

Statement in the matter of: Police v Danny KLOBUCAR

**Name** Joanna Maree JONES  
**Occupation** Sergeant of Police  
**Employer** Australian Federal Police  
**Work Address** City Police Station  
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**Date** 14 Novemeber 2010



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|  A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE |          |
| EXHIBIT                                                                                                                         | 3        |
| DATE RECEIVED                                                                                                                   | 04/04/12 |
| INQUIRY                                                                                                                         |          |

**STATES:**

*Canberra  
AMNDT Bill  
2011*

This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.

My full name is Joanna Maree JONES and I am over the age of 18 years. I am a Sergeant with the Australian Federal Police, currently performing duties as team leader of City Response Team five (5), attached to City Police Station, Canberra City in the Australian Capital Territory (ACT).

At 4.00pm on Saturday 10<sup>th</sup> of July 2010, I commenced duty at City Police Station.

About 3.28am on Sunday the 11<sup>th</sup> of July 2010 I was conducting a patrol of the Central Business District (CBD) area, Canberra City in the ACT, in company with Constables Julie ALCHIN and Daniel QUADE. Constables ALCHIN, QUADE and I were all wearing official AFP Winter uniform with full accoutrements.

About this time I heard a radio transmission from Police Operations.

*jm*

*(The radio transmission stated that a disturbance was in occurring on the corner of London Circuit and East Row and that it a male was reported to be unconscious at that location.)*

As a result of hearing that transmission Constables ALCHIN, QUADE and I attended the corner of London Circuit and East Row, Canberra City ACT, outside Bailey's Arcade.

At that location I observed a male in a yellow t-shirt lying on the ground. The male did not appear to be moving. I also observed two other males standing near the male lying on the ground. I now believe the male lying on the ground to be Mr Juan LOPEZ.

Standing near these males I observed a number of other persons, some of whom I know to be staff of 'Cube' nightclub. I know this because I recognise them and also because security of 'Cube' wear bright pink polo shirts.

I recognised two of the 'Cube' staff as Ms Alisha SMITH and Mr Maurizio RAO who is known also as 'Morris'. I observed both Ms SMITH and Mr RAO standing a few metres away from Mr LOPEZ. The two males who were standing near Mr LOPEZ were yelling at Mr RAO.

I attempted to speak to Mr LOPEZ however he did not respond and appeared to me to be unconscious.

At this time a female known to me as Ms Shonoa PIZZOLOTTO approached me and told me certain things.

*(She told me that Vicki, known to me as Ms Victoria STRONG, had called an ambulance and that the first fight had occurred around the corner, outside 'Cube'.)*

I then confirmed with Ms Victoria STRONG that she had called an ambulance.

I then had a brief conversation with Constable QUADE.

*(I informed Constable QUADE that Mr LOPEZ appeared unconscious and that I had been told that he and the two other males nearby had been involved in another incident outside Cube nightclub.)*

I observed Constable QUADE approach the two males. I now know these males to be Danny KLOBUCAR (27<sup>th</sup> July 1988), herein referred to as the defendant and Michael LE CLAIR (23<sup>rd</sup> December 1986).

The defendant was standing in front and very close to Mr RAO. From the actions of the defendant and from the threaten words he was yelling at Mr RAO, I feared that there would be another violent incident if the defendant was not separated from Mr RAO.

Constable QUADE then approached the defendant and pulled him away from Mr RAO. During this time I observed that Mr RAO was not responding to the defendant's threats. The defendant however persisted with his threatening and derogatory abuse of Mr RAO and other 'Cube' patrons and staff, a number of whom were now gathered in the immediate area.

The defendant then walked to Mr LOPEZ, who was still unconscious on the ground and lifted him by his shirt, then dropping him back onto the concrete. The defendant continuously tried to rouse Mr LOPEZ despite both myself and Constable QUADE directing him to leave Mr LOPEZ alone.

I stood in front of the defendant and told him certain things.

*(I told him that if he did not stand away from both Mr LOPEZ and Mr RAO he would be arrested.)*

SM

I noticed at this time that the defendant's eyes were bloodshot and his breath smelt of intoxicating liquor. I formed the opinion that the defendant was slightly to moderately affected by alcohol. I was however of the belief, given our conversation, that the defendant was sufficiently lucid to understand directions.

I then went back to where Mr LOPEZ was still lying. The defendant continued to try and move to Mr LOPEZ. I saw Constable QUADE put his hand out and stop him twice. The defendant then knelt down and put his hands on Mr LOPEZ. I feared that if the defendant persisted Mr LOPEZ could be injured further.

I again directed the defendant to move away. Constable QUADE then pulled the defendant up from the ground by his right arm. I have then taken hold of the defendant's left arm.

