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NEW SOUTH WALES STATE CORONER'S COURT

CORONER: J ABERNETHY

12 December 1994

INQUEST INTO THE DEATH OF WILLIAM JAMES DUTFIELD

Sergeant Astley Assisting the Coroner
John and Robert Dutfield appear (Brothers
of the Deceased)



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<MARTIN VAUGHAN BROOKS
SWORN AND EXAMINED

15

ASTLEY: Q. Sergeant for the Court your full name, your rank and your station please?

A. Sergeant Martin Vaughan Brooks, Information and Technology Branch, thirty-six years of age.

20

Q. I think you have changed your address, or I should say your work station as from Mosman is that the case?

A. That's correct.

25

Q. How long have you been at the current Section?

A. Eighteen months.

Q. Sergeant I think you were the initial attending Officer, one of two initial attending Officers pertaining to the death of William Dutfield is that correct?

30

A. That is correct.

Q. As such you prepared a statement for the Coroner in relation to the matter?

35

A. That is correct.

Q. You have had a chance to read that statement this morning at some stage have you?

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A. Yes I have.

Q. I now show you a copy of your statement, it's a document that is three pages in length, I might ask you if you wouldn't mind to read that for me as from paragraph 3 please?

45

WITNESS READ STATEMENT ALOUD TO COURT

Q. Sergeant you have signed that statement?

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A. Yes I have.

Q. Besides the alteration in your current police station there is nothing else you wish to change in that statement or add to that statement at all is there?

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A. No there isn't.

EXHIBIT #1 STATEMENT OF SERGEANT MARTIN VAUGHAN BROOKS
TENDERED, ADMITTED WITHOUT OBJECTION.

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Q. Sir just to confirm, it was yourself and Constable Jasper who were the initial attending police?
A. That's correct.

Q. And you were the first police to Mr Ashworth? 5
A. That's correct.

Q. And I think the crime scene was then secured by yourself and Constable Jasper?
A. That is correct. 10

Q. So no persons who shouldn't have been going in and out of the apartment went in and out of the apartment as such?
A. No. 15

Q. I think the situation was that the deceased's body was ultimately identified by Mr Ashworth to both Constable Morter and Constable Taylor is that the case?
A. That's correct. 20

Q. And I think Constable Morter then identified the deceased's body to the Forensic Pathologist Doctor Jo Duflou is that the case?
A. That's correct. 25

EXHIBIT #2 POST MORTEM REPORT, NEUROPATHOLOGY REPORT AND ANALYST'S CERTIFICATE TENDERED, ADMITTED WITHOUT OBJECTION.

Q. And just for the record I think the investigation was taken up by Detective Senior Sergeant Dennis O'Toole?
A. That's correct yes. 30

Q. Who is present in Court?
A. That's correct. 35

Q. You had no further participation in relation to the investigation of Mr William Dutfield?
A. No I didn't.

ROBERT DUTFIELD: Q. I listened carefully to the attire that Bill had on, would - did it appear that he'd gone out that night, apparently I know that he went out to a restaurant, but would it indicate that he went out following that evening at the restaurant, he had slip-on shoes, I take that is slip-on shoes not slip-on slippers or something? 40 45

A. I didn't - I couldn't make any sort of judgment, there were a couple of glasses on the table with some Scotch, so we assumed whatever had happened - a person had come in, he'd either been invited in, well I'd say he would've had to have been. 50

Q. Known sort of thing, like he had shorts on so I didn't assume that he'd gone say over town to one of the Clubs being in shorts, I've just taken it that he'd more or less settled in at home and some visitor has come and knocked on the door and he's been invited in?
A. That's possible. 55

CORONER: It's possible.

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Q. He certainly had street shoes on rather than slippers though didn't he?
A. Yeah.

ASTLEY: I might just indicate that Detective O'Toole and in fact a Crime Scene Officer, Chris Kolder might actually be in a better position to expound some theories on that particular issue. 5

<WITNESS RETIRED AND EXCUSED 10

<CHRISTOPHER PETER KOLDER
SWORN AND EXAMINED

ASTLEY: Q. Detective for the Court your full name, your rank and your current station? 15

A. My full name is Christopher Peter Kolder, I'm a Senior Constable of Police stationed at the Bathurst Crime Scene Unit.

Q. And I think you prepared a statement relating to the death of William James Dutfield? 20

A. Yes I have.

Q. You have also prepared for the Court a series of captioned photographs? 25

A. Yes.

Q. Have prepared a number of diagrams? 30

A. Yes.

Q. And those diagrams pertain to the deceased's unit?

A. Yes.

Q. And I think you also had cause for several items to be analysed? 35

A. Yes I did.

Q. Detective what I'll ask you to do is - I'll show you a copy of the statement you supplied for the Coroner, I will get you to read the statement onto the record for me. What I will ask you to do is to not read the sections where the photographs are mentioned at this point in time, I'll show you the photographs separately and you might just read those onto the record when I do that. In that case I'll show you the eleven-page statement, do you recognise that as a statement made by yourself? 40

A. Yes it is. 45

Q. That statement is signed? 50

A. Yes it is.

Q. You might just read for me as of paragraph 3?

WITNESS READ STATEMENT ALOUD TO COURT 55

Q. Detective Kolder you've signed that statement have you?
A. Yes I have.

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Q. At this point is there anything you wish to add to that statement or change anything contained in that statement?

A. No.

EXHIBIT #3 STATEMENT OF SENIOR CONSTABLE
CHRISTOPHER PETER KOLDER TENDERED, ADMITTED WITHOUT
OBJECTION.

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Q. Detective you had cause to take a series of photograph which are relevant to the statement you've just read onto the record?

10

A. Yes I did.

Q. Those photographs are contained within this bound black album?

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A. Yes they are.

Q. And they take in not only the crime scene but also post-mortem shots as well I believe?

20

A. Yes they do.

ASTLEY: Your Worship at this stage I suggest that the relatives not view some of these photographs, they are of a disturbing nature, it's really a matter for your Worship and the brothers--

25

CORONER: Yes it's entirely up to you, you're welcome to look at it but some of them aren't very pleasant, some of them are taken either with the body in situ, in place, some of them are taken at the morgue and they show the process of an autopsy, which isn't very pleasant if you haven't seen it before, so it's up to you. Perhaps you may want to see the photographs just of how the body was found, you could perhaps quickly have a look at that.

30

35

ROBERT DUTFIELD: Yes I'd like the opportunity for a brief - if I may--

ASTLEY: Could I ask whether perhaps it might be the case during the morning tea break that--

40

CORONER: Maybe you could go through it with one of the police and they can - they are disturbing and I don't want to upset you unduly, it's not terribly pleasant I'm afraid these homicides. Yes well make them available and one of the police will go through it with you and show you how the body was found in the living room and so forth.

45

Q. Detective besides the photographs you also caused to have made up two photogrammetry plans of the deceased's unit?

50

A. Yes.

Q. Now I've put copies of those to your left up on the easel(?)?

55

A. Yes.

Q. They are also contained within the black folder with the photographs is that the case?

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A. Yes. I'm not sure, I have made an addition to one of the plans. This area here, the bedroom and the bathroom was not covered by the photogrammetry camera, it wasn't ..(not transcribable..)

5

Q. Also contained within the folder is a Certificate from Mr Malhotra from the New South Wales Division of Analytical Laboratories?

A. That's correct.

10

Q. That pertained to the examination of two jars of liquid which was recorded by yourself which were contained in glasses found in the unit?

A. Yes ..(not transcribable).

15

Q. And it ..(not transcribable).. which you indicated nicotine was detected?

A. Yes.

Q. And the results of the alcohol being examined was there was a concentration of 4.8 milligrams per 100 mls of alcohol in each of those samples forwarded?

