

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 Coordinator, 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 original investigation documents must be located. The current location of these documents may depend upon the date of the murder you are reviewing and who conducted the inquiry. If the investigation is relatively recent, it may still be stored at the Local Area Command, which had carriage of the matter. Inquiries which were conducted by the former Major Crime Squads and investigations that are considerably more historical, will most likely be located at the Corporate Archives Records Repository, Bridge St, Stanmore, Ph: [REDACTED].

A manual inspection of the investigation records must be conducted as experience has shown that in older cases, exhibits are sometimes stored in the boxes along with the documents.

Many investigations will be voluminous and the transport of the entire investigation to an LAC office may not be viable. Facilities exist at the Archives for the documents to be inspected and an inventory conducted. Depending on the type of investigation management used during the inquiry, the investigation may be reviewed electronically. All former TIMS inquiries located by the Investigative Systems Support Unit have been converted into E@gle.i investigations. Secondary investigations into the same murder may also be recorded on E@gle.i. To obtain 'read only' access to the investigation contact should be made with the SSU on E/N [REDACTED].

Victim:

Name:	Kenneth Richard BRENNAN <i>Cr. : 658464453</i>		
Gender	Male	D.OB	<i>06/10/1941</i>
Relative contact (if known)	Rosemary FERGUSON (estranged wife – South Australia) Rhonda SALES (sister)		

Homicide Details:

Time & Date	Betw. 5.30pm & 11.30pm 11 th June 1995		
Location:	[REDACTED] Onslow Ave, Elizabeth Bay	<i>(Kings Cross LAE)</i>	
COPS Event/P40 No.	E903927	Attached	Y/N: Y
Previous Investigation Name: (Strike Force/Task Force/Operation)	MONARDIA		

Command in charge:	Homicide Squad, MCSS
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2. Cause of death

If the Post Mortem results are not contained within the investigation documents, contact may be made with the relevant Coroner's Court. A request in writing with NSW Police letterhead must be forwarded to the Registrar of the court, outlining the information required.

Post Mortem Results:	Yes		
Exhibits Retained:	Yes	Location:	
Further Examination:	Y/N	Yes	
Comment:			

3. Investigation Records

Investigation Records relate not only to the statements taken from witnesses etc; but to all documents generated during the investigation. For investigations conducted prior to 1990 the investigation will be recorded by way of running sheets typed on occurrence pad forms. From about 1990 onwards, the TIMS system of investigation management was used. In 1999 the conversion to E@gle.i began.

Investigation Records Located:	Y/N: Yes
Comment: Located at Stanmore archives and Kingswood archives (via Coroner's Court)	

During the 1960's, 1970's and early 1980's, 'Investigation Resumes' were formerly completed by the Officer in charge of a homicide investigation that was not solved. It was a summary of the investigation, highlighting suspects, significant inquiries and evidence and was forwarded to the Superintendent of the Criminal Investigation Branch.

Investigation Resume:	Y/N: Yes
Comment: Investigation resumes located at Stanmore archives	

Progress Reports have been used by the former Crime Agencies since 1997 and the State Crime Command since 2002. They are a monthly report submitted by the officer in charge of an investigation, detailing the progress of the inquiry and significant events. Copies are maintained by Operations Co-ordination, State Crime Command.

Progress Reports:	Y/N:
Comment:	

Post Operational Assessments are the current replacement for an Investigation Resume. They are submitted by the Officer in Charge of the investigation to Operations Co-ordination, State Crime Command, at the completion of an investigation.

Post Operational Assessment:	Y/N:
Comment:	

4. Coroner's Inquest

Details of Coroner's Inquests, including Coroner's Findings, may be obtained from the Registrar of the relevant Coroner's Court by submitting a request in writing with NSW Police letterhead.

