



AUSTRALIAN ADVOCACY INSTITUTE

DPP

v.

Nigel Bland

TRIAL

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This case study is based on a legal argument case study prepared by Dr. Jonathan Clough and developed as a trial case study by Professor George Hampel QC and Elizabeth Brimer.

[2023]

Instructions to Participants

On 1st January last year the body of 48 year old Park Ranger Stephen Butler was found in remote bushland in the Evergreen National Park. No effort had been made to conceal the body which was bound hand and foot with nylon rope. The body was propped up against a signpost pointing towards the car park. Post-mortem examination revealed that death was due to multiple stab wounds. Time of death was estimated to be between 6:00am and 10:00am on Boxing Day.

Nigel Bland has been charged with the murder of Stephen Butler.

The hand-up brief has been served and contains the statements of:

Mary Pappas (alias “Diva”)

Billy Goldberg

Snr. Sgt. Bruce

Statement of Mabel Bland to Nigel’s solicitor (as given to police)

Notice of Alibi from Mabel Bland (Mother)

Statement by Nigel Bland to his solicitor (as given to police)

Record of Interview Nigel Bland and police.

Also attached is a copy of a plan of the “Beef Burger & Grill” and the adjoining area prepared by Snr. Sgt. Bruce, a print out of emails between Diva and Rambo and a plan of Mabel Bland’s House.

After a voir dire before the trial the Trial Judge ruled that the evidence of both chat room conversations was admissible. Also admitted were the results of forensic tests conducted on the knife and nylon rope found in Nigel Bland’s shed. The results were as follows:

1. The knife found in Nigel Bland’s shed could not be excluded as the weapon used on the deceased.
 - a. The knife found in Nigel Bland’s shed was a new fishing knife
 - b. The wounds suffered by the deceased were consistent with having been inflicted by a fishing knife of a similar kind. There were no individual characteristics identified attributable to a specific knife.
 - c. There was no trace evidence found on the knife in Nigel Bland’s shed.
2. The rope found in Nigel Bland’s shed was a nylon rope, the same brand and diameter as the rope used to tie the deceased’s hands. There was no evidence to connect the ends of the rope on the deceased with the ends of the rope found in Nigel Bland’s shed.

Participants should familiarise themselves with all the evidence and analyse the case from both the Prosecution and Defence perspective. Although only some of the witnesses will be examined and cross examined at the workshop, the addresses should proceed on the basis that all the evidence in the statements has been lead and is available for argument.

STATEMENT OF MARY PAPPAS

My full name is Mary Pappas.

For most of April I have been talking on an internet chat room called “Fantasy Island”. My chat room alias is “Diva”. In this particular chat room, people are encouraged to express their deepest secrets. For some weeks, I have been participating in sado-masochistic fantasies with another alias by the name of “Rambo” where we have been discussing violent sexual encounters. About one week ago Rambo said that he had done more than just fantasise about killing but had in fact stabbed a man to death and then dumped his body. I printed out the email. Attached to this statement and marked “MP1” is a copy of the email.

After Rambo said this I was really worried. I saw a Crime-Stoppers episode on TV on 30 April about a murder that happened about Christmas time in Evergreen National Park. I recognised the similarities between what Rambo had said and that case and decided to call the police. That evening I phoned the Evergreen Police Station and told the policeman who answered that he should look at the “Fantasy Island” chat room because there was a man called Rambo bragging about having killed a man around Christmas time. I identified myself only as MP.

Last night, I again saw the Crime-Stoppers TV program. A policeman was appealing for MP to come forward. This time they were offering a \$10,000 reward. I then phoned Evergreen Police Station and spoke to Snr. Sgt. Bruce. When I gave my name he recalled that he had investigated a case two years ago when I was convicted of attempting to pervert the cause of justice by making a false allegation of assault against my neighbour. I was only given a suspended sentence because the neighbour was known to the police as a violent man.

Today I came to the police station and Snr. Sgt. Bruce asked if I would engage Rambo in conversation again and try to get him to repeat the things he had said to me earlier. I said that I would and that evening I did so from a computer in the squad room at the station. I made contact with him on the chat line using my “Diva” alias. Attached to this statement and marker “MP2” is a copy of the email.