20

A. It is consistent with Scotch or whisky.

Q. Mixed with something?

25

A. Mixed with something.

Q. And there is also a Certificate you mentioned in your statement of Mr Rudy Weigner, Mr Weigner used to work down here, and that was a two-page document prepared by Mr Weigner on your behalf pertaining to a number of items you submitted to him taken from the crime scene?

30

A. Yes.

Q. Now I might just shown you, and if I tender the entire folder, that particular document which is in the rear of the brief(?), you might just explain to the Court what the document is and what it explains?

35

A. What we do at the crime scene is - in relation to this violent assault, it's, it might sound strange but you sort of hope that the offender injures himself as well as leave us some trace evidence, so we take quite a number of swabs from the scene and hopefully we can - after grouping we can have some of the offender's blood type found there as well, and this is just a series of examinations in the blood grouping system of all the blood swabs submitted and--

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45

Q. Were all the blood samples that were located at the scene belonging to that of the deceased?

A. No they weren't.

50

Q. Was there one that wasn't traced to being belonging to the deceased?

A. Yes, Item 18 is a tissue from the kitchen waste bin, the blood grouping showed that it was - it was only a very small sample as well but it was some other person's blood and that's been retained for DNA typing at a later date, it's been stored at minus 80(?) degrees, frozen, and unfortunately we have no other sample to match at this

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stage.

Q. So possibly if some further clues come forward in this matter DNA testing may assist us then because we have a blood sample to match it up with? 5

A. It might assist, but once again it's - the longer the delay the less value--

Q. The sample becomes, is that the case?

A. Yes. 10

Q. Now there's nothing identified and contained in that folder that should not be before the Court, I believe there is also a series of photographs you've taken and you've matched those photographs up with the measurements from a sticky-tape dispenser that was found on the scene? 15

A. A series of skull(?) photographs that I did, I intended to actually do a chart for the Court's benefit but I was transferred shortly after this matter to Bathurst and I haven't had a chance to get back to it. 20

Q. What I might ask you to do is to ..(not transcribable).. of that folder if you might just remove those skull photographs that ..(not transcribable).. and the attachments that you've taken pertaining to the width and the length of the sticky-tape dispenser? 25

A. Just those?

Q. You've got three there in front of you and I see on top of each of those photographs there's a smaller item? 30

A. Yes.

Q. You might just indicate what those photographs are and what the smaller items also are?

A. I took a series of photographs of the sticky-tape dispenser, scale(?) photographs, from a number of different angles, just to examine the - to compare the injuries found on the deceased, and these photographs - the injuries to the deceased are photographed to scale as well and these photographs indicate the portion of the sticky-tape dispenser which has come into contact with the victim. 40

Q. Now the deceased's head in those photographs has been shaved is that the case?

A. Yes. 45

Q. And they display the numerous injuries to the deceased's head?

A. Yes. 50

Q. I wonder if you wouldn't mind just turning towards the Coroner, Mr Abernethy, holding up each of those photographs and each of the attachments that you've cut out depicting the sticky-tape, and if you could display how the attachments fit into the various injuries? 55

A. These are actually ..(not transcribable).. that's the purple, that's the serrated--

CORONER: Q. The serrated edge of the sticky-tape dispenser

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which was found on the floor, and so it's the end part of the dispenser that seems to have been used to--

A. Up here, it appears that he's held the dispenser by that bottom portion in that respect. Bearing in mind that folds(?) down so that's - it would probably be that side of it in there. 5

ASTLEY: Q. Were there any other injuries that appear consistent with an end other than the serrated edge of the sticky-tape dispenser being used? 10

A. The injuries are consistent with the sticky-tape dispenser being used, it didn't appear that there'd been any other instrument involved, there could've possibly been with some of the other injuries but no it didn't appear that way. 15

Q. No the point I was getting at though you've indicated a serrated edge on some of those photographs?

A. Well it's not just the serrated edge it's also this - that upper-- 20

Q. That's what I was getting at, so he hasn't used one end of the sticky-tape dispenser he's used perhaps either end of the--

A. No, the whole top surface appears to have been-- 25

CORONER: Q. There was a lot of blood found in the well of the sticky-tape dispenser?

A. Yeah.

EXHIBIT #4 CRIME SCENE OFFICER'S PHOTOGRAPHS, PHOTOGRAMMETRY, ANALYSIS REPORTS TENDERED, ADMITTED WITHOUT OBJECTION. 30

EXHIBIT #5 PHOTOGRAPHS OF SKULL AND PHOTOGRAPHS OF TAPE DISPENSER TENDERED, ADMITTED WITHOUT OBJECTION. 35

WITNESS: It appeared that the offender had attempted to clean the sticky-tape dispenser in the sink with that cloth.

ASTLEY: Q. And when you say "sink" is that the kitchen sink or the-- 40

A. The kitchen yes.

Q. --bathroom sink?

A. No the kitchen sink, and then washed his hands in the bathroom sink after. 45

Q. So it appears he may have used in fact both the kitchen and bathroom sinks?

A. Yes. 50

Q. Now I think you've already indicated in your statement a number of items were fingerprinted in the unit, that's - I think you referred to the sink and you referred to a number of small items like tissue boxes and the sticky-tape dispenser? 55

A. Yes.

Q. Was there any result of that fingerprint examination?

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A. No result at all, in fact the whole unit was fingerprinted, bedroom doorways, the whole unit itself was fingerprinted with a negative result.

Q. Were the deceased's fingerprints present can you recall? 5

A. From memory, I didn't make a particular note of it, but I don't think that they located any of his fingerprints either. It appeared that the whole place had been, you know, wiped down.

Q. Now rather than read out every caption of the photographs that we've just tendered I might just take you to certain parts of those captions. You mentioned the deadlocks on the front door so you might just go to photographs number 1 through to 4 for me? 10

A. Yes. 15

Q. When we say "deadlocks" that means the key can--

A. Operated from both - operated from both sides. 20

Q. --operate from both ends?

A. It can be locked on both sides.

Q. And locked on both ends. The units that the deceased lived in were they secure units in as much as you had to bypass an electric door downstairs or had to put in a number or use a "slash card", if I can use that term? 25

A. I'm sorry, I don't recall, I could look at my notes but I don't recall--

ASTLEY: Perhaps Mr Ashworth may assist us with that later on in the evidence your Worship. 30

Q. Now the unit itself, I mean despite the attack having taken place, would you consider it to have been of rather neat appearance? 35

A. It was very neat--

Q. There was no signs of struggle having taken place across the unit? 40

A. No.

CORONER: Q. There was one rug disturbed, that's about all?

A. Yes by the feet, yes. 45

ASTLEY: Q. Now if you can turn to photograph number 22 for me?

A. Yes.

Q. Now, correct me if I'm wrong, they're the blood stains on the blue door and the wall? 50

A. No this photo shows the back of the chair, bloodstains--

Q. I'm sorry, you might just--

A. Twenty-seven. 55

Q. Twenty-seven, I'm sorry. Now--

A. And 26.

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- Q. The bloodstains on the wall and the door, there's no sign of any fingerprints or marks or hand marks that the deceased might have staggered to those areas?
A. No. 5
- Q. The blood spatters appear to have come from the blow that's taken place on the deceased's skull?
A. Yes.
- Q. Or blows I should say? 10
A. Yes.
- Q. You've already canvassed something I've already asked, besides the sticky-tape dispenser there was nothing else in the unit that may have been used as a weapon or appear to have been used as a weapon? 15
A. No.
- Q. There was two glasses of alcohol present in the unit, no signs of any meals having been consumed, any take-away meals? 20
A. Not apparently no.
- Q. Any ashtrays depicted in the unit at all?
A. Yes, on the coffee table there was an ashtray, I collected six cigarette butts from there in the hope we might be able to achieve a DNA result from those. 25
- Q. Were they the same cigarette brand can you recall?
A. No they weren't actually, there was two different brands depicted in those. 30
- Q. Can you recall how many of each brand might have been present in the ashtray?
A. No I can't recall. 35
- Q. At this point of time I'll just ask you is there any other photographs which stand out which the Coroner should take particular note of in that group of photographs you've taken? 40
A. No the - one thing about the blood splash pattern behind the - on the louvre doors and the wall, the northern wall behind the lounge chair, indicate that possibly the deceased, the victim was sitting in the chair prior to the assault and due to the fact that the unit is undisturbed in terms of a struggle, he was probably sitting there facing the southern wall looking at the television or something and then he's been attacked. 45
- CORONER: Q. Unexpectedly? 50
A. Unexpectedly
- Q. One person, there's no evidence of more than one person?
A. No, it appears just to be one person, there could've been two but there's no evidence to indicate that. 55
- Q. Scrapings under nails, were they taken?
A. Yes we clipped the nails and I submitted the nails to the Division of Forensic Medicine--

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Q. Nothing?