Coroner's Inquest Held:	Y/N: Yes	Date: 17 th September 1996
Court: Glebe Coroners Court	Coroner: Mr. J. ABERNETHY	
Inquest Brief Located	Y/N: Yes	
Findings: "That Kenneth Richard BRENNAN died on or about 11 June 1995 at [REDACTED] Onslow Avenue, Elizabeth Bay of stab wounds to chest inflicted then and there by persons unknown".		

5. Original Case Officer

Attempts should be made to locate and interview the original Case Officer even if they are no longer employed by the NSW Police Department. In the event that they are not located, another senior investigator from the inquiry should be approached. A list of investigators significantly involved in the investigation should be compiled.

OIC Name:	D/S/C Laura THURTELL	Interviewed:	Y/N: Yes
Serving Member:	Y/N: Yes	Location: Bathurst PS.	
Comment: Is in a position to provide information.			

Other Investigators:

Name:	Current Location:
Jennifer MULDOON	No longer serving member
Brad TAYLER	Lake Macquarie

6. Weapons

The Ballistics Unit, Sydney Police Centre has a large store of firearms, ballistic material and exhibits with ballistic damage held in their office from historical murders. For other weapons see point 7.

Type:	Knife	
Recovered:	Y/N: Yes	Location:
Further Examination	Y/N: No	
Action:		
Comment: The blade has been subjected to blood grouping tests only.		

7. Exhibits

The original Exhibit Book is obviously the best place to begin to track the movement and location of exhibits. Many homicide exhibits however were never entered into Station exhibit books as they were recovered from crime scenes by Crime Scene Officers and entered into Registers at the particular office at which the Officer was attached. From there, many were forwarded to DAL and other experts. Inquiries have revealed that there is still a large store of exhibits held at the CSU Satellite Offices. DAL are in possession of thousands of samples taken from exhibits for the period 1986 –1997. These samples were not analysed and a DNA sample placed on the data-base. From 1997, all DNA profiles obtained from samples were placed on the database.

Attempts should be made to locate all exhibits and determine what examinations have already taken place. The table below should be completed.

Exhibits located

Exhibit	Location (exhibit No.)	Previous Examinations	Status
2x 'Mates' condoms	C251017	Magna Powder examination	No prints. Index 9530682
'Strepsils' packet	C251046	Magna Powder + Ninhydrin examination	no prints. index 9531144
Cardboard carving knife packet & plastic sheath	C251063	Ninhydrin examination	no prints. index 9531143.
Other exhibits – awaiting call from original crime scene officer – Van Leeuwen			

Maria PACUDI. [REDACTED]

8. Fingerprints

There was no electronic fingerprint database in existence prior to 1986 when N.A.F.I.S. (National Automated Fingerprint Identification System) was established. All fingerprints were categorised and searched manually. When N.A.F.I.S. was established this enabled the capability of searching fingerprints electronically rather than by manual means. Palm prints for serious crime were back-captured on N.A.F.I.S. Fingerprints retrieved from homicide crime scenes were collected and filed in unsolved homicide files at the Fingerprint Latent Unit – Major Crime. All historical Fingerprint Major Crime Files are held with the Records Unit on Level 1, Tower B of Police Headquarters. (A list of these case files are in possession of the Commander, Latent Print Section, Fingerprint Operations, Criminal Identification Specialist Branch (C.I.S.B.)). Contact can be made with staff at the Major Crime Response Section on 27388 For cases occurring after 1986 results can be viewed through FCSR. In May 2001 N.A.F.I.S. was upgraded (N.A.F.I.S. 2) which allowed the capability of searching palm print impressions. It would appear that there are no archived records dating back to prior to 1971.

