A Yes.
- 16 Q When did you insure it?
A May this year. I restored it from a wreck and insured it for on the road.
- 17 Q I put it to you, you had been driving it for over a year.
A Well, yes.
- 18 Q I further put it to you that you have been trying to sell it for the last 6 months.
A Yes.
- 19 Q Are you in financial difficulties?
A Not really.
- 20 Q I put it to you that you are behind in your rent.
A Yes, but only by a month.
- 21 Q Is your wife working at the moment?
A No. We are expecting our first child in a month and she stopped work 3 weeks ago.
- 22 Q How long have you been unemployed?
A 2 weeks.
- 23 Q Are you receiving any income?
A No, I am waiting for the dole to come through.
- 24 Q Do you have any savings?
A Not much. I need to find another job, but it's hard.
- 25 Q I put it to you, you are in financial difficulties.
A Only short term I hope.

- 26 Q Did you have a conversation on 1 June with your landlord about the arrears of rent?
A Yes.
- 27 Q I put it to you, you said to your landlord words to the effect 'If I can't sell the Sprite I can torch it and claim the insurance'.
A No I did not. I told him I had the car on the market and when it was sold I would be able to pay the rent. I told him the best offer received so far was \$15,000 and it had been valued at \$20,000 when I insured it in May. He said what if you can't sell it and I said I was sure I could sell it but I didn't want to have to sell it for undervalue, so I wanted to wait for the right offer. He said 'Why don't you torch it then?' I didn't bother to reply.
- 28 Q Did you claim on the insurance for the car?
A Yes. I rang the insurance company yesterday and notified them of the fire and asked how soon I could receive the money. They said they had already spoken to you about it. I filled in the claim form and sent it to them.
- 29 Q I am showing you a letter marked MS1. Did you write this letter and send it to the insurance company?
A Yes. I claimed the value of the car under the policy
- 30 Q Did you know that you were not insured if you deliberately set the car alight.
A Yes, but I didn't set it alight.
- 31 Q I put it to you that you deliberately set the car alight so you could claim the insurance.
A No way, I loved that car.
- 32 Q You will be charged with arson and fraud. Do you have anything further you wish to say.
A No. I didn't do it.

Interview concluded 8.20am 4 June.