After I finished talking to Rambo I gave this statement to the Police.

Statement dated 7 May, last year.

“MP 1”

Print out of email between Rambo and Diva on 29 April last year

Rambo: Diva. Guess what. I’ve decided I’m going to tell you. You know how I said I fantasised about killing someone, well I have. A few months ago, I stabbed a loser in the Evergreen National Park over and over again. I tied him up. I didn’t even bother to hide the body. What do you reckon about that?

Diva: Sounds gruesome tough guy. Can’t talk now, have to go.

“MP2”

Record of emails between Rambo and Diva at the Police Station on 7 May last year

Diva: Tough guy, are you on line?

Rambo: Sure am love, what's up?

Diva: Tell me more about that fascinating killing you mentioned last time. I have time to listen, now.

Rambo: Beg me for it.

Diva: Please tough guy, I need to know. You know me, I get a thrill out of hearing about my strong man of action having the guts to do more than just fantasise about doing things.

Rambo: I stabbed him, Diva, with a knife. Over and over again. I tied him up with nylon rope and didn't even bother to hide the body.

Diva: Where did you leave the body?

Rambo: In the Evergreen National Park, like I told you last time.

Diva: Rambo, you are amazing. Must go again. Talk soon.

STATEMENT OF BILLY GOLDBERG

My full name is Billy Goldberg.

On 18 December last year, I decided to go camping and bushwalking through the Evergreen National Park. I don't celebrate Christmas but find that it is a great time to go bushwalking. I find it so therapeutic because there is usually no-one around and you can just relax and lose track of the days. I usually spend about 2 weeks walking through various parts of the park. On this occasion, I parked my car in a designated car parking area and spent that day and the next **five** days bushwalking. On the fifth day I went back to my car. When I got to my car I saw Nigel Bland, a guy that I know from the "Beef Burger & Grill" roadhouse, standing at his car having what appeared to be an argument with Stephen Butler, the Park Ranger. Nigel was very upset and his arms were flaying about. Butler was just shaking his head. I saw Butler hand Nigel a piece of paper.

I didn't think much more about it and drove to another part of the park, set up my tent and then bushwalked for the following two days. I stayed the night in my tent and the next morning, I went back to my car. On my way to the next bushwalking area I stopped at the "Beef Burger & Grill" for an early lunch.

The day was overcast and it had been raining and I was glad to be in the roadhouse. It was about 12.00pm Boxing day, 26 December. I was sitting in the third booth along from the entrance next to the window. Not long after my food arrived a group of five Christmas singers all dressed up as reindeers walked down the drive of the Grill and walked up to the windows. They were singing Christmas Carols. They had a container in the shape of a Christmas tree and after they had sung carols for about 15 minutes, they came into the roadhouse and went around collecting money. I don't think they would have made very much because there was only one other person in there having lunch. While they were outside the windows singing carols they were walking up and back along the length of the windows.

It would have been after about the first 4-5 songs that I was watching a man filling his car up with petrol at the petrol bowser opposite where I was sitting. I remember him because it was pretty funny that this guy couldn't unscrew the petrol cap on his car. He was getting really cross and at one stage he kicked the wheel of his car and then hopped around on one foot. His sunglasses fell off his head and he stomped on them. All this just as the sun came out again.

While this guy was hopping around, I saw Nigel Bland's car coming out of a little track leading out of the Evergreen National Park. It came out just opposite where I was sitting. The car was a white sedan with four doors. I can't say that I'm any good with cars. In fact, I really don't know the first thing about them, but I can say that it looked like an old model Holden. It had sparkling chrome strips along

the side and around the windows. I noticed the car because I remember thinking that Nigel has polished his car. I don't remember it ever looking so sparkly. I finished my lunch and drove to the next stop on my bushwalking itinerary.

It was about the end of April that I saw a segment on Crime-Stoppers TV about a murder in the Evergreen National Park. A police officer was asking for information about any cars seen coming out of the narrow track leading into the Evergreen National Park around Christmas time. I remembered seeing Nigel's car but didn't think too much about it. On 6 May I saw another Crimestoppers TV episode and this time they were offering a reward. After thinking about it for 4 days, and remembering the altercation I saw between Nigel and the Ranger, I decided to contact the police.

