

CITATION: *Inquest into the death of Michael Condrick* [2012] NTMC 09

TITLE OF COURT: Coroners Court

JURISDICTION: Katherine

FILE NO(s): D0099/2010

DELIVERED ON: 19 April 2012

DELIVERED AT: Katherine

HEARING DATE(s): 13 – 15 December 2011

FINDING OF: Mr Greg Cavanagh SM

**CATCHWORDS:** **Unlawful killing, failings in police investigation with the death, referral back to DPP and Commissioner of Police**

**REPRESENTATION:**

Counsel Assisting: Ms Elisabeth Armitage

Commissioner of Police: Mr Kelvin Currie

Mr Jordan Thompson: Mr Josh Brock

Judgment category classification: B

Judgement ID number: [2012] NTMC 09

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IN THE CORONERS COURT  
AT DARWIN IN THE NORTHERN  
TERRITORY OF AUSTRALIA

No. D0099/2010

In the matter of an Inquest into the death of  
Michael Condrick

**ON 22 JUNE 2010  
AT 21 PEARCE STREET, KATHERINE**

**FINDINGS**

Mr Greg Cavanagh SM:

**Introduction**

1. Mr Michael Condrick (registered at birth as Michael Edmonds) was found deceased in his home on 22 June 2010. He had been stabbed in the left side of his neck and died from loss of blood. Circumstantial evidence established that the time of death was between 9.15 pm on 21 June 2010 and 1.30 am on 22 June 2010. This was an unlawful killing.
2. During a police investigation, two people were identified as likely to be present at or about the time of Mr Condrick's death, Mr Samuel Wesan and Mr Jordan Thompson, a youth aged 17 years.
3. Mr Wesan was interviewed by police. He admitted being in Mr Condrick's house when Mr Condrick was stabbed, but said he was in another room. Mr Wesan said that a "young fella from Maningrida" stabbed Mr Condrick. Mr Wesan did not identify the "young fella" but he was later identified by other witnesses from BP CCTV footage as Mr Thompson.
4. Mr Thompson gave a conflicting account. He told police that he went to the gate of Mr Condrick's house but never went inside. Mr Thompson said that Mr Wesan spoke to him in the yard and told him Mr Condrick was not at home. Later, in conversations with his girlfriend, Mr Thompson said the

“man from Beswick” (Mr Wesan) had killed Mr Condrick and had given him the knife to throw away.

5. The police investigation found fingerprints from both men on DVDs in Mr Condrick’s house. Mr Condrick’s blood was found on clothing worn by both men. Items stolen from Mr Condrick’s house were found in possession of Mr Thompson or persons associated with Mr Thompson. Mr Condrick’s phone was found broken outside the house where Mr Thompson was staying.
6. Investigating police also found several knives but none were forensically linked to the stabbing.
7. Both Mr Wesan and Mr Thompson were charged with Mr Condrick’s murder and stealing. During the course of pre-trial proceedings, Mr Wesan agreed to give evidence against Mr Thompson and in return received an undertaking from the Director of Public Prosecutions. The undertaking meant that any evidence Mr Wesan gave in proceedings against Mr Thompson could not be used against Mr Wesan in any other proceedings. Mr Wesan provided an induced statement dated 22 September 2010 which set out the evidence he said he could give. In consequence, the charge of murder against Mr Wesan was not proceeded with. Mr Wesan pleaded guilty to stealing from Mr Condrick and received a small penalty. The trial against Mr Thompson for murder proceeded.
8. It was not my role to review the criminal trial proceedings and I did not attempt to do so in this inquest. I did not receive or review any transcript from the trial. However, I received some information about the trial process because it highlighted some problems in the police investigation into this death.
9. I was informed that in the lead up to his trial for murder, Mr Thompson challenged the admissibility of his various interviews with police and all

were held to be inadmissible. I note that I received and considered those interviews in this inquest. They did not contain admissions to the stabbing but Mr Thompson admitted being outside Mr Condrick's house. In my view, the interviews also contained lies, in that they failed to account for Mr Thompson's fingerprints found at the scene and the blood on his clothing.