A. --and they were unsuccessful.

Q. Yet there was blood that didn't match his so it would seem that the killer has sustained some sort of injury? 5

A. Well the blood that was on the tissue in the kitchen was such a small amount that they could only successfully group it in one of the - it appears that it's a standard blood grouping and through fear of losing it they retained it for DNA. But it was a tiny drop of blood, the tissue was ..(not transcribable).. 10

Q. And of course there's no - you've got no idea as to motive?

A. None at all. The victim had - carries a number of defensive wounds on his - I think it's his left arm and - so the blows from the sticky-tape dispenser initially it appears as though he was fit enough to get out of the chair and turn around in some respects and defend himself but-- 15

Q. Until he was finally felled?

A. Until he was finally felled yes. 20

Q. And the nicotine, that's unusual?

A. Well that's something that I - the nicotine that was on that rag that was used to clean the sticky-tape dispenser now that was located in the kitchen sink, now that was very wet. It appears that it looks like it might've been used to clean a pipe, the inside of a pipe or something and I don't think from memory that we located anything that was - in the unit that would deliver that amount of nicotine. Hang on a sec, filters, cigarette filters, that's what we found. The victim used cigarette filters that's right. My apologies your Worship-- 25

Q. He used cigarette attachments for--

A. Cigarette filters yeah to remove the nicotine and he obviously-- 30

Q. So it's likely he's used that earlier to clean the filters? 40

A. Yes.

CORONER: Right, well that explains that. 45

WITNESS: The intervening years has clouded my memory somewhat.

CORONER: No that's all right. 50

Q. And just a question that one of the brothers asked the last witness, he was dressed in shorts and walking shoes?

A. Yes.

Q. Slip-ons, it's likely he'd been out or he may have been out? 55

A. Yes.

Q. But it's also probably likely he hadn't gone a great

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distance is it?

A. Well--

Q. Bearing in mind the fact that he was at dinner earlier in the night and there were noises heard at about between eight-thirty and ten-thirty I think-- 5

A. When you say a great deal of distance, it depends on the mode of travel.

Q. I'm thinking about Darlinghurst, I suppose he possibly could've gone up there? 10

A. Well it isn't very far is it really from Mosman and it's November, fairly warm, it's very difficult to speculate.

CORONER: It's just speculation yes. 15

JOHN DUTFIELD: Q. I have never been to the unit because my twin brother was only there for a short time before the murder, but you say it was a second-floor unit, is there any way a person could've got up say onto the balcony without coming through the front door? 20

A. Not without a lot of people seeing him.

Q. The reason why I say that is because you said that my twin brother happened to be sitting in the chair and obviously he was struck from behind? 25

A. Yes.

Q. Was there a - there could be then a possibility that somebody had climbed onto the balcony? 30

A. No the balcony door was locked too.

Q. It was locked?

A. Yes, it's a glass door with a single silver coloured handle but I don't-- 35

CORONER: Q. Unless it was locked by the killer?

A. Yes unless it was locked by the killer who exited via the front door. But the other indications in the unit, the two glasses, the Scotch bottle on the kitchen bench with the nip pourer out-- 40

CORONER: Yes goes against that.

JOHN DUTFIELD: Q. Can I just say this, in your words you said it was quite a brutal attack on the person, in your own words you say more or less there could only have been one person involved-- 45

A. No, no I--

Q. There could've been more than one? 50

A. There could've been more than one person, the evidence doesn't go to prove that but the offender has gone to the trouble of cleaning the outside of the sticky-tape dispenser, obviously he's wiped the glasses that held the Scotch, the ashtray, the table, there was no fingerprints found on anything and, you know-- 55

CORONER: Mitigating against him getting in through a window

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of course is the fact that there are two glasses of Scotch, which really goes towards him being invited in.

WITNESS: And the other thing also is that the distance between the doorway from the balcony to the chair he would've had to have been in a fairly deep sleep not to have noticed someone coming through. 5

ASTLEY: Q. And the general tidiness of the unit, it wasn't like he appeared to have been surprised by anyone coming through the window, there was no struggle throughout the unit? 10

A. No in fact--

Q. The unit was unusually tidy? 15

A. --there was a little - I believe there was a little hanging washing line inside the unit on the floor that maintains its uprightness through just the gravity holding it there, and that had clothing on it and that hadn't even been disturbed to a great extent, and they're sort of pretty flimsy sort of things. 20

ASTLEY: For the record I know we're missing some witnesses today for various reasons, Detective O'Toole will explain that to us, but my understanding was that the deceased would often walk up the road in nothing but shorts, T-shirts, I'm not quite sure of the footwear, but a cap as well, so he would often walk back and forth from his residence dressed fairly casually so-- 25

ROBERT DUTFIELD: Q. Just that with no fingerprints is that a normal sort of thing to find? One would tend to think if one committed a murder like that, I mean they might wash the article, the sticky - and their hand and the doorhandle, and things like that, obviously he's been aware of what you may find-- 30

A. In my experience if you took the number of solved crimes at 100% fingerprints only account for probably less than 10%. 35

<WITNESS RETIRED AND EXCUSED 40

<DENNIS PETER O'TOOLE SWORN AND EXAMINED 45

WITNESS: My full name is Dennis Peter O'Toole, I'm a Detective Senior Sergeant of Police and I'm attached to the Major Crime Squad at Chatswood where I was attached when this incident took place. 50

ASTLEY: Q. You have had a chance to read your statement this morning? 50

A. Yes I have.

Q. I show you a copy of that statement, if you wouldn't mind reading that statement for me as of paragraph 3? 55

WITNESS READ STATEMENT ALOUD TO COURT

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Q. You've signed that statement have you Detective?
A. This one I haven't no but I--

Q. You might just sign that copy for me if you would?
A. I'll just sign each page. 5

EXHIBIT #6 STATEMENT OF DETECTIVE SENIOR SERGEANT DENNIS PETER O'TOOLE TENDERED, ADMITTED WITHOUT OBJECTION.

CORONER: Q. Was that an assault or a murder at Five Dock? 10
A. That was an assault and rob.

