

**ISSUE:**

Question of Government Reward being posted concerning the murder of Scott Stuart MILLER at Darling Harbour on 2 March, 1997.

**BACKGROUND:**

On the morning of Monday 3 March, 1997, the body of Scott Stuart MILLER, born 27/7/75, of 20 Mitchell Parade, Orange was found in a machinery yard in the compound of Patricks The Australian Stevedore at the northern end of gate 4 Hickson Road, Darling Harbour. The body was face down on the asphalt at the base of a cliff. The attending Pathologist, Dr. Duflou determined the time of death was between the hours of 0130 and 0800 hours on Sunday 2 March, 1997.

To this date the cause of death is unclear, however there are a number of hypothesis put forward by Police and the Government Pathologist, Dr. Duflou.

On 7 October, 1997, Senior Deputy Coroner, Mr. Abernethy conducted an inquest into the death of Scott Stuart MILLER, and concluded, on the evidence, that Scott MILLER was the victim of homicide by person or persons unknown and returned an 'open finding'.

In November, 1997, the MILLER family wrote to the Coroner's Office raising a number of issues and seeking a further investigation. This material was forwarded to Police for investigation and, during the course of that investigation, the family broached the subject of a Government Reward being posted for information concerning the death of their son.

To assist in evaluating the merits for such a reward the following categories are addressed:-

- \* *last known movements of the deceased*
- \* *location of deceased*
- \* *police investigation*
- \* *scientific examination*
- \* *post mortem and pathologist scenarios*
- \* *present status of investigation*

**LAST KNOWN MOVEMENTS OF THE DECEASED.**

The deceased spent the afternoon of Saturday 1 March, 1997, at the residence of a friend Shawn KELLY at Maroubra. Later that afternoon, the deceased left with Mr. KELLY who drove his motor vehicle to Willoughby to another friend's house, Nathan WHITE.

During the latter part of the afternoon and early evening the deceased, with a group of friends at those premises, consumed a considerable amount of intoxicating liquor.

Later that evening the deceased with this group of friends went and watched the Mardi Gras and then travelled to 'The Rocks'. The deceased and Mr. WHITE went to the Observer Hotel whilst the others went to the Orient Hotel. About 12.30am on 2 March, 1997, the deceased and Mr. WHITE were refused any further service and were asked to leave the premises, which they did. Both these persons then walked towards the 'Orient' Hotel, The Rocks and on the way the deceased commenced to converse with two females and Mr. WHITE told him he was going to the Orient and the deceased replied he would be there soon.

The next sighting of the deceased was about 1.30am the same evening when Mr. KELLY, left the Orient and saw the deceased who was walking from the 'The Rocks' Police Station towards the Orient where he told him the boys were in the Orient Hotel. Mr. KELLY continued to walk towards the ANA Hotel where he was meeting a friend. That is the last time the deceased was seen by his circle of friends.

An independent witness, Jade CARTER states about 2.10am on that date she saw a male person matching the description of the deceased walking along Observatory Hill, Watson Road, Millers Point a short distance from where the deceased was located. The Coroner in his finding is of the opinion this was the deceased. This is the last known sighting of the deceased.

#### LOCATION OF THE DECEASED

About 8am on Monday morning 3 March, 1997, the deceased was found by workers at the base of a cliff in a compound of Patricks The Australian Stevedore gate 4, Hickson Road, Darling Harbour. Patricks the Australian Stevedore is a container terminal for the loading and unloading of international shipping with ten wharves covering approximately ten to twelve hundred metres along the waterfront. The wharf is surrounded by cyclone fencing, security gates, and a sandstone cliff face which ranges in height from 10 metres to 20 metres. The top of the cliff is surrounded by residential housing which includes Merriman Street and Munn Reserve at Millers Point. Millers Point is the southern most point leading up from the Rocks area before Darling Harbour.

The area where the deceased was found was at the bottom of this cliff in an unused yard of the wharf which houses old heavy machinery and is fenced off with wire fencing, with a gate that is usually open and

accessed from inside the dock area.

**POLICE INVESTIGATION**

On the morning of 3 March, 1997, Police attended the scene and conducted a canvass of the area and interviewed dock and security personnel from the container terminal which proved fruitless. During the period stated by the pathologist as to the time of death the 'Ranginui' was the only vessel docked at the container terminal. The captain and crew were later interviewed which proved fruitless.

Inquiries of the deceased revealed he was popular with his peers and prior to his death he was to commence a sports science degree at the University of Sydney, the reason for him being in Sydney. The deceased had no personal problems, or known suicidal tendencies and had many friends.

It is important to note no property was stolen from the deceased, and his clothing was intact. He had a blood alcohol reading of .220

At the Coroners Inquest, Detective Lane, the investigating officer gave his opinion as to the cause of death:

- \* *the deceased on his way to the Casino, became lost or disorientated, and walked up Observatory Hill where he was last seen by Jade CARTER*
- \* *the deceased walked from this location to the cliff which is a short distance away for the purposes of taking a short cut through the container terminal to the casino which could be seen from that location*
- \* *the deceased climbed the fence where a portion of the barb wire fence was down*
- \* *bearing in mind the sobriety of the deceased he believed climbing down the cliff was a good option*
- \* *on scaling the fence he lost his footing or slipped*
- \* *fell asleep on the cliff top and rolled off*
- \* *there is no disturbance of vegetation on top of the cliff to evidence a struggle or fight*
- \* *the position of the body indicates he fell from the cliff*

and in these circumstances his death was accidental.

SCIENTIFIC EXAMINATION

Detective Senior Constable VAN LEEUWEN of the East Sydney Crime Unit attended the Scene and carried out a extensive scientific examination. This officer expressed the following opinions to the Coroners Inquest:

- \* *the presence of blood stains on the back of the deceased 's white T shirt can't be explained and is of a suspicious nature (be noted a DNA test will be shortly carried out on the shirt to determine whether the blood is that of the deceased)*
- \* *the lack of separate individual blood spots throughout the machinery yard indicate that the deceased did not stagger around the machinery yard*
- \* *the deceased was located lying face down on the ground at the base of the cliff, and if he had fallen or jumped from Munns Reserve would have expected his position to have been more contorted than it was*
- \* *the deceased had a lack of external injuries usually seen in a person who had died as a result of a fall, and if he had fallen or jumped from Munns Reserve, he could have fallen a distance of between 7 and 11.1 metres*
- \* *there was a lack of trace evidence on the fencing at the western end of Munns Reserve indicating that the deceased had climbed the fence, however it is not uncommon for clothing fibres or shoe imprints to be found on chain or barbed wire fencing or framework*
- \* *there was no disturbance to the vegetation or ivy on the outside of the fence at the western end of Munns Reserve*
- \* *there were no holes in the chain wire fence at the western end of Munns Reserve*
- \* *the death of Scott MILLER is suspicious.*

Detective Senior Sergeant CAMERON of the same Crime Scene Unit also made an examination of the scene and provided the following information to the Coroners Inquest:

- \* *some of the securing wires for the barbed wire have broken away and some of the barbed wire was hanging low*
- \* *there was no break in the chain wire, no fresh damage to the barbed wire or fresh scruff marks to the top rail of the fence*
- \* *there was no threads or material caught on the barbed wire and no fresh indentations in the chain wire to indicate recent shoe impressions in the chain wire*
- \* *there were no fresh indents or damage to green vegetation on the cliff sandstone to evidence a person having fallen or being pushed over the cliff*

- \* *no evidence to suggest someone had been carried to and lifted up to the top of the cliff fence and then pushed, if so, I expect more damage to the fence or vegetation and for there to be physical evidence adhering to the barbed wire*

### POST MORTEM AND PATHOLOGIST SCENARIOS

A summary of post mortem is:

- \* *multiple injuries - massive skull fracturing - contusions of the brain*
- \* *laceration of the liver*
- \* *avulsion of the right kidney*
- \* *intra-abdominal haemorrhage*
- \* *bilateral wrist fractures*
- \* *pulmonary contusion*
- \* *previous injury to sternum and left tibia*
- \* *alcohol intoxication - blood alcohol concentration 0.220g/100ml*

