

## SPECIALCOMMISSION OF INQUIRY INTO LGBTIQ HATE CRIMES IN NEW SOUTH WALES

7.	Wayne 'Wendy WAIN' BRENNAN #16	Date of Death 30/04/1985	<b>Unsolved</b> [undetected]	SF PARRABELL <i>Insufficient Information</i>	ACADEMIC REVIEW <i>Insufficient Information</i>
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'WENDY' WAYNE BRENNAN

Wayne 'Wendy WAIN' BRENNAN, 36, was murdered at her residence [REDACTED] Darlinghurst Road, Darlinghurst. BRENNAN was a well known 'drag queen' who worked as a manager and performer at renowned gay cabaret restaurant 'Pete's Beat', in Oxford Street, Darlinghurst. BRENNAN was a pre-op transsexual who, at the time of her death, was on the waiting list for a sex change operation. A number of persons were interviewed during the investigation; however no clear suspects were identified and no person/s has been charged with the murder. Evidence suggested BRENNAN used her home residence to take many clients she met for sex. It was rumoured that her client base included a Police Officer and a Security Guard (confirmed) who had access to firearms. BRENNAN also used to sit out the front of her unit block on Darlinghurst Road and proposition males as they walked past, taking them into her unit for sex. BRENNAN was located naked, lying face down on the floor. The pathologist report indicated BRENNAN may have been initially knocked unconscious by a blow to the back of the head before being shot twice to the back and head with a large calibre firearm. The firearm used was noted as being unusual for that period, being possibly a .45 calibre. The person/s that murdered BRENNAN intended to kill her and did so in a brutal and efficient manner, removing all traces of evidence from the crime scene. No clear motive or suspect/s have been identified for this murder which remains unsolved.

*SF Parrabell concluded there was insufficient information. (II on bias)*

**Status:** The matter was referred to the UHT by the Coroner and is classified as 'unsolved'. The matter was reviewed in 2008 by the UHT and again in 2012 by the Senior Detectives Course – it was established that the matter had limited investigative potential [detailed analysis outlined in review document] although it is recommended that a comprehensive forensic review be conducted.

\*On tracking file - Review conducted 2005

\*Inquest Conducted in 1986

\*Findings - died of the effects of a bullet wound of the neck and thorax inflicted there and then by a person unknown.

**REVIEW OF AN UNSOLVED HOMICIDE  
CASE SCREENING FORM**

You have been selected to undertake a review of an unsolved homicide. The review should be conducted in accordance with this 'Case Screening Form'. Once completed, the Case Screening Form will be forwarded to the Co-Ordinator, Unsolved Homicide Review Team, Homicide Squad, State Crime Command. Your assessment of the available evidence and recommendation is necessary to assist in determining opportunities for re-investigation

**1. Location of Brief of Evidence.**

The brief of evidence is with the Unsolved Homicide Unit, State Crime Command, Parramatta. This review was conducted by members of Syndicate #3 of Homicide Course No. 18 that was held at the Goulburn Police Academy in October 2004.

Victim 1:

Name:	Wayne Kerry BRENNAN <i>aka</i> Wendy WAYNE		
Gender:	Male (Transvestite)	DOB:	26 July 1949
Relative contact (if known)	Isabel Morrow (Sister) [REDACTED] Windale, N.S.W.		

Homicide Details:

Time & Date	Between 7.45pm 29 April and 12.10pm 30 April 1985		
Location:	[REDACTED] Darlinghurst Rd, Darlinghurst NSW		
COPS Event/P40 No.	E-662991	Attached	No
Previous Investigation Name: (Strike Force/Task Force/Operation)	Nil		
Command in charge:	Darlinghurst / Homicide Squad		

**2. Cause of death**

Post Mortem Results:	Yes
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Exhibits Retained:	Yes	Location:	To be established. Refer to attached email to Carl Cameron
Further Examination:			
Comment: Post Mortem examination conducted by Doctor Oettle who established that the deceased died as a result of a gun-shot wound to his skull. Deceased also shot behind the shoulder blades and had sustained a blow to the back of his head.			

### 3. Investigation Records

The investigation was maintained manually and recorded on occurrence pad entries as Running Sheets.

Investigation Records Located:	Yes
Comment: Investigation records comprising photographs, statements, running sheets, canvass forms, index cards and other documents are contained in two boxes that were retrieved from Stanmore. Reference Numbers <b>REPO/B/2001/103-104</b> .	