Fingerprints Available:	Y/N: Yes	Major Crime # 95/214.
Fingerprint Case Number:	<p>Case No's. Eliminated:</p> <ul style="list-style-type: none"> * 313807 (mirror, glass & front door of premises) – Index No. 9529719 * 313808 (wardrobe & entrance door) – Index No. 9530682, 9530349. * Index Number 9530682 (2 'mates' condoms) * Index Number 9531144 (Strepsils packet) nil prints. * Index Number 9531143 (Cardboard carving knife packet & plastic sheath – located by: NP215 after Crime Scene had attended). 	<p>only of/s print* inside draft door.</p>
Major Crime Reference Number:	95/214	(Colin. GILMAN expert)
Person Identified:	No	(NP215 , BRENNAN)
<p>Comment: Items have been subjected to fingerprints with negative result. Items that have yielded fingerprints belong to BRENNAN</p>		

9. Witnesses

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

Witnesses are not to be contacted during this process, as the relationship between witnesses and suspects is not always known. The relationship between them may have changed over time and there is the possibility that the suspect may be alerted to a renewed investigation.

Also, it will not be desirable to raise the hopes of relatives, secondary victim's etc; that their matter will be re-investigated when it may be the case that nothing further can be done.

Witness lists must be extensive however inquiries will only need to relate to witnesses who provide significant evidence. Inquiries regarding witnesses should be confined to COPS, Intelligence Reports, RTA, Electoral Roll, Registry of Births Deaths & Marriages etc.

Witness:	Location:	How Located:	Relevance
NP215	[REDACTED] Hurlstone Park. NSW	CNI [REDACTED]	Deceased's boyfriend, provides background + movements. *suspect*
NP214	[REDACTED] Newport. NSW 2106 Tel: [REDACTED]	CNI [REDACTED]	Provides background info and alibi for NP215
NP190	[REDACTED] Stanmore	CNI [REDACTED]	Movement and background of deceased
NP191	[REDACTED] Coogee Tel. [REDACTED]	CNI [REDACTED]	Movement and background of deceased
NP199	[REDACTED] Cooranbong	CNI [REDACTED]	Introduced deceased & NP215 to NP214 Did not supply forensic samples for elimination, declined to attend Coroners Court. Subject of Forensic Procedure whilst incarcerated 18/2/04.

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:	Y/N: Yes	Profile attached:	Y/N: Yes
Name: NP214	DOB: [REDACTED]/1953	CNI: [REDACTED]	Status:
Comment: [REDACTED] NP214 - negative result, NP214 [REDACTED] NP214			

Suspect Identified:	Y/N: Yes	Profile attached:	Y/N: Yes
Name: NP188	DOB: [REDACTED] 1970	CNI: [REDACTED]	Status:
Comment: [REDACTED]			

11. Synopsis:

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

<p>Synopsis:</p> <p>The deceased Kenneth BRENNAN was in a non-violent homosexual relationship with NP215 NP215 and both resided at [REDACTED] Onslow Ave, Elizabeth Bay. They had been in this relationship for approximately 4.5 years and had both previously resided in South Australia where they initially met. BRENNAN had previously been married to Rosemary FERGUSON and after their break-up they remained friends. After moving from South Australia with NP215, BRENNAN being a qualified teacher gained employment at the School of Open Learning based in Redfern. NP215 also managed to obtain employment at those premises in the mail-room.</p> <p>On Saturday 10th June 1995 the deceased Kenneth BRENNAN and NP215 went to the premises of NP214 at Woollahra. NP214 had been introduced to BRENNAN & NP215 by a mutual sexual acquaintance NP199 approximately 2 weeks prior for the purpose of sexual contact.</p> <p>As a result of this initial introduction both BRENNAN and NP215 were invited by NP214 to attend his residence for dinner and sexual liaison. Approximately 10pm BRENNAN indicated that he was tired and stated he was going home, subsequently leaving the premises at Woollahra.</p> <p>At this point in time NP215 remains at NP214 premises for the remainder of the weekend, however on Sunday 11th June 1995 rings home and leaves a message on the answering machine. On Monday 12th June 1995 NP215 again attempts to contact BRENNAN at home, however the phone rang out. Approximately 5pm that date, NP215 returns home and enters his unit.</p> <p>NP215 indicates at this point in time that he notices what he believes to be dirt on some of the walls and commences to walk into the only bedroom, deposits his bag and then notices a large amount of blood on the bed and throughout the bedroom. NP215 states that he then turns around and sees the body of BRENNAN lying on the floor in the living room, covered in</p>

blood and apparently deceased. NP215 attends Kings Cross Police Station and informs police of his discovery.

