

Mr Paul Conlon
Senior Prosecutor
Department of Public Prosecutions
WOLLONGONG

Committal of Mark Anthony SCERRI, born [REDACTED] of [REDACTED]
[REDACTED]: - Examination of brief and attached report
required by Department of Public Prosecutions Wollongong re
murder of William Anthony ROONEY on 20 February 1986.

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1. At about 8.40 am on 14 February 1986, Mr William Anthony ROONEY, born 24.5.50 of Flat [REDACTED] Foleys Road, Gwynneville was found unconscious between a shed and a brick retaining wall about ten metres south of Crown Lane, Wollongong.
2. At the time ROONEY was suffering from massive head injuries. He was treated at the scene by ambulance personnel, then transported to the Wollongong Hospital where he was admitted in an extremely critical condition.
3. At 2.20 pm on 20 February 1986, William Anthony ROONEY died from the injuries he sustained on the 14 February 1986.
4. Investigations were carried out by Police on the 14 and 15 February 1986, and it was ascertained that ROONEY had left the nightclub then known as 'Annabels', situated in Crown Lane, Wollongong, in the early hours of 14 February 1986, and that at the time he was fairly intoxicated.
5. At this stage I would like to point out that 'Annabels' nightclub is now known as 'Pips International' nightclub.
6. It was also established during Police enquiries that ROONEY was a homosexual.
7. On the 15 February 1986, I made an examination of the area in which ROONEY was located in Crown Lane, Wollongong.
8. At that stage I formed the opinion that ROONEY had been assaulted by unknown person(s), then dropped from that level onto concrete about 2.8 metres below, landing on his head.
9. On 15 May 1987 an inquest was held at the Wollongong Coroners Court into the death of ROONEY.
10. The Coroner Mr Warwick SODEN gave the following verdict concerning the death of ROONEY:

"I find that the deceased on the 20th
February 1986, at Wollongong Hospital
in the State of New South Wales,
died of the effects of head injuries

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sustained on 14.2.86 but whether such injuries were received accidentally or otherwise the evidence does not enable me to say."

11. I believe that ROONEY was the victim of a ruthless attack, and during that attack he was raped by a male offender, then dumped down by his attacker to the position where he was located.

12. There is no doubt in my mind that ROONEY was sexually assaulted and murdered by Mark Anthony SCERRI, born [REDACTED] of [REDACTED].

13. I base my assumption on the following relevant information:

14. At about 4.00 am on 9 March 1986, [1183] born [REDACTED] of [REDACTED] by occupation, received serious head injuries in McCabe Park or the rear of the Kenny Street carpark, Wollongong.

15. At about 1.20 pm on the same day, [1183] was located walking around in a semi-conscious condition in Keira Street, Wollongong. He was taken to the Wollongong Hospital where he was admitted in an extremely critical condition. On examination it was found that [1183] had sustained heavy blows to his head with an unknown object, and also the examination revealed that he had suffered further injuries that were consistent with sexual assault.

16. [1183]'s head injuries were consistent with the injuries sustained by ROONEY less than one month earlier.

17. Between March and May 1986, [1185] [1185], born [REDACTED] of [REDACTED] was assaulted, then sexually assaulted in McCabe Park, Wollongong. This assault occurred just prior to or after midnight.

18. Following the initial meeting with the male offender, [1185] went with him to a shed situated at the southern end of McCabe Park. (Both males at this stage were consenting to what was described as a 'sexual encounter'.)

19. Both males then commenced oral sex, then the offender demanded anal sex, but [1185] declined and stated that he wasn't into that. With that, the offender rained a number of heavy blows to [1185]'s head, knocking him to the ground.

20. [1185] then rolled onto his hands and knees and then began to protect his head with his hands. The offender then had anal sex with [1185], ejaculated, and then kicked the victim once and left the area.

21. [1185], by admission a homosexual, did not report this matter to Police because of embarrassment, and because he was scared and did not want any person to know that he was a homosexual.