Q. And that person has never been apprehended?
A. No he hasn't, it was quite a vicious one, the place was quite wrecked-- 15

Q. It's a little bit different to this?
A. Well it is in so far as that this person had an opportunity to fight back whereas we believe that Mr Dutfield didn't, that he may have been hit from behind first and of course rendered-- 20

Q. What was the weapon in the Five Dock--
A. It was an ashtray on a stand, quite a heavy instrument. 25

Q. And the Tonks murder received a lot of publicity?
A. Yes it did.

Q. And the perpetrator of that has never been caught?
A. That's correct, we-- 30

Q. A similar modus operandi?
A. Very similar, invited back, no sign of forced entry, did have drinks there. There are a number of theories which I'd like to expound to you your Worship in regard to this. We believe that it's possible that there is a person, or a number of persons, who are most probably male prostitutes, who are also most probably drug addicts from the Kings Cross area that prey upon these people. It may well have been that after the assault which was committed about a month prior to his death on Mr Dutfield, where they obtained nine hundred dollars, the buzz would've gone around that, what we term the "Wailing Wall" area in Darlinghurst Road that this person is an easy touch and they may have had his phone number. Whether that further assault which turned into a murder was perpetrated by the original assault, or information might have been passed on by that person, we think that is most probably the most viable theory as to this murder. As far as whether Mr Dutfield went out after Mr Ashworth left, we tend to think not because of the time frame involved. We think that Mr Ashworth was a little out in the time that he says he left the unit, which was about eight-fifteen, because the proprietor of the restaurant they were at seems to think that they left between eight-twenty and 8.40pm. Having regard to that, and also the fact that Mr Ashworth came back and had a drink with the deceased, that all takes time and walking back to the unit takes further time, so we believe that that took us right up to perhaps when Mr Ashworth left would've been much closer to 35 40 45 50 55

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9 o'clock, and if that theory is correct the evidence of [159] and Mr [158], that indicate these noises coming from the unit above between nine-thirty and ten, would not give the deceased enough time to have gone anywhere at all really. We believe that the theory which is most probably correct is that either a phone call was made by the deceased or he was visited, without appointment, by his murderer, and that he either knew his murderer or was referred to him by someone else who knew him, possibly by the person who committed that original assault on him. That's why we heavily concentrated our inquiries on the male homosexual heroin addict type offenders in the prostitution area of Kings Cross.

ASTLEY: Q. The Tonks matter that you mentioned earlier, that was a situation where Mr Tonks had been struck on the head with a - I believe it was a ceramic money box, that's my recollection of it?
 A. That's correct.

Q. And would it be fair to say that victims of homosexual bashings often don't come forward to give information to police and that in itself may restrict your investigations into this matter?

A. Well that's certainly the case and we did have that problem with that further bashing which did not result in a death which we believe was very similar to this matter. And the person did help us very much in that and we were still not able to ascertain who the perpetrator of that crime was. We had informants working for us at the Kings Cross Rex Bottoms Up Bar, as well as some informants along Darlinghurst Road at Kings Cross where they tend to congregate and we were given certain information which we believed was not useful and was not truthful on occasions. We believe we have to be very careful with this type of person up there, simply because they were really heroin addicts and they would sell information, or try to sell information to any person they could whether it be truthful or not. There are a lot of liars in that area and there are a lot of people who like to - tend to make up stories for the sake of either personal gain or favours to be returned to them, so it was very hard to disseminate any information that was worthwhile which we considered to be credible theory.

Q. The name [NP62] was raised by one of the witnesses who you took statements from, I think it was a Miss [157] is that the case?

A. Yes that's correct.

Q. Were we able to get Miss [157] here today?

A. No, just bear with me one second. She is very ill. I believe she is in hospital at the moment. We had three witnesses actually, one is deceased, Mrs [162]?

Q. Is she?

A. Yes, [165], who also lives at Unit [], she is laid up in bed with a fractured pelvis at the unit and--

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CORONER: I don't really think they're going to take the matter any further, they've said all they can possibly say I think.

WITNESS: They've forwarded on the information which we have then taken on board but they couldn't take it any further sir. 5

CORONER: Q. The telephone number on the pad in the hall, what's that all about, do you remember that? 10

A. Yes I do. It was to - I think, I read about it on the weekend actually, it was to I think a person who lives down in the unit where Mr [redacted] 154 lives in regard to an inquiry about Mr Dutfield assisting in some gardening work there. Yes that was thoroughly checked out. 15

ASTLEY: Q. You've indicated that Mr Dutfield was involved in a - or had been assaulted some weeks earlier, I think it was about four weeks was round about the time? 20

A. That's correct. 20

Q. He actually made a complaint to Detective Senior Constable Bell of the Mosman Police Station? 25

A. Yes. 25

Q. I think the situation was Detective Bell showed Mr Dutfield a series of photographs and Mr Dutfield couldn't identify anyone from those photographs at all? 30

A. That's correct. 30

Q. There was an offer made by Detective Bell to take Mr Dutfield through the Kings Cross area but because of business commitments Mr Dutfield couldn't make that trip to Kings Cross with Detective Bell? 35

A. Well I believe that's the case, I don't know whether that was the-- 35

Q. That's the information he told Detective Senior Constable Bell in any case? 40

A. That's right yes, I don't know whether he wanted to really go on with it that much but I certainly can inform the Court that the fingerprints obtained from that assault in the unit, they have been searched through with all the known suspects and hundreds of male prostitutes that have criminal records at the Cross and it has been without result. 45

CORONER: Q. Have they been searched again prior to the inquest, bearing in mind it's been two or three years since this-- 50

A. Yes they have sir, what they do over there they put them through the computer search at regular intervals in case someone - and that's always filed with the Serious Unsolved Crime area and they are put through the computer system-- 55

Q. So in case someone does come up--

A. Yes, and that has happened before too.

ASTLEY: Q. I show you a two-page statement by Detective

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Senior Constable Bell, that's a signed statement by Detective Senior Constable Bell?

A. Yes it is.

EXHIBIT #7 TWO-PAGE STATEMENT OF DETECTIVE SENIOR CONSTABLE BELL TENDERED, ADMITTED WITHOUT OBJECTION. 5

Q. A statement was taken by Detective Senior Constable Bell from Mr William Dutfield pertaining to the assault one month earlier? 10

A. Yes that's correct.

Q. I show you that four-page statement. I might just ask you if you wouldn't mind, if it's a suitable course your Worship, to have that statement read onto the record, from paragraph 4 please? 15

WITNESS READS STATEMENT OF WILLIAM DUTFIELD ALOUD TO COURT

EXHIBIT #8 STATEMENT OF WILLIAM DUTFIELD TENDERED, ADMITTED WITHOUT OBJECTION. 20

Q. Sir to your knowledge nothing ever came out of that particular investigation, there was no other suspect brought forward and no arrests were made for that assault? 25

A. No not on that investigation but it certainly was in the forefront of our inquiries the whole time, we felt it may have had a connection with the murder.

Q. You indicated Mrs [162] isn't present today, Mrs [162] indicates that the only persons she knew to visit the deceased was Mr Ashworth and Mr [154]? 30

A. Yes that's correct.

Q. I show you a two-page statement, Mrs [162] has signed that statement has she? 35

A. Yes she has.

EXHIBIT #9 TWO-PAGE STATEMENT OF [162] TENDERED, ADMITTED WITHOUT OBJECTION. 40

Q. Miss [165] isn't present today?

A. No, she's the one with the fractured pelvis.

Q. The information you got from Miss [165] was that two days prior to the deceased's death, or a day and a half perhaps prior to the deceased's death, she observed a young man standing near the deceased's door? 45

A. Yes.

Q. She gave a general description to police? 50

A. Yes correct.

Q. But she hadn't seen that person before or since that particular day? 55

A. No that's correct.

Q. You took a one-page statement from Miss [165] relating to that?

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A. Yes.

Q. I show you a one-page statement, Miss 165 has signed that statement?

A. Yes she has.

5

EXHIBIT #10 STATEMENT OF 165 TENDERED, ADMITTED WITHOUT OBJECTION.

WITNESS: I might add that the description of that person is different to the person that the deceased describe who assaulted him.

10

Q. The hair colour is at least ..(not transcribable).. specifically?

A. Yes.

15

Q. Miss 157 indicated hearing a person calling out to the deceased's unit by the name of Paul, or identify himself as Paul to the deceased on two or three different occasions?

A. That's correct yes.

20

Q. Miss 157 never actually observed this person named Paul, she just hears him by voice and hears him identify himself as being Paul is that the case?