DIAGRAM OF HIGH STREET



7 meters

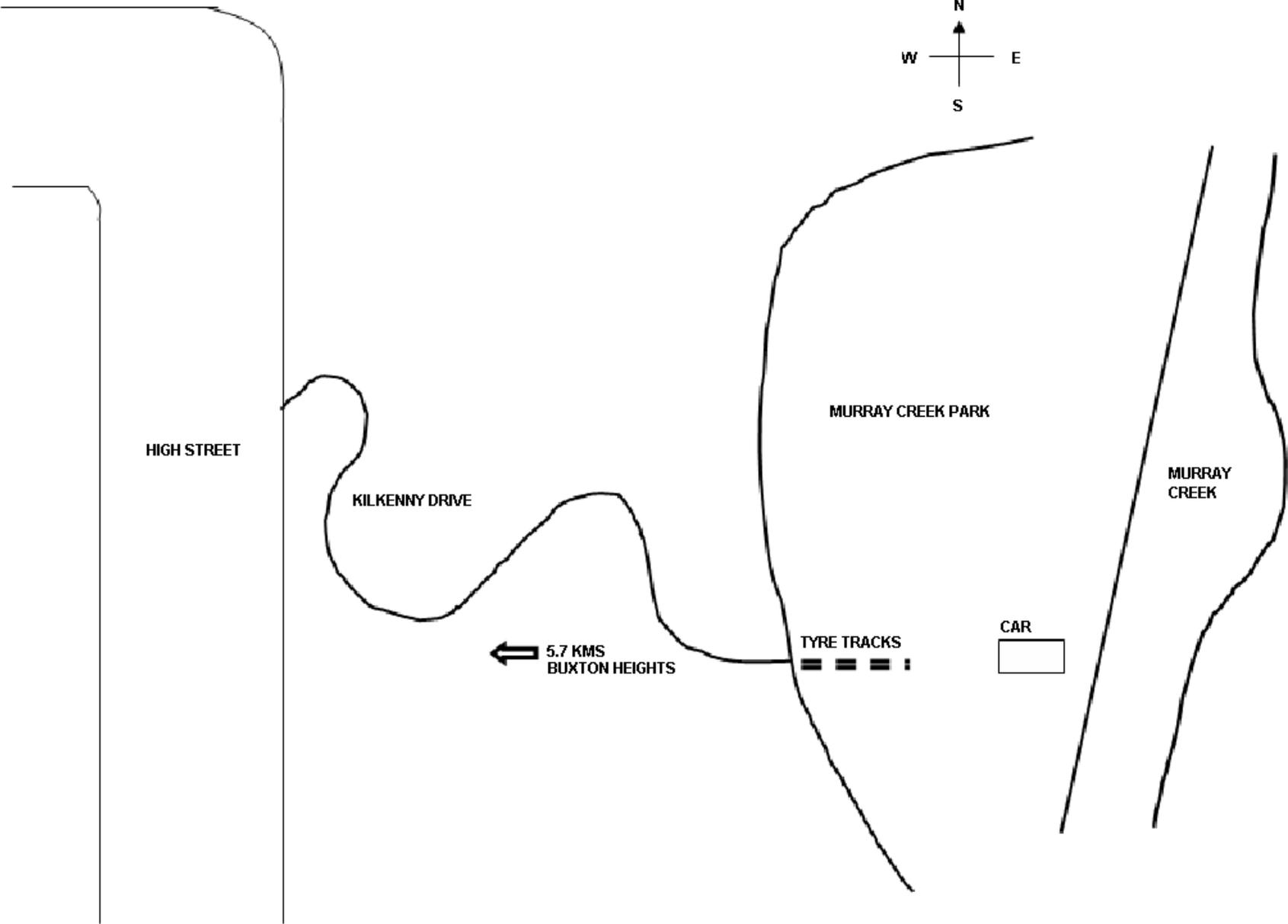
HIGH STREET



(NOT TO SCALE)

DIAGRAM OF MURRAY CREEK PARK

Diagram 2:



MS1

FAA Insurance
129 King Street
Central City

3 June, last year

Dear Mr./Ms Orange
RE POLICY NO 78968

My car, an Austin Healy Sprite registration number "25 ABH" was stolen from outside my house this morning. It was found by the police dumped at Murray Creek, at the end of Kilkenny Drive, Buxton. It has been burnt. I hereby claim the agreed value of the car, \$20,000.

Yours sincerely

MARTIN JACKSON

(R v MARTIN JACKSON)

NOTICE OF ALIBI

Take notice that Martin Jackson proposes at his trial for arson and fraud purposes to call MARINA JESSIE JACKSON to give evidence of alibi.

She will depose that at approximately 6.00am on 2 June, last year, she telephoned her husband, Martin Jackson, at their home telephone number 9249 3359 and spoke to him for approximately 10 minutes.

Enclosed is a transcript of an interview between Martin Jackson's solicitor with Mrs Marina Jackson conducted on 12 December, last year.

DATED: 12 December, 2 years ago

SIGNED Martin Jackson

Marina Jackson

**TRANSCRIPT OF INTERVIEW OF MARINA JACKSON WITH
MR JACKSON'S SOLICITOR ON 12 DECEMBER, last year**

Q 1 What is your full name?

A Marina Jessie Jackson.

Q 2 What is your address?

A 22 Laural Drive, Buxton East.

Q 3 What is your occupation?

A Sales assistant.

Q 4 Are you married to Martin Jackson?

A Yes, I am

Q 5 Do you have any children?

A Yes a baby girl.

Q 6 When was she born?

A On the 16th of July.

Q 7 On the 1st of June, where were you living?

A We were living at 454 High Street, Buxton Heights.

Q 8 Were you working then?

A No, I wasn't I had just stopped work.

Q 9 Was your husband working then?

A No, he had just been retrenched.

Q 10 Were you in financial difficulties?

A Yes we were. We didn't have much savings and we had worked on my being able to be on maternity leave, it was leave without pay, if we lived very frugally on Martin's salary. His being retrenched at the same time was a real worry.

Q 11 Were you behind in your rent?

A Yes only the last months. We'd planned to sell the car and thought once it was sold we would have enough to pay the rent and tide us over but it had been very hard to sell. Martin was holding out for his price of \$20,000. I thought it was a bit much but he was determined to get that. He said after all the time and effort he'd put into it he didn't want to undersell it. I thought the price was too high but Martin insisted that as that was the value the insurance valuer had put on it only a month earlier that was what he should sell it for. I thought at the time that the valuer was inflating the price but Martin wouldn't listen to me.