22. At about 1.30 am on 7 August 1986 [1184] born [redacted] of [redacted], a [redacted] by occupation, was seated in his motor vehicle, a 1986 Corolla sedan, N.S.W. registration number [redacted] in McCabe Park, Wollongong. A short time later he was awoken by an unknown male person who was tapping on his window. [1184] left his vehicle then was taken hold of by that person, forced deeper into the park where he was viciously sexually assaulted. Following that sexual assault [1184] was forced to return to his motor vehicle, lay on the back seat, then was driven off in that vehicle by the offender. The offender drove that vehicle to Masters Road, Coniston where the vehicle was stopped, [1184] alighted and flagged down a passing motorist. [1184] was taken to the Wollongong Hospital where he was medically examined and Police informed. The offender drove [1184]'s vehicle to the Mount Kembla area where it was set alight and completely destroyed.

23. At about 3.15 am on 16 November 1986 [1185] went to the toilets in McCabe Park, Wollongong. On leaving the toilet block [1185] was confronted by the same offender, who forced him deeper into that park where he was sexually assaulted. Following that assault the offender blindfolded [1185], forced him across two streets into a car park off Kenny Street, Wollongong where he placed him into the rear of what was believed to be a Holden panel van. This vehicle was then driven by the offender to Guest's Garage, West Wollongong, where he took \$5.00 in money from [1185]'s wallet to purchase petrol. As the offender was purchasing petrol, [1185] alighted from the vehicle, ran and hid in the church adjacent to that service station. On seeing the offender leave in that vehicle, [1185] returned to the service station, informed an attendant, Police were contacted and [1185] was taken to the Wollongong Hospital where he was medically examined.

24. Late on 18 December 1986, [1186], born [redacted], of [redacted] parked his motor vehicle in McCabe Park carpark, Church Street, Wollongong. Shortly after midnight he was approached by an offender and after a short conversation they both agreed to go to Stuart Park, North Wollongong. Upon arrival at that location both the offender and the victim began to cuddle and fondle each

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other. The offender requested the victim to perform oral sex on him, which he did. Whilst doing this the offender struck the victim to the side of the head. The victim stood up and the offender commenced to punch the victim about the head and face, knocking him to the ground. The victim then ran towards his motor vehicle and was tackled by the offender. The offender then poked the victim in the eyes and dragged him back to the initial location, where he forced the victim onto his hands and knees and performed anal sex on him. He then forced the victim to perform oral sex on him as well, and whilst doing this continued to punch the victim about the head. Later the offender went looking around a bush area close by and returned with a large rock. He then held the rock in one hand over the victim's head and again performed anal and oral sex with him, continuing to threaten him with that rock. Whilst holding that rock above the victim's head he said: "I'LL KILL YOU LIKE I KILLED THE POOFER IN THE LANEWAY". (There is no doubt in my mind that the offender was referring to ROONEY). The offender then forced the victim to his motor vehicle, took his keys and ordered him to lay on the back seat. He then drove off in the vehicle and a short time later stopped. The offender got out of the vehicle and told the victim to wait twenty minutes before getting out of the car. The victim went to the Wollongong Police Station and from there was taken to the Wollongong Hospital and treated for his injuries.

25. Shortly after midnight on the 22 January 1987, 1189 1189 born [REDACTED] of [REDACTED] was walking near the intersection of the Princes Highway and Illaroo Road, Nowra when the offender stopped in a Holden Kingswood station wagon and offered the victim a lift. The victim got into the vehicle and then the offender drove to an isolated position in the bush off McMahons Road, Nowra. Upon stopping his vehicle the offender commenced to punch the victim heavily to the side of the head. The victim got out of the car as did the offender, who then commenced to punch the victim about the head again and then the victim passed out. Whilst the victim was unconscious the offender had anal intercourse with him. Upon awakening the victim was wearing only a shirt and a pair of socks. He then ran to a house, and Police and ambulance were contacted. He was then taken to Nowra Hospital and treated.

26. In the early hours of 14 February 1987, 1187 1187 born [REDACTED] of [REDACTED] was driving his motor vehicle south in Church Street, Wollongong. When he reached the intersection of George Street he saw a male person hitch-hiking. He stopped his vehicle and offered that person a ride. That person then got into the vehicle and started a conversation with the victim, and they both went to the Grain terminal in Corrimal Street, Wollongong. Upon

arrival there the victim got out of the vehicle to go to the toilet, heard a car door shut and then felt a heavy blow to his head knocking him to the ground. The offender then grabbed the victim in a headlock and dragged him behind some bushes close by. A struggle ensued and the offender punched the victim about the head. The offender then tied the victim's hands behind his back with the victim's tee shirt which had been ripped. The offender then removed the victim's jeans and underpants, and forced the victim onto the ground and had anal intercourse with him. The victim turned around, then the offender made the victim perform oral sex on him. The offender then pulled his trousers back up, went through the victim's wallet, read out his name and address, and threatened him not to inform the Police. He then removed a \$20.00 note from the wallet and left. The victim hid in some nearby bushes for some time and walked to Wollongong Police Station to report the incident, and was later taken to Wollongong Hospital.