A. That's correct yes.

25

Q. I show you a two-page statement by 157, Miss 157 has signed that statement?

A. Yes.

30

EXHIBIT #11 TWO-PAGE STATEMENT BY 157 TENDERED, ADMITTED WITHOUT OBJECTION.

ASTLEY: Just for the record your Worship at this stage for this inquest I'd be seeking to call today the witnesses 159, who I know to be in Court today, Mr 158 I think is also in Court today, Doctor Duflou if Doctor Duflou is available today, I realise he is doing some post-mortems downstairs which may make that difficult, Mr Ashworth is present and Mr 154 is present as well.

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JOHN DUTFIELD - NO QUESTIONS

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ROBERT DUTFIELD - NO QUESTIONS

<WITNESS RETIRED

SHORT ADJOURNMENT

50

<JOHAN DUFLOU SWORN AND EXAMINED

ASTLEY: Q. Doctor for the Court your full name and your qualifications please?

55

A. Johan Duflou, my qualifications are Bachelor of Medicine, Bachelor or Surgery, Master of Medicine and Forensic Pathology and Fellow of the Royal College of

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Pathologists of Australasia.

Q. Doctor you performed the post mortem relating to William Dutfield, is that the case?

A. Yes.

5

Q. You have that before you now which is exhibit 2?

A. Yes.

Q. You've had a chance to read that at some stage this morning?

10

A. Yes.

Q. You have also signed that report have you?

A. Yes I have.

15

Q. Doctor just briefly can you outline the head injuries which the deceased sustained during the course of this attack?

A. In general there were two types of head injuries. The first ones were the injuries to the scalp itself and then the injuries to the underlying skull and brain. Now the two are very much related in that whatever caused the scalp injuries also caused the brain and skull injuries. I detected in all sixteen to the scalp, the majority of these were in the form of lacerations, but there were a number of quite unusual lacerations including a U-shaped laceration measuring twenty-three by twenty-one by twenty-two millimetres in size and that was on the left side of the head. Other lacerations were generally twenty or so millimetres in size, there was one that was sixty millimetres in size, but I felt that all these lacerations were quite consistent with having been caused by a single blunt object as well causing lacerations.

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Q. You indicated a U-shaped configuration?

A. Yes.

Q. You are aware that the police took possession of a sticky-tape dispenser?

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A. Yes I saw the sticky-tape dispenser at the scene.

Q. Is the configuration or any configuration on that sticky-tape dispenser consistent with that U-shaped wound on the deceased's scalp?

45

A. At the time I felt it was, I cannot recall exactly which part of the dispenser at present, but yes I felt that it was quite consistent with having caused many of the wounds if not all of them.

50

Q. Do you have an opinion as to what position the deceased may have been in pertaining to his attacker, whether he may have been facing his attacker at the time or maybe had his back to his attacker?

A. That's very hard to tell, I'm really not sure because it would depend on which blow was struck first, which I cannot tell. I strongly suspect that most of the blows were sustained while he in fact was in the position he was found in in the lounge chair, and that was facing away,

55

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- presumably, from the assailant. No a number of the wounds were in fact to the front of the forehead, a wound that I described as Wound 1, a thirteen by twenty-five millimetre angle-shaped laceration on the right forehead, as an example. So it is entirely possible that at some stage he had been facing his attacker, and we know that he almost definitely finished - the attack finished with him facing away from his attacker, so in fact it is possible that he was facing his attacker at the beginning. In addition there were a number of relatively minor injuries on the arms and hands which I feel are quite consistent with defensive wounds and as such defensive wounds are typically sustained when a person is facing an attacker as opposed to when a person is standing away from an attacker. 5 10 15
- Q. Also those wounds I think were present on the knees and the wrists of the deceased as well?
A. Yes they were. 15
- Q. You also describe those as being defensive wounds?
A. On the knees, hard to say really, but on the wrists yes. 20
- Q. You have seen photos of the deceased's unit?
A. Yes I have. 25
- Q. It doesn't appear as if the unit itself has been overturned during the course of the struggle so the struggle itself wasn't - or hadn't taken place across the unit, that would be fair to say?
A. Yes the flat furniture was relatively undisturbed. 30
- Q. But it does appear by the defensive wounds you've mentioned that at least for some stage the deceased had attempted to defend himself?
A. Yes, it may have been for a very short time period. 35
- Q. A particularly violent sort of crime was it?
A. Well the injuries were very severe, personally I view homicide as always pretty violent, but the injuries were severe, it wasn't a matter of a single blow to the head, I'd estimate there were at least twelve blows to the head causing injury and for that matter there was extensive fracturing of the skull deep to those blows which in fact appeared more extensive than I would've expected from the injuries externally. 40 45
- Q. The point I was getting at with my question was that did the attacker need to have struck the deceased sixteen times, has he taken it beyond a standard assault or a standard homicide, if I could put it that way, I don't mean to be blase about that?
A. That's a very hard question, but I think that with even half the injuries he may very well have died. The injuries that he had were totally unsurvivable, with half the injuries he probably would have died as well. 50 55

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JOHN DUTFIELD - NO QUESTIONS

ROBERT DUTFIELD - NO QUESTIONS

<WITNESS RETIRED AND EXCUSED 5

158
SWORN AND EXAMINED

ASTLEY: Q. Your full name for the Court please Mr 158? 10
A. 158.

Q. And your current address please?
A. Brooklyn Road, Brooklyn. 15

Q. Mr 158 do you recall giving a statement to the police relating to the death of Mr Dutfield?
A. I certainly do.

Q. It's a two-page statement, have you had a chance to read that statement? 20
A. I have.

Q. Mr 158 I am going to read it onto the record if you can listen carefully for me, I am going to read it in a way that if you wish to change anything or perhaps add something to the statement just let me know at the end of that? 25

ASTLEY READ STATEMENT OF 158 ALOUD TO COURT 30

Q. Mr 158 that statement I have just read out is that the statement you made to the police relating to this matter?
A. It certainly is yes.

Q. Is that your signature which appears on that statement? 35
A. Yes.

Q. Having seen the statement itself and having heard me read that is there anything you wish to add to that statement at all which may assist the Coroner? 40

A. I just - no, but the sound to me was unbelievable that there was something cushioning the blow, it sounded as if it was just hitting directly on the floor and to understand how the sounds were made it's hard to believe that - I couldn't imagine the cushioning which would occur by a body being in between that sound to be able to make such a possible noise, that's about all I could enlighten - enlarge upon. 45

Q. You indicated that there was one large thud and then a diminishing volume of thuds was that the case? 50

A. Well that's - was what I thought at the time and I imagine I would - I couldn't alter that no. We weren't - not listening of course but the fact that it was just a behind sound, a background sound so that's as well as I could describe it at the time yes. 55

Q. I might ask you, if you can recall, do you recall the length of time between the first louder noise and then the completion of the smaller series of lesser noises?

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A. It seemed to be all but - no I think it could've been a lull, a lull as in seconds, from the first repeated sounds to the less loud, or less - yeah loud, but it was a real shudder, you could feel it right through the building.

5

Q. So the noises didn't take place over a series of minutes, it was really more ..(not transcribable)..?

A. I wouldn't think so, I wouldn't think so.

Q. The two gentlemen who entered the lift with yourself and Peggy, had you seen either of those gentlemen before?

10

A. No never no.

Q. Did police ever show you photographs of either of those gentlemen do you recall?

15

A. Only the chap that was killed.

Q. Can I show you that photograph, do you recognise that being the person, or one of the two men--

A. Well it sure could be, I mean you could - I would say it could be.

20

Q. It was a few years ago obviously?

A. Yeah but the photo they showed me was no photo like that, it was a chap with a - he had some sort of mickey mouse ears on or something or other, it was - I didn't recognise that at all, I only - he happened to mention that -the Detective said he was a - he'd been an ex-jockey, and that's what jogged my memory, not his appearance at all. I didn't take a lot of notice of the chap.