I went down to the Evergreen Police station. I told him that I thought I might have seen the car used by the person who murdered Stephen Butler. Snr. Sgt. Bruce showed me a photo of a car. It was a white car, an old model sedan with four doors. It looked just like the car I had seen come out of the narrow track at Christmas time. Snr. Sgt. Bruce then asked me to describe the car that I had seen in as much detail as possible. I said that it was a white car, with four doors and was an old model sedan although I told him that I don't know much about cars. I looked at the photo again. I said that the car in the photo was the car that I had seen coming out of the Evergreen National Park. I told him that the car belonged to Nigel Bland. I also told him about the altercation I had seen between Nigel and the Ranger.

Snr. Sgt. Bruce then took this statement from me.

Statement made 10 May last year

STATEMENT OF SNR. SGT. BRUCE

I am a Senior Sergeant attached to the Homicide Squad since 1 April. I was placed in charge of the investigation into the death of Stephen Butler.

On 30th April, I appeared on the Crime-Stoppers Television program seeking information about the murder of Stephen Butler in the Evergreen National Park on Boxing Day, 26 December, morning. We decided to do a segment on Crimestoppers because we had received no information from reporting in the press that Stephen Butler's body had been found in the Evergreen National Park around Christmas time. Stephen Butler was the Park Ranger responsible for Fishing and Hunting licences. In the press and on television I described the murder as a brutal stabbing.

Later, on the evening of 30 April I was contacted at the Police Station by a woman calling herself "MP" who said that she had information that she thought related to this murder. "MP" said that I should have a look at an internet chat-room known as "Fantasy Island" where participants are encouraged to express their deepest secrets. She had been talking to one particular participant called "Rambo" who said that he had done more than just fantasise about killing. He claimed to have stabbed a man to death and dumped his body. She told me that he claimed to have stabbed the man a number of times. She refused to give me her full name and hung up.

The next day, 1 May, I logged onto the internet chat room and with the aid of a warrant I was able to have the IP address of 'Rambo' confirmed. This then led me to a telephone number registered to Mrs. Mabel Bland at 8 Acacia Court, Evergreen. Also registered at the address was her son, Nigel Bland.

On 6 May, I appeared on the Crime-Stoppers TV program again and appealed for the caller "MP" to come forward. This time we offered a \$10,000 reward for any specific information leading to the killer. The next day, 7 May, I received a telephone call from "MP". On this occasion she provided her full name, Mary Pappas. I recognised her as being the person who had been convicted in a false allegation case I had investigated two years previously. Ms Pappas agreed to come to the Police Station. At my request, she agreed to engage 'Rambo' in further conversation in the chat room with the aim of getting him to repeat his story.

That evening, Ms Pappas logged on to the Internet chat-room known as 'Fantasy Island' from one of the computers in the squad room. I was sitting next to her. She asked Rambo a series of questions about what he had said on line previously. Rambo repeated his claim that he killed the man found near the park and described where the body had been dumped. He said he had used a knife and nylon rope. Ms Pappas then made a formal statement confirming these events.

Before this time I remember that I had provided the media with some of the details of the case, but had made no mention of nylon rope or a knife. I didn't keep any notes of what I said, although I make sure I do now.

The next morning 8 May, several police officers and I went to the accused's home, 8 Acacia Court Evergreen, where we executed a search warrant. The accused's home is approximately 6 kilometres from the Beef Burger & Grill. The Evergreen National Park is a natural reserve. Except for three designated car parks there are no roads, only bush tracks. Upon the accused opening his front door, I had a short conversation with him. I said "Are you Nigel Bland?" He said "Yes. What do you want?" I said "Where were you on Boxing Day last year?" He said "Around. Why do you want to know?" I said "You are alleged to have made certain claims in a chat room about killing a man. We want you to come to the police station and answer some questions. Do you agree?" He said "Yes. I've got no worries. I have done nothing wrong"

Parked next to the shed was a white sedan with four doors and black rubber strips along both sides of the car and around the windows. It was an old supercharged V8 Ford. I took a photograph of the car. I went into the shed, which was set up like a workshop. On one side, there was a long workbench with tools hanging above it. On the other wall there were shelves and drawers devoted to fishing gear. Down the very back of the shed, there were a number of spare car wheels. I then returned to the house. Unfortunately, the photograph of the car was lost after the committal proceedings.