Police attend the unit and open the front door to the premises, immediately seeing the body of the deceased lying at the end of the hallway. Crime Scene established and neighbours canvassed, negative result. NP215 was subjected to an electronic recorded statement and provided NP214 as his alibi. A statement was taken from NP214 confirming NP215 movements that they had not left NP214 unit over that weekend. The following day, NP215 accompanied police on a video walk-through of the crime scene. Together with this walk through and the crime scene photographs it becomes apparent that it is virtually impossible to take the route as described by NP215 without seeing or walking/tripping over the deceased as the deceased partially blocks entry into the bedroom.

The investigation revealed that BRENNAN had been stabbed 15 times over the length of his body the fatal wound penetrating the heart. Examination of the crime scene resulted in numerous items being located. The walls, floor and other items within the premises were smeared with blood. A shoe print (size 9 to 9.5) in blood was lifted from the kitchen linoleum. This print was later compared and found not to belong to BRENNAN, NP215, NP214, NP189 or NP190. A further two footprints (not shoe) in blood were cut from the carpet and these were later compared to identified persons within this investigation. Two condoms were located in the toilet in the en-suite (later tested – nil DNA) and a further condom was located on the rim of this toilet (1 spermatozoon located). A snapped off knife blade was located on the floor in the bedroom, the handle located later in the toilet bowl underneath the 2 condoms. Various hairs were recovered from the bed and the deceased's hands (identified later as belonging to the deceased). A frying pan was also located in the bedroom and may have been used to strike down the deceased. A large number of swabs were taken throughout the premises as well as water from the 'S' bends from the kitchen and bathroom. Furthermore a pair of Yves Saint Laurent brand underpants were located in the bedroom, ownership of the same not known.

The investigation established that BRENNAN had advertised in two gay newspapers, seeking persons for the purposes of sexual contact with both himself and NP215. All persons that replied to these advertisements, except for an American named NP211 who had been staying at [REDACTED] the Regent Hotel were spoken to and eliminated. Customs records indicate that NP211 left Australia on 6/6/95 therefore prior to the date of the homicide and was therefore also eliminated.

Furthermore, BRENNAN and NP215 were also members of the 'Country Network', a program that allows members to provide or arrange accommodation (and sexual encounters) for other members whilst they are intra/interstate.

Previously on the 7th June 1995 a member of 'Country Network', NP189 stayed with BRENNAN & NP215 during which NP189 noticed there was some friction between BRENNAN and NP215. On the 8th June 1995, NP189 met up with another network member [REDACTED] with whom he then stayed. NP189 did not stay with BRENNAN & NP215 after this time and returned BRENNAN's house keys that afternoon.

The hair and blood samples obtained from the crime scene were compared with those of BRENNAN, NP215 and NP189. Analysis revealed that those swabs belonged to BRENNAN. Analysis of these items did not yield any evidence. Footprints and shoe prints were also obtained and compared with a negative result and as previously stated, compared to known person identified in this investigation with a negative result.

Investigations reveal that BRENNAN actively sought other partners for a sexual relationship. BRENNAN was known to frequent the 'Pleasure Chest' and 'Kingsteam' on Oxford Street, Paddington both premises catering for sexual encounters with other male persons. NP215 was aware that BRENNAN attended these premises. An agreement was reached by BRENNAN and NP215 that they would not bring any other person home for the purpose of sex unless the other was also present. It is believed that BRENNAN further had an interest in Asian males. Investigations reveal that NP215 was not fond of BRENNAN's

desire to be with other men, although he himself also partook in these encounters.