25

30

ASTLEY: For the record your Worship the persons at the time had been identified as being Mr Dutfield and Mr Ashworth.

CORONER: Yes.

35

ASTLEY: Q. I think you indicated you and [redacted] were watching LA Law when you heard the thuds that you had heard, did [redacted] comment on the noise at all?

A. I can't recall, I'm sure we would've mentioned it because it was a pretty quiet block of units and I just assumed somebody was doing some repairs, that's all I could think of, at a pretty late hour but that - I couldn't think of - you don't think of anything of this nature.

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45

Q. Did you hear any noises or yelling at the time?

A. No not a sound, not a sound.

Q. Are the units structured as such that if people were yelling in an adjoining unit or a lower unit you may have heard that?

50

A. We were just talking a little while ago and yes it certainly does - that does happen, but I wouldn't be aware - I was not aware of that no.

55

Q. Have you ever heard any other unusual noises coming from Mr Dutfield's unit?

A. No, no, not at all. It was a very quiet block.

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Q. Where are the elevator lifts situated as opposed to where your fiancée's apartment was at the time?
 A. Well it's more or less on the eastern end, she doesn't live there now-- 5

Q. Sorry, I've made it difficult for you--
 A. No it's not difficult, I've only got to bring it to mind, the elevator is more or less, from memory, two-thirds along the corridor so there's perhaps a couple of - a couple of - there's a young lady over there could put that precisely so, she lives there. You mean the foyer or where we got out? 10

Q. No I'm thinking of the elevator doors--
 A. On the first floor? 15

Q. On the first floor?
 A. Okay, from memory there's about two - two to three doors on the right of the elevator and [redacted] lived to the left of the elevator, so that would've been the western side, so there would've been, about two to three - perhaps it was in the middle, I'm not very helpful. 20

Q. I won't press you at this stage okay--
 A. It just - it could be simply answered-- 25

Q. I might ask the other young lady--
 A. Pardon?

Q. I'll ask the other young lady, she might be able to help us. You didn't have much to do with the other tenants in the building at all? 30
 A. No, no.

JOHN DUTFIELD - NO QUESTIONS 35

ROBERT DUTFIELD - NO QUESTIONS

<WITNESS RETIRED AND EXCUSED 40

EXHIBIT #12 STATEMENT OF [redacted] 158 TENDERED, ADMITTED WITHOUT OBJECTION.

< [redacted] 159
 SWORN AND EXAMINED 45

ASTLEY: Q. Ma'am for the Court your full name please?
 A. [redacted] 159.

Q. And your current occupation? 50
 A. Financial Controller.

Q. Miss [redacted] 159 I think you also supplied a statement to the police pertaining to the death of Mr Dutfield?
 A. Yes I did. 55

Q. Have you had a chance to read that this morning?
 A. I have.

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Q. I am going to read it out again, when I have done so if there is something you wish to add to that statement or something that perhaps has been left out you might just indicate to me?

ASTLEY READ STATEMENT OF 159 ALOUD TO COURT

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Q. Miss 159 is that the statement you made for the police for the Coroner?

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A. Yes it is.

Q. You've had a chance to read that statement you indicated earlier, nothing else you wish to add to that statement at all?

15

A. No there isn't.

Q. That's your signature which appears on that statement?

A. Yes it is.

20

EXHIBIT #13 STATEMENT OF 159 TENDERED, ADMITTED WITHOUT OBJECTION.

Q. Miss 159 you still live at the units at Spit Road?

25

A. I do.

Q. And you've already indicated you had nothing to do with Mr Dutfield?

A. Mm.

30

Q. You essentially would've had dealings with people on your own floor?

A. That's correct.

Q. Had you ever seen Mr Dutfield around the building at all before?

35

A. Not that I'm aware of.

Q. And I think on the evening that you heard the noises in your unit you were watching LA Law I think was one of two programmes you were watching?

40

A. Mm.

Q. And I think back in those days LA Law was a Tuesday night programme not a Thursday night programme as it is now?

45

A. Which ever day it was was the routine.

Q. When you say "routine" then you did regularly watch LA Law--

A. Yes.

50

Q. --on certain nights back in 1991?

A. Yes.

Q. And you've got no doubt that that was on that particular night?

55

A. No I haven't.

Q. And you indicated in your statement that you heard the

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sounds of two voices, or two people arguing?
A. Mm.

Q. And was there one voice that was more predominant than the other voice can you recall? 5

A. One was slightly stronger(?) but they were fairly - both voices were fairly well raised and fairly loud.

Q. It might be an unfair question but are you able to indicate whether the voices were an older sounding voice or a younger sounding voice? 10

A. I couldn't say.

Q. Did you recognise hearing any profanities during the course of the argument? 15

A. I couldn't make out individual words so that I couldn't say that I ..(not transcribable)..

Q. It appears that certain sounds would transmit from unit to unit, as they tend to do with those sort of apartments, did you often get sounds transmitting from units not being the one that you've spoken about in your statement, to the side of you or-- 20

A. Next-door, if they were having, you know, people out for dinner you sometimes hear the chatter, other than that the unit above, with the people that used to be in the unit before Mr Dutfield. 25

Q. With your next-door neighbours could you distinguish voices or words then? 30

A. The occasional word.

Q. Had you ever heard arguments coming from Mr Dutfield's unit before? 35

A. No I hadn't.

Q. Any unusual sounds or noises?

A. No.

Q. Nothing that stood out in your mind as having gained your attention at all? 40

A. No, I just thought he was quieter because we had young people above before he joined the block.

Q. And the young people were just a bit rowdy-- 45

A. They had a band.

Q. And you indicated you had no chance or no cause to speak to Mr Dutfield on prior occasions? 50

A. No I hadn't.

Q. Had you seen any unusual people around the unit prior to Mr Dutfield's death, someone who would've stood out as being perhaps not belonging there?

A. No. The people that stand out are generally younger people because it's a mature block, a lot of older people live there but no. 55

Q. So you don't recall seeing any younger people who looked

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like they shouldn't have been at the unit at all?
 A. No I can't.

JOHN DUTFIELD - NO QUESTIONS

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ROBERT DUTFIELD - NO QUESTIONS

<WITNESS RETIRED AND EXCUSED

<ARTHUR WILLIAM ASHWORTH
 SWORN AND EXAMINED

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ASTLEY: Q. Mr Ashworth your full name for the Court is
 Arthur Ashworth?

A. Arthur William Ashworth.

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Q. Mr Ashworth do you still reside at Spit Road,
 Spit Junction?
 (No verbal reply)

20

Q. I'll have to get you to say "yes" or "no" please sir?

A. Look I'm sorry I had a stroke last month and I'm not
 very good on hearing it's--

Q. I'll read as loud as I can okay?

A. Yes good.

25

Q. And I'll get you to answer "yes" or "no"?

A. Yes good.

30

Q. And I'm going to read the statement, have you had a
 chance to read that statement today?

A. I have read it through yes.

CORONER: Well it needn't be read onto the record in view of
 the problem, if he agrees it's accurate it can be tendered.

35

ASTLEY: Q. When you read the statement earlier did you
 agree with everything that is contained in that statement?

A. Yes, I'd only qualify one small thing. That was that
 Billy did tell me at the time that he was homosexual but I -
 later on he told me he was bisexual and when he stayed with
 me and - since my stroke at Randwick I found he went to so
 many dances and enjoyed women and he said he wasn't
 homosexual he was bisexual.