Mabel Bland, Nigel's mother was home at the time and I had a short conversation with her while the accused went to the toilet. I said "Are you Mabel Bland?" She said "Yes". I said "Does your son call himself 'Rambo'?" She said "Yes. He is always fantasising about being tall and strong. He makes up stories to big-note himself". I said "Where was Nigel Bland at Christmas time last year?" She said "He was home for Christmas day before heading off fishing the next day, just as he always does." I said "I will need to take a statement from you". She said "When you need it, just let me know."

At the police station I conducted a taped record of interview with Nigel Bland, which I produce. During that interview Mr. Bland admitted having conversations in a fantasy chat room where he claimed that he had murdered a man, but protested that these were fantasies based on a story he had heard. He could not precisely recall his movements during the Christmas period last year. He also denied having had any direct dealings with the deceased. At that stage I decided we didn't have enough evidence to charge the accused yet, so I had to allow the accused to go home pending further enquiries. On 10 May, I received a call from a man called Billy Goldberg who said he knew who killed Stephen Butler. He said he saw the car used in the murder of Stephen Butler. He said that he was on his way into the station. I grabbed the murder file and got the photo of Bland's car ready. I went to get the folder of photographs of cars

that we keep at the station in order to show Mr. Goldberg a number of photographs. The folder was nowhere to be found. In any event, Mr. Goldberg had said he could remember the car very well.

It was then that Mr. Goldberg arrived. He told me he had been sitting in the “Beef Burger & Grill” roadhouse at about 12:00pm on Boxing Day, 26 December, and had seen a car drive out of a very narrow track leading out of the Evergreen National Park. He said “It was a white car, with four doors and was an old model sedan although I have to say I don’t know much about cars.” I then showed him the photograph of Mr. Bland’s car and he identified it as the car he saw coming out of the track from the Evergreen National Park at about 12:00pm Boxing Day. He then told me that the car belonged to Nigel Bland and that he had seen Bland having an argument with Stephen Butler in the park in the days before Christmas.

After Mr. Goldberg identified that car belonging to the accused as the car leaving the Evergreen National Park, a number of other police officers and I went to the accused’s house.

I showed the accused a search warrant and we entered his home. I searched a shed on the property. Located behind one spare wheel at the back of the shed was a fishing knife and a reel of nylon rope, some of which had been used. Those items were logged into the property seizure record and taken to forensics for examination.

I told Mr. Bland that I would like to interview him further. Mr. Bland refused to answer any questions on legal advice. He was arrested, taken to the police station and then charged with murder and remanded in custody.

I conducted a search of Stephen Butler’s files. On one of his files, I found a document headed “Caution”. The document recorded a caution given to Nigel Bland because he had been fishing with an expired licence. It said that if he was found in the Evergreen National Park again without a current licence he may face a life ban from fishing in the Park. The caution was dated 22 December last year.

I served the hand-up brief on 1st December. I received a notice of alibi on 21st December along with a statement made by Mrs. Mabel Bland, Nigel Bland’s mother. Mr Bland’s solicitor called me on 24 December and said that although his client refused to answer questions when arrested, he was prepared to let the police have his client’s instructions, which explain his movement and actions. I later received a document titled “Mr Bland’s Instructions” which I produce.

Statement made 29 December last year.

**RECORD OF INTERVIEW
BETWEEN SNR. SGT. BRUCE AND NIGEL BLAND**

DATED: 8 MAY, LAST YEAR

I said “What is your full name, address and occupation?”

He said “Nigel Fortescue Bland. I live at 8 Acacia Court, Evergreen and I am a magazine editor”

I said “As you know, we are investigating a murder of Stephen Butler at the Evergreen National Park on Boxing Day, 26 December last year. We are informed that you claimed in a chat room conversation that you killed a man by stabbing him with a knife, that you then tied him up with nylon rope and dumped his body. Is that true?”

