

two days because of the rain?-- If that's what you said on the video. I can't recall actually hearing that part.

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Would you like to replay that, please, again?

TAPE PLAYED

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APPELLANT: Can you - can you hear that?-- Yes, I heard what you said, yes.

Mmm-hmm. And you still believe that - and you still - still - you said you saw me clean it earlier on?-- Ma'am, I've - when you were - when I say "cleaning" you were just picking up things, that sort of thing. That's all.

How was I picking up things? I was busy, there were so many, I was busy, there was about 20-odd people on the property running everywhere, and I was with Laurie Stageman all the time since he came through the entrance and served me the warrant. He was with me. He stayed with me throughout. Right. He did not make any phone calls. And I was talking to him all the time, because when you came in and gave the order to seize the dogs I was still talking to Laurie Stageman, and I didn't have the opportunity to clean. I mean, somebody was with me all the time, and that person was Laurie Stageman throughout?-- And what I mean by "clean" was picking up things, that sort of stuff, that's all. I didn't - the - I'm not saying that there was big vacuum cleaners brought in or anything like that. That's what I'm saying.

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I need - I need to - could you please play the video again?

BENCH: From the beginning?

APPELLANT: Just the part, you know, when-----

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BENCH: The - the - the-----

APPELLANT: Yes. The - where-----

BENCH: -----where you're - I can hear your voice?

APPELLANT: Yes, please. Could you please listen to what was said and have a look at the video. And try and identify the faeces too in the courtyard, please, on the left-hand side. It's the same courtyard as it starts now.

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TAPE PLAYED

APPELLANT: Well, what - what do you see? What -
what-----?-- I heard what you said, ma'am. What you said was
what you said, that you hadn't cleaned, but I did notice some
faeces there.

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What faeces? Please point it out? I mean, the stench was so
putrid and so bad you said. It has been raining non-stop for
two days virtually?

BENCH: Well, we'll start the video again, Inspector, if you
can tell my clerk to stop the video and hopefully pause it on
the photo of where you say you can see faeces.

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TAPE PLAYED

WITNESS: You can see some marks around - around the yard
itself.

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APPELLANT: Which marks?-- Well, on the - see the - see the
large dog-----

Yes?-- -----the small dog, about the same distance away
between the large and the small there's - there's a piece
there, what I believe is, up on the back there was some faeces
up the top, also if you go into that room there was faeces
right - well, there was faeces on the floor in that room area
and we get over to the other side, and that's where the matted
fur and things were also.

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BENCH: In so far as this frame's-----?-- Yes.

-----concerned, Inspector-----?-- Yes, your Honour, so to the
left of that-----

-----at 11.23.28?-- -----little dog-----

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To the left of the small dog-----?-- Yeah, about - oh, I don't
know how big your screen is - about 3 knuckles to the left
of-----

About the same size as yours?-- -----that there's a black mark
there, it appears, from what I can see there, up the back also
there is faeces-----

So - so the first lot's about 9 o'clock in-----?-- Yes, your
Honour.

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-----to the-----?-- To the - to the little dog.

Yes?-- Little black mark.

Mmm?-- Then if you go up onto the back of the property
itself-----

What, up - there's a - a - a - what appears to be a concrete-----?-- Concrete-----

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-----ledge?-- -----ledge up there...there is - there is - it's very hard to tell, but I recall seeing faeces up there as well.

In relation to the dog that's-----?-- In relation to the dog-----

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-----that's standing up on the wall where do you say-----?-- Oh, to the other end of the wall there, your Honour.

To the - to the far left?-- To the far left-----

All right?-- -----in that area there...

All right?-- And particularly inside that little room as well.

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Well, you need to - the video will-----?-- Mmm.

-----need to continue on, and so it's questions about the faeces, which identified that so far.

APPELLANT: Mmm.

BENCH: Can we continue on to identify where he says it's-----

APPELLANT: No, I think that's - that's enough-----

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BENCH: All right.

APPELLANT: -----in establishing-----

BENCH: All right.

APPELLANT: -----the faeces in the courtyard, because those were, in fact, pebbles that came from the embankment when it fell. They were little - I think they are pebbles. There was no faeces in that yard, because the dogs had only been shifted-----

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BENCH: You can't give evidence from the Bar table-----

APPELLANT: Yes.

BENCH: -----okay.

APPELLANT: Okay. Sorry. They - they were not faeces, they were, in fact, pebbles, and the big chunk there is actually a toy - a piece of twisted rope.

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BENCH: What's - oh-----

APPELLANT: Where 11 is.

BENCH: I don't think - I don't think Inspector - the inspector has said that that was faeces. 1

APPELLANT: Yes. All the little bits-----

BENCH: You haven't - you haven't said that, have you, Inspector?-- Not at all.

No.

APPELLANT: -----were pebbles and stones that fell from the embankment because of the rain----- 10

BENCH: All right.

APPELLANT: -----dislodged it. Anyway. And there was no faeces-----?-- If you go further on also I could show you where the smell came from as well, your Honour.

BENCH: I - I don't think Mrs Robertson-----?-- Oh, right. Okay. 20

-----is asking for that.

APPELLANT: Perhaps if we can go further on?

BENCH: Oh, you do want to go further on?

APPELLANT: Yes.

BENCH: All right. And what do - what do you want the inspector to do? 30

APPELLANT: Oh, just-----

BENCH: Or do you want to stop the - the - the video at a certain point?

APPELLANT: The inspector said he - he just said he could show us where the smell was coming from. 40

BENCH: All right.

APPELLANT: So we wait and let it play through and perhaps he can identify where the smell was coming from.

TAPE CONTINUED TO BE PLAYED

WITNESS: Directly in front of there there is a build up of mud and faeces. Also to the right - well, you can't actually see that, but that's the entrance to the house. But in that area there, there was a build up of faeces. Up on the wall, over the other side of that wall there was other animals in there as well, and faeces throughout the courtyard area there

and another courtyard. But right at that position there was a very strong smell and that area that the video shows has a build up of mud and faeces. 1

APPELLANT: Okay?-- That's about where I was standing - or even where there photographer's standing there is a couple of metres.

All right. I think we will change to the exit video now and then - yes, and we play it because nothing has changed from - from the entry to the exit. The - the - the entrance was the same. The - the----- 10

BENCH: Put those things to the inspector.

APPELLANT: Yes, and I put it to you that nothing has changed from the exit and the entrance video, although - and it has been raining continuously for a couple of days prior and any smell could have been washed - and it would happen, and it did. It was washed off, so just - thank you. I think that's it. 20

TAPE CONTINUED TO BE PLAYED

WITNESS: Stop it there. 30

BENCH: Stop.

APPELLANT: Could - could we play it?-- There has-----

He wanted it stopped. So to have a better impression could we, sort of, go back and - at the beginning and once you get through the entrance just stop and, sort of - can we - not to the very beginning. The entrance to the property. Thank you.

BENCH: Into this part of the property? 40

APPELLANT: Yes, please.

TAPE CONTINUED TO BE PLAYED

***** Conversation deleted *****

MS MELLIFONT: Your Honour, I appreciate it's a little bit early, do you mind if I have a break? 50

BENCH: Yes. Yes, certainly.

MS MELLIFONT: Thank you.

BENCH: We will have a - we will have a break.