One of these sexual partners was **NP190** **NP190** had previously met BRENNAN in an adult bookstore in Pitt Street, Sydney. BRENNAN had invited **NP190** to his residence where he had a sexual encounter with both BRENNAN and **NP215**. **NP190** states that he was at 'Kingsteam' on Sunday 11th June 1995 when at about 5.30pm he saw BRENNAN at that location and both commenced foreplay that did not lead any further. **NP190** states that he then left the room and had intercourse with another unknown person and did not see BRENNAN after that time.

Inquiries with another acquaintance of **NP214**, being **NP191** states that he also saw BRENNAN at 'Kingsteam' at about 6pm. At the time **NP191** did not know BRENNAN but claims he recognised him from photos in the media after the murder.

Inquiries conducted with Kings Cross Railway Station, 'Kingsteam' sauna, the ANZ Bank in Darlinghurst Road, 'The Test Tube Factory' in Macleay St and JD's Bar, Darlinghurst Rd and the Manhattan Hotel, Greenow Ave in Kings Cross regarding surveillance/security footage failed to locate any footage containing BRENNAN (route he may have taken home). All tapes with the exception of the State Railway were re-used after a 24hr period.

Further interviews with partners and friends of the deceased suggest that the deceased may have been interested in seeking a 2 bedroom apartment so that **NP215** could move out of his room and to further pursue other relationships. Witnesses indicate that **NP215** was very much in love with the deceased and could not bear to see him with other men.

On 22nd June 1995 **NP215** contacted investigators and stated that he had found packaging for a knife and furthermore a 'Strepsils' packet in the kitchen, possibly on the bench (running sheet 10/2/8 states they're in the cupboard). Available Crime Scene photographs do not show these items as being present. These items have been printed with a negative result. It is not known if this knife packet relates to the knife used in the offence.

A number of persons have been nominated by members of the public as being responsible for the death of Kenneth BRENNAN. A source inside prison indicated that **NP188** confessed to him whilst inside prison. **NP188** was eliminated from the inquiry after further inquiries established that he was in Byron Bay with his alibi **NP207** (backpacker hostel's sign in book).

Blood, hair and footprints were obtained from **NP190** **NP188** and another person who had been arrested in the A.C.T, being **NP204** who had been charged with malicious wounding after a homosexual related attack in Canberra. These samples were compared to exhibits located at the scene – negative result.

Furthermore, an informant known to a Detective BRAE, nominated a **NP202** (discrepancy re. DOB: & CNI) as being involved as he had allegedly been molested by a person named BRENNAN and vowed revenge. **NP202** was interviewed and claimed he did not know a Kenneth BRENNAN and stated that although he cannot state where he was on the day of the murder he was probably at home in the Blacktown area. Investigators felt that **NP202** had no involvement.

Investigators obtained a statement from Arturo GUIJAR who claimed he saw the deceased in the company of a younger male in his bottle shop on Oxford Street between 9pm-10pm on Sunday 11/6/95. GUIJAR provided a FACE image that was subsequently circulated within the police service.

On 9/7/95 **I299** contacted police and stated that he had picked up a male person at 'the wall' area known only to him as **I299**. **I299** escorted **I299** home and the following morning after **I299** had a shower he found that **I299** had left and found a kitchen carving knife slammed into the dining table. Inquiries into the identity of **I299** revealed this person may have been **NP198** (CNI **I299**) who was eventually traced to Victoria and eliminated from the inquiry.

A further [redacted] was nominated as the result of the FACE image provided, being NP203 [redacted] NP203 (CNI [redacted] NP203) was also traced to Victoria and was working for a roofing company on 13/6/95 and therefore assumed that he was not in Sydney on 11/6/95. The Coroner's inquest on the 17 September 1996 makes comment in relation to the thorough and exhaustive investigation, however does not identify any person that may have had involvement in the death of Kenneth BRENNAN. It is believed that BRENNAN was last sighted at the 'Kingsteam' sauna in Oxford Street. It is then believed he either met a person or persons with whom he went home with the prospect of consensual sexual relationship.

