

New South Wales Police

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v2.6

STATEMENT in the matter of:

Place: Malabar Police

Death of Kenneth BRENNAN

Station, Malabar

Date : 6 March 1996

Name:

I271

Address:

[REDACTED], LITTLE BAY

Tel. No.:

[REDACTED]

Occupation: Pension

STATES:-

1. This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything which I know to be false or do not believe to be true.

2. I am 29 years of age.

3. I have lived at [REDACTED], LITTLE BAY for the past 5 years. It is a Housing Commission, one bedroom unit. I am currently on a Disability Pension regarding my short term memory problem. This is a result of carbon monoxide poisoning, due to [REDACTED] in 1990. I have been diagnosed as having damage to my short term memory cells.

4. I met [NP215] and Kenneth BRENNAN at a nude dinner party about two and one half years ago. It was held at Kogarah, the home of Brian and James. There were seven people at the party. On the evening I became aware that Ken was a school teacher, [NP215] didn't work and they were in a relationship and lived at Elizabeth Bay. After speaking to [NP215] I gathered that he was very happy in the relationship and that it was an open relationship. [NP215] told me that they had an open relationship and were open to other people becoming involved with him and

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Ken. I gave my telephone number to [NP215] and he rang me several days later and told me that Ken was having sex with other men and he seemed jealous. Ken and [NP215] also know me as [I271]

5. Up until the time of Ken's death I was only a friend to them both, I never engaged in sex with either Ken or [NP215]. I had visited there Elizabeth Bay unit about six times for dinner or a drink. Ken rarely telephoned me, but [NP215] would telephone me on frequently. Sometimes twice a day, once a day or once a week. [NP215] would always be upset about his relationship with Ken. He would discuss the fact that he was so in love with Ken, Ken loved him and that he would put up Kens sexual conduct with other people because he loved him so much. I was aware that [NP215] also had relationships also, so I cannot understand what his problem was. He also told me that Ken kept asking him to leave the unit, he would tell me that he could not leave because he had nowhere to go. There was mention that Ken had bought him a bus ticket back to Adelaide, but he would not go. Ken would tell me that he supported [NP215], and did not need him around financially. Ken also told me that he had continually asked [NP215] to leave the unit and the relationship, however, [NP215] refused to leave.

6. In January/February, 1995, Ken made it clear to me that he wanted [NP215] to leave the relationship. Ken seemed puzzled as to how he would get rid of [NP215]. He told me that he would just not leave and he had tried everything. He told me that he had left the unit for hours hoping to return and find that [NP215] would have left. Up until June things seemed to get worse. It appeared to me that Ken developed a hatred for [NP215] because he would not leave. He told me that he told [NP215] that he did not

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want him in the relationship and told him he did not want him in his house anymore, he told him to leave the house, go back to Adelaide or do anything but just leave the house.

7. I would say that NP215 was the type of person that always wanted sympathy. He would try to hook onto a relationship and smother you. He was extremely possessive about relationships and once he met you he wanted to be your best friend within half an hour and share your most inner secrets.

8. The last time that I spoke to Ken was in the week prior to his death. I was doing a food tasting survey at the time and was outside the South Sydney Junior Rugby League Club when I received a telephone call from Ken on my mobile telephone. The telephone number is [REDACTED]. It was during the day that I received the call Ken spoke to me and told me that he and NP215 were have group sex with another person and he asked me to come over to join in. I told him that I was busy. I heard NP215 voice in the background.

9. About one week later, after receiving no call from either Ken or NP215, I telephoned their unit. A male person answered. I did not recognise the voice as either Ken or NP215 and was a bit puzzled about what was going on. I did not leave any details. About half an hour later my mother, I281 came to my unit and I told her that I rang Ken and NP215's unit and I was worried because neither of them had answered the phone. My mother then telephoned the number, and she later told me that she had spoken to the Police and was told that either Ken or NP215 were hurt. Mum told me that they did not tell her any more information. My mother told the Police my name and my relationship to Ken and NP215.

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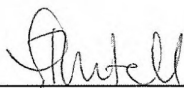
10. Two or three days later I received a telephone call from a male I did not know. This male told me that NP215 was staying at woollahra with a person named NP214 and he gave me NP214's telephone number. I then telephoned the number and spoke to a male called NP214 who told me that Ken had been murdered, NP215 was highly sedated and in bed and that someone thought that he might commit suicide. He told me that Ken and NP215 were at his house for dinner and that Ken went home and NP215 stayed with him. He told me that the next day Ken was found murdered. I asked this male 'Where was NP215?' and this male said, 'He was with me'. The call was terminated.

11. About three days later I received a telephone call from either NP215 or NP214. I recall that one of them told me that NP214 was moving unit or house and would I mind helping NP215 out for a couple of weeks by letting him stay at my home. Within two days, NP215 had moved into my unit at Little Bay.

12. I made it clear to NP215 that he was welcome to stay for only two weeks until he sorted himself out. I was aware he was working where Ken used to work so he received a wage. After four weeks I asked him to pay for the use of my mobile telephone, electricity, and food. I asked him for \$70.00 a week to cover these expenses because I could not afford to support him. After about the fifth or sixth week I snapped and told him he must pay. He would always come up with an excuse and had not paid a cent. I then told him to leave the unit. Again he would come up with an excuse.

13. NP215 lived at my unit until November, 1995. I had spoken to NP215's boss and friend I282 and told him that he had to leave the unit and that I had had enough. I threatened

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him by saying that if he did not leave my father would come and physically remove him. I had also told him that the Housing Commission would find out and I would be in trouble. I282 was making an effort to try to get NP215 to find another place to live. Within two weeks NP215 had found somewhere else to live and had left. He had paid me a total of \$300.00 for his expenses since the time he moved in and he still owes me \$257.00 which he has promised to pay, however, I do not believe that he will ever repay me the money. I do not know where he wage went each fortnight.