10. I heard that during Mr Thompson's trial, Mr Wesan gave evidence and was cross examined. I am informed that under cross examination Mr Wesan made many conflicting statements and his credibility as a witness was seriously undermined.
11. Further, I was advised that during the course of the trial additional evidence came to light concerning blood stains and DNA on Mr Wesan's clothing. I received and considered that additional evidence in the inquest. To my mind it implicated Mr Wesan in the death. As a result of the late disclosure of the additional evidence in the trial, I was told that the trial aborted without a verdict being delivered.
12. I was informed that following the trial a nolle prosequi was filed by the Director as he had formed the view that Mr Wesan was not a credible witness. I note that there is nothing about the course of proceedings to date which would prevent further charges being laid against either Mr Wesan or Mr Thompson in the future.
13. At the conclusion of the trial, the police conducted reviews of the investigation into Mr Condrick's death. I was informed that changes to police procedures were to be implemented as a result of those reviews. Those changes form the basis of my recommendations arising from this inquest.

14. Both Mr Wesan and Mr Thompson were called to give evidence during the inquest. Both declined to give evidence on the ground that to do so might incriminate them in connection with Mr Condrick's death.
15. In this inquest I received a lengthy brief of evidence (six volumes) prepared by Detective Sergeant Tony Henrys. The brief contained 86 civilian statements and 51 statements from police. In addition I heard evidence from Dr Terence Sinton, Leighton McCartney, Mark Runyu, Trevor Tydd, Manuel Fordham, Zelanthia Friday, Mervyn Martin, D/Sgt Tony Henrys, S/C Stephen Croker, S/C David Buganey, S/C Keith Currie, Forensic Biologist Louise McMahan, and Commander Peter Bravos.
16. Pursuant to section 34 of the *Coroners Act* ("the Act"), I find, as a result of evidence adduced at the public inquest as follows:

“(1) A Coroner investigating:

a. A death shall, if possible, find:

- (i) The identity of the deceased person.
- (ii) The time and place of death.
- (iii) The cause of death.
- (iv) Particulars required to register the death under the *Births Deaths and Marriages Registration Act*”

17. Section 34(2) of the Act operates to extend my function as follows:

“A coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated.”

18. Additionally, I may make recommendations pursuant to section 35(1), (2) & (3):

“(1) A Coroner may report to the Attorney General on a death or disaster investigated by the Coroner.

(2) A Coroner may make recommendations to the Attorney General on a matter, including public health or safety or the administration of justice connected with a death or disaster investigated by the Coroner.

(3) A Coroner shall report to the Commissioner of police and Director of Public Prosecutions appointed under the Director of Public Prosecutions Act if the Coroner believes that a crime may have been committed in connection with a death or disaster investigated by the Coroner”

## **Background**

19. Mr Michael Condrick was born in Tenterfield, New South Wales on 29 June 1959. Mr Condrick was the youngest of seven boys born to Mr and Mrs Jack and Mona Condrick. Mr Jack Condrick has passed away. Mr Condrick is survived by his mother and his brothers and sisters. Mr Condrick never married and has no known children.
20. Mr Condrick was educated at Sir Henry Parkes Memorial Public School, St. Joseph’s Primary School and Tenterfield High School. He completed teacher training at the University of New England. He taught in the Armidale region in NSW and later moved to a Christian Brothers facility in Mackay, Queensland.
21. Mr Condrick came to the Northern Territory in 2001 and taught until December of 2006 at a number of schools including the Barunga School, Tennant Creek Primary School, Tennant Creek High School, Nhulunbuy Primary School, and Shepherdson College on Elcho Island.
22. From January 2007 until April 2009 Mr Condrick worked at the Ngukurr and Ramingining Community Education Centres. In 2009 Mr Condrick moved to Katherine and purchased a house at 21 Pearce Street. In November 2009 Mr Condrick was employed at the Rocky Ridge nursing home in Katherine on a

casual basis as a bus driver. On the 21 June 2010 Mr Condrick resigned from this position on the grounds of failing health.

23. Mr Condrick formed personal relationships with some of his students. These relationships continued after he moved to Katherine. Mr Condrick was known to provide basic accommodation to previous pupils. On occasions alcohol and cannabis were consumed on his premises but there was no evidence to suggest Mr Condrick supplied illicit drugs to any person. The investigation disclosed that Mr Condrick engaged in homosexual relations with some of his ex-students and other Aboriginal men. Although it is not known when the sexual relationships commenced, there was no evidence to suggest Mr Condrick engaged in underage sex.
24. On occasions Mr Condrick complained to police about intoxicated Aboriginal people causing damage to his property. It appears that in order to protect his property, Mr Condrick was in the habit of hiding his valuables (cash) and cars keys.