I informed the defendant that he was under arrest for being intoxicated and disorderly. Constable QUADE and I escorted the defendant towards the Police caged vehicle which was parked on the corner of East Row and London Circuit. The defendant walked without difficulty.

At the rear of the caged vehicle, I released my grip of the defendant and moved to unlock the rear door of the Police caged vehicle.

At this time I heard Mr LE CLAIR yell something from the footpath, close to where the caged vehicle was parked. I have then stood up to face the defendant who at this time pulled his right arm violently from the grip of Constable QUADE and moved backwards, further into the middle of East Row.

\*



Constable QUADE and I moved quickly towards him, and as I have grabbed for the defendant he has swung his left hand to push me away, knocking my police cap off my head.

I grabbed hold of the defendant by the front of his jumper. I have then fallen backwards onto the bitumen, still holding onto the defendant. The defendant has rolled over me and I have struggled with the defendant and whilst still holding onto his jumper, positioned myself on top of the defendant.

The defendant has placed me in a headlock. Holding me so tightly and with such force that I could not move away, free myself or my arms.

I continued to struggle. I did not know where Constable QUADE was and I wondered why he wasn't helping me.

I yelled at the defendant.

*(I yelled "Stop resisting. Stop resisting. Let me go.")*

The defendant then yelled at me.

*(Just give up, you've lost. Give up or I'll really have to hurt you.)*

I continued to struggle however still could not break free from the hold the defendant had on me. I could feel jabs from what I believe to be punches about my forearms. I could also feel the right side of my face near my eye and across my cheek getting sore, as well as the area at the base of my skull getting sore from the force applied to my neck by the defendant.

I continued to struggle eventually freeing my left hand enough to take hold of my OC Spray. I then sprayed both myself and the defendant with the OC Spray.

The defendant released his grip of me immediately and I moved free, rolling the defendant onto his stomach. At that time I used my body weight to help keep the defendant on the ground and as I regained my breath. Constable ALCHIN then ran to me and assisted in turning the defendant over and handcuffing him.

Once the defendant was handcuffed I looked for Constable QUADE. I saw that he and Senior Constable Rhys LOCKHEAD were struggling with Mr LE CLAIR some 10 metres away, near bus shelter number one (1). I saw them handcuff Mr LE CLAIR and escort him to the rear of the police caged vehicle.

A short time later Senior Constable Andrew McCOOLA approached Constable ALCHIN and I and assisted in escorting the defendant to the rear of the police caged vehicle.

A few minutes later I attended outside 'Cube' nightclub. At that location I was introduced to Mr Kieran ARMSTRONG who had bleeding and bruising about the face and was being cared for by other 'Cube' patrons.

I had a number of conversations with various people at that location. I then returned to City Police Station.

Later that date I acquired closed circuit television (CCTV) footage of the incident. I have since viewed that footage.

EXHIBIT: I NOW PRODUCE EXHIBIT 3196584/ 001 - CCTV FOOTAGE OF THE  
INCIDENT RECORDED ONTO DVD.

The footage clearly shows Mr LE CLAIR strike Constable QUADE about the throat whilst Constable QUADE was attempting to assist in me the arrest and control of the defendant.

It further shows that because of Mr LE CLAIR's actions Constable QUADE was not able to assist me when the defendant placed me in a headlock.

I also had a conversation with Senior Constable McCOOLA during which he told me certain things.

*(He told me that when he had searched the defendant he had located a clip seal bag containing white powder on the defendant's person which he suspected contained drugs).*

This clip seal bag containing white powder was seized by police and the seizure recorded on AFP property seizure record A211127, seizure number 3191044.

DOCUMENT: I NOW PRODUCE THAT PROPERTY SEIZURE RECORD.

A short time later I ceased duty for that shift.

Later that date (Sunday the 11<sup>th</sup> of July 2010) I returned to duty at City Police Station.

At that time I showed Constable QUADE the right side of my face which was red, sore and slightly bruised. I noticed had some grazing about my right cheek and just under my left eye. I also had bruising to both my knees and my right forearm.

At that time Constable QUADE has a conversation with me.

*(He told me that he felt some pain in his neck and throat).*

At no time did I give permission for the defendant to assault me.

At all times attending Police were wearing AFP winter uniform with full accoutrements and all AFP Police vehicles present were fully marked.

JM

At a later date I received a statement from the ACT Government Analytical Laboratory which related to the white powder contained within the clip seal bag corresponding to AFP property seizure record A211127, seizure number 3191044. The certificate was signed by Mr Daniel ANDRES and identifies the white powder as containing cocaine, codeine and paracetamol.

DOCUMENT: I NOW PRODUCE THE ACT GOVERNMENT ANALYTICAL LABORATORY  
SECTION 135A CERTIFICATE.

I read this statement before I signed it.



Joanna Maree JONES

Sergeant 10046

City Police Station

14 November 2010