Investigation Resume:	N/A
Comment:	
Progress Reports:	N/A
Comment:	

Post Operational Assessment:	N/A
Comment:	

**4. Coroner's Inquest**

Coroner's Inquest Held:	Yes	Date: 18 September, 1986
Court: Glebe	Coroner: Mr. Glass	
Inquest Brief Located	Glebe Reference No. 242/86. Inquest brief not reviewed.	
Findings: 'I find the deceased on the 29 <sup>th</sup> day of April, 1985 at the premises of [REDACTED] Darlinghurst Road, Kings Cross in the state of New South Wales, died of the effects of a bullet wound of the neck and thorax inflicted there and then by a person unknown.'		

**5. Original Case Officer**

OIC Name:	D/Sgt Stephen Desmond McCANN Darlinghurst Detectives (now retired)	Interviewed:	No
Serving Member:	No	Location: [REDACTED] Macauley Street, Lithgow. Unable to be contacted.	
Comment: I was unable to make contact with McCann. No number listed and no staff were unable to provide me with a contact number.			

Other Investigators:

Name:	Current Location:
Detective Inspector Paul Jacob.	Homicide Squad, S.C.C.
Former Detective Senior Constable Brian Di Francesco.	[REDACTED] Union Street, Goulburn
Detective Sergeant Ray Constable (Ballistics Officer)	Bomb Disposal Unit

**6. Weapons**

Type:	A large calibre handgun believed to be .45 calibre
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Recovered:	No	Location: N/A
Further Examination	Projectiles removed from victim's body at Post Mortem are still on hand at Ballistics Unit, S.P.C.	
Action:		
Comment: No fired cartridge cases were recovered at the scene. It appears that the projectiles recovered from the body were fired from a pistol.		

### 7. Exhibits

Attempts should be made to locate all exhibits and determine what examinations have already taken place. Annexure 'A' should be completed.

Annexure A completed:	Yes	Annexure A attached:	Yes
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### 8. Fingerprints

It is not known whether fingerprints were identified at the crime scene. The examination of material relating to the inquest will confirm fingerprint results. This investigation commenced in 1985.

Fingerprints retrieved from homicide crime scenes were collected and filed in unsolved homicide files at the Fingerprint Latent Unit – Major Crime. These files are still retained at this section. Contact can be made with Det Sgt Woods on E/N 79435 for information relating to cases prior to 1987. For cases occurring after 1987 results can be viewed through FCSR.

Fingerprints Available:	Yes
Fingerprint Case Number:	Serious Crime Reference Number 85/206
Person Identified:	Yes. <span style="border: 1px dashed black; padding: 2px;">NP178</span> born <span style="background-color: black; color: black;">██████</span> 1961.
Comment: This person was interviewed by retired Detective Senior Constable Di Francesco in 1991 after it was established that his fingerprint was developed inside the unit. The interview was recorded in type and unsigned. During the interview, <span style="border: 1px dashed black; padding: 2px;">NP178</span> told Police that he had visited the unit previously when involved in a sexual relationship with another prostitute. He was released. Refer to synopsis.	

