

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

Strike Force:	HAMISH		
Victim - Name	William James DUTFIELD		
Gender	Male	D.O.B.	21/05/1950
Nationality	Australian	CNI	[REDACTED] – murder event [REDACTED] – robbery event [REDACTED] – microfilm history
Relative contact (if known)	Robert George DUTFIELD (Brother) DOB [REDACTED]/1947 [REDACTED] Pacific Parade Dee Why NSW 2099 Ph: [REDACTED] (@ 02/10/2012)		

Homicide Details:	At 11.03am on 20/11/1991, William DUTFIELD's body was located in his unit by Arthur ASHWORTH. DUTFIELD was half lying on his lounge with several head injuries believed to have been caused by a metal tape dispenser. There were no signs of forced entry and there was money reported to have been taken from DUTFIELD's wallet.
Time & Date	Around 22:00 19/11/1991
Location:	[REDACTED] Spit Road Mosman
COPS Event/P40 No.	[REDACTED]
Previous Investigation Name, Strike Force, Task Force or Operation)	Major Crime Case 1991-1994 Strike Force LINCOLN 1998 (ARHELL murder) Strike Force HAMISH Unsolved Homicide Unit 01/02/2010 to 22/03/2017
Command in charge:	Major Crime Squad - North

1. LOCATION OF BRIEF OF EVIDENCE:**Action:** Document your findings in the table under this category.

Brief of evidence	No	Brief of evidence location	Records
Available			

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE**2. INVESTIGATION RECORDS:**

Action: - Locate and review investigation records and document your findings in the table under this category

Investigation Records Located:	Yes
Investigation Resume:	No
Progress Reports:	Yes
Post Operational Assessment:	Yes
<p>Comment: All records have been uploaded to e@gle.i Strike Force HAMISH Original are stored at NSWPF Records Repository B/2015/5508 to B/2015/5511</p>	

Available Records		
Brief of Evidence: (Coronial)	Coronial only 2426/91	
Information Management System:	Yes e@gle.i./ COPS case management Strike Forces Lincoln and HAMISH	
Coronial Court transcriptions:	Yes – IN-18, Strike Force HAMISH	Court location Glebe
		Contact: 2426/91
Criminal Court transcriptions:	No charges laid	Court location
		Contact:
Forensic Services Group Records:	DSC KOLDER (disengaged – 22082) FS91/1636	Location: Bathurst Crime Scene
		Contact:
Audio/Visual Recordings:	No	Location:
Photographs:	Crime scene, post mortem etc located under HAMISH	
Covert Records:	No	Location
		Contact:
Other:	Description	

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

3. CAUSE OF DEATH:

<p>Post Mortem Result:</p> <p>Dr Johan DUFLOU Glebe 20/11/1991</p> <p>91/2049</p>	<p>See attached.</p> <p>A. Time and date of death:</p> <p>B. Place of death:</p> <p>C. Cause of death:</p> <p>1. DIRECT CAUSE: Disease or condition directly leading to death:</p> <p>(a) Head Injuries</p> <p>ANTECEDENT CAUSES: Morbid conditions, if any, giving rise to the above cause, stating the underlying condition last:</p> <p>(b)</p> <p>(c)</p> <p>2. Other significant conditions contributing to the death but not relating to the disease or condition causing it:</p>
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4. CORONER'S INQUEST:

Action: Document your findings in the table under this category.

Coroner's Inquest Held:	Yes	Date: 12/12/1994
Court: Glebe (file 2426/91)	Coroner: State Coroner John ABERNETHY	
Inquest Brief Located	Yes – entered under four separate products on HAMISH	
<p>Findings: That the deceased on or about the 19/11/1991 at [REDACTED] Spit Road Mosman in the state of New South Wales.</p> <p>Died of head injuries inflicted on him by person or persons unknown.</p>		

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE**5. ORIGINAL CASE OFFICER:**

Action: Document your findings in the table under this category.

