

CLANT CONFERENCE BALI, JUNE
2019

UNDERCURRENT

Turning of the Tide: Update on Sue Neill-Fraser case

Presented by
EVE ASH
3.30pm June 24, 2019





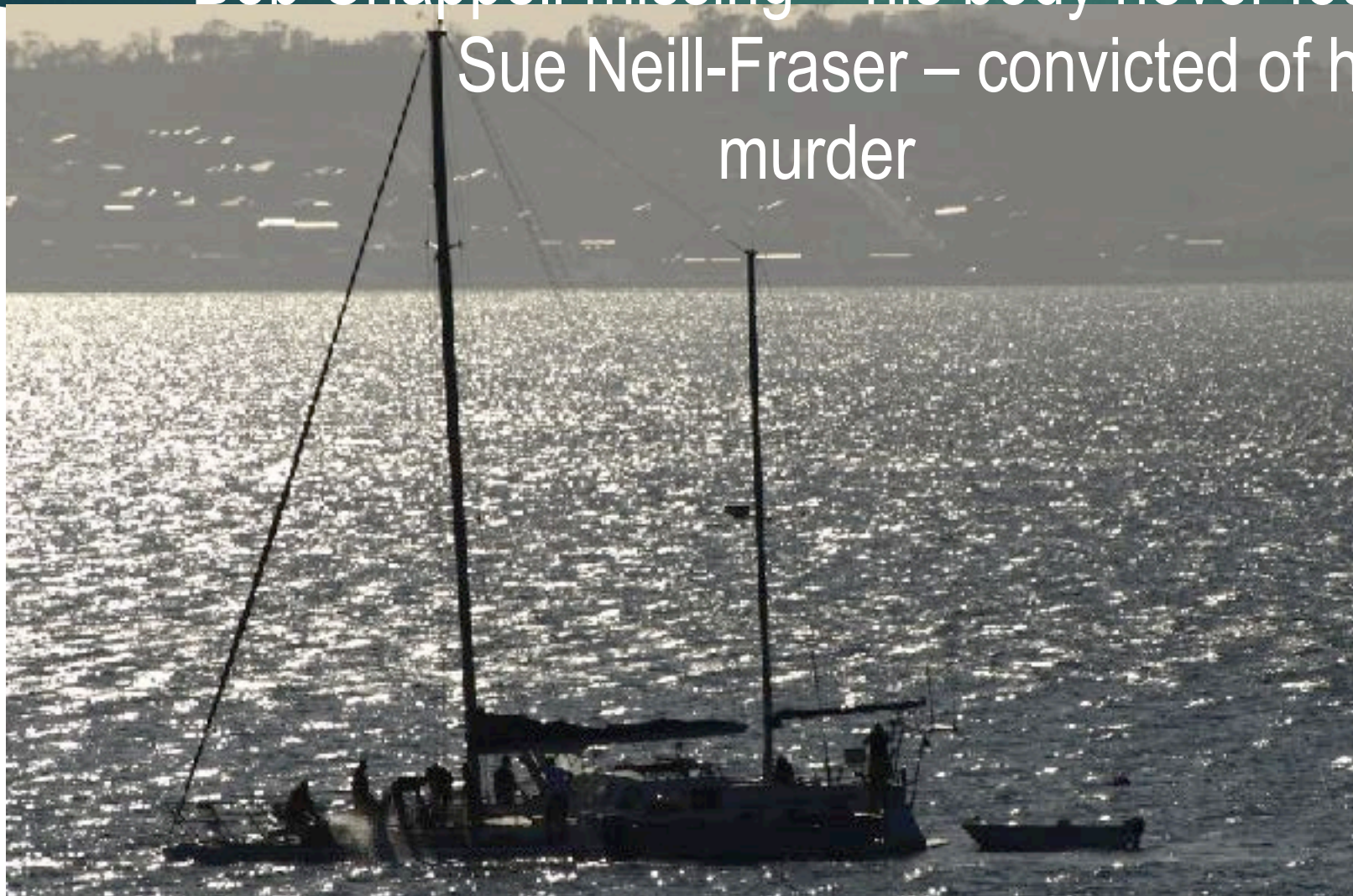
MAN ON THE BUS

The secret history of an Australian Jewish family



Jan 27 2009, *Four Winds* yacht was found
sinking

Bob Chappell missing – his body never found
Sue Neill-Fraser – convicted of his
murder



X
Four
Winds

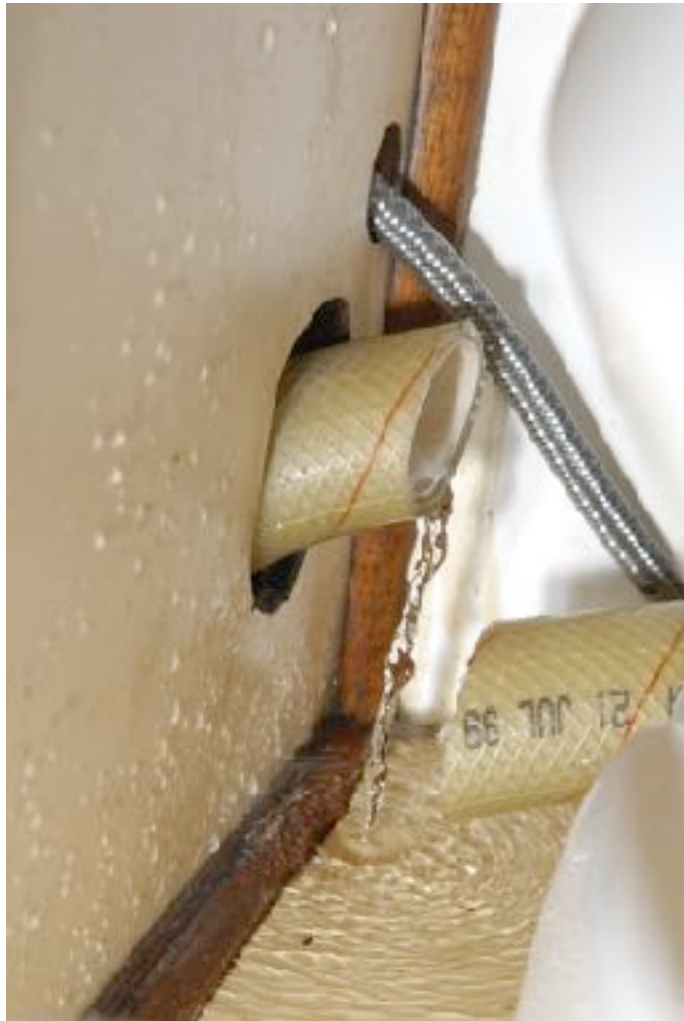
Sandy Bay
Rowing Club

Royal Yatch Club
of Tasmania



CRIME SCENE

Toilet hose cut. Seacock valve opened.
Blood spatter. Fresh blood on steps.
Ropes cut.