45

Q. Bisexual okay, as opposed to homosexual?

A. That's the only qualification.

Q. Okay fair enough, that qualification aside there is
 nothing else you want to add to that statement at all?

50

A. I don't think so.

Q. You're happy with its content?

A. I'm happy with it.

55

EXHIBIT #14 STATEMENT OF ARTHUR WILLIAM ASHWORTH TENDERED,
 ADMITTED WITHOUT OBJECTION

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Q. Mr Ashworth, Mr Dutfield was friends with both yourself and Mr [154]?

A. Yes.

Q. Outside yourself and Mr [154] did you have much contact with Mr Dutfield's other friends?

5

A. None.

Q. Did Mr Dutfield ever mention a person named Paul to you?

A. The name rings a bell but I don't think he mentioned any of his friends, what he did when he went out I never ever found out. He was very secretive about a lot of his life and business but when he came home in the evening and made a meal - had a meal, he would talk about - the only thing he would talk about in his past of his life was when he was a jockey, or was trying to be a jockey, he loved that and he talked about that a lot, but after that he talked about nothing, and what he did when he went out, unless he was working somewhere, I had no idea and it was no use asking because he would not say anything about anything. He just said "I'll never cause you any trouble" that's all.

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15

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Q. You weren't aware whether Mr Dutfield entertained back at his unit, saw people - saw friends back at his unit besides yourself and Mr [154]?

25

A. Well this is - he was only in the unit a short time you know, but no, I had no idea of what he did then. I went down say once a week and had a meal with him to keep him company and on the weekends we used to go down to [154]'s place and we used to have a meal together then, this was to keep him happy with people(?) nearby, but otherwise I have no idea of anything he did in the unit. Although he was always happy for me to go down if I wanted to go down and that sort of thing.

30

35

Q. Were you aware that Mr Dutfield had been assaulted four weeks prior to his death?

A. Yes he rang up in the middle of the - well past the middle of the night, it must've been morning coming on, yes, I knew then because I went down with the keys. I had a spare set of keys, he gave me the keys just in case he mislaid or lost his, he wanted me to have a spare set he could go and get, so that I went down with those because apparently he was locked in, he couldn't get out, he was in a dreadful state. [154] had rung up and he came up too and I unlocked the door and we went in and found him all blood and upset and the rest and he was telling us roughly what had happened and we took him down to the hospital in a taxi, and the police came because they had to ring them up apparently, and then they talked to him in the hospital and after they cleaned him up we took him home, and the police came home with us and then he couldn't stay in his room that - his place that night, he was too upset, so he came down to [154]'s place, who had spare beds, and I stayed there that night too because he was, you know, all upset over the whole business.

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Q. He had his keys stolen on that occasion did he?

A. Yes.

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Q. Did he ever change the locks do you know?

A. I did the very next day.

Q. You changed his locks over?

A. The very next day because he was so worried about his keys, and while 154 took him down to the police station to make a statement I stayed at his place and fixed the locks, at least rang up the locksmith who changed them all and gave me a new key. 5

Q. So when the locks were changed the only persons who had keys were yourself and Mr Dutfield? 10

A. That's right.

Q. And when you went out with Mr Dutfield to restaurants do you know what Mr Dutfield drank normally? 15

A. Well generally all we would have would be a bottle of wine and we'd drink that between us at the restaurant.

Q. I think at the Mosquito Bar you went to the last evening you saw Mr Dutfield that's what you had was a bottle of wine? 20

A. Yes when we went to the Mosquito Bar, we bought it at the little place down the road from there, almost next-door.

Q. What about when Mr Dutfield was home, did he still drink wine then or did he tend to drink beer more, did he tend to drink Scotch more? 25

A. No he - well he drank Scotch but he always had in his fridge a flagon of wine, white wine, generally Riesling it was he liked to try, yes there was generally that in his fridge. 30

Q. The night he got robbed before his death, the four months(as said) where he was robbed of nine hundred dollars, did he normally carry large amounts of money around with him? 35

A. Not always as much as that but this was a particular night, he was saving up to pay me five hundred dollars because we were going on a holiday, the three of us together which we did every year, and he also had to pay his - not maintenance, I pay the maintenance for him on the flat, but he had to pay the electricity and the phone bill and things like that, and he got this money out to pay these bills off. He also had a bit over for himself I suppose. 40 45

Q. The deceased smoked is that the case?

A. Who?

Q. Mr Dutfield smoked? 50

A. Yes, he smoked I suppose a packet a week, no it might be a bit more than that.

Q. Do you recall what brand of cigarettes he smoked?

A. Yes, if I can think for a moment it will come back to me, a gold packet-- 55

CORONER: Q. Benson and Hedges?

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ASTLEY: Q. Benson and Hedges is that the one?
 A. Yes.

Q. From where Mr Dutfield lived where were the nearest drinking establishments for him to go to, where would he normally go from there? 5

A. Down to Cremorne, there was a hotel at Cremorne.

Q. Would he walk down there?
 A. Yes. 10

Q. How far away would that be from where he lived?
 A. It was a fair walk, I suppose it'd be about ten or fifteen minutes walk from where he lived, he had to go up a hill to go along there to Cremorne, that'd be the nearest one. Sometimes he used to go to Manly and get a bus the other way down there. 15

Q. Mr Dutfield didn't own a car?
 A. No he didn't own a car no. 20

Q. Did he drive at all?
 A. I think he could drive, yes he could drive but he didn't have a car because when I used to have a car he has driven it that's right. 25

JOHN DUTFIELD - NO QUESTIONS

ROBERT DUTFIELD - NO QUESTIONS 30

<WITNESS RETIRED

← 154
 SWORN AND EXAMINED

ASTLEY: Q. Your full name for the Court is 154 is that correct?
 A. Yes. 35

Q. I think you also have a bit of a hearing problem too do you?
 A. Yes I do. 40

Q. Mr 154 have you read the statement you made for police in relation to this matter?
 A. Yes I have. 45

Q. You had a chance to read that this morning then?
 A. Yes. 50

Q. Is there anything you wish to add to that statement?
 A. No. 50

Q. You're happy with its content?
 A. Yes. 55

Q. Is that your signature on the statement?
 A. Yes it is.

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EXHIBIT #15 STATEMENT OF 154 TENDERED, ADMITTED WITHOUT OBJECTION.

Q. Mr 154 I think you indicate in your statement that at some stage you and Mr Dutfield lived together? 5
A. Yes.

Q. Things got a bit difficult so you asked Mr Dutfield to leave? 10
A. That's right.

Q. But you remained friends?
A. Yes.

Q. And you were also friends with Mr Ashworth as well? 15
A. Yes.

Q. And that's still the case to this day?
A. Yes. 20

Q. You described in your statement as having a conversation with Mr Dutfield before his death and indicating you asked him whether he wanted to have lunch with you?
A. Dinner one night. 25

Q. Dinner was it, and Mr Dutfield indicated he was having an egg or something?
A. Yes. 30

Q. You described in your statement as him sounding bitter and sarcastic? 30
A. He was disappointed that he was living by himself, he didn't like living alone and he - he just used to get very cranky about that fact especially when he'd had a few drinks. 35

Q. Did you think he'd had a few to drink when he spoke to you on that particular occasion?
A. Yes I felt that he'd had a few drinks that afternoon. 40

Q. I asked Mr Ashworth about any of the local hotels that Mr Dutfield may have went to, you heard him mention one in Manly and there's one in Cremorne as well, do you have anything to add to those hotels--
A. The Mosman Hotel. 45

Q. The Mosman?
A. Yes at Spit Junction.

Q. I should've asked Mr Ashworth in fact, but the Mosquito Bar and Restaurant, do you know that at all? 50
A. Yes.

Q. Is that just strictly a restaurant with a bar attached to it or is it also used as a strictly drinking area? 55
A. No it doesn't have a bar, it's just a restaurant.

