

**ISSUE:**

Dissemination of unsolved homicide case file. Death of David ROSE in 1997 at Kensington. Recommended investigation by Eastern Beaches LAC.

**BACKGROUND:**

On the 6 May 2004, a review was completed by Detective Senior Constable BARR of the Unsolved Homicide Team into the homicide of David Samuel ROSE that occurred between Saturday the 20 December and Sunday the 21 December 1997, at [REDACTED] Addison Street, Kensington. The review was received at Eastern Beaches LAC in June 2007 requesting further investigation into the murder of David ROSE in 1997.

The request centred upon five lines of inquiry:

1. A review and further forensic analysis of the exhibits located at the scene focusing on DNA;
2. A review of the fingerprint evidence gathered at the time of the homicide;
3. Retrieval of CCR and RCCR of the mobile phone of Sandra DURWARD (POI) for the period of the murder;
4. Analysis of the evidence given by the POI at the Glebe Coroners Court during the inquest in November 1999; and
5. Alibi evidence of the POI at the time of the murder.

**CURRENT POSITION:**

The Officer in Charge of the original investigation, Detective Sergeant MATHES, resigned from the New South Wales Police in 1998. Detective Sergeant THORNTON, currently attached to the Drug Squad took over carriage of the matter and compiled the brief of evidence that was submitted to the Coroner. Detective THORNTON is on leave till the 10 February 2009. An email has been forwarded to Detective THORNTON to contact Eastern Beaches LAC upon his return to meet with investigating police as recommended by the review.

Inquiries have commenced in relation to the forensic evidence available. The review identified at least four exhibits that should be resubmitted for trace DNA. Three of the exhibits (a label from a tin of plums, the deceased's fingernails and a cigarette butt) have been sighted in the Eastern Beaches Long Term Exhibit Book (1) and are on hand. The fourth exhibit, swabs taken from a dinner plate, has not yet been located. Messages have been forwarded on the 3 February 2009, to the Crime Scene Officers who attended the scene to assist in locating the exhibit. The exhibits will be forwarded to DAL in the week commencing 9 February 2009.

In relation to the review of the fingerprint evidence contact was made with Detective Sergeant KOWALD at Major Crime - Latent Fingerprints. A review will be conducted upon a request being submitted by investigating police. There is some confusion in the brief as to whether the POI has ever had her fingerprints taken. The request will be submitted after investigating police meet with Detective Sergeant THORNTON who, it is hoped, will be able to clarify the situation. Detective Sergeant KOWALD estimated that this review would take approximately two weeks. Due to the review being related to a homicide, the entire fingerprint evidence will be automatically reviewed.

A review of Detective THORNTON statement as submitted to the Coroner indicates that the mobile phone used by POI during the time of the homicide was using disposable prepaid SIM cards. This issue will be confirmed with Detective THORNTON. The Operational Information Agency (OIA) has been consulted in relation to the CCR and RCCR of the POI mobile phone. John ROBICHEAU, a Client Liaison Officer (Vodafone) with the OIA was spoken to on the 3 February 2009. He has informed police that mobile service providers have limited time frames for the storage of CCR and RCCR. It is highly unlikely that any records

will remain from 1997. ROBICHEAU is making inquiries with the four carriers, i.e. Telstra, Vodaphone, Optus and Hutch, regarding the time frames that these carriers keep CCR and RCCR. It is anticipated that his inquiries will be completed by the 6 February 2009.

Contact was made with the Glebe Coroners Court on Monday the 2 February 2009 in relation to the case files and transcripts of the inquest conducted in November 1999. The review stated that no case files could be located. A formal request has been forwarded to the Archive Clerk at the Coroners Court requesting a further search be conducted. No time frame has been given by the court in relation to this request.

David THWAITES, who provided alibi evidence for the POI, last came under police notice on the 31 January 2009 (I 36264756) in a 'cave rock' in a park in Tower Street, Manly. Police spoke to THWAITES who informed them that he is living in the area awaiting placement into a Rehabilitation Centre in Rosebery in the coming weeks. Investigating police have spoken to police from Manly and plan to attend the area in the week commencing the 9 February with a view to locating and interviewing THWAITES regarding the alibi evidence previously given.

Inquiries had been conducted in an attempt to locate the POI, Sandra DURWARD. Recent inquiries through the RTA database indicate that DURWARD died on the 12 March 2006. An Iask has been generated to confirm this information. If the death of DURWARD is confirmed this will greatly reduce the amount of time required to complete the re-investigation of the unsolved murder.

The POI was the main focus of the review however in Detective THORNTON's statement two other POIs, Ian ROSE (brother of the deceased) and Stephen BECKER (friend of the deceased), are mentioned. These suspects are mentioned only as possible suspects.

Advice will be sought as to whether the re-investigation should continue to investigate these POIs.

#### RECOMMENDATION:

Forwarded for information of the Commander, EBLAC.

*A Shaw*

A Shaw  
Detective Sergeant  
EASTERN BEACHES LAC  
04 February 2009

1. Investigation Manager, EASTERN BEACHES LAC.

*It is quite evident that Sgt Shaw has not conducted satisfactory and timely enquiries into this matter and further investigations need to occur forthwith.*

2. Crime Manager, EASTERN BEACHES LAC.

*Agree this matter has not progressed sufficiently from when it was received at the LAC. Det Sgt Shaw is to be monitored more closely to ensure the above enquiries are completed in a timely manner. Advise Insp 6/2/09*

3. Commander, EASTERN BEACHES.

*Return to OIC with strict adherence to time frames. Monthly status reports required.*

4. Crime Manager. - PTO

*Pisanes*  
9/2/09

4. A/CRIME Manager

Returned to OIC for obtaining and compliance  
1. Nov 12/12/09.

5. Det Sgt Shaw.