27. In the afternoon of 30 April, 1987 [1188] born [redacted] was hitch-hiking in Five Islands Road, Cringila. The offender picked the victim up in a white station wagon and then took the victim to bush at Mount Kembla and upon arrival there told the victim to get out and start walking home, which he did. After alighting from the vehicle the offender started to beat the victim about the head and arms with a steel bar. The offender then performed anal and oral sex upon the victim. After masturbating himself the offender got into his motor vehicle, leaving the victim. The following morning, the victim was located by Council workers and was subsequently admitted to Wollongong Hospital and treated for serious head injuries.

28. At about 3.00 am on the 31 October 1987, [1185] [1185] was asleep in his motor vehicle, a green/olive coloured Nissan Bluebird station wagon, N.S.W. registration number [redacted], when he was awakened by a male person whom he identified as the same person who had assaulted and sexually assaulted him on two prior occasions.

29. The offender then drove [1185] to a Caltex Service Station in Flinders Street, Wollongong where he obtained petrol. On entering that vehicle, [1185] managed to escape through the nearside front door, then ran into the garage where he requested the attendant to telephone the Police, as the man who had raped him was stealing his motor vehicle.

30. The attendant at first thought that it was a joke, but when the offender entered the garage on two separate occasions and attempted to force [1185] out of the garage, telephoned the Police. [1185] then broke away from the offender and ran over to a large alsatian dog. With this the offender ran out

of the garage and drove off in [1185]'s motor vehicle. Police attended and [1185] reported his vehicle stolen. To date that vehicle has not been recovered.

31. In the early hours of 30 July 1988, [1190] born [redacted] of [redacted] was seriously assaulted by an unknown person after leaving the Harp Hotel, Corrimal Street, Wollongong, having consumed a considerable amount of alcohol. When the victim came to, he was wearing only a tee shirt around his neck and after wandering around, located his trousers nearby. Not realising the extent of his injuries, he went home and went to bed. When he awoke some time later he was taken to the Shellharbour Hospital, then to Port Kembla Hospital where he was admitted to intensive care. An examination revealed that the victim was suffering from a severely fractured skull after receiving a near fatal blow to the head with a blunt instrument.

32. About 3.00 am on the 10 June 1989 [1191] born [redacted] of [redacted], left 'Pips International' nightclub in Crown Lane, Wollongong. [1191] then started walking along Keira Street, Wollongong towards his home. A male person approached him and asked directions to Bellambi and the victim responded. They then started walking together, north in Flinders Street. When near a construction area in Flinders Street, the offender pulled the victim over a small brick fence to a grass area and told the victim to do everything he said or he would hit him with a rock that he was holding. The offender then dragged the victim to a nearby shed, then inside the offender removed the victim's trousers and underpants, then had oral sex with the victim. The offender then ordered the victim onto the ground and had anal sex with him. This continued for some time and then the offender made the victim count to one thousand which he commenced to do, then left. The victim went to his sister's home and later reported the incident to Police.

33. At about 2.30 am on 25 June 1989 [1192] born [redacted] of [redacted] was walking along Flinders Street, Wollongong and when near BBC Hardware in that street, was approached by an unknown male person. This person asked directions to Thirroul, and on doing so, tackled the victim onto a sand heap. The offender then struck the victim about the head a number of times. The offender then made the victim stand and forced him some 500 metres away into a toilet block in Beaton Park. The offender forced the victim to remove his trousers and underpants, then forced him to have oral sex with him. He then made the victim lay on the floor and had anal intercourse with him. The offender then removed twenty dollars from his wallet, told the victim to stay on the ground for a few minutes, then he left. The victim left and saw a security vehicle, reported the incident, and was taken to the Wollongong Hospital where he was treated for severe head injuries.