Q. And I will also ask you about Mr Dutfield's drinking habits, do you know if he had a preference to drinking

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certain things at home as opposed to drinking outside of home?
 A. Yes we usually drank Scotch and water at home, beer in a hotel. 5

Q. Wine occasionally if you were out at restaurants?
 A. At dinner.

Q. Were you aware of the assault that had taken place on Mr Dutfield four weeks earlier? 10
 A. Yes, I was called, he called me.

Q. Did he explain the circumstances of how the assault came about to you?
 A. Yes he did. 15

Q. You were aware that Mr Dutfield was a homosexual?
 A. He had told me that but I had no evidence of it.

Q. Were you aware of any of Mr Dutfield's visitors at all, had he ever discussed that with you at all? 20
 A. No, he didn't have other friends as far as I knew.

Q. You were unaware of people coming or going from his unit at any time at all?
 A. No I'm not aware. 25

Q. You weren't aware that he may have entertained visitors at certain times at his unit?
 A. No, no I have no idea of that. 30

Q. Were you aware whether Mr Dutfield carried large amounts of money with him at times?
 A. I know he had nine hundred dollars in his pocket that afternoon because he had drawn it out of the bank to pay bills and he was going on a holiday with us to Surfers. 35

Q. Now that money you're talking about now is this four weeks prior to his death or is this--
 A. Yes that was the assault-- 40

Q. But besides that did he normally carry large amounts of money with him?
 A. He didn't have large amounts of money, he very seldom had any money, I'm surprised that he had two hundred odd dollars in his wallet on the night he was murdered. 45

<WITNESS RETIRED

EXHIBIT #16 STATEMENT OF 160 TENDERED, ADMITTED WITHOUT OBJECTION. 50

EXHIBIT #17 STATEMENT OF 161 TENDERED, ADMITTED WITHOUT OBJECTION. 55

EXHIBIT #18 STATEMENT OF 164 TENDERED, ADMITTED WITHOUT OBJECTION.

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EXHIBIT #19 STATEMENT OF [REDACTED] 163 TENDERED,
ADMITTED WITHOUT OBJECTION.

EXHIBIT #20 STATEMENT OF [REDACTED] 166 TOGETHER WITH
ANNEXURES TENDERED, ADMITTED WITHOUT OBJECTION. 5

ASTLEY: That statement by [REDACTED] 163, I might indicate -
that's why I hesitated before, there is a description given
in that statement of a person who I don't believe was
Mr Ashworth, it was a person the deceased was seeing, it was 10
an elderly gentleman but not Mr Ashworth, on the morning of
the evening prior to his visit to the Mosquito Bar with
Mr Ashworth and that's why I hesitated, that's what struck
me as unusual. She gives a description but it's not a young
gentleman and it doesn't appear to be Mr Ashworth certainly. 15

CORONER: No he seems younger, with a beard.

ASTLEY: The interesting point about that particular
statement is the deceased's mood at that time of the 20
morning, he appeared quite cheerful and quite peppy(?)
according to Miss [REDACTED] 163's statement. At this stage your
Worship, I might tender as an exhibit, I didn't produce it
to the Crime Scene Officer or Doctor Duflou they'd both seen
it before and they had(?) seen the photographs, but for your 25
Worship's benefit I produce the sticky-tape dispenser which
police and crime pathologists are fairly certain was the--

CORONER: I'm satisfied it was the murder weapon. 30

ASTLEY: Your Worship may just wish to hang onto that to see
the weight of it.

CORONER: Well I'll just see it but it can be returned to
the police then. This is an unsolved murder. Yes thank 35
you. You wouldn't last long after you were hit over the
head with that.

ASTLEY: No your Worship. Your Worship at this stage I have
to say that concludes the evidence pertaining to this 40
inquest.

CORONER: I have just got a couple of questions of Detective
Senior Sergeant O'Toole, very briefly. 45

<DENNIS PETER O'TOOLE
RECALLED ON FORMER OATH

CORONER: Q. I was just intrigued by the noises that the
two witnesses Miss [REDACTED] 159 and Mr [REDACTED] 158 heard, can you give me 50
any - do you want to make any comment about that?
A. Well we do believe - it's a very quiet block, we do
believe that they were the sounds of the assault which led
to the murder-- 55

Q. Possibly that thing falling on the floor?

A. They're directly underneath whereas other people in the
unit block didn't hear that. Now if it was noise that was
outside the units, through the canvass that would've come up

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we feel for the amount of units and the block next-door to that, they would've said "Oh we did hear some banging but that was Bill Bloggs down the back in his shed." So it was only heard by those two units directly underneath the deceased's unit, so that's why we come to the belief that it was in fact the assault. 5

<WITNESS RETIRED

CORONER: Did you want to - any comment you want to make now? 10

ASTLEY: At this point your Worship I think the matter was investigated as thoroughly as it could. As indicated by Detective O'Toole it got some media attention initially but the interest unfortunately dropped off. What makes these sort of matters even worse is the fact that we do often get media down here at the Coroners' Court because there is a high level of interest in the matters we do down here, but even this matter didn't spark any interest today so it's just one of those matters that-- 15 20

CORONER: In spite of the Tonks murder was a bit before that wasn't it? 25

UNKNOWN SPEAKER: Yes.

CORONER: I think I can formally - the evidence allows me to find that he actually died on the evening of the nineteenth- 30

ASTLEY: I think so your Worship, Doctor Duflou seemed to think the wounds would have been fatal and almost immediate.

CORONER: Yes, and he died in his unit of the head injuries. Do either of you two wish to say anything at this stage before I bring in my finding, anything you want to raise about the police investigation or anything at all? 35

ROBERT DUTFIELD: No, the thing that - they assured me that every now and then that it's reviewed for fingerprints and I think that's all that can be done I think. I'm now sure in my mind that that's being done and will continue to be done. 40

CORONER: Yes, murders have a special position with the police and unsolved murders annoy them no end and you can rest assured that they do turn them over periodically, re-investigate them, look at everything again, often different police, and sometimes things come up such as - which shed a little light onto these murders. I have to say this particular one though is - it's just one of those ones that is going to be extremely difficult to solve. 45 50

I think I can say this, apropos to that, it is all the worse when someone is murdered and the killer isn't - can't be ascertained. There were no fingerprints, no one was seen. I accept the evidence that Mr Dutfield was quite a private man, a pensioner, with a few good friends and there's very little else. He lived quite an ordinary life, perhaps occasionally forming relationships with other men by 55

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way of the gay scene in Sydney, and that's where the police investigation has focused, and I think for good reason.

There is some likelihood that the killer was invited in by Mr Dutfield. I don't think he has come in through the window because of the Scotch glasses; and they appear to have been having a drink. Why he was killed and by whom I won't be able to say with any degree of certainty. He certainly drunk a deal of alcohol that day, his blood alcohol level was high, well over .2, and that would - in those circumstance he'd have been no match for anyone bent on killing him or doing him harm.

I think Detective Senior Sergeant O'Toole's theory is a likely one, that he was bashed - well that he invited someone home and there was in effect some sort of rip-off, probably for money. There were similar incidents at about that time, one of which achieved a great deal of notoriety because of the two lives, that particular person lived.

It seems he was bashed a number of times over the head by a very, very heavy sticky-tape dispenser, in fact that is clear.

My formal finding must be -

THAT ON 19 NOVEMBER 1991, WILLIAM JAMES DUTFIELD DIED AT HIS UNIT AT ██████████ SPIT ROAD, MOSMAN, OF HEAD INJURIES INFLICTED ON HIM BY A PERSON OR PERSONS UNKNOWN.

It is an open finding, as I say the police will periodically review the matter and if anything comes on it the investigation will go back into full swing. I would thank you ladies and gentlemen for your attendance today and please accept the sympathies of this Court and all who work in it for what you have been through. No one, I think, knows more than us what the relatives and friends of the deceased go through at such a traumatic event as this.

oOo