He said “I remember telling “Diva” I’d killed someone, but it was all based on a story I had heard in the “Beef Burger & Grill”. Anyway, she told me that she had done worse things than that. She has a greater imagination than me. I’d like to meet her one day.”

I said “Your place is near where this murder took place. Where were you on Boxing Day?”

He said “I’m pretty sure I spent some time with mum and then went fishing. I always go fishing at Christmas time.”

I said “Where do you go fishing?”

He said “To the Evergreen National Park.”

I said “Did you know the deceased?”

He said “Only by reputation. He was a nasty piece of work, always on the prowl for licences.”

I said “The deceased was stabbed a number of times with a knife and tied up with nylon rope. You specifically mentioned those things to “Diva”. What do you say about that?”

He said “I must have heard about it somewhere.”

I said “Do you own a fishing knife or any nylon rope?”

He said “No. Only a Swiss Army Knife and some fishing line.”

I said “We will make further enquiries and may have to speak with you again.”

Interview terminated.

STATEMENT OF MABEL BLAND

My full name is Mabel Bland. I live in a little weatherboard house at 8 Acacia Court, Evergreen. I am the mother of the accused, Nigel Bland.

I have been asked to make this statement by my son's solicitor about Nigel's movements at Christmas time.

On Christmas Day 25 December last year, my son Nigel and I spent the day together. We had a long Christmas lunch as we always do and just sat around the house all day. A couple of friends dropped in that night and we stayed up late and had a lot of champagne to drink. Nigel usually heads off fishing in the very early hours of Boxing Day, 26 December morning but on this occasion we slept in for hours and then had a late brunch.

I remember waving goodbye to Nigel and then going inside. I did a few things around the house, which I don't think took very long. I then made a cup of tea, as I always do before sitting down to listen to the 1:00pm news on the radio.

Nigel is a short man, about 5' 2'' and has never really accepted this. He is always inventing stories and fantasies, usually about him being a big, tall hero.

21 December last year

NOTICE OF ALIBI

Dated 21 December, last year.

Take notice that NIGEL BLAND proposes at his trial for murder to call MABEL BLAND to give evidence of alibi.

She will depose that on Boxing Day, 26 December last year, Nigel Bland was at home with her. He left to go fishing later that day. They had a late brunch. Mr. Bland left to go fishing later that day. He was at home until just before 1:00pm.

MR BLAND'S INSTRUCTIONS

I have been charged with murder.

At Christmas time last year, I went fishing in the Evergreen National Park. On Christmas Eve Day I went back to my house where I live with my mother. I spent Christmas Day with my mother. We sat around the house all day and had a lunch of turkey and salad.

We had a late brunch on Boxing Day 26 December and then I went fishing again. By the time I packed up and left it was close to 1:00pm. I always go fishing at Bluewaters in the Evergreen National Park.

I am the editor of "Fantasy" Magazine and I have a passion for fantasy stories. I often fantasise about being different characters myself. Basically, I used to get a really hard time at school for being a runt and in my fantasies I am able to get even with all of those idiots that gave me a hard time.

I use the chat room "Fantasy Island" quite a lot. Over the last couple of months I have been chatting with "Diva". When I chat with "Diva", I am "Rambo". I talk about doing all sorts of weird sado-masochistic things. She's into that as well.

At some time I heard about a murder where the fellow had been stabbed and tied up. People were talking about this murder in the "Beef Burger & Grill" where I often call in for a meal or a drink. I thought it would impress Diva, so I just used what I had heard about the murder and pretended that "Rambo" was the culprit. It was just a joke.