OIC Name:	Detective Senior Sergeant Dennis Peter O'TOOLE	Interviewed:	Yes IN-61 (Strike Force HAMISH)
Serving Member:	No	Location:	[REDACTED] MOB: [REDACTED]

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

Comment:

About 05:30pm on the 16/10/1991 (approx. 4 weeks prior to murder), William DUTFIELD attended the 'Bottoms Up' Bar in Kings Cross and met a young male. DUTFIELD invited the male to his address at [REDACTED] Spit Road, Mosman, for drinks and company. The male and DUTFIELD shared some drinks for about one hour before the male 'went berserk and started kicking and punching DUTFIELD to the head and body'. The male stole \$900.00 dollars from DUTFIELD's wallet. DUTFIELD was taken to hospital with a bleeding nose, black eye, laceration to tongue and bruising to his rib and back. The matter was investigated by Detectives from Mosman with no persons charged for the offence.

An Occurrence Pad entry (10/384) and P40 CIR, (E904029103641) recalls details of the robbery including the offender and DUTFIELD drinking scotch and the declaration by DUTFIELD that he is bisexual. The male was described as 25-30 years old, medium build with fair/brown shoulder length hair. A cellophane wrapper from a packet of Winfield cigarettes was examined and the fingerprints of [REDACTED] NP240 CNI [REDACTED] was identified. DUTFIELD smoked Benson and Hedges cigarettes.

Murder of DUTFIELD.

On the 19 November 1991 the deceased and Arthur William ASHWORTH, a friend and the owner of the deceased unit went to dinner at the Mosquito Bar Restaurant in Mosman. Around 09:00pm, the deceased and ASHWORTH returned to the deceased unit and had a few drinks. ASHWORTH left the deceased and there was a third of a bottle of Scotch left. Prior to leaving ASHWORTH had washed the drinking glasses out and put them in the kitchen.

About 9.30pm to 10pm two neighbours heard a verbal argument from the deceased unit and a number of loud thuds. The neighbours did not act on this noise.

At 11.03am on 20/11/1991 the deceased body was located in his unit by ASHWORTH. ASHWORTH entered the unit using his key. The deceased was located lying face down on a lounge chair and had injuries to the back of his head. Two full drinking glasses were located on a coffee table next to the deceased. The Scotch bottle was almost empty.

An examination of the crime scene revealed what police believed to be the murder weapon. A sticky tape dispenser which was normally kept on top of the refrigerator but was located in the kitchen sink and appears to have been wiped down by a nearby cloth. There was a blood-stained tissue located in the waste paper basket. No fingerprints located. There was no sign of any forced entry and the premises were locked. There is no sign of the unit being disturbed or searched.

The time of death estimated by the Government Medical Officer Dr Joseph DE FLOU is around 10pm to 11pm. Post Mortem examination was conducted on the 20/11/1991 at Glebe Morgue. Dr DE FLOU indicated the deceased died from massive wounds to the head caused by a heavy blunt instrument. More than twelve blows to the head were counted and it appears death was instantaneous. Examination indicated the deceased had not been sexually interfered with.

According to Arthur ASHWORTH the deceased had between \$150 and \$180 in cash in his wallet the night before. This money was missing. The OIC of this matter, Det Sergeant O'TOOLE discounted ASHWORTH as a possible suspect due to his old age and health at the time. A large canvass was conducted and an extensive search of local hotels and locations that men of a homosexual background might frequent. A number of possible suspects were investigated and discounted. The investigation centred around the murder being a homosexual assault and robbery.

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

During the Coroner's Inquest Detective Sergeant O'TOOLE stated *"We believe that it's possible that there is a person, or a number of persons, who are most probably male prostitutes, who are also most probably drug addicts from the Kings Cross area that prey upon these [sic homosexuals] people."*

On 14/09/2010, Detective Sergeant O'TOOLE spoke to investigators and stated that it is his belief that the person who killed DUTFIELD was a male prostitute or male pretending to be a prostitute to rob DUTFIELD. O'TOOLE stated they considered Arthur ASHWORTH not a suspect due to his age and being physically incapable of committing the murder.