### **Relevant Circumstances surrounding the death**

25. During the afternoon and evening of Monday 21 June 2010, CCTV footage showed Mr Condrick shopping at Woolworths. EFTPOS records revealed that Mr Condrick made a purchase at about 9.15 pm. These are the last objectively established movements of Mr Condrick.

### **Mr Wesan's and Mr Thompson's accounts**

26. As both Mr Wesan and Mr Thompson declined to give evidence I have considered the versions they gave to police.
27. On 23 June 2010 Mr Wesan first came forward and identified himself to police as a witness to the stabbing and gave numerous interviews. According to his induced statement dated 22 September 2010, Mr Wesan, aged 25, was in a sexual relationship with Mr Condrick. On 21 June 2010, Mr Wesan said that he drove from Beswick to Katherine and drank and smoked cannabis

with relatives in Lucy Street. Sometime after dark he walked to Mr Condrick's house at 21 Pearce Street but nobody was home.

28. Mr Wesan said he left the house and saw three girls standing across the road. Mr Wesan was unable to identify these young females and police inquiries also failed to identify them. Mr Wesan said he walked back towards the Katherine town centre. Near the Mimi art gallery, at the town end of Pearce Street, Mr Wesan said he ran into Mr Condrick returning to his home and they both went back to 21 Pearce Street. Mr Wesan said he went inside and watched a DVD while Mr Condrick showered.
29. A short time later, Mr Wesan said there was a knock at the door and a "young fella from Maningrida" (later identified as Mr Thompson, aged 17 years) arrived. Mr Condrick called Mr Thompson into his bedroom. Mr Condrick then invited Mr Wesan in for a "threesome". Mr Wesan declined. Mr Thompson came out of the bedroom, went to the kitchen, and returned to the bedroom. Mr Wesan heard laughing and talking from the bedroom and then he heard a noise "like something hitting the floor". Mr Thompson ran out of the room and out the front door. Mr Condrick got up and walked to the bathroom door (across the hall way from the bedroom door). Mr Condrick was holding his throat and there was blood running down his body onto the floor. Mr Condrick asked Mr Wesan to call an ambulance and fell to the ground.
30. Mr Wesan said he panicked and tried to run away but was stopped by Mr Thompson. Mr Thompson told him to find the key to Mr Condrick's ute which was parked in the driveway. Both men returned to the house to look for the keys and stepped over Mr Condrick who was lying with his head in the bathroom. Mr Wesan stole a shirt because he was cold and alcohol from the fridge. Mr Wesan said he saw Mr Thompson stealing "stuff from the lounge room" including an X-Box and some games. Mr Thompson put the stolen goods in a backpack. Mr Thompson then handed Mr Wesan a hammer

and asked him to break into the ute. Mr Wesan hit the window which caused the alarm to go off. Both men then walked away together.

31. Mr Wesan's also said that Mr Thompson handed him a knife that had blood on it. Mr Wesan said he threw the knife into a garden in a park known as "50 Cent Park".
32. As noted earlier, in his interviews Mr Thompson denied being in the house at all. In later conversations with his girlfriend Mr Thompson said the "man from Beswick" stabbed Mr Condrick and handed him the knife.

### **CCTV and phone evidence**

33. At 12.41am on 22 June 2010 a "000" phone call was made using Mr Condrick's mobile phone handset and a sim card circumstantially connected to Mr Thompson and his girlfriend, Ms Zelanthia Friday. The caller hung up before the call was answered. The handset was later located broken outside the house where Mr Thompson and Ms Friday were staying. It is possible this attempted call was made shortly after the stabbing and may be the best indicator of time of death.
34. At about 1.30 am on Tuesday 22 June 2010 Mr Wesan and Mr Thompson were captured on CCTV footage at the Katherine BP service station. I reviewed the CCTV footage and received evidence from witnesses at the service station. I note that on 23 June 2010 Mr Wesan identified himself on the footage to police and said the man with the backpack was the man from Maningrida. Further, on 25 June 2011, Ms Katlyn Fordham viewed the CCTV footage and identified Mr Thompson as the man with the backpack. Ms Fordham worked at the BP and knew Mr Thompson. Ms Friday also viewed the footage and identified Mr Thompson as the man with the backpack.