14. During the time that NP215 was living at the unit he became obsessed with the Police statements that he had made to the Police. Each night he would bring out two sets of documents which were quite think and study them. He would read them, mark sections of them, and comment that they were incorrect. Each night he would spend from about 9.30pm to about 3.00am studying these documents whilst sitting on the lounge room floor. He had placed them into plastic sleeves and folders.

15. I was stunned that he would study these documents. He would also speak to people on the telephone about the time that he first say Ken dead in the unit. He would also speak to my personal friends on the telephone, who he had never met, and relay to them the graphic details of Ken's murder. My friends would later comment to me that they thought NP215 was quite mad by telling them of these details.

16. I became aware that NP215 loved the Police involved in the investigation and they could not do enough to help him, then he changed and all the Police were the vicious enemy. He told me that the Police thought he was responsible for the murder

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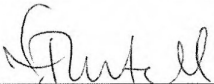
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numerous times. He then turned around that told me that he did not commit the murder. I could not understand why he would make this statement and worry about the Police accusing him of the murder if he did not do the murder.

17. NP215 seemed to have a personality problem and I would wake up each morning not knowing what sort of mood he would be in. During the time he was living at my home he would associate with 1282 and his lover 1283 NP215 never had other friends visit the unit whilst I was there.

18. On either 28 or 29 February, 1996, my mother 1281 visited my unit. Mum lives at [REDACTED], DUBBO. Mum had planned to stay for about one week. Whilst at the unit I mentioned to Mum that I had some money hidden in the unit and I could not remember where. Mum suggested that we search the unit for the money. In my bedroom Mum suggest we pull all the things down from on top of my wardrobe. I then pulled down my black leather coat bag and other carry bags from the wardrobe and then gave them to Mum to look in. Mum unzipped the coat bag and in a front pocket she pulled something out. I saw what looked like a knife with a green and white handle and the blade end wrapped in what looked like toilet paper which was wrapped around and around the blade end. I told my mother not to touch it. I got such a shock because I had no idea how it got there. I had never seen it before in my whole life. My initial thoughts were that someone had planted it there to get me with.

19. I then asked my mother to call the Police. Mum was aware that NP215's boyfriend, Kenneth BRENNAN had been murdered and that she has possibly connecting the knife with NP215. That

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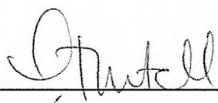
evening two Detectives arrived at my home and took the suite bag and knife. Mum and I were both fingerprinted at Malabar Detectives Office and we then gave statements.

20. I had not used my black leather suite case since my cousin, I284, wedding in Wollongong about two years ago. Every three months I would wipe down and clean the suitcase. The last time that I checked and cleaned the case would have been in October/November, 1995. When I cleaned it on this occasion I looked in all the pockets and there was no knife in the case. The knife would have to have appeared between October/November, 1995 and the 1 March, 1996, when Mum found it. I cannot explain how the knife came to be in the suite case.

21. The only people with access to my unit during this time were NP215 and a friend, Simone ████████, 18 old and Sarah, a 15 year old State Ward prostitute.

22. On the morning of Tuesday 27 February, 1996, I left my unit with Simone ████████ asleep in the bedroom. She had stayed overnight. Simone lives at ██ ████████, Little Bay with her mother. She was having problems at home and I agreed to let her stay over at my house for several nights. I arrived home later that day to find Simone, Sarah, a male by the name of Sam ████████ alias Anthony ████████, another male named Louis and another male person. They were sitting around the kitchen table smoking and drinking water. I was shocked that Simone would let these people into my unit. I then asked them to leave at about 1.00am the next morning. I was quite suspicious of these people and suspected the males as being drug dealers.

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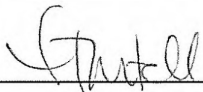
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20. Over the next couple of days Sam came to my unit several times during the day and each night and knocked on my door and windows. I learnt from Simone that he had just gotten out of Long Bay Gaol for drug dealing and that he was out on bail. I think part of his bail was that he was not to leave his home at night time and he had to report to police twice a day. She also told me he had been in [REDACTED] when he was younger and I was frightened of what he might do. He was very aggressive, and I had no idea what he wanted, I thought that he might try to harm me. In the early hours of Monday morning, 4 March, 1995, Sam again came to my unit and was aggressively knocking on my doors and windows. I then called '000' and told the Police that I was frightened of what this person might do. I was told that the Police were on there way. Sam then left. He returned again, I telephoned '000' again. I later received a telephone call from the Police and they told me that they had found him in a taxi.

21. There was no mention by Sam that he wanted anything from me and I am puzzled as to why he was after me.

22. On the day of the Sydney Gay and Lesbian Mardi Gras, 2 March, 1996, I left the unit at mid-day. The unit locked and secure when I left it. I left a light and stereo on also. I arrived home about mid-day on Sunday, 3 March, 1996, where I met my mother and I was aware that the unit had been broken into. Someone had forced open the verandah sliding door to gain entry. My CD's, video and stereo were wrapped up in sheets and were on the loungeroom floor. It appears that the wardrobe, bedside draws and kitchen draws had also been looked through. There was no property missing from the unit. The toilet window was smashed and it appears to me that the people may have left through this window. I do not know the identity of the people

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who broke into my unit. I suspect Sam [REDACTED] and his friends for the break in. He was aware that I was attending the Gay and Lesbian Madi Gras.

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