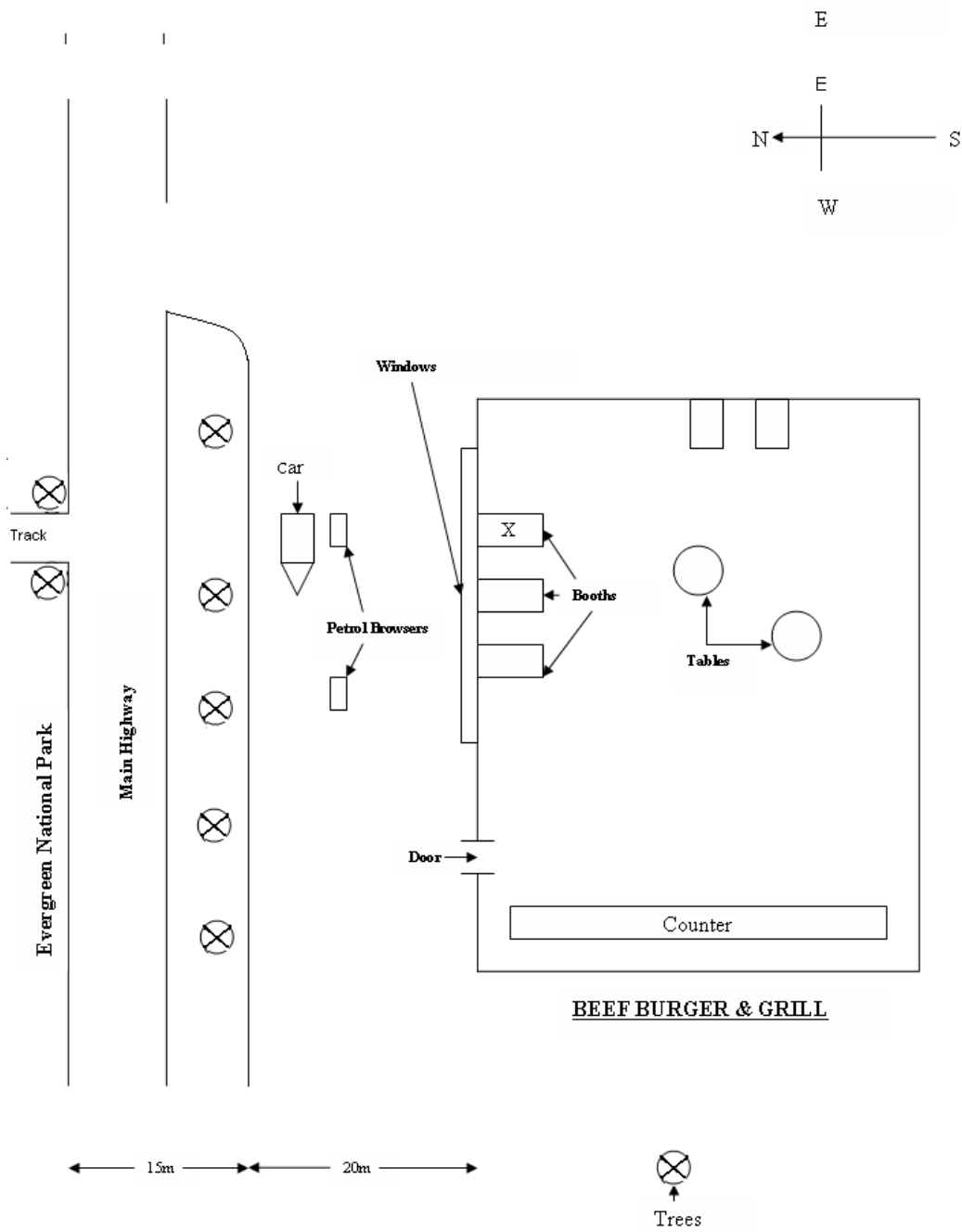
I've read the statement of Billy Goldberg. He is a well known exaggerator. He got into trouble at the "Beef Burger & Grill" for not paying his bill. I understand he has now been banned from there.

When the police questioned me at the police station for the first time I was a bit frightened and had difficulty remembering my exact movements that Christmas. When they asked if I owned a knife and nylon rope, my mind was on my fishing gear, not what was in my shed. I bought a new fishing knife before I went fishing in the week before Christmas but I put it down somewhere in my shed and lost it. I hadn't even used it yet. I just didn't think of the odd bits of rope I had in the shed as most people do.

When the police asked me if I knew Stephen Butler, I panicked. I had a fight with him in the days before Christmas and I thought that if I said that I knew him they would think I was the one who killed him. I was also worried because I did not renew my licence until 10 January and thought I may get into trouble for that.

I have never been in trouble with the police and I certainly did not kill Mr. Butler.

24 December last year



PLAN OF MABEL BLAND'S HOUSE

(W= Window)