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34. At about 1.00 am on 10 September 1989, I193

I193 born [REDACTED] of [REDACTED]

was walking towards the Vikas Lodge, Jindabyne when he was approached by an unknown male person. The offender asked the victim to go for a drink and he declined. The offender then took the victim in a headlock and dragged him to the toilet block. The victim broke free and screamed, then the offender punched the victim about the head and tried to choke him. The offender dragged the victim to a store room at the Motel Central Park and pushed him onto a mattress on the floor. He threatened to hit the victim with a bottle, then removed his shoes, socks, trousers and underpants. He rolled the victim onto his stomach and then had anal intercourse with him. He also had oral sex with the victim and this continued for the following six hours. The offender then removed the sum of \$1000.00 from the victim's wallet and told him to wait two minutes while he left. The victim then returned to the hotel and reported the matter to his brother, then Police were informed.

35. At about 3.00 am on 22 September 1989, I194

I194 born [REDACTED] of [REDACTED] left the

'Pips International' nightclub situated in Crown Lane, Wollongong, where he met an unknown male person and they started talking to each other. They then walked off together. They walked to a vacant carpark area at the western end of Crown Lane, Wollongong where the offender hit the victim about the face and head with a large rock or piece of concrete. The victim then fell to the ground on his knees, then the offender removed the victim's trousers and told him that he would keep bashing him if he moved. The offender then had anal intercourse with the victim. The victim passed out and later came to, wearing only a tee shirt. He staggered to the nearby Wollongong Police Station, and was taken to the Wollongong Hospital and treated for severe head injuries. The offender also removed the sum of \$700.00 from the victim's wallet.

36. Through numerous enquiries, coupled with information received, at about 5.30 pm on 26 September 1989 Mark Anthony SCERRI was arrested at his home at [REDACTED].

37. SCERRI, along with certain items of clothing worn by himself during a number of sexual assaults, was taken to the Wollongong Police Station.

38. SCERRI denied any knowledge of the within-mentioned attacks and would not take part in a line-up.

39. Polaroid photographs were obtained of SCERRI and one placed into a manilla folder along with Polaroid photographs of similarly aged men of similar physical appearance.

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40. The victim **I192** attended Wollongong Police Station that evening and without hesitation selected photograph number 193, which also bore the number 6 in the top left-hand corner.

41. The photograph identified was that of Mark Anthony SCERRI. he was charged later that night.

42. On the 27 September 1989, SCERRI was identified again by photograph and in the foyer of the Wollongong Local Court by a number of victims. He was later identified by photograph by more victims.

43. On the 18 June 1990 SCERRI appeared for committal at the Port Kembla Local Court on the following twenty-nine charges:

- | | | |
|-----|-------------|--|
| (a) | I183 | ATTEMPTED MURDER
ASSAULT INFLICTING G B H |
| (b) | I184 | SEXUAL ASSAULT CAT 2
KIDNAPPING
STEAL MOTOR VEHICLE
ARSON |
| (c) | I185 | SEXUAL ASSAULT CAT 3 x 2 COUNTS
KIDNAPPING
STEAL MOTOR VEHICLE |
| (d) | I186 | SEXUAL ASSAULT CAT 3 |
| (e) | I187 | SEXUAL ASSAULT CAT 1
ROBBERY WITH STRIKING |
| (f) | I188 | SEXUAL ASSAULT CAT 1
KIDNAPPING |
| (g) | I189 | SEXUAL ASSAULT CAT 2
KIDNAPPING |
| (h) | I190 | ATTEMPTED MURDER
ASSAULT INFLICTING G B H |
| (i) | I191 | SEXUAL ASSAULT CAT 2
KIDNAPPING |
| (j) | I192 | SEXUAL ASSAULT CAT 1
KIDNAPPING
ROBBERY |
| (k) | I193 | SEXUAL ASSAULT CAT 1
KIDNAPPING
ROBBERY |
| (l) | I194 | SEXUAL ASSAULT CAT 2
ROBBERY |

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44. On 26 June 1990, SCERRI was committed for trial by Magistrate FOX on all twenty-nine charges.

45. Mr FOX in his summation stated that there was an overabundance of evidence that SCERRI was the person responsible for the assaults, and further that there was abundant similar factual evidence relating to the following victims:

- (a) 1183
- (b) 1190
- (c) 1188
- (d) 1192

46. SCERRI did not apply for bail, and bail was formally refused.

47. During that committal 1195 of [REDACTED] gave evidence that he had consented to sexual intercourse, although as stated 'harsh', with an unknown male person in McCabe Park, Wollongong at about 5.00 am on the morning of 2 May 1987.

