

1 ---Yes.

2 Again, I might add because of the pagination difficulty I'm

3 hoping that we won't need to do anything more than - the

4 witness has agreed that he said it. That was p.364 of

5 the Moran, Barbaro brief?---That's right.

6 And I'm now going to read something two pages further on - - -

7 HIS HONOUR: Well he can have it in - - -

8 MR LOVITT: Well he'll have to get the alternate pagination

9 then which would normally take about five minutes

10 to - - -

11 HIS HONOUR: Which folder do you have, ^{Mr McGrath}

12 MR LOVITT: I think obviously he's got the Marshall one?

13 ---Which page?

14 HIS HONOUR: Page 364.

15 MR LOVITT: He's got the Marshall one, Your Honour, we

16 established that before lunch?---Page 519.

17 HIS HONOUR: Have you got Marshall or the other?

18 --- (indistinct).

19 MR LOVITT: Turn to p.519 thanks.

20 HIS HONOUR: Have you got that?---Yes, yes I have.

21 MR LOVITT: About ten lines down Bateson says: "Well just

22 before we go up -" this is when you were going up to the

23 police station to have the recorded - tape-recorded

24 interview I want to get this straight in my mind -"

25 ---Yes.

26 "- you are saying that you were trying to help us when all this

27 happened?" And you said: "With what I'm charged with

28 now?" He said: "Yes." You said: "Yes, after he did what

29 he did, and yes I can tell you other things too that I -

30 where I can prove I tried to help you." Is that what you

31 told them?---Yes.

1 Was this based on, what, some idle chitchat that you overheard
2 or took place in your presence?---It took place in my
3 presence.

4 ^{Mr Thomas} wasn't involved in any discussions about killing Jason
5 Moran, I suggest, ^{Mr McGrath} He's someone that you've
6 added to the equation, perhaps at the request of the
7 police?---No, ^{Mr Thomas} was definitely involved in the
8 murder of Jason Moran.

9 You know that after the killing you don't mention his name
10 once? After the night before you don't mention his name
11 once. It's as if he disappears off the face of the
12 earth?---Which day are you referring to?

13 I think the night before is fairly plain, isn't it, the night
14 before the killing? Does that confuse you at all?---I
15 understand now, yes.

16 You see after you've finished describing what happened the
17 night before, a meeting in a milk bar where there's talk
18 about the killing and ^{Mr Thomas} there, that's all you say.
19 You don't say ^{Mr Thomas} said anything? You don't mention him
20 at all after that, do you?---No, he wasn't - he wasn't
21 down the day of the killing if that's what you mean.

22 No, but you don't mention him. You don't even mention talking
23 to him or getting his reaction or speaking to him on the
24 phone or anything, do you?---No.

25 That's because, I take it, you didn't speak to him on the phone
26 after the killing, that day or subsequently?---No.

27 Do you reckon you've actually seen him since the killing, until
28 you got locked up?---It's possible but I don't recall any
29 specific dates.

30 The last thing I want to ask you about is what happened when
31 you were sentenced. The Crown asked for you to be dealt

1 with all on the one day. In other words, His Honour Mr
2 Justice Teague, heard the plea and then later that same
3 day, 19 January, he imposed the sentence, right, and
4 that's where you got - what was it an 18 with a 10?

5 ---Yes.

6 He told you that were it not for your co-operation you would've
7 got a minimum of twice that much with another 10 years on
8 the bottom?---Yes.

9 Of course you know jolly well, don't you, that given your
10 admissions concerning the Moran/Barbaro killing, and
11 indeed your admissions, such as they area, in relation to
12 the Mark Moran killing, that if you were dealt with for
13 four execution type murders you can expect to go to gaol
14 for a lot longer than a minimum of 20 years, probably 30
15 years, if not longer, maybe never get out, don't you?

16 ---Yes.

17 So the stakes were pretty high for you, weren't they?---Yes.

18 When the plea took place Mr Langslow appeared on your behalf,
19 didn't he?---Yes, he did.

20 He said some things to the judge that I just want to raise with
21 you to see if they accord with what your instructions
22 were. He said at p.24 of the transcript, "It was clearly
23 suggested to ^{Mr McGrath} that no more than an underworld
24 debt collection was planned and, secondly, that ^{Mr McGrath}
25 agreed at that late stage when there hadn't been the
26 previous arrangement, at that late stage to drive ^{Mr Andrews}
27 to the vicinity of Marshall's residence in the Vectra",
28 right?---Yes.

29 Did you tell Mr Langslow those things?---I believe so, yes.

30 Was the Vectra - that's your car - did that have false plates
31 on it that day?---No.

Homicide Squad

Day: Monday

Date: 12th of July

2004

<u>Time</u>	<u>Notes</u>
1145	Mr McGrath returns for head count
1230	Ar [REDACTED] P.S. re printing statements
1255	R.T.O Prison [REDACTED] [REDACTED] [REDACTED]
1320	Mr McGrath into room. Read statements happy
1410	clear.
1440	R.T.O
1740	[REDACTED] [REDACTED]
1800	off Duty