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 re-interviewed due to change of circumstances. If you recommend that further investigation should take place, list the most appropriate contact person should be listed.

Recommendation:

Numerous items were seized as exhibits and subsequently subjected to blood grouping tests and DNA analysis. It was found that the DNA located on area 2 of the size 'small' Yves St Laurent underpants originates from someone other than BRENNAN. NP215 [redacted] NP214 and NP189. The DNA located in this area of the underpants should again be run through the DNA data-base in an effort to locate/identify the owner.

The shoe sole print was forwarded to the Windsor Smith shoe company and revealed that the print belongs to a Windsor Smith "Rock Last" model. This model tread has been used to manufacture approximately 160,000 shoes and boots. As no person with that type of boot was identified in this investigation, it would now no longer be a feasible avenue to pursue due to the time that has now lapsed.

A spermatozoon was detected on condom 1 (hanging on toilet bowl rim). An attempt should be made to extract DNA from this exhibit and compared to the DNA data-base.

The frying pan (possibly used as a weapon) was seized and subjected to grouping tests only – an effort should be made to locate any traces of DNA on the frying pan, specifically from the handle.

According to the original biologist, Michele FRANCO, the possibility of obtaining any DNA trace from the knife handle exhibit (located in the toilet) would be non-existent due to its immersion in water.

NP215 [redacted] states that when he arrived home he turned on the dimmed main lounge room lights to full capacity's illuminating the whole area. NP215 [redacted] then indicates that he walked into the bedroom without noticing the deceased who has partially covering the entry into this bedroom. In the video walk-through, NP215 [redacted] indicates that he then walked backwards then turned around and then claims he saw BRENNAN on the ground. Using crime scene photographs and the video walk through video this scenario is questionable.

Lyle Van Leeuwen Q's

Where's condom wrapper on right bedside table?

Was glass fingerprinted on right bedside table?

Was 'Trojan' & 'Lifestyle' condom packaging, first hand magazine, paper bag F/P DNA?

Print identified on champagne glass (according to docs sub't to coroner. If so, unidentified print on major crime database?)

The tread on the boots in the bedroom were compared to the tread pattern located in the kitchen in blood, although similar, the wear characteristics were excluded as being the shoes that made the print on the linoleum.

A female witness Natalie LEONOFF was identified during this investigation (see running sheet 8/9/1). LEONOFF claims to have sighted NP215 standing near the garage at the premises of NP214 at approximately 3am on 11/6/95. Investigators have attempted to gain a statement from LEONOFF regarding this information however she has since avoided investigators. This information would require follow up. The initial investigator (C/Insp Brad TAYLER) has been spoken to and cannot offer any further information regarding witness LEONOFF, however is available for any further questions.

There may therefore have been opportunity for NP215 to leave NP214 premises. This avenue needs to be explored further and the relationship between NP214 and NP215 is to be canvassed prior to doing so. An opportunity may now exist where NP214 is willing to talk if a relationship no longer exists and if the possibility existed for NP215 to have 'borrowed' NP214 key. NP214 may further be approached as to NP215 state of mind after having discovered his boyfriend deceased.

The Coroner has previously indicated that a reward should be offered for information regarding this incident. Perhaps a fresh media release and the offering of a reward may provide fresh information enabling further investigation.

The priority of this review would fall into the category of low-medium. All exhibits are still in existence and most witnesses and involved parties are still available for information.

REVIEWER'S CERTIFICATION

I certify that the review has been conducted thoroughly and I have accessed all available documents and exhibits.

Signature:

Name: Jeroen HUISMAN
Rank: Detective Senior Constable
Date:

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:
Rank:
Position:
Date: