

# Phillip Walsham's last night out

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By Bret Christian

Few deaths in Perth have attracted as much public outrage as that of Phillip Walsham (21).

But the 10-week trial attracted media coverage only from the POST and a Sydney reporter from the ABC's Australian Story program.

About 6pm on a Friday in 1998, Mr Walsham pulled on his new Nine Inch Nails T-shirt and headed for a big Friday night out with two male friends.

They visited the Claremont Hotel, the Newport in Fremantle and then returned to the Hip-E Club in Leederville.

At 5.30 the next morning he died in Sir Charles Gairdner Hospital.

Passengers on the train from Leederville station to Stirling station said he was very intoxicated and in a friendly mood.

His blood alcohol level was measured after death at 0.162, but estimated to be 0.25 before death. Blood transfusions diluted the reading.

The key witness in the murder trial was a then 19-year-old psychology student, Clare Pigliardo, of Woodlands.

She told the court she saw a man doing a backflip off the footbridge over the Mitchell Freeway and its south-bound on-ramp at Stirling station.

Other men were around him at the time.

She was the front-seat passenger in her mother's car, on their way home to Woodlands from her sister Tina's 21st birthday party.

The car was stopped at the Cedric Street lights, 92m from the footbridge.

Below are some of the main points raised at the trial:

Prosecution: What Clare Pigliardo saw was the three accused men throwing Mr Walsham off the footbridge.

Defence: A crucial part of her evidence is unreliable. She varied the number of men she saw on the footbridge from two to five.

She saw no contact between the men - they were "at talking distance".

The lighting conditions on the night would have made her view indistinct.

Prosecution: The three accused men had the time to leave the scene, drive to the next suburb then return to commit the murder.

Defence: The timing presented by the prosecution is too small a window of opportunity. On the prosecution timing, Ms Pigliardo would have seen their car pass her. She did not.

Prosecution: One of the accused men hit Mr Walsham with a tyre lever before throwing him off the bridge. An abrasion on his shoulder matches the end of a tyre lever seized by police.

Defence: No such attack was seen by Ms Pigliardo. The wound does not match. Photography of the wound is flawed. No biopsy was performed on the wound to determine its age. Forensic evidence says that it was inflicted hours before the accused men met Mr Walsham. A sample from the wound said to be detached skin was never tested to see whether it was Mr Walsham's skin.

Prosecution: The three men were hyped up after two of them kicked Mr Walsham. Their assault showed contempt for him. They left the scene and returned later to finish him off and/or retrieve a dropped tyre lever.

Defence: The three men had calmed down before a meeting in Fulmar Street well away from the station. They had no motive to return. The prosecution's original case was that they had already replaced the tyre levers in the car boot.

Prosecution: If someone else threw Mr Walsham off the bridge, it would be hugely coincidental if there were two groups of people at the station around the same time making unprovoked attacks on him.

Defence: Police knew there were big numbers of people in the area that night and the precinct was a dangerous place late at night. There had been many unprovoked attacks before and after. That night there was a group of six unsavoury people at the station, described by a taxi driver as "shitheads". Two other groups of men were also in the area around the same time.

Prosecution: A white car with tinted windows like the accused men's white Commodore was seen parked nearby at the time of Mr Walsham's fatal injury.

Defence: There are more than 300,000 white cars registered. Other white cars were proved to be in the area that night. Features on the accused's car do not match the one described by the witness.

Prosecution: Carlos Pereiras concealed the tyre levers when police called at his home.

Defence: Mr Pereiras volunteered the tyre levers when asked by police.

Prosecution: One of the defendants invented an alibi that the men had visited Tuart Hill McDonald's instead of driving back to the station. This showed consciousness of guilt.

Defence: There is video evidence of the car whose driver they met at McDonald's. They remained for more than an hour until the crucial period, but parked in an area away from the camera.

There was no collusion about the McDonald's visit. Phone records show it happened