Second Investigation

On 26/06/1998, Francis Neville ARKELL was violently murdered in his home in the Wollongong area. ARKELL was the former Lord Mayor of Wollongong and Strike Force LINCOLN was instigated to investigate the circumstances of the murder. Due to 'gay hate' indications associated with the ARKELL murder, investigators re-examined DUTFIELD murder but found no links.

Investigation by Unsolved Homicide Unit

In 2005, the matter was reviewed, and several exhibits were sent for further examinations. A bloody tissue was recovered from the waste bin in the kitchen which was found to have a DNA profile 'unknown male A'.

On 09/09/2008, DSC HUNGERFORD from Unsolved Homicide Unit commenced investigations and established that 'unknown male A' was Arthur ASHWORTH. Information was provided from Sergeant WEST of Fingerprints Major Crime that a fingerprint of Arthur ASHWORTH had been identified on the Sticky Tape Dispenser. The position of the fingerprint is consistent with the tape dispenser being held from the outside. This fingerprint was located and identified in the original investigation in 1991 and passed onto investigators however appears to have been overlooked as it is not mentioned in a running sheet, statements or during the Inquest.

Arthur ASHWORTH died of natural causes at Sirius Nursing home 29/07/2006.

DSC HUNGERFORD has identified ASHWORTH as a viable suspect giving the following reasons.

"Ashworth's health

The original investigation never considered Arthur ASHWORTH to be a suspect. The OIC has advised police that this was due to his age and apparent poor health.

Arthur ASHWORTH was born on the [REDACTED]/1914 which makes him 77 at the time of the Murder.

On the 10/09/2010 police spoke to Dr Tony ANDREW his GP who stated his health was reasonable until about 2004 and 2005. He had a carer [REDACTED] I55

On the 23/09/2010 police spoke to Kurt AURAS a friend of ASHWORTH who stated that his health was reasonable until about 2004 when he became frail and lost contact with him and had a carer. On the 03/11/2010 police spoke to [REDACTED] I55 who became a carer/friend of Arthur ASHWORTH in the last 5 years of his life. [REDACTED] I55 worked at the Garrison Retirement Village. He travelled overseas with him a couple of times in the last 5 years of his life. He travelled with him as a carer and he was getting more frail however still capable of overseas travel and getting around.

Arthur ASHWORTH died on the 29/07/2006 which made him 92 at the time of his death. ASHWORTH lived another 15 years after the murder of William DUTFIELD. His health was reasonable until 2004 to 2005. The deceased was a very small man who had been a jockey and the murder weapon was not a particularly heavy item.

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

Physical Evidence

Three main exhibits as listed in detail above all pointing strongly to suspect Arthur ASHWORTH.

Sticky Tape Dispenser – murder weapon – was located in the sink and wet rag near it and inside dispenser was blood, appears to have been washed down.

Pattern from tape dispenser matches the deceased injuries on his head.

Fingerprints of Arthur ASHWORTH on the outside of the tape dispenser.

ASHWORTH mentions the tape dispenser in his statement to police and ASHWORTH states it is his tape dispenser and is normally on the fridge. His statement details what he does and what he touches when he finds the deceased and there is no mention of him going to the kitchen or touching the tape dispenser.

The fact that ASHWORTH's fingerprints were located on the murder weapon was never directly investigated. ASHWORTH was never asked about it. The tape dispenser is ASHWORTH's however if the offender washed the tape dispenser down so why are ASHWORTH's fingerprints still located?

Tissue from waste bin – located in bin with blood on it – blood did not belong to the deceased believed by investigators at the time to be offenders.