ONE SUSPECT: Sue Neill-Fraser

Sue's confusion, inconsistencies and lies:

Bunnings; red jacket; stayed home.

Crown witness Triffett, said she plotted to kill Bob

No body. No motive. No weapon. No confession.

No proof of murder. No witnesses to murder.

No history of aggression or crime.

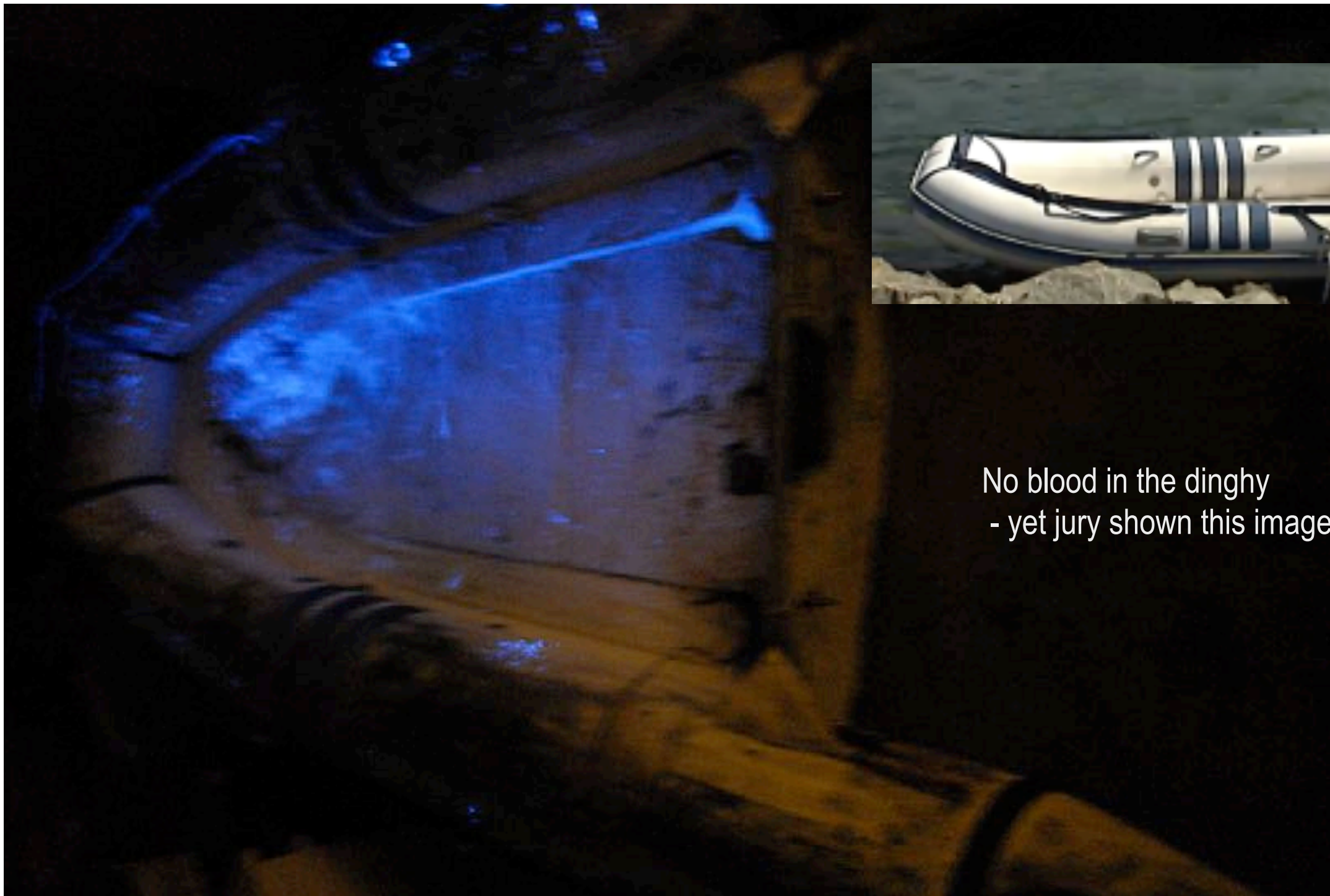
No forensic evidence linking Sue to the crime.

No other persons of interest investigated.

No concern about other DNA at crime scene.

No follow-up of critical leads.

No witnesses called by defence lawyers.



No blood in the dinghy
- yet jury shown this image

'Cover up' 'Clear up' the crime with latex gloves

010 And that left injuries behind him, didn't it, to the back, which could only have been done by someone he knew was there and therefore would not look – have looked around to?.....Mr Ellis, I have no idea what happened on that boat.

15 You, having done that, sought to cover up what you had done, you got out some latex gloves and left them on the stove top and put them on – and put the box on the stove top and put out the latex gloves to cover up what you had done?

HIS HONOUR: What do you say to that?

20 MR ELLIS SC: (Resuming): What do you say to that?.....No, absolutely not.

5 unsinkable as she's told you. She knows, so long as the hatches are closed. Someone who sought with a pair of latex gloves which she had forgotten that she'd left on the stove top to clear up as best she could and perhaps abandon that idea. It was all getting too late or getting too hard, and instead started sinking the boat or perhaps she started doing that earlier in the day, earlier in the afternoon at the time that she had done the awful thing that she did, at the time that she killed Mr Chappell. But these, I suggest, ladies and gentlemen, the winches, the sea cock, the manner of sinking, what was cut, are all the work of someone intimately connected with that boat, with intimate knowledge of it, someone who did not want to be connected with the body that had been left, and someone who was none other than Sue Neill-Fraser, the Accused in this Court, and is guilty beyond reasonable doubt of murder, I suggest. Thank you.