48. This matter was reported to Police at Wollongong by 1195 who made and signed a statement but did not want Police to take any further action. 1195 on the 26 January 1990 identified SCERRI from that manilla folder containing eight Polaroid photographs as the male person with whom he had sexual intercourse on the 2 May 1987.

49. In support of my application for a reward to be offered in an attempt to secure more evidence, I place before you the following 'SIMILAR FACTUAL EVIDENCE':

- The time of each attack.
- The Central Business District of Wollongong where eleven of the thirteen attacks took place.
- The nature of the injuries sustained by all victims. Particularly keep in mind the injuries sustained by ROONEY - massive skull fractures, cerebral haemorrhage; 1183 - massive skull fractures, cerebral haemorrhage; 1190 - massive skull fractures, cerebral haemorrhage.
- The way that each of the victims were lured into a predetermined location by the offender, where a rock, steel bar or brick was used.
- Most of the victims were intoxicated.

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- All victims were alone when confronted.
- On nearly all occasions the offender would commence by either the victim performing oral sex on him or he on the victim.
- The manner in which the offender forced the victims' onto the ground whilst in the kneeling position.
- The offender would always mount the victims from behind: I feel to firstly escape identification and secondly to escape having his clothing or body covered in blood from the victims' head wounds.
- The offender would take a certain amount of money from the victims' wallets and leave them with some.
- The offender would read their names and addresses out, and then threaten them not to involve the Police.
- The offender told a number of the victims that this is what you cop whilst in jail.
- Some of the victims stated that the offender had a small penis.
- All victims stated that the offender was very strong and was strongly built.

50. I feel that there is more similar factual evidence to fully support that SCERRI was responsible for all of the attacks and that of ROONEY.

51. In further support of my application, I place before you the following similar factual evidence from photographs that I have obtained from the Coroner in relation to the death of ROONEY. I might add that these injuries were alleged to have occurred as a result of a 2.8 metre fall:

- Massive skull fractures to rear of head.
- Abrasions and bruising to right eye.
- What appear to be nail marks to ROONEY's neck, keeping in mind from the report of Detective Sergeant PASSMORE of the Wollongong Physical Evidence Section that ROONEY's fingernails were bitten right back.
- Further bruising marks to the neck.

- Numerous contusions to the upper body, right nipple and blood blisters to his right side.
- Bruising and abrasions to the inside of both elbows.
- Marks on ROONEY's back.
- An 'L' shaped laceration to his left thumb.
- A large amount of bruising and abrasions to the right knee (keeping in mind that all victims have been made to kneel with their heads on the ground).

52. Further to the information that I have already outlined, and in addition to my knowledge that ROONEY was murdered, on the 3 July 1990 I viewed a two and a half minute video recording which was taken at the location where ROONEY was located by a cameraman from WIN Television.

53. Whilst viewing that video I saw the following, which I believe adds strength of similar factual evidence that SCERRI was responsible for ROONEY' death:

- The area in which he was alleged to have fallen.
- His blue jeans were undone and were down to the pubic area.
- Whilst ambulance personnel attempted to do up his jeans, he tried to pull them up on a number of occasions.
- One shoe and sock were missing and I believe were not located.
- The victim ROONEY had no identification on him when located, which was unusual.

54. I believe that the most outstanding evidence produced at the Port Kembla Local Court was that of the victim [1186], who stated that the man who assaulted and sexually assaulted him said, whilst holding a rock over his head: "I'LL KILL YOU, LIKE I KILLED THE POOFTER IN THE LANEWAY". This is sufficient evidence to bring at least the charge of murder against SCERRI.

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55. The object of this report is two-fold: firstly requesting that a substantial reward be offered by the New South Wales Government for further additional information that may be known by a member of the community; and secondly for a copy of this file along with the brief to be sent to the Department of Public Prosecutions, Wollongong for their perusal and the possible charge of 'MURDER' being preferred against SCERRI.

56. Forwarded for information.

D. J. Ainsworth

D J AINSWORTH
Detective Senior Sergeant
Investigations Supervisor
WOLLONGONG C.I.B.
4 July 1990