There was blood located in bathroom sink and blood located on tissue box near the sink. Crime scene did not have ability to collect the blood from the sink in 1991. Tissue box missing unable to be further tested. This would be consistent with the offender cutting himself in some minor way as there was a few drops in the bathroom sink and one drop on the tissue box and a small amount of blood on the tissue.

ASHWORTH is the first person to find the deceased and in his statement to police details where he goes in the unit and what he touches. He makes no mention of cutting himself in the unit. He makes no mention of going into the bathroom where the blood is in the sink and on the tissue box and makes no mention of going into the kitchen and putting a blood-stained tissue in the rubbish bin.

There is no record of ASHWORTH being directly asked about the tissue with blood on it and the investigators have no memory of his response. However having regard to the importance investigators placed on the blood on the tissue the Original OIC believes that ASHWORTH would have been asked questions to exclude him being the person who put the tissue in the rubbish bin and he would have replied in the negative otherwise there would be a record of it and there would not have been the importance placed on this item.

In 2011 DAL testing confirmed the DNA from the blood on the tissue appears matched to that of Arthur ASHWORTH.

ASHWORTH died in 2006 before this information was known.

Grey cardigan located on lounge suite – located with blood stains on it – blood did not belong to the deceased – believed by investigators at the time to be the offenders.

The owner of this Cardigan was not known to investigators

The Cardigan is located on the couch near that of the deceased.

In 2011 DAL testing confirmed the DNA from the blood on the cardigan was the same as that on the blood on the tissue and appears to match that of Arthur ASHWORTH.

Arthur ASHWORTH's family only had a few photos of ASHWORTH and none of them where he was wearing the cardigan.

Grey coloured top is what ASHWORTH is described as wearing on the night of the 19/11/1991 the night of the murder by witnesses.

Ashworth Time Discrepancy

ASHWORTH made a statement to police on the 20/11/1991 and was aware of the significance of the times as he was the last person to see the deceased alive and first person to find him. ASHWORTH further advised police he was sure about the times on the 21/11/1991 as recorded in Running sheet 6/2/3.

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

Ashworth and the deceased were together from about 4.30pm on the 19/11/1991 at the deceased unit then out to dinner and then returned to the deceased unit. The deceased and Ashworth were consuming alcohol during this time. At 7pm on the 19/11/1991 ASHWORTH and the deceased went to Dinner at the Mosquito Bar. ASHWORTH states they left Mosquito Bar at 7.45pm and walks to the deceased house and has a few drinks. The owner of the restaurant states ASHWORTH and the deceased left between 8.25pm and 8.45pm. Other patrons arrived at the Mosquito bar at 8.40pm and recall seeing ASHWORTH and the deceased still there but did not take notice of what time they left.

ASHWORTH states the deceased and him arrived at the deceased's unit at 7.55pm and has a couple of drinks and washes up and leaves at 8pm (ASHWORTH allows only 5 minutes for 2 drinks and washing up)

ASHWORTH states he walks home at 8.15pm and goes to bed there are no witnesses to this.

At 9.30pm to 10.30pm neighbours of the deceased hear a loud bang from the deceased unit about 4 to 5 times. This would appear to be the sounds of the murder.

It is known that ASHWORTH and the deceased were still at the Mosquito Bar until at least 8.40pm. If police start the time line 8.40pm and add 10 minutes to walk to the deceased home and then has two drinks and washing up allow about 30 minutes. Then this puts ASHWORTH in the deceased house at about the time of the murder.

Clothing discrepancy and dry cleaning

On the night of the 19/11/1991 ASHWORTH is described by 3 different witnesses as wearing blue grey trouser and grey top. On the 20/11/1991 ASHWORTH went to Bondi Junction and at Lawrence Dry Cleaners at Wynyard Railway Station and dropped off blue trousers for dry cleaning. (ASHWORTH did not mention this in his statement but did mention going to Wynyard.)