Q 12 On the 1st of June, did you spend the night at home with Martin?

A No I didn't

Q 13 Where did you go?

A I went to stay with my parents

Q 14 Where do they live?

A In the country.

Q 15 Did you speak to Martin the following day, the 2nd of June?

A Yes I did

Q 16 When did you speak to him?

A I rang him in the morning.

Q 17 What time?

A I'm not sure. I think it was about 6.15am

Q 18 Why did you ring him so early?

A At that stage in my pregnancy I wasn't sleeping very well, I woke early. Martin often goes jogging in the mornings and I thought seeing as I was awake that I would ring him and try to get him before he went jogging.

Q 19 Can you fix the time more precisely?

A No, I think it was about 6, probably a bit later. My father usually gets up at 6.30 and makes a cup of tea. It wasn't long after I hung up the phone and gone back to bed that I heard him moving about in the kitchen.

Q 20 Did you go back to Buxton Heights later that day?

A Yes I did.

Q 21 How was your husband when you got home?

A He was very upset. He loved that car, he'd spent so much time and a lot of money on doing it up. He just couldn't believe what had happened.

Q 22 Had you spoken to Martin that morning of the 2nd of June about selling the car?

A Yes, he told me John Norta had said the night before that a friend was interested in buying it but he wasn't sure if he wanted to sell to him because he wanted to sell to a caring owner. John was rough on his cars and he thought John's friend may be the same. I said he was being silly, we needed the money and \$20,000 was \$20,000 and he couldn't be so picky about who he sold it to.

Q 23 How did you get on with your landlord Mr Craig?

A Not very well at all. I thought he was a creep. He used to continually say I was too good for Martin and that I should be looking for somebody better like him. At first I thought he was joking and I used to just laugh at him but one day he had me cornered in the garden and said it again. This was after I was pregnant. I told him that he was a creep and a dirty old man and that he should keep his prying eyes and his roaming hands to himself and that Martin was worth 10 of him. I think I punctured his male pride because he stopped leering at me after that. It was after that that he accused Martin of setting a fire near our garages at the back. I knew that Martin hadn't set a fire out the back but it was just one more way of making himself unpleasant. We had decided that we wanted to leave, we didn't want to continue to live next door to him.

Q 24 Did Martin ever say to you that he'd burnt the car?

A No, never and I don't believe he would have.

Q 25 Does Martin own a blue tracksuit, running shoes and a cap?

A Yes. He wears running gear a lot. He's always got his cap on backwards to stop it blowing away when he's driving.

MEMORANDUM

TO: CROWN COUNSEL

FROM: F PEARCE

RE: MARTIN JACKSON

CHARGE

1. Criminal history sheet for Martin Jackson is attached.
2. Circumstances of previous arson/fraud charges which were stayed on the 15 July six years ago:

This charge related to the fire at the shed of one RICHARD BATES. Bates put in a claim for insurance. The fire was deliberately set. Jackson was charged with being the perpetrator of the fire and party to the fraud. Bates and Jackson were friends. The file shows that both had been drinking heavily. Bates agreed to plead guilty to the charges and the charges against Jackson were dropped.

3. Previous suspicious fire in the garage behind defendants unit. I was advised by A Craig there had been a suspicious fire in that garage which services both the defendants and Craigs units at 454 High St Buxton Heights in May. Investigations at the time revealed a suspicion the fire was deliberately lit but no evidence as to who the perpetrator was.
4. Interview with R Morris. I was contacted by R Morris, the defendant's previous employer who provided with me the annexed statement. I do not think it takes the matter any further but enclose it for your information as requested.

CRIMINAL RECORD

AUTHORISED POLICE RECORD

ARREST AND DISPOSITION RECORD

NAME: Martin Joseph Jackson

Disposition Date	Offence Charged	Disposition
4 July, 12 years ago	Joyriding Possess stolen goods	6 mths Probation
15 August, 11 years ago	Possess stolen goods	Suspend sentence 1 yr
11 October, 10 years ago	Break & Enter	6 mths Probation
8 Feb, 9 years ago	Possess stolen goods Failure to appear	3 mths
12 June, 9 years ago	Break & Enter - 2 counts	9 mths
7 May, 8 years ago	Fraud, Theft	16 mths
10 Dec, 7 years ago	Fraud - 3 counts	6 mths
15 July, 6 years ago	Arson, Fraud	Stayed
10 Jan, 5 years ago	Break & Enter - 3 counts	2.5 yrs

STATEMENT R MORRIS

STATEMENT OF: R MORRIS
Age 52, owner of Oakwood Auto
2000 Pacific Highway

Martin Jackson was employed with me until 15 May, when I had to retrench him. He was a licensed mechanic and a good one. He has been with me for three years. I hired him as part of a special outreach program for parolees from the State Correctional Facility. Frankly, most of the parolees don't work out - Martin did. He was an exemplary employee. He was laid off because of decreased work volume. I advised him that I would take him back at the first opportunity. In the interim, I guess he would collect the dole.

In early May, I sacked Tony Monero. Monero was hired as part of a special rehabilitation program through Central Correctional Institute. Jackson reported that he had observed him taking tools off the premises which is clearly prohibited. I confronted Monero and found a set of wrenches in his lunch box. He was fired on the spot. Monero was none too pleased with Jackson. I didn't bother reporting this to the authorities. Monero was not on parole at the time; he was simply in a program to assist with finding jobs and giving experience to young offenders.

Jackson worked on rebuilding his Austin Healy during his three years with me. He did much of the work on the body of the car in my garage. He did a fine job. He told me in May last year that the car was for sale. He was asking \$25,000 but in my opinion, the price was too high. If he dropped it to \$15,000, he might sell and that is what I told him.

Witness: F Pearce

Original signed: R Morris

Date: 14 June, last year

Time: 16:30

REPORT OF CHIEF FIRE INVESTIGATOR: JAMES CRAWFORD

Date: 2 June,

RE: Fire - 1959 Austin Healy Sprite
Serial No 000HQ7P546
Registration No 25 ABH

INVESTIGATION OF FIRE SCENE - MURRAY CREEK AT KILKENNY DRIVE

At 08:30 on 2 June, I attended at the scene of a vehicle fire on the west bank of the Murray Creek, Kilkenny Drive. The vehicle was resting on the bank of the Murray Creek with its front end pointed towards the river leaning on a 30° angle half-way down the embankment. The surrounding area was cordoned off. I was advised by the Fire and Emergency Services Supervisor that the only action they had taken upon arrival at the scene was a light water spray to cool the car. I was advised that when the Fire and Emergency Services arrived at 06:30, there were only a few flames present. Because of the suspicious nature of the fire and because there was no danger of the fire spreading to surrounding property, the scene had been sealed immediately and the vehicle had not been physically handled.

The vehicle in question is a two-door convertible sports car, a 1959 Austin Healy Sprite. The top of the convertible was down.

There was tall grass surrounding the vehicle. At 08:30 the grass was still damp from the morning dew and as an eye witness put the time of the fire at approximately 06:15, the grass would have been even damper. Little grass burn was observed surrounding the vehicle. This is consistent with the wet conditions and with liquid accelerant being poured onto the vehicle and set alight immediately. In those circumstances accelerant has no time to absorb into the surrounding area and cause a more thorough burn. A burn trail extended some 10 metres to the west from the vehicle to a worn path. The burn trail, where it intersected the path, was 10cm wide and widened to 20cm at the point of contact with the immediate burn area surrounding the vehicle. The trail showed little burn damage to the underlying grass. This is consistent with the accelerant being poured from the vehicle to the path and ignited at the path.

The containers were partially burned. The containers were empty and no container caps were found. I seized the containers for further testing.

Inside the vehicle I observed a pooling effect in the driver foot area and the passenger foot area. The rubber mats at the lowest point in the floor (consistent with the 30° vehicle angle) were melted entirely away. The surrounding floor mat was not so severely burned. This is consistent with a poured accelerant accumulating in the lower areas resulting in a longer and more intense burn in these spots. Upon removal of the rubber matting, flow patterns were observed down the rear passenger compartment wall to the accumulation areas. This is

consistent with a poured liquid accelerant being spread over the vehicle and seeping to the low areas.

The rear boot of the vehicle was open. The lock mechanism on the boot is an automatic key lock. In other words the boot can only be opened with a key. Upon visual inspection the lock did not appear to be damaged. There was no evidence of metal scarring or signs of metal tearing on the lock or surrounding boot area. This is consistent with the boot being opened with a key. The bonnet was not open.

The ignition system on this vehicle consists of a plug-in connector to the dash. There is no steering or anti-lock mechanism on this vehicle. I removed the ignition mechanism and found considerable burn damage and metal melt. The wires on the ignition had fused together, but the mechanism did not appear to have been tampered with. This would rule out a non-key starting of the vehicle.

No keys were found in the vehicle or in the surrounding area.

There was no other physical damage to the vehicle. The radio was in place. There was no glass breakage. All hub caps and chrome fixtures appeared to be in place. No fingerprinting was done because of fire damage. Fire destroys finger prints.

I supervised the raising of the vehicle by crane. I observed that the petrol tank of the vehicle had ruptured from internal pressure along a welded seam. A residue of petrol remained in the tank. There was no sign of metal tearing consistent with an explosion and I note that the eye witness did not hear any loud explosion.

CONCLUSION

From the above, I conclude that the fire was deliberately lit by igniting an accelerant which had been deliberately spread throughout the vehicle. The accelerant caused a fast, clean burn consistent with a petrol base. Testing of the plastic containers found at the scene was inconclusive as to their contents and no fingerprints were found on the containers.

Signed: James Crawford, Chief Fire Investigator

Date: 3 June,

**JAMES CRAWFORD
CHIEF FIRE INVESTIGATOR
RESUME**

June, 23 years ago	Graduated Year 12, State School, East Central.
May, 22 years ago	Received Electrician Journeyman Papers from TAFE (One year course).
May-July, 21 years ago	Worked as an electrician's helper at Stewart's Electric, Central City.
July, 21 years ago	Accepted position as a Police Constable with the Central Police Department. Served in that capacity for six (6) years.
August, 15 years ago	Accepted position as an Investigation Officer in the Central State Fire Services. Assigned to and worked with a senior investigator for six months of field training.
June, 13 years ago	Attended a week long seminar in London, England, sponsored by the International Association of Fire Investigators.
November, 11 years ago	Attended a three day advanced or Level III Fire Investigation Seminar in Toronto, Ontario, Canada, sponsored by the Canadian Association of Fire Commissioners.
June, 7 years ago	Attended a one week "Suspicious Fire Seminar" presented by the Criminal Insurance Bureau in Nashville, Tennessee.
April, 6 years ago	Attended a two day Automobile Fire Investigation Workshop, sponsored by the Insurance Council of Australia.

I am also a member of the Australian Association of Fire Investigators and have been elected as State Representative on its Board of Directors.

I regularly lecture to fire investigators; arson squad trainees and insurance investigators on fire cause determination and arson detection.

During the course of my duties, I investigate an average of anywhere from 100 to 150 fires a year. These fire investigations are conducted at the request of police, fire and emergency services and the insurance industry.

I have been subpoenaed to give expert evidence and have been accepted as an expert in all levels of courts in this State and in inquests.

REPORT OF ROBERTA NIXON

RE: FIRE INVESTIGATION

1959 AUSTIN HEALY SPRITE

Serial No 000HQ7P546

Registration No 25 ABH

INSTRUCTIONS

You asked me to review the report prepared by Mr James Crawford, dated 3 June, last year and to do my own on-site investigation of the subject vehicle.

FINDINGS

Specifically, I make the following findings:

1. **Re: Arson Conclusion** - The conclusion that the fire was deliberately set is consistent with the evidence found at the scene. The conclusion that an accelerant, probably petrol, was used is also consistent with the evidence found at the scene.
2. **Re: Boot Opened by Key** - I agree with Mr Crawford's investigations that there was no sign of metal tearing to the lock mechanism or to the boot itself. However, the boot certainly could have been forced open during the course of the fire. The petrol tank is located immediately below and adjacent to the lock mechanism. The weld seam, which internally ruptured, is located at the back of the vehicle. A rupture blow, therefore, would be directed towards the lock mechanism. A mild explosion would be a distinct possibility. Vehicle explosions are rare today. Tests show that an explosion occurs in one out of a hundred vehicle fires. This is because the materials used today melt away to allow ventilation of the petrol tank without explosion. Rubber mouldings melt the petrol-tank intake and many petrol tanks are of plastic construction, which melt away prior to any explosion occurring. In comparison, the car in question had a solid metal design. There was minimal rubber moulding to allow for melting and ventilation. The expansion and heating of the gasses and the seam rupture is consistent with a mild explosion - a "blow-out". Moreover, heat from the fire, particularly given that an accelerant was used and would accumulate in the lock mechanism, would cause expansion to the metal. Expansion would cause the lock mechanism to be less secure and make the boot easier to "pop" open. In this instance, little or no damage would be observed to the lock mechanism itself.
3. **Re: Ignition Investigation** - The ignition mechanism was severely damaged in the fire. Considerable wire and metal fusing and melt was found. I note, however, that a careful examination of the ignition mechanism shows that the positive wire (white) which usually is on the opposite side of the mechanism to the negative wire (black) was in fact fused to the same side of the ignition mechanism as the black wire. This is consistent with the white wire having been cut and loose at the time of the fire and then fusing to the negative side of the ignition during the course of the fire.

I also note that, given the age of this vehicle, the type of ignition which was used is very primitive in comparison with modern vehicles and is very easy to "hot-wire". Such hot wiring would not take a great deal of time; an experienced thief or motor mechanic would simply have to reach under the dash and cut the white wire and touch it to the opposite side of the ignition. I also note that in this type of vehicle there is no fire wall to prevent access to underneath the dash. The dash wiring is readily accessible.

I attach a resume of my experience and qualifications.

Yours truly,
(Signed) Roberta Nixon

ROBERTA NIXON

CURRICULUM VITAE

POST SECONDARY EDUCATION

4 years ago	Ph D in Mechanical Engineering MIT, Boston, USA Thesis entitled, " <i>Redesigning Lock Mechanisms to Thwart the Criminal Mind</i> "
7 years ago	Bachelor of Mechanical Engineering University of Manchester, UK.
11 years ago	Master of Science Central University, Australia Thesis entitled, " <i>Lock Mechanisms in Australia and the UK; a Comparative Analysis</i> "
16 years ago	Bachelor of Science Central University, Australia

MAJOR PUBLICATIONS

Picking the Lock: An Investigators Guide (Emu Press, Australia, 1995, 546 pp);
Locks of Australia, UK and the USA (National Publications, UK, 1992, 245 pp);
"Your Car and You: An Innovative Approach to Steering Lock Mechanisms",
(1990) 27 Mechanical Engineering Quarterly 246.

ROBERTA NIXON

Assistant Professor of Mechanical Engineering

Central University, Central, Australia

CAREER HISTORY

February 3 years ago to present	Assistant Professor of Mechanical Engineering - teach primarily in the areas of metal stress analysis and introductory mechanical engineering
January 7 years ago to December 4 years ago	Ampol Scholar at MIT, Boston, USA

PROFESSIONAL ASSOCIATIONS

- Member of the Australian Association of Mechanical Engineers

**THE FOLLOWING MATERIAL IS FOR
THE USE OF COUNSEL FOR MARTIN JACKSON**

DATE: 23 JULY, last year

INSTRUCTIONS

- His wife, Marina, gave birth to a girl - Clare on 14 July, 2 years ago
- They moved from 454 High St to their present address at 22 Laural Drive, Buxton East on 29 June.
- Jackson disputes saying what is contained in A Craig's statement. He says that Craig said to him: "Why don't you just torch the car?"
- He and Craig have had trouble before. Craig complained a number of times about noise when they had a party. One time the police were called. Craig had threatened to evict them in the past.
- They moved without paying Craig his two months rent when Craig told them he wanted them out. He told Jackson and his wife that he would see them evicted because they were a fire risk.
- Jackson does jog, about two or three times a week, but he would not call himself a runner.
- They sold their Nissan Sentra in February for \$1000. The car needed some expensive front end repairs and they just couldn't afford to get the car fixed.

BACKGROUND

- Jackson was born and raised in West Central. Mother left him and his father when Jackson was 2 years of age. He was raised by his aunt and uncle, who had six children. His father worked in the North.
- When Jackson was 8, he moved with his father to Central City. Father re-married when Jackson was 14. Jackson did not get along well with his step-mother. He rebelled and got involved with the wrong crowd.
- Problems with the law followed. When Jackson was 18 and after completing year 12 he left home. He moved in with friends. Jackson worked on seasonal jobs. He wasn't disciplined and found it difficult to hold down a job. He started drinking heavily. He commented, "When I drink I get into trouble".
- RE: ARSON CHARGE, 6 YEARS AGO - Jackson was drinking heavily with a friend, Richard Bates. Bates said that he wanted to get rid of a shack in the back. Jackson responded by throwing a can of petrol into the shed and then a match. It was just a joke. Bates then stupidly put in a claim for insurance.

- The final period of imprisonment at the State Correctional Facility allowed Jackson to learn a skill in auto mechanics. When released he was given a chance by Mr. Morris of Oakwood Auto and he met his wife. Jackson refers to this as "His resurrection".
- RE: FINANCES - In June of last year he was on unemployment benefits, as was his wife. Her parents owned a store in Central City and had always wanted to help the Jackson's, who had resisted taking any money from them. In July last year her parents gave Marina \$5,000.
- Jackson is now back at work.
- Jackson advises that he is a regular jogger. He runs on average 30 kms per week. He also has jogged in the King's Park and Kilkenny Drive area. He is familiar with Kilkenny Drive and has jogged the area where the car was torched.

**CERTIFIED EXTRACT:
TRANSCRIPT OF EVIDENCE IN CHIEF OF MARTIN JACKSON,
GIVEN IN HIS CRIMINAL TRIAL, (Last Year)**

Q1 What is your full name?

A Martin Joseph Jackson

Q2 What is your address?

A 22 Laural Drive, Buxton East

Q3 What is your occupation?

A Motor mechanic

Q4 You owned the Austin Healy Sprite that is the subject of these charges?

A Yes I did

Q5 Did you set it alight?

A No I didn't

Q6 Did you make a claim on the insurance for the value of the car after it had been burned?

A Yes

Q7 Did you do that knowing you were not entitled to receive insurance monies because you had set the car alight?

A No I did not, I claimed because I was entitled.

Q8 I want to ask you some questions about the time that the car was burnt, do you understand that?

A Yes

Q9 On the 1st June last year where were you living?

A I was living at 454 High Street, Buxton Heights.

Q10 Were you working at that time?

A No. I had just been laid off.

Q11 Were you married?

A Yes I was.

Q12 Was your wife working?

A No. She had just gone on maternity leave.

Q13 Did you own the place you were living in then?

A No. We were renting it.

Q14 Were you behind in your rent?

A We hadn't paid the last month.

Q15 Were you having money troubles?

A No.

- Q16 What was your financial situation at the time?
A I had just been retrenched. I had been paid 4 weeks accrued holiday leave and 2 weeks accrued sick leave. As well as that I'd received 2 weeks pay in lieu of notice. Marina also had 4 weeks accrued holidays and 3 weeks accrued sick leave. She was able to take her pro rata entitlement to long service leave that gave her about another two months pay.
- Q17 Were you behind in your rent?
A I hadn't paid the last month's rent.
- Q18 Why not?
A I just hadn't got around to it.
- Q19 Had you spoken to your landlord Mr. Craig about the arrears of rent?
A Yes I had
- Q20 Did you speak to him on 1st June?
A Yes
- Q21 What was said?
A He complained that I was behind in the rent and said really rudely that I should pay straight away. I spun him a hard luck story. I told him that I was having a rough time. That wasn't quite true, I was worried because Marina and I were both not working but we had a fair bit of savings behind us although I didn't want to tell him that.
To try and make him feel sorry for me I told him that I had been retrenched and that Marina was due to have a baby in July. He couldn't care less. He said that didn't affect him. He wanted the money. I told him that I was selling or trying to sell the Sprite.
- Q22 Was that the truth?
A Yes. I had been trying to sell the Sprite.
- Q23 What did you tell Mr. Craig about that?
A I told him that it was worth about \$20,000.00 and that's what I wanted to get for it. I explained that I had it advertised for a while and that I hadn't had a decent offer and I wanted to wait and not to have to sell it for undervalue because I was in a hurry. He said to me 'I don't care how you get the money. You can sell it or torch it, you've got until the 15th or you are out'.
- Q24 Did you say to him that if you couldn't sell it, you could still torch it to get the \$20,000.00 because you had insured it for that amount?
A No I did not.
- Q25 Tell the Jury about the Sprite.
A It was a lovely car. I had it built it up from scratch. I bought the shell, refurbished it, re-did the engine, did all the detailing, everything myself. I used to do it at work in my spare time and worked on it in the garage at home also.

Q26 How long did it take you to do it up?

A Oh, more than two years.

Q27 How long had you been driving it?

A For some time, probably a year or more.

Q28 Did you insure it?