<END OF CLOSING ADDRESS

STATE v. NEILL-FRASER HOBART 13.10.10 CT P1346

STATE v. NEILL-FRASER HOBART 13.10.10 CT P1414



Gloves in forensics reports – none with Sue's DNA

- ▶ Stove top latex glove - DNA matched Tim Chappell (Bob's son)
- ▶ Latex glove found in cockpit – DNA matched a police officer
- ▶ Pink Ansell glove found in saloon mixed DNA profile

The grey dinghy mystery... and who is the weather-beaten man?

- ▶ Four witnesses saw a different GREY dinghy at Four Winds yacht between 4 - 5.30pm Australia Day, only one at trial
- ▶ New witness saw grey dinghy coming and going



A witness not at trial described a man in a light coloured zodiac near Four Winds 7.45pm - 8.30pm Australia Day

“....a male, solid/stocky build, late 40s to early 50s, weather beaten sailor look type, short reddish brown hair, but not close shaven. The hair was possibly a bit wavy and fairly thick. The male was wearing a collared white sleeved shirt with no obvious pattern or emblem.”

RTI - TASPOL documents later reveal

“des Neill-
Fras



The mystery of the red



- ▶ Red jacket found nearby, Sue didn't recognise
- ▶ Sue's DNA on it, but no blood or evidence of crime
- ▶ Long dark hair on jacket, finally tested 2017
→ DNA matches woman in altercation same night "unrelated"
- ▶ In 2017 discovered that TasPol LOST jacket for 3 days
→ found discarded in police garage, then went for forensics

Timeline: Sue Neill-Fraser – 10 years in jail Aug 2019

26 Jan 2009	Australia Day Bob Chappell last seen on Four Winds yacht
27 Jan 2009	Yacht sinking, dinghy loose, Bob missing
20 Aug 2009	Sue arrested for murder, no bail
March 2010	DNA Person E - matched to Meaghan Vass
21 Sep –15 Oct 2010	Trial – GUILTY verdict
27 Oct 2010	Sue sentenced to 26 years (18 year min)
11 Aug 2011	Appeal heard in CCA Supreme Court TAS
6 Mar 2012	Appeal dismissed, sentence reduced 23 years (13 year min)
7 Sept 2012	Special leave to appeal to High Court denied
17 Jan 2014	Coroner endorses criminal conviction, 'Sue acted alone'
Oct 2015	New Right to Appeal legislation passed in TAS – 'fresh and compelling'
30 Oct 2017	Leave to Appeal hearing commences x 9 days to 7 Feb 2019
25 Feb 2019	Meaghan Vass affidavit / describes murder to 60 Minutes
4 March 2019	Sue granted Leave to Appeal No date set for appeal

Current Legal Team

- ▶ Tom Percy QC
- ▶ Paul Galbally
- ▶ Chris Carr
- ▶ Paul Smallwood

The DNA sample – 260 x 210mm – primary transfer?

- ▶ Item 20, collected from the walkway on deck on 30 /1/09
- ▶ 260 x 210 mm
- ▶ HS Screening for blood – negative
- ▶ DNA female – PERSON E
- ▶ Matched to Meaghan Vass March 2010
- ▶ Judge refused Vass to be recalled – despite discovering she lied about her alibi.
- ▶ Judge refused Grosser, forensic scientist, to be recalled

Excerpts CT pp670-673 D. McHoul XXD Gunson SC

P670 Thank you. Right. 9.4 metres back from the bow?.....That's correct. It was on the starboard walkway. It was about 250 millimetres from the starboard rail, so whatever that is, about 250 – 10 25 centimetres, and the area was approximately 210 by 260 millimetres in size.

P672 Thank you. Now give me the size of the area that tested
40 positive....yes, well approximately 210 by 260 was the size of the
area that I drew, so the actual area that was posited would be slightly smaller than that.

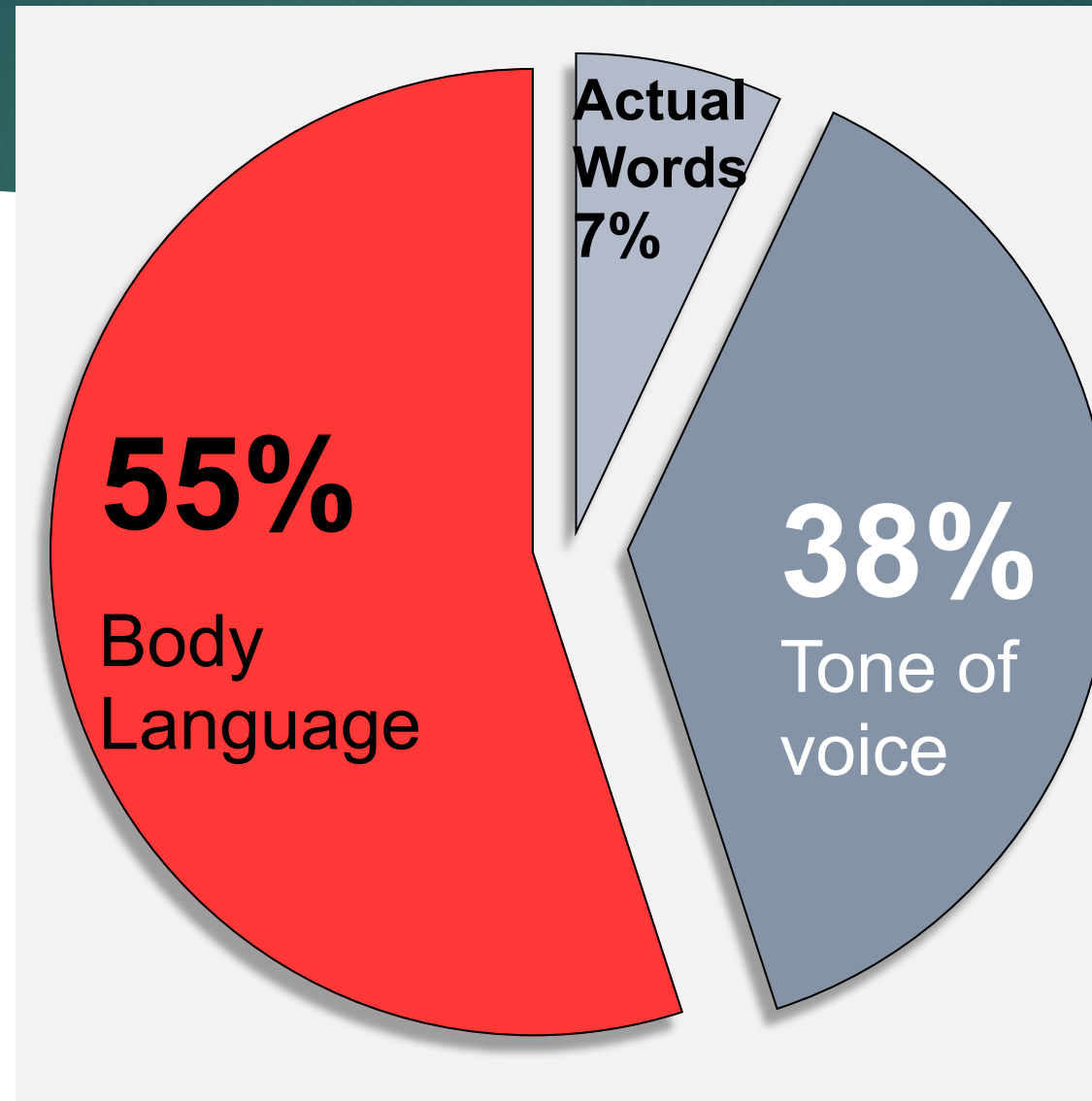
This is mils....Millimetres, yes, correct.

P673 Not whilst it was glowing. And it was a strong glow. Read your
- entry, will you?....My entry just says literally what I told you. It
- says “ Area 11, approximately 9.45 metres from forward end,
30 approximately 250 millimetres from starboard rail and approximately
210 by 260 millimetres on the starboard walkway.

Gunson SC Closing address re VASS DNA CTpp1428-1442

Question: we know – first of all we know Meaghan Vass’s DNA is there. How did it get there? Reasonable assumption, only open assumption was she was on the Four Winds. Bear in mind this, she
25 refused to be interviewed by the police about the matter at all. Detective Sinnitt said he tried to interview her, she failed to keep appointments with him. Now she said, in the witness box, “I wasn’t on the boat”, well what else are you going to say, of course you’d expect that. The scientific evidence plainly points to the contrary.
30 Why was she on the boat? A reasonable conclusion is she was there for no good and more likely was there with some other person or persons. A boat like Four Winds sitting alone out there without a tender would be a prime target for thieves operating amongst yachts. It doesn’t matter that no other yachts were reported having been
35 broken into on previous occasions around that area for sometime.

Impact of presentations





Small blue towel

Meaghan Vass DNA

9.45m

Item 19 mixed DNA profile of 3 people

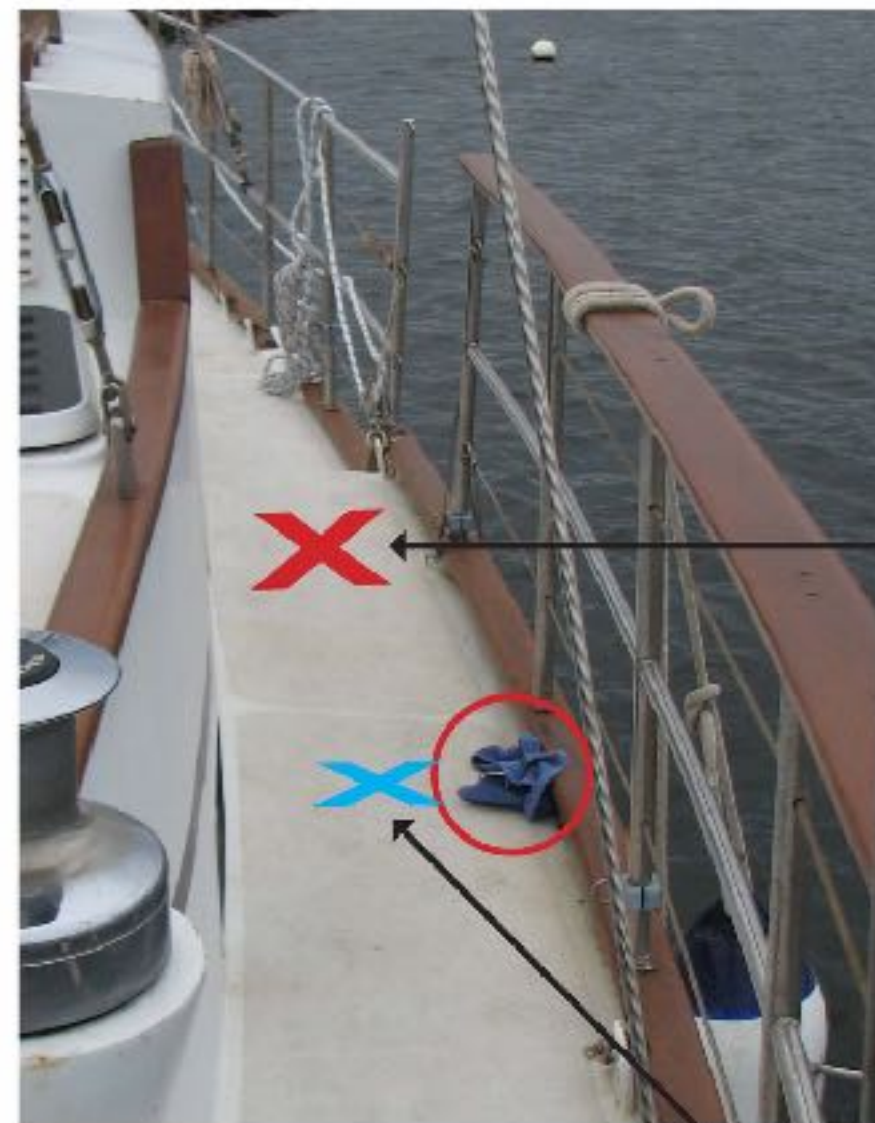
11.37m

16.1m

Meaghan Vass DNA



Meaghan Vass DNA



item 19 swab of mixed DNA with possible blood of Bob Chappell

FORENSIC BIOLOGY REPORTS – Agreed Facts

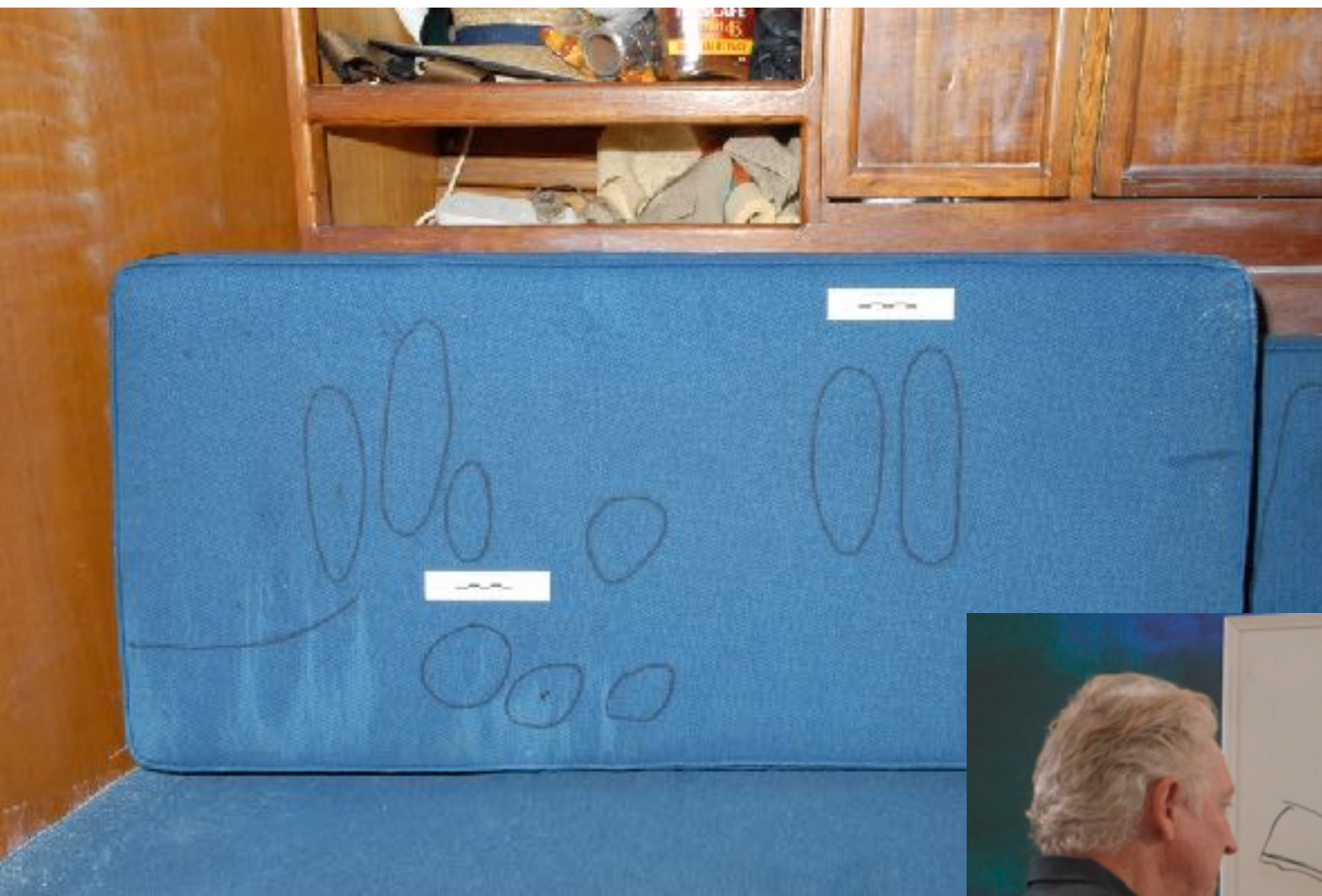
- ▶ Missed numbers in sequence
- ▶ Missing: Blue face-washer on deck near Meaghan Vass DNA
- ▶ Forensic Officers hand written notes obtained years later through RTI
- ▶ Vomit rags 'de-identified'
- ▶ Countless critical items remain untested
- ▶ 10 years later significant advances in DNA testing



Hair on bloodied steps – never tested!

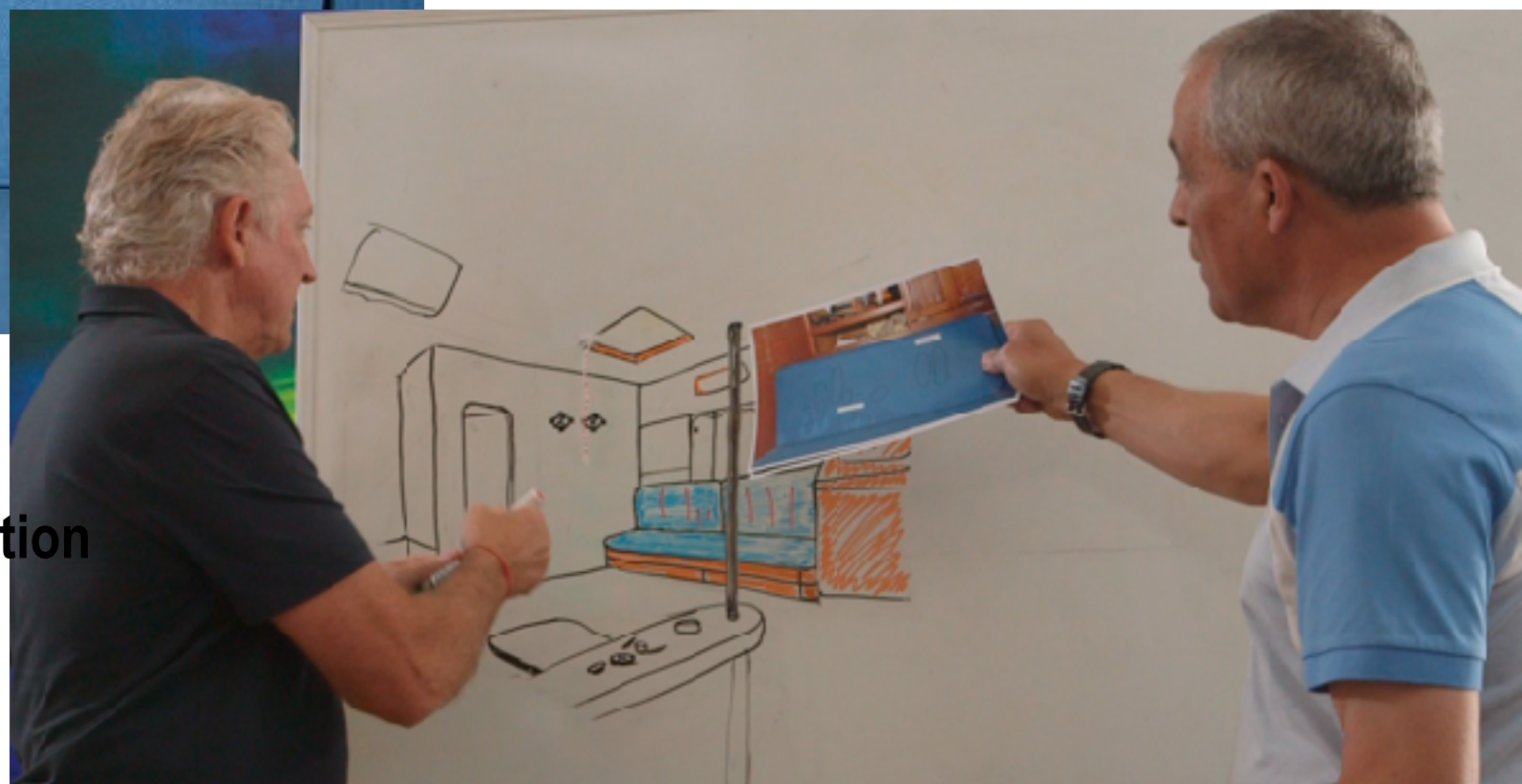
Abstract The purpose of this study was to determine whether there were differences in the prevalence of self-reported depression between men and women who had been exposed to violence by intimate partners. Data from the National Longitudinal Study of Women's Health are used. Results indicate that among those who have ever been married, 6% of men and 9% of women reported having experienced depression during their lifetime. Among those who had been married at least once and were currently married, 7% of men and 8% of women reported having experienced depression during their lifetime. Among those who had been married at least once and were currently separated or divorced, 10% of men and 13% of women reported having experienced depression during their lifetime. These results suggest that exposure to violence by intimate partners may be associated with higher rates of self-reported depression.





Inadequate crime scene analysis

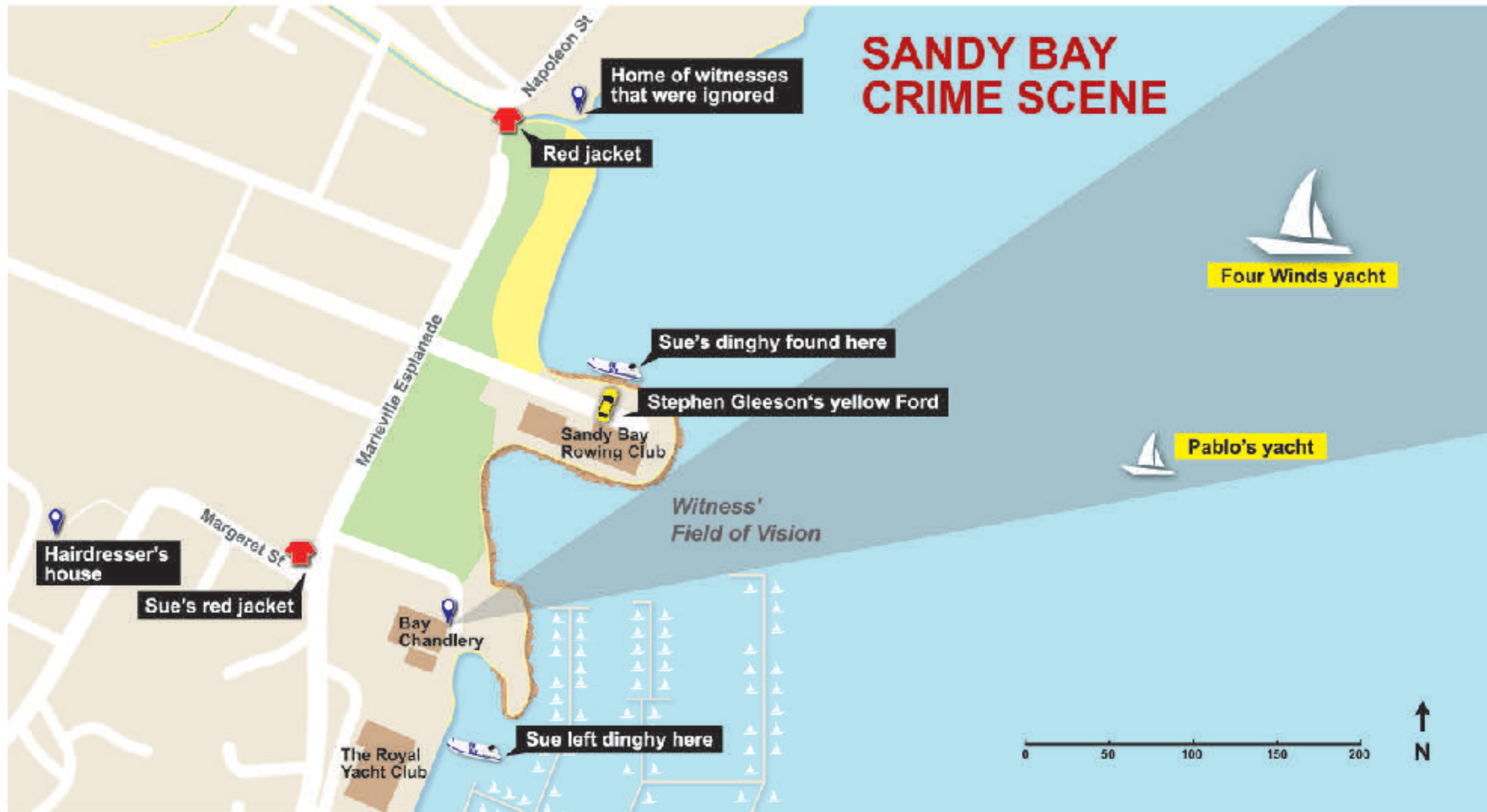
**Whiteboard reconstruction
McLaren & Bezzina**



Powerful visuals often overlooked



- ▶ Diagrams
- ▶ Maps
- ▶ Photos
- ▶ Videos
- ▶ Samples

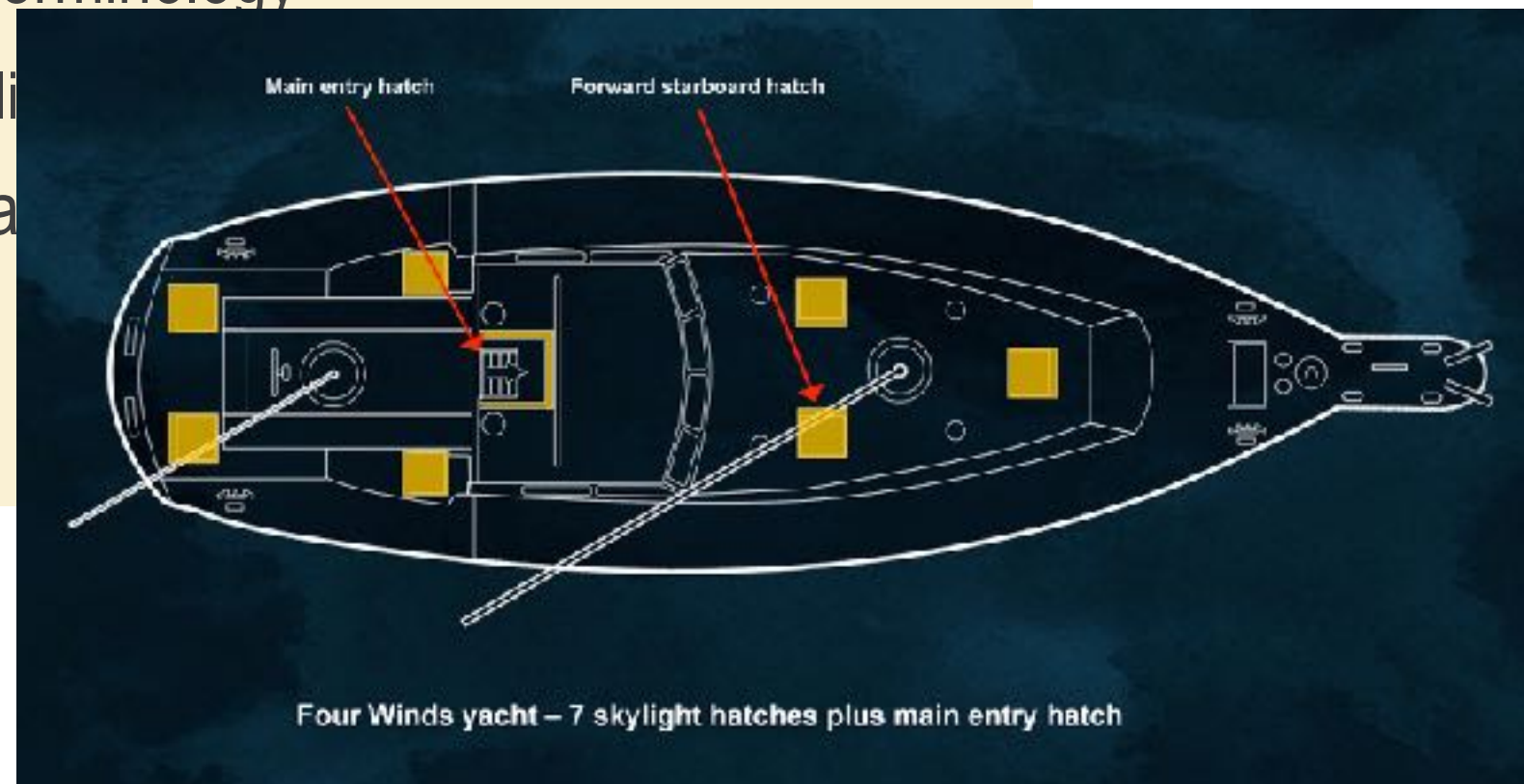


“Woman” seen going out to yacht at midnight



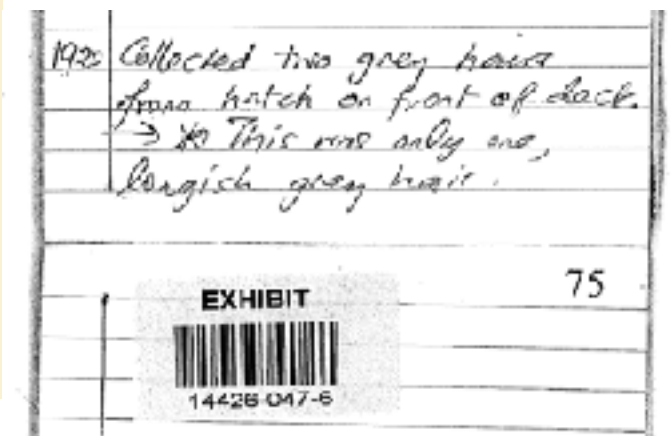
Be aware of your own Psychological Blocks – Zone Outs

- ▶ Lawyers and police need to be aware of their own blocks e.g. to
 - ▶ Forensic reports
 - ▶ Mechanical, technical details, terminology
 - eg yachts, winching operation, sailing
 - ▶ Creating / using impactful visual
 - ▶ Data, details, charts, records
 - ▶ IT and software



Who is female Person D? Grey or colorless hair found where exactly?

- ▶ 27/1/2009 "Hatch on front of deck" – Woodhead (Barnes)
- ▶ 3/3/2009 "Hatch in the rear deck" – Grosser
- ▶ 1/7/2009 "Hatch near deck" – Grosser
- ▶ 1/12/2009 "Hatch on front deck" – Woodhead (Barnes)
- ▶ 1/12/2009 "Close up of a hatch on front deck" (Barnes photo but hair cannot be seen)
- ▶ 29/9/2010 "a hair found on – found apparently near a hatch near the deck" (Grosser at trial)
- ▶ March 2018 "the hatch on the right hand side (starboard side) of the front deck" (Woodhead)



Time for Change – Innocent people remain in jail

- ▶ Tunnel vision is contagious
- ▶ Desire to convict vs solve crime
- ▶ Lazy, inferior, uncorrected work
- ▶ Different standards across Australian States
- ▶ Media & social media impact unchecked
- ▶ Training & quality standards inadequate
- ▶ Legal system too slow
- ▶ Imagination & speculation vs fact
- ▶ Criminal Case Review Commission needed

Tim Ellis DPP Closing address to jury

and forwards and delivers blow - a blow or blows, or maybe stabs him with a screwdriver, I don't know, he doesn't look round, and so the body doesn't have any marks of what you'd expect if someone had come down there, a stranger, intent on doing him harm, the body I suggest would have marks consistent only with being delivered by someone who he

The power of headlines can influence and/or
intimidate

**POLICE
CLOSE
IN ON
KILLER**



**Cops seize murder appeal
footage**



**LAWYER LINKED TO
NEILL-FRASER CASE FACES
COURT**

**Police certain of
murder method**

**Neill-Fraser murder appeal: Police charge third
person with perverting course of justice**

Fake statement in Tas killer's freedom bid

Finding the Truth

- ▶ Never assume, get own experts
- ▶ Agreed facts? Independent assessment
- ▶ Speak to witnesses, find new witnesses
- ▶ Find new information, FOI / RTI
- ▶ Study the verbatim, analyse and compare
- ▶ Expose inaccuracies, mistakes, omissions
- ▶ **Question everything**

Exploring and exposing the truth is not perverting justice

And when we get it wrong?

JUSTICE BLOW Sentencing Remarks 27 October 2010

Ms Neill-Fraser is now 56 years old. She has no prior convictions. She apparently led a blameless life until she murdered Mr Chappell. Otherwise, there is almost nothing that counts in her favour for sentencing purposes. She did not plead guilty. She has shown no remorse. She has not said or done anything that would assist in the finding of the body. There is no suggestion that Mr Chappell said or did anything to provoke this crime, or even to warrant hostility on the part of Ms Neill-Fraser. It was a deliberate killing for the purpose of some sort of personal gain. It warrants a heavier sentence than most murders.

Sue was sentenced to 26 years. At 2012 appeal – reduced to 23 years.

Surge of responses to poor police investigations and injustice

TRUE CRIME FILM & TV

- ▶ *Making a Murderer*
- ▶ *Undercurrent*
- ▶ *Shadow of Doubt*
- ▶ *Exposed: The Case of Keli Lane*
- ▶ *When They See Us*

NEWS FEATURE STORIES

- ▶ Major exposés
- ▶ Investigative reports

PODCASTS

- ▶ *Serial*
- ▶ *Trace*
- ▶ *Phoebe's Fall*
- ▶ *Teacher's Pet*

INNOCENCE PROJECTS

CURRENT AFFAIRS / TV

- ▶ Australian Story
- ▶ Four Corners
- ▶ 60 Minutes, ACA, Sunday

BLOGS

- Wrongfulconvictionsreport.org

LAWYERS ON TWITTER

- ▶ @zellnerlaw
- ▶ @felicitygery
- ▶ @julianburnside

▶ TRUE CRIME BOOKS

▶ PLAYS

▶ CARTOON SERIES

RADIO

- ▶ Interviews
- ▶ Talkback

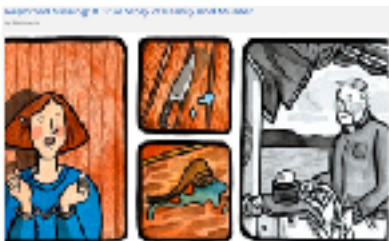
SOCIAL MEDIA

Facebook – supporters, networks

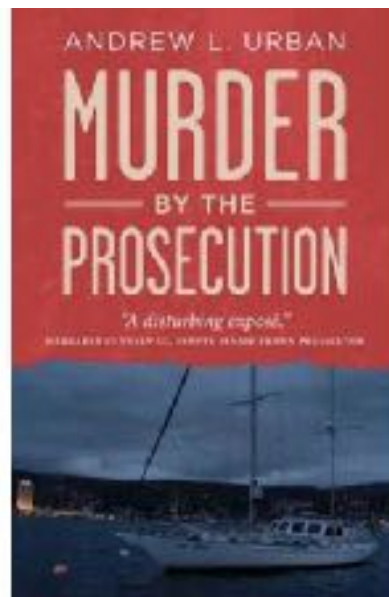
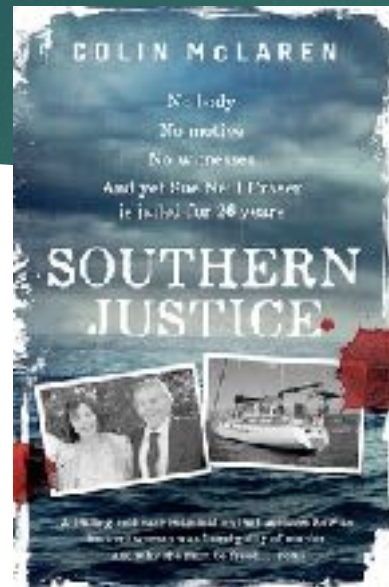
Resources



REAL MURDER INVESTIGATION **UNDERCURRENT**



Reported
Missing
– Eleri Harris



Wrongful Convictions Report

Exploring and exposing miscarriages of justice



[Home](#) [Briefs](#) [About](#) [Murder by the Prosecution – the book](#)

← [UPDATE: Sue Neill-Fraser key witness denies recanting to police](#)

[In this Australian justice? →](#)

Meaghan Vass told police 'No comment' – prosecution tells court

Posted on April 18, 2019 by andrew

Andrew L. Urban.

At a hearing in Hobart today, the prosecution told the court that key murder witness in the Sue Neill-Fraser case, Meaghan Vass, had said 'No comment' to everything put to her by police when she was picked up for questioning on Thursday March 7. In other words, Vass did not recant.

This prosecution statement of facts appears to contradict the earlier statement issued by police after the *60 Minutes* interview in which Vass admitted to being on board *Four Winds* and witnessing the murder of Bob Chappell on Australia Day 2009. We reported it on [March 12 here](#). Assistant Commissioner Richard Cowling said police re-interviewed Ms Vass last week when the program's promotional material suggested a new version of events.

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