On the 21/11/1991 time not known, investigators attended the residence of ASHWORTH. ASHWORTH handed to police the clothing he had been wearing which he stated was a brown suit. When asked about dry cleaning he told police about Lawrence drycleaners. He handed police the grey trousers he had dry cleaned at Wynyard however stated they were not the ones he had on 19/11/1991. Lawrence Dry Cleaners were spoken to by police however had no memory of Ashworth or the clothing. In 1991 ASHWORTH's clothing was tested by the Crime Scene Officer and nil blood was detected. The clothing was never entered as an exhibit. There was only limited testing available in 1991 and there is no record of what happened to ASHWORTH's clothing. It would appear it was tested and handed back to ASHWORTH.

ASHWORTH appears to have lied to police as to what clothing he was wearing on the 19/11/1991 and handed to police the wrong clothing. ASHWORTH dropped off clothing at Wynyard Drycleaners despite living at Mosman and there are 6 other drycleaners in Mosman near ASHWORTH's unit. The description of the trousers ASHWORTH dropped at Wynyard are consistent with what the witnesses stated ASHWORTH was wearing on the 19/11/1991.

Ashworth discrepancy in finding of the body.

At 9.45am on the 20/11/1991 Arthur ASHWORTH went to [164] a friends house at Woollahra for coffee and general chat then travelled to Martin Place Railway Station. [164] was a friend of Arthur ASHWORTH. [164] knew the deceased but only through knowing ASHWORTH. [164] died on the 27/03/1996. About 11am, [164] left ASHWORTH at Martin Place as ASHWORTH had a teachers re-union to go to. ASHWORTH has then gone to Wynyard Railway Station and decided to try to call the deceased DUTFIELD as he is normally up at this time. He got no answer and instead of going to the reunion he has caught the train back to Mosman to go and check on the deceased DUTFIELD finding him deceased.

The reason for not going to the reunion and going to check on the deceased DUTFIELD does not seem to make sense and was never pursued by investigators. At 6.30pm on the 20/11/1991 [164] contacted Arthur ASHWORTH to ask him how the Teachers Reunion has gone. ASHWORTH informed [164] that the deceased had been murdered and he was very upset. He stated that [154] had tried to call the deceased and then gone to his house and found the body. ASHWORTH did not state he had been to the house or found the body. Investigators have never asked ASHWORTH about this discrepancy.

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

On the 04/11/2010 DSC Hungerford spoke with [REDACTED] **154** he stated that he did not try to call DUTFIELD the deceased on the 20/11/1991 nor did he go to the house and find the body. He stated he did not see the body of the deceased at all. He had found out about the death about 5pm on the 20/11/1991 when police knocked on his door and told him.

Ashworth Omitted to tell police evidence.

ASHWORTH has made a statement to police on the 20/11/1991 and was aware that he was the last person to see the deceased alive and the first person to find him. Knowing this ASHWORTH omitted to tell police that as he was leaving the unit complex he saw a male enter the lift. He did not tell police about this until 21/11/1991 (Running sheet 6/2/3), this was never put into a statement.

This information is too important for ASHWORTH to leave out of his statement knowing what he knew about the death. He only informed police about this information after police asked about his clothing he was wearing on the 19/11/1991. This would have suggested to him he was being considered as a suspect.

Ashworth's Motive.

ASHWORTH is a long term friend of the deceased William DUTFIELD. William DUTFIELD resides in a unit belonging to Arthur ASHWORTH. William DUTFIELD was a homosexual male. Family and friends of Arthur ASHWORTH thought him to be a homosexual male who never disclosed this to anyone.

On the 13/10/1991 Community Health Centre at North Sydney received a phone call from an elderly male who stated he was living with a male who had alcohol problems and he was driving him crazy and wanted advice. On the 14/11/1991 Dr Allsopp a GP in Cremorne referred William DUTFIELD to Community Health Centre at North Sydney on the advice of two good friends Arthur ASHWORTH and [REDACTED] **154**.