A Yes, I was pretty silly. I didn't decide to insure it until just before I decided to sell it. But that was because I was only one who drove it and I only drove it on weekends when the weather was fine, otherwise it was locked away in the garage. It was only when I had it for sale and I realised that I would have to let other people test drive it that I decided to insure it. I thought it would be just too much if somebody crashed it and damaged it while they were test driving it. I'd had another car, an old Valiant that looked like a heap but it was good and reliable. I used to drive that during the week, but I had sold it a couple of months earlier when I realised that it needed a lot of work done on it and I couldn't be bothered doing the work myself. It was too expensive to have somebody else do it for me, the car wasn't worth that much.

Q29 On the 1st June what did you do with the Sprite?

A I took it outside and went for a drive in it. It was a lovely day and I thought this might be one of my last opportunities. Then I brought it home and washed it.

Q30 Where was Marina?

A She had gone to her parents, they live in the country. She'd gone there with her sister and they were having a bit of a family celebration. I don't get on very well with her parents so I decided not to go. We'd had a bit of an argument about that and I told her that if she was going to go to see them she could stay there as far as I was concerned. She packed an overnight bag and took off with her sister. I was pretty cross and I sat down and had a couple of beers then I wandered up the road to John Norta's place.

Q31 What did you do with the car?

A I left in the street. I didn't even think about it at that stage, I was cross and a bit drunk.

Q32 What did you do when you got to Norta's place?

A We had a real session of it. I ended up staying there until really late, we watched the football and we shared a slab between the two of us. I sort of thought that it would teach Marina a lesson too when she rang to say sorry. I wouldn't be home.

Q33 Did you talk to Norta about the car that night?

A Yes I did. He told me he had a mate who was interested in buying it. John was going to bring his friend over the following day to have a look at the car.

Q34 What time did you leave Norta's place?

A I've got no idea.

- Q35 What did you do when you left?
A Went home and crashed.
- Q36 What did you do about the car?
A Didn't even think about it, I was far too drunk.
- Q37 When you say crashed, what do you mean by that?
A Just went to bed, I can't even remember getting undressed.
- Q38 Did you go to sleep?
A Yes I did.
- Q39 When did you wake up?
A I woke up to the phone ringing. It was Marina. She told me that it was round about 6 in the morning and she'd rung to say sorry, to let me know that she was alright, that she had indeed ended up staying the night at her parents place. She told me that she would be coming home in the afternoon.
- Q40 What did you do after you spoke to Marina?
A I went to bed and crashed again.
- Q41 Did you go back to sleep?
A Yes.
- Q42 What is the next thing that you remember happening?
A Then the police were knocking in the door. I was groggy, I was out of it. I had a shocking hangover because I hadn't gone out drinking like that for years. Since I married Marina I really settled down.
- Q43 What did you do?
A I staggered to the door and the police were there. They told me that the car had been burned. I just couldn't believe it. I was so cross with myself. One drunken night I forget to put the car away and someone's pinched it and burnt it. I just couldn't believe it.
- Q44 Did you make a statement to the police?
A Yes I did.
- Q45 Is what you told the police in your statement the truth?
A Yes.
- Q46 In the statement you say that you went home from Nortá's house and crashed and the next thing you knew the police were at the door telling you that somebody had taken the car and set it alight. Do you recall saying that in your statement?
A Yes.
- Q47 Is that what happened?
A Yes.

Q48 Had you done anything between going home from Norta's house the night before and speaking to the police that morning?

A Yes I had, I'd spoken to Marina.

Q49 Why didn't you tell the police that?

A I was really groggy and then the shock on top of it hearing what happened to the car, I don't know why I didn't tell them. What I meant was the next thing I knew about was that the police were at the door.

I mean I didn't tell them that I went home and went to the toilet and cleaned my teeth and put on my pyjamas. I didn't think you had to tell them that sort of thing. What I was telling them was the next thing that happened about the car. They weren't very interested anyway.

Q50 Did you make a claim on the insurance?

A Yes I did

Q51 Why did you do that?

A Because I believe I was entitled to.

Q52 Did you know that you were not entitled to claim on the insurance if you had set the car alight yourself?

A Yes but I didn't set it alight.

Q53 Were you later interviewed by the police in a formal recorded interview?

A Yes I was.

Q54 Is what you told the police in that interview correct?

A Yes it is.

Q55 Are you guilty of these offences?

A No I'm not I'd never do anything like that, it's not in my nature.

End of Extract