*and the deceased died as a result of multiple injuries.*

Dr. Duflo stated the manner by which the injuries were sustained remain unclear, but may have been one of the following:

- \* *Inflicted by one or more persons in a homicidal fashion. The head injury may represent impact with a heavy object swung against the forehead. Injury to the liver and kidney may similarly have been inflicted by one or more persons either kicking the deceased or hitting him with an object. Wrist injuries, in this scenario, may be an indication of defence injury.*
- \* *Sustained during a fall from a height. The wrist injuries, and possibly the head and abdominal injuries could have been sustained during a fall from a height. Both the head and abdominal injuries, however, are somewhat atypical for a fall from a height. Similarly, access to the top of the cliff is apparently rather difficult, and there is no evidence of disturbance of vegetation at the top of the cliff. Considering the severity of the injuries, it is extremely unlikely that the deceased moved any distance following the fall and he would have to have fallen from that part of the cliff, assuming he was not moved at a later stage.*
- \* *A combination of these scenarios would explain all the injuries satisfactorily, and the sequence would most likely have been an assault followed by a fall from a height. Nevertheless, there are some difficulties within this proposition, including the lack of disturbance of vegetation at the top of the cliff. It could be hypothesised that the deceased fell from a cliff somewhere else, and was then moved to the place he was found.*

Dr. Duflou also states all possibilities described have inherent difficulties and it is unlikely that the autopsy alone will be able to offer any firm opinion as to the circumstances surrounding the death.

**PRESENT STATUS OF INVESTIGATION.**

In respect to the matters raised in the letter by the MILLER family, the writer has undertaken and completed these inquiries, except for the DNA testing of the deceased's shirt. All these inquiries failed to produce any fresh or additional evidence. Inquiries conducted included the following :

- \* *re-interviewing of security staff at the container terminal*
- \* *examination of the occurrence/log books held at the security gates at the terminal (company policy is that no log books are retained for the purposes of documenting entry or departures by vehicular and or pedestrian traffic)*
- \* *prior to entry, any vehicles or pedestrians are challenged at the security gate*
- \* *inquiries with licensees and security officers of the local hotels and examination of occurrence books for the night of 2 March, 1997*
- \* *examination of the ship logs on the vessel 'Ranginui'*
- \* *examination of taxi records*
- \* *examination of police radio and cids records*
- \* *a press release was made in January, 1998 concerning information from a Millers Point resident relating to two males acting suspiciously (vague descriptions) on the night of the murder and sighting of a motor vehicle with damage which may have been connected with this death. no information was forthcoming from this media release and there is no direct link to the death (the deceased's injuries do no support him being hit by a motor vehicle)*

After reviewing the evidence the writer is of the following opinion:

- \* *after reinterviewing the container security staff who were on duty during the hours of his death, it would appear no vehicle or pedestrian could have entered that terminal without being challenged and the deceased did not enter the terminal through those security gates.*
- \* *taking into consideration the position of the body, no evidence of blood particles around the machinery yard, clothing intact and the aforesaid opinion would indicate the deceased fell from the area of the cliff face*
- \* *due to the lack of evidence of a struggle and the fact that no property was stolen from the deceased, raises more questions than it answers as to how the deceased arrived and met his death at this location*

- \* *scenarios put forward by Dr. Duflou gives no clear indication of how the deceased died and does not assist in the investigation process.*
- \* *opinionated evidence provided by Detective Van Leeuwen of injuries sustained by such a fall, is in conflict to my enquiries which reveal no two person's sustain identical injuries in a fall of this nature, and therefore could not be in a position to say a fall of this nature would or would not cause such injuries.*

A segment of this incident was screened on Australia's Most Wanted in March, 1997 and no information was forthcoming.

COMMENT:

The granting of a Government Reward would generate interest through the print and electronic media which may elicit information from the community to solve this matter.

RECOMMENDATION: This report be forwarded to the 'Reward Evaluation Committee' for consideration.

K J Desmond  
Detective Sergeant  
Homicide and Serial Violent Crime Agency  
27 March, 1998.  
E/N [REDACTED]

1. Commander, Homicide and Serial Violent Crime Agency

2. Commander, Crimes Agencies.

3. Reward Evaluation Committee.