9. Witnesses

UNDER NO CIRCUMSTANCES ARE WITNESSES TO BE CONTACTED AS PART OF THE REVIEW PROCESS

NAME, ADDRESS & D.O.B.	RELEVANCE	STATUS
<p>I230 born [REDACTED]/1962</p>	<p>Friend of deceased and possible transvestite. Found body of deceased at 12pm on 30/4/1985.</p>	<p>Unable to be located on COPS and RTA.</p>
<p>Patrick Lackey CROWE, born [REDACTED]/1941</p>	<p>Friend of deceased and possible transvestite. Attends crime scene after being contacted by I230</p>	<p>Unable to be located on COPS and RTA</p>
<p>NP181 NP181 born [REDACTED] /1955, Biyani Rehabilitation Centre, Anzac Parade, Malabar.</p>	<p>Transvestite and friend of deceased and former tenant at [REDACTED] Darlinghurst Road, Darlinghurst. Gave evidence for prosecution against [REDACTED] for drug matters. Question of mistaken identity.</p>	<p>COPS enquiries show that this person continues to have adverse contact with Police.</p>
<p>Michael Francis MCCARTHY then aged 35 ([REDACTED] 84) of [REDACTED] Darlinghurst.</p>	<p>Walks past victim's unit at 7-45pm on 29 April and sees woman sitting outside unit. Front door was open. Returned home about 9-45pm and does not notice anything untoward.</p>	<p>Unable to be located on COPS and RTA.</p>
<p>Anthony Leslie REID, aged 32 of [REDACTED] Rose Bay.</p>	<p>Corroborates McCarthy.</p>	<p>Unable to be located on COPS and RTA</p>
<p>I242 born [REDACTED]/1952 of the [REDACTED] Kings Cross</p>	<p>Friend of victim and walks past victim's unit at 9pm on 29 April. Notices that door was ajar by an inch and living room light was on.</p>	<p>According to RTA records, this person died on [REDACTED] 1999</p>
<p>Danny SHAKESPEARE Robert born [REDACTED]/1960.</p>	<p>Tells Police (by way of typed R.O.I) about admissions made to him by NP176 who was present when the deceased was shot by male only known to him as 'Ian', 27-28 old, Australian, sun tanned, solid build, 6 foot tall, medium build.</p>	<p>Still an active criminal and has warrant in his existence for his arrest.</p>
<p>I224 born [REDACTED] [REDACTED] 1962</p>	<p>Knew victim and saw victim arguing with male in Liverpool Street about 1pm</p>	<p>No find on RTA and COPS inquiries.</p>

	<b>on Sunday, 28 April.</b>	
I231 alias I231 I231 born 1955	Transsexual and close friend of deceased. Lived in unit prior to deceased taking up residence. Was partner of	RTA record suggests that he lives somewhere in the Bathurst area.
I236 born 1955, Surry Hills.	Prostitute and long time friend of deceased.	COPS indicates that this person continues to come under the notice of Police for street offences in the Darlinghurst area.

**10. Suspect/s**

**UNDER NO CIRCUMSTANCES ARE SUSPECTS TO BE CONTACTED AS PART OF THE REVIEW PROCESS**

Inquiries regarding the location and status of suspects should be confined to those listed above. Of particular importance to the Review is the fact whether suspects have been charged with other offences since the original investigation (particularly sexually related offences). If suspects are identified, a current profile is to be completed listing address, phone number, intelligence reports, marital status, associates, employment and any other relevant information. Checks should be confined to COPS, Intelligence Reports, RTA, Electoral Roll, Registry of Births Deaths & Marriages etc.

Suspect Identified:	No.	Profile attached:	No
Name:	DOB	CNI:	Status
Comment:			

**11. Synopsis:**

A synopsis of your review should be completed detailing the circumstances of the murder, lines of inquiry and any known suspects.

At the time of his murder, the victim was a transsexual and engaged in prostitution in Premier Lane in Darlinghurst. He was living in a rented unit and also worked in a plant (flora) store at Darlinghurst. He had three entries recorded for Offensive Behaviour (male prostitution) and larceny (stealing 4 leather jackets dated 16/11/83). He performed regularly as an Entertainer at a homosexual bar known as 'Pete's Bar' at Kings Cross. He appeared to be well liked and had no known enemies. The deceased was not known to use prohibited drugs or excessive amounts of alcohol. The victim was not involved in any long-term relationships at the time of his murder.

About 12pm on 30 April, 1985 a friend of the deceased, I230 attended the deceased's unit at Darlinghurst Road at Darlinghurst. The front door of the unit was partially open and on entry he discovered that a lounge room light was on, as was the Television and a bar heater. The keys to the unit were in the inside door lock. I230 was concerned and on entering the bedroom he saw the naked body of the deceased lying face down on the floor alongside the bed. The

deceased had suffered a gunshot wound between the shoulder blades and a gunshot wound at the back of his neck. There was also an entry and exit wound on his left hand and the deceased had sustained facial bruising.

Police were alerted and commenced an investigation. Sergeant Constable examined the bedroom and determined that the deceased had first been shot whilst lying on the bed and then dragged to the floor where he was shot again. A post mortem confirmed that the deceased died as a result of 2 gun shot wounds, probably fired from a .45 calibre pistol. It was also established that the deceased had been struck on the back of his head just prior to death. During the examination of the scene, no fired cartridge cases were recovered nor was any other possible blunt instrument or weapon identified. There was no evidence to suggest that the unit had been ransacked or interfered with. It appeared that the person responsible was aware of the importance of ballistic evidence being left at crime scenes.

**CRIME SCENE:**

During the examination, Police found a number of hairs in the left hand of the deceased. These were retained however they were never examined. Six cigarette butts were also seized with one being tested, indicating the presence of an 'A' type blood secretor. Tests on the remaining 5 butts were inconclusive. Anal swabs and blood samples were also taken from the deceased at post mortem. **Waiting to hear from Carl Cameron concerning the status of exhibits including cigarette butts, strands of hair, bed linen etc.**

**MOTIVE:**

A clear motive for the murder could not be established. In all likelihood, there is some credence to the suggestion of several crucial witnesses, that Brennan's murder was drug related and well planned. Danny Shakespeare told Police that Brennan was murdered after having flushed an amount of heroin down the toilet of the unit. It was suggested by Shakespeare that [NP176] and [I231] were selling heroin and Brennan flushed the heroin after finding it in the unit.

**FINGERPRINT EXAMINATION:**

During the examination, Police identified a fingerprint belonging to [NP178] [NP178] born [REDACTED]/1961, who in 1991 was interviewed by former Detective Senior Constable Brian Di Francesco. During the interview, [NP178] told Police that he had attended the unit previously on occasions that he engaged in sex with Carmen Rupe who had used the unit previously for prostitution purposes. This person was eliminated from inquiry.

**CANVASS:**

During the canvass, several persons told Michael McCarthy and Anthony Reid that they saw in all likelihood the deceased sitting outside the front door of his unit at 7-45pm on 29 April. They returned to the unit at 9-45pm and saw that the door of the unit was slightly ajar however did not notice anything untoward. No other significant evidence was obtained during the canvass of that area and the streets in which the victim worked.

**WEAPON:**

It is the opinion of Detective Sergeant Constable that the deceased was shot with a .45 calibre pistol. There were no cartridge cases or fired projectiles recovered from



the scene. The offender had some knowledge of ballistic evidence.

**OFFER OF REWARD:**

Nil

**LINES OF INQUIRY:**

There were a number of lines of inquiry that were identified and pursued.

**(a) Police Officer known only as David.**

During the investigation, several associates of the victim told Police that in the weeks leading to the murder, the deceased was involved in a relationship with a man known to them as 'David' who was allegedly a Police Officer stationed at Darlinghurst. Several witnesses report seeing a person wearing what they believed to be a Police Uniform with a stripe on it on occasions that they saw this person with the deceased. Several witnesses claim that in the weeks leading to the death, the deceased and 'David' were involved in a 'domestic.' Inquiries failed to identify this person with Police showing witnesses photographs of serving Police that were known as 'David' and working in the Darlinghurst area. I strongly suspect that the person 'David' was in fact the person [NP179]

**(b) [NP179] born [REDACTED] 1963, CNI No. [REDACTED]**

Police were able to establish that this person was involved in a sexual relationship with the victim in the weeks leading to the murder. In his interview with Police, [NP179] provided the names of several people who were 'alibi' witnesses for him during the crucial times that are central to this investigation. It appears that these persons were never interviewed. [NP179] was a security guard at the time and had access to firearms including a pistol.

**(c) [NP176] born [REDACTED] 1961, CNI No. [REDACTED] and unknown male**

In a Record of Interview with Police, Danny Shakespeare states that he was told first hand by [NP176] that the victim was shot because he flushed down a quantity of heroin in the toilet after discovering that [NP176] and [I231] were supplying it from the unit. Apparently [NP176] and an unknown male whose first name was possibly 'Ian' lured the deceased to a laneway near the unit with a second man acting as a potential client. Shakespeare told Police that this male accompanied the deceased to the unit and commenced to negotiate a price for sex with the deceased. [NP176] and the male 'Ian' entered the unit where the deceased was shot. The deceased did not use drugs.

Shakespeare went on to say that the debt for the flushed 'heroin' was cancelled by Arthur Stanley 'Neddy' Smith. During the review of the material, I was unable to find any document (statement or Interview) that indicates that [NP176] was interviewed by Police. **(CHECK WITH CORONER'S RECORDS)** The witness Shakespeare is a career criminal who has numerous matters for violent offences and matters of dishonesty.

**(d) ([NP178], born [REDACTED] 1961, CNI [REDACTED])**

As a result of information received from the fingerprint unit, on 10 January, 1991 [NP178] was interviewed by Detective Di Francesco. This person's fingerprints were identified as being found in the unit. [NP178] told Police that he had sex with the victim on 3 occasions and that he had sex with another prostitute,

Carmen Rupe at the unit. NP178 told Police that he knew nothing about the murder and was released following the interview.

(e) NP181 born [REDACTED] /1955, CNI [REDACTED] This person was a former friend of deceased and [REDACTED] a well-known drug dealer who was facing drugs charges around the time of the murder. NP181 was giving evidence against [REDACTED] and it was suspected that Brennan was mistaken for NP181 and killed because of NP181 giving evidence against [REDACTED] This line of inquiry was pursued and then eliminated.

## 12. Recommendation:

You must submit a recommendation on the potential for any further investigation, including the scope of any subsequent investigation eg; opportunity for DNA link, potential for Undercover Operative to be employed, witnesses to be reinterviewed due to change of circumstances. If you recommend that further investigation should take place, list the most appropriate contact person should be listed.

It is my recommendation that the investigation into the murder of Wayne Brennan be re-opened for the following reasons.

### Exhibit Analysis:

Submission of hair and cigarette butts for analysis and comparison to D.N.A. data base and from voluntary samples of known associates of deceased.

### Interview of NP176

I have been unable to locate any interview, statement or document relating to any interview that was conducted with NP176. NP176 is a priority line of enquiry that needs to be explored. During any interview with NP176 Police would need to glean from her, the unknown male, a male known only as 'Ian' and the prostitute named I236 NP176 association and knowledge of Neddy Smith in relation to this murder should also be explored. A voluntary buccal swab should be obtained for comparison purposes (cigarette butt and strands of hair)

### NP179

NP179 was employed by MSS Security and was an associate of the deceased, having been involved at one time in a relationship with the deceased. There are discrepancies in the statement provided by NP179, in particular, his movements on or about the time of the murder. There does appear to be anomalies in relation to his possession of a firearm at the time of the murder. NP179 supplies the names of witnesses to verify his movements but those persons have never been interviewed. Attempts should be made to interview these witnesses. (Refer to NP179 statement). Efforts should be made to identify the then owners of M.S.S. Security and ascertain if there are any employment records relating to NP179 at the time of the murder, including any registers where firearms are signed for. NP179 has been convicted of assault and other offences.

### Re-interview NP181

Police should contact this person and ascertain if there is any additional information that she can supply to Police.

### Re-interview I236

**I236** was a long time friend of the deceased and should be re-interviewed to establish if there is any further information that she can provide. It is quite possible that several witnesses 'withheld' information from Police because of fear or other reasons.

**Locate and re-interview** **I231**

For the same reasons as **I236** I believe that it would be prudent to locate and re-interview **I231** a former associate of the deceased who was allegedly supplying heroin.

**Arthur Stanley 'Neddy' Smith:**

Given Smith's antecedents and condition, I see no reason why Police need to interview this person unless crucial information is provided to Police during their interviews with **NP181** and **NP176**

**Contact Officer:**

I would recommend that in the event this case is re-opened, that the Case Officer contact Detective Inspector Paul Jacob, Homicide Squad, S.C.C. Detective Jacob was involved in the original investigation and is the most appropriate Contact Officer.

## ANNEXURE 'A'

Description of Exhibit	Exhibit Reference & Police Station	Type of Examination/Non Examination.	Status – On Hand or Destroyed.
Strands of Hair found in the left hand of Brennan	To be clarified. See attached email forwarded to Carl Cameron dated 20 January, 2005.	Hair was not examined originally. Should be examined and compared to national D.N.A. Data Base.	To be clarified. See attached email forwarded to Carl Cameron dated 20 January, 2005.
Six cigarette butts	As above.	Saliva detected on one cigarette butt and testing on other five inconclusive. Re-submit all butts for analysis.	As above.
Bed Linen including pillow, bed spread and sheeting	As above		As above.
Fired Bullets	Ballistics Unit	Examined	Retained.

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### **REVIEWER'S CERTIFICATION**

I certify that the review has been conducted thoroughly and I have accessed all available documents and exhibits. I understand that I will not be involved in any investigation arising out of my recommendations.

Signature :  
Name : M R J McDonald  
Rank : Detective Senior Constable  
Unit : Unsolved Homicide Team  
Date : 31 January, 2005.

### **CO-ORDINATOR'S CERTIFICATION**

I certify that sufficient time and opportunity has been provided to the case reviewer to conduct the attached review. I am satisfied that the reviewer has accessed available documentation and agree with their recommendations.

Signature:

Name : R A Jarrett  
Rank : Detective Inspector  
Position : Unit Co-Ordinator  
Date : February, 2005.