35. The BP CCTV footage shows Mr Thompson staying outside, possibly picking up cigarette butts. He can be clearly seen wearing a full backpack, likely taken from Mr Condrick's house.
36. Mr Wesan went inside and approached the console operators in the Katherine BP service station. He can be seen on the CCTV footage wearing a red cap, checked shirt, and shorts. I heard evidence from Mr Trevor Tydd who was working that night. Mr Tydd said that Mr Wesan told him that a white man had been stabbed near the arts centre behind BP. During this conversation I could see Mr Wesan on the CCTV footage pointing to his neck, indicating the position of the stabbing, and pointing towards the back of the BP service station, in the general direction of Pearce Street. After relaying this information, Mr Wesan and Mr Thompson walked away.
37. I am satisfied by this evidence that by 1.30 am on 22 June 2010 Mr Condrick had been stabbed and was deceased.
38. Mr Tydd rang "000" and an ambulance and police were dispatched to look for the victim but Mr Condrick was not found.

#### **Mr Condrick is located and a crime scene is established at 21 Pearce Street**

39. During 22 June 2010, roughly at about 2 pm, Mr Mark Runyu and Mr Leighton McCartney went to Mr Condrick's house. They found Mr Condrick deceased on the floor of his lounge room. They did not report the matter to police and went drinking. However, they spoke about the matter and word of it reached Ms Anne Marie Lee who telephoned Police at 4.45 pm. Darwin communications relayed her message to Katherine Police Station. The message indicated there was a deceased person in a house with a "blue ute" on Pearce Street.
40. At 5.55 pm Acting Sergeant Baganey attended Pearce Street and looked for a blue ute. He saw one at 21 Pearce Street and entered the house by the

unlocked front door. He found the naked body of Mr Condrick in the lounge room lying in a large pool of blood. The crime scene was secured. The scene was photographed by crime scene examiner, Senior Constable Currie, at about 6.20 pm. The crime scene was further investigated over the following two days.

41. Senior Constable Croker from the Police Fingerprint Unit, examined the premises at about 9.30 am on 23 June 2010. He located and identified prints belonging to Mr Thompson on the outside of the bedroom window closest to the front door and on the outside of glass sliding doors at the front of the house. Mr Thompson's prints were also found on a DVD and DVD cover seized from a TV unit in the lounge room. Mr Wesan's prints were found on a CD disc also seized from the TV unit.
42. Fingerprints from a number of other persons were identified in the house. All persons were spoken to by police and were excluded as possible suspects in the stabbing.
43. Forensic Scientist Louise McMahon attended and examined the scene. She took biological samples from the scene but was not qualified or able to provide an opinion or analysis on the blood patterns. The blood that was sampled was tested and identified as Mr Condrick's.
44. Three knives were seized from 21 Pearce Street, from the bedroom cupboard where Mr Condrick was stabbed, the kitchen, and the shed. No forensic connection to the death was established on any knife. A hammer was seized lying next to the blue ute but it failed to return any forensic results.
45. There were references in the brief of evidence to Mr Condrick having CCTV surveillance at his home. Whilst there appeared to be an active camera at the front of his house, regrettably it proved to be a non-active decoy.

## **The Autopsy**

46. An autopsy was performed by Forensic Pathologist Doctor Terence Sinton at the Royal Darwin Hospital at 2.15 pm on 23 June 2010. Dr Sinton gave evidence at the inquest.
47. Dr Sinton observed a stab wound to the left side of Mr Condrick's neck which partially transected the carotid artery. The wound resulted in catastrophic haemorrhage and death. Dr Sinton said that it was likely Mr Condrick died within minutes of receiving the wound.
48. The wound was nine cm deep and two centimetres wide and it was Dr Sinton's opinion that it was caused by a knife with a blade at least eight centimetres in length. He could not provide an opinion as to whether the knife used had a straight or serrated edge. The wound track was horizontal.
49. Dr Sinton noted a superficial laceration and faint bruising on the left side of Mr Condrick's mouth, some superficial abrasions on the scalp, and below the left knee. Dr Sinton noted a two centimetre diameter area of subcutaneous haemorrhage on the right front forearm, just below the elbow joint. It was Dr Sinton's opinion that each of those injuries was consistent with body-object contact, and could possibly be explained by a fall close to but before death.
50. Finally, Dr Sinton also noted an eight cm superficial laceration to the right hip showing parchment like discolouration and area of irregular superficial skin change about five centimetres above the hip laceration. Dr Sinton was of the opinion that each of those injuries was consistent with peri-mortem (after death) infliction. Dr Sinton could not assist as to what might have caused these post death injuries. However, I note that there was no evidence to suggest that Mr Condrick had been moved after his death.

51. There was no evidence of any alcohol, drugs or underlying conditions which contributed to the death.
52. Dr Sinton was unable to assist with a time of death other than to say it had occurred within about 48 hours before autopsy. However, I am satisfied by the circumstantial evidence that Mr Condrick died between 9.15 pm on 21 June 2010 (when he last purchased goods at Woolworths) and 1.15 am on 22 June 2010 (when Mr Wesan reported the stabbing at the BP service station).
53. I accept Dr Sinton's evidence and find that Mr Condrick died from a stab wound to the neck.

#### **The following days – Mr Thompson**

54. Mr Thompson lived with his girlfriend, Ms Zelanthia Friday, at 48/18 Bernhard Street, Katherine. Ms Friday was interviewed by police on 26 June 2010 and 30 June 2010 and she gave evidence at the inquest. She told police that on Monday 21 June 2010, Mr Thompson was wearing a grey hoodie and blue pants. Ms Friday told me that during the evening Mr Thompson went out and he came back at about 3.00 or 4.00 in the morning. She said he came back with an army backpack and an X-Box, game discs, an i-Pad and a phone. Mr Thompson told Ms Friday that he got the X-Box and other things from his Aunty. Later Mr Thompson told Ms Friday that a man from Beswick had stabbed Michael and she said Mr Thompson seemed shaky. (Ms Friday understood that Michael was a school teacher who used to work at Barunga). Ms Friday told me that she saw a knife in Mr Thompson's pocket of his hoodie the next day. She said it was about 12 cms long and had a black handle. Ms Friday also noticed blood on Mr Thompson's grey hoodie. She asked about the blood and Mr Thompson said someone had "cracked him" and it was his blood. She told police that Mr Thompson gave the hoodie to his brother, Mr Julian Thompson, who lived at 29 Maluka Road, Katherine.

55. As noted earlier, Ms Friday was shown the BP CCTV footage and identified Mr Thompson as the person with the backpack. She also said the backpack was the same one Mr Thompson brought home.
56. Ms Friday told me that her mother found the phone and broke it.
57. On 26 June 2010 police executed a search warrant 29 Maluka Road, Katherine, but failed to locate the grey hoodie.
58. The following day a grey hooded jacket was offered to police by Mr Owen Turner of 7 Maluka Road. This hoodie matched the one worn by Mr Thompson in the BP CCTV footage. The hoodie was sent for forensic testing and Mr Condrick's blood was located on the rim of the hood.
59. On 26 June 2010 police searched 48/18 Bernhard Street Katherine and located and seized a backpack (matching the one seen in the BP CCTV footage), an X-Box console, games and broken phone. The X-Box console was fingerprinted and Mr Thompson's prints were located on it. The broken mobile phone was identified as one belonging to Mr Condrick, and the one from which the "000" call was attempted.
60. Jordan Thompson was arrested at 8.51 am on 26 June 2010.
61. I heard evidence from Mr Mervyn Martin who lived at 47/18 Bernhard Street. Mr Martin told me that Mr Thompson gave him an i-Pad and said it was from his mother. On 29 June 2010, the i-Pad belonging to Mr Condrick was recovered under search warrant from unit 47/18 Bernhard Street, Katherine.

#### **The following days – Mr Wesan**

62. On 23 June Mr Wesan came forward as a witness to the stabbing and participated in numerous interviews with police. As previously noted, Mr Wesan told police that Mr Thompson had stabbed Mr Condrick and had given him a knife which he discarded. Mr Wesan also told police that he had

taken a shirt from Mr Condrick's house and had given it to a Mr Manual Fordham.

63. I heard evidence from Mr Fordham. He told me that on or about 22 June 2010 he saw his cousin Mr Wesan. Mr Wesan was wearing a checked shirt and offered to give it to Mr Fordham as Mr Fordham was wearing only a singlet and was cold. Mr Fordham accepted the shirt. The shirt was seized by police on 24 June 2010. The shirt matched the shirt worn by Mr Wesan in the BP CCTV footage. It was sent for forensic testing and Mr Condrick's blood was located on the lower right sleeve near the cuff.
64. On 24 June 2010 police searched "50 Cent Park" and located two knives. Both were sent for forensic testing but neither were forensically linked to the death.
65. On 25 June 2010 Mr Wesan was arrested and shorts matching the shorts shown as worn by him in the BP CCTV footage were seized. Mr Wesan was later released. The shorts were sent for forensic testing and Mr Condrick's blood was found on the waist band of those shorts.
66. On 28 June 2010, Mr Wesan was re- arrested.
67. On 29 June Mr Wesan participated in a reconstruction and he showed police the location in "50 Cent Park" where he said discarded the knife given to him by Mr Thompson. This was the same location from which police had earlier seized a knife. However, police later discovered that Mr Wesan had been drinking in Kirby's hotel the day they found the knife in "50 Cent Park", and Mr Wesan later admitted that he had seen the police find the knife.

### **Post arrest**

68. In the lead up to committal proceedings police discussed possible indemnification with Mr Wesan in return for his giving evidence against Mr Thompson in accordance with his interviews. Mr Wesan supplied the

induced statement of 23 September 2010. The Director of Public Prosecutions, when considering whether or not to give an undertaking to Mr Wesan, was concerned that Mr Condrick's blood was on Mr Wesan's checked sleeve. The presence of the blood was "innocently" explained as having occurred when Mr Thompson handed "the bloody knife" to Mr Wesan. This explanation was apparently accepted as adequate and the undertaking was given. At that stage the Director was not aware that Mr Condrick's blood was also on Mr Wesan's shorts (this being the non-disclosed evidence).

69. The charges against Mr Wesan relating to the murder of Mr Condrick were withdrawn on 6 October 2010. Mr Wesan went before the Katherine Court of Summary Jurisdiction and pleaded guilty to stealing. He was convicted and discharged on time already served.
70. In November 2010 Mr Thompson was committed for trial on a charge of murder.
71. On 9 May 2011 Mr Thompson's murder trial commenced in the Supreme Court of the Northern Territory. The admissibility of his records of interview and reconstruction were challenged and excluded from evidence. Mr Wesan gave evidence at the trial and his credibility as a witness was seriously undermined by cross examination.
72. In the latter stages of the trial it was discovered that a second statement produced by the Forensic Scientist, Ms Louise McMahon had not been disclosed. That statement revealed the blood found on Mr Wesan's shorts. The trial was aborted.
73. On 7 June 2011 the Director of Public Prosecutions filed a nolle prosequi.

### **The police investigation**

74. As a result of the failed prosecution the Assistant Commissioner of Police required four separate reviews to be completed into the investigation. I

received each of those reviews into evidence during the inquest and heard evidence about them from Commander Peter Bravos.

75. The reviews identified, inter alia, the following problems with the investigation:
- (i) The Investigation Management Guidelines required that category A offences (those carrying penalties of 14 years to life imprisonment) be investigated by the Major Crime Division, however in this case Katherine Investigations retained carriage of the matter. That was considered a critical error because Katherine Investigations lacked the resources and expertise to conduct such a complex investigation.
  - (ii) Mr Thompson was a juvenile who was subjected to lengthy pre-interview incarceration. There were significant failings as to procedure and care during these 85 hours of incarceration. Mr Thompson was left in isolation without a mattress and without water. Police failed to comply with the requirements of the *Youth Justice Act* particularly as to providing an appropriate “responsible adult”. Cautions were identified as inadequate. Although Mr Thompson’s legal counsel told police he wished to exercise his right to silence, police persisted with interviews. Mr Thompson participated in several unrecorded “sally port” conversations which were against the *Police Administration Act* and General Orders. These combined failings resulted in the exclusion of his interviews and re-enactment at trial.
  - (iii) In excess of 20 PROMIS (police electronic investigation records) follow up tasks were left unfinished.
  - (iv) There was no crime scene manager appointed.
  - (v) There was a significant failure in communication between the Forensic Services Branch and the Katherine Investigations Team resulting in non-disclosed evidence and ultimately the aborted trial.
  - (vi) There was no blood pattern analysis which might have critically connected one or other suspect with the stabbing.
76. In response to the internal police reviews Commander Peter Bravos told me that:

- (i) Compliance with the Investigation Management Guidelines will be reinforced. That means that all serious case investigations will be undertaken by the Major Crime Division.
- (ii) Orders have been issued to ensure the Forensic Science Branch uploads all reports onto PROMIS.
- (iii) Case conferences between Forensic Services, prosecutions and the investigation team are to be mandatory and conducted in a timely manner, that is at least one month before committal and trial listings.
- (iv) Crime Command has been restructured to provide a larger pool of detectives available for allocation to major investigations.
- (v) With the assistance of a NSW Major Crime Homicide Inspector, the Detective Development Program has been re-written to ensure implementation of contemporary investigative practices.

77. Specifically, in respect of this death and this investigation, Commander Bravos assured me during his evidence that outstanding matters would be attended to, including completion of:

- (i) all outstanding fingerprint analysis,
- (ii) blood pattern analysis,
- (iii) any outstanding biological forensic analysis of seized exhibits, and
- (iv) all outstanding PROMIS tasks.

## **Findings**

78. Mr Condrick died from a stab wound to the neck between 9.15 pm 21 June 2010 and 1.15 am 22 June 2010.

79. The stab wound was inflicted with a sharp object, likely to be a kitchen-type knife. All the evidence points to this being an unlawful killing.

80. Two potential suspects have been identified by the police investigation. Fingerprints and DNA connect both Mr Thompson and Mr Wesan to the scene of the death.
81. Accordingly, pursuant to s35(3) of the Act I report to the Commissioner of Police and the Director of Public Prosecutions that a crime may have been committed in connection with this death.

### **Recommendation**

82. In the past I have accepted police assurances with respect to their internal recommendations. However, I note that pursuant to s46B of the Act the Commissioner is only required to report on compliance with recommendations that are made by me. I am concerned to ensure that the internal changes identified as necessary by the police are in fact implemented, so that a recurrence of the failings in this investigation might be avoided in the future. Accordingly, I make the following recommendations:
  - (i) That compliance with the Investigation Management Guidelines be strictly enforced such that all serious cases are investigated by the Major Crime Division. That Crime Command provides detectives for all major investigations.
  - (ii) That Orders be issued to ensure that the Forensic Science Branch uploads all reports onto PROMIS.
  - (iii) That case conferences between Forensic Services, prosecutions and the investigation team be made mandatory and be conducted in a timely manner, that is at least one month before committal and trial listings.
  - (iv) That the Detective Development Program be re-written to ensure training in and implementation of contemporary investigative practices.
  - (v) That any outstanding fingerprint analysis in connection with this death be completed.

- (vi) That blood pattern analysis in connection with this death be completed.
- (vii) That any outstanding biological forensic analysis of seized exhibits in connection with this death be completed.
- (viii) That all outstanding PROMIS tasks in connection with this death be completed.

### **Formal Findings**

83. Pursuant to section 34 of the Act, I find, as a result of evidence adduced at the public inquest, as follows:

- (i) The identity of the deceased person was Michael Condrick (registered at birth as Michael Edmonds) born 29 June 1959 in Tenterfield, New South Wales.
- (ii) The deceased resided at Katherine, in the Northern Territory of Australia.
- (iii) The time and place of death was between 9.15 pm 21 June 2010 and 1.15 am 22 June 2010 at 21 Pearce Street, Katherine.
- (iv) The cause of death was a stab wound to the neck.
- (v) Particulars required to register the death:
  - (a) The deceased was Michael Condrick (registered at birth as Michael Edmonds).
  - (b) The deceased was a retired school teacher and bus driver.
  - (c) The cause of death was reported to the coroner.
  - (d) The cause of death was confirmed by post mortem examination carried out by Dr Sinton.
  - (e) The deceased's mother is Mrs Mona Condrick and father is Mr Jack Condrick (deceased).

Dated this 19th day of April 2012.

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GREG CAVANAGH  
TERRITORY CORONER