In the statement of [REDACTED] **154** a friend of the deceased William DUTFIELD he states the deceased was a aggressive and sensitive drunk and he was drunk on the night of the murder and he knew this from a phone call with him on the night he died. There are not witnesses spoken to that would suggest a motive for ASHWORTH to want to kill the deceased person. ASHWORTH appears to have lied to police in relation to the timing of his movements that night, the clothing he was wearing."

Other police

Name	Role	Current Location
Unknown	OIC – SF ARKELL/LINCOLN	Similar 'Gay' murders
DSC HUNGERFORD	OIC – SF HAMISH	Unsolved Homicide Unit

6. SUSPECT/S:

Action: Document your findings in the table under this category.

Suspect Identified:	Yes	Name:	Arthur William ASHWORTH
Relationship to victim:	DOB: [REDACTED] 1914	CNI: [REDACTED]	Status: Not charged

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

Current location and how confirmed: Deceased 29/07/2006 – Sirius Cove Nursing Home aged 92 (not referred to Coroner) Death Certificate [REDACTED]
CNI/COPS History Summary: One event – E904029103865 Murder of DUTFIELD
Charges: Nil
Court and Date:
Court Result:
Comment: No find on National Search with known details

7. INFORMATION RECORDS/SF PALACE DOCUMENTS:**Action:** Document your findings in the table under this category.

Information Reports received by the original investigation/s:	Unknown
Information Reports received subsequent to the original investigation/s:	Nil recorded
Information recorded on SF Palace:	Nil recorded on COPS or E@gle.i

8. GOVERNMENT REWARDS:**Action:** Document your findings in the table under this category.

Reward in existence	No (nil find on Trove)
Wording	
Date Gazetted	
Date Expired:	

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

Amount:	
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9. FINGERPRINTS:

Action: establish whether there is any fingerprint evidence, review that evidence and assess the possibility of re-examination based on improvements in technology. Document your findings in the table under this category.

Fingerprints Available:	Yes
Fingerprint Case Number:	N167016 / J1979713
Major Crime Reference Number:	1564761
Fingerprints Located:	ASHWORTH had two fingerprints on the murder weapon – tape dispenser <div style="border: 1px dashed black; display: inline-block; padding: 2px;">NP240</div> fingerprint found on packet of cigarettes left after DUTFIELD was robbed on 16/10/1991
Person Identified:	Arthur ASHWORTH – now deceased <div style="border: 1px dashed black; display: inline-block; padding: 2px;">NP240</div> in custody from 02/11/1991 to 24/04/1992

10. WEAPONS: [Ballistics] [if applicable]

Action:

Type:	Tape dispenser	
Recovered:	Yes	Location: MEPC – Zone 2 – Row B – Bay 07- Shelf L – Box 2
Further Examination	Fingerprinted and undergone DNA analysis – no further testing	
File Reference Number:	X0001804793	

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE**11. EXHIBITS:**

Action: Document your findings in the table under this category.

Exhibits have been located	Yes
Exhibits have been analysed.	Yes
Date of Major Crime Forensic Review with FSG:	Yes – 09/06/2010
DNA Profile Available	Yes
DNA Profile Identified as	William DUTFIELD
Exhibit matrix exists	Yes

12. WITNESSES

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

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

13. ASSESSMENT

The matter triaged should proceed to review.

Arthur ASHWORTH committed the offence

The original Investigators into the murder of DUTFIELD felt that the likely scenario was that a male invited visitor had robbed DUTFIELD and killed him in consonance with other targeted robbery on homosexuals prevalent the 1990s.

In 2008 DSC HUNGERFORD from Unsolved Homicide Unit reviewed the evidence and conducted further forensic examinations. DSC HUNGERFORD identified that there was forensic evidence pointing to ASHWORTH as a viable suspect the fingerprints located on the murder weapon and the bloody tissue left in kitchen waste basket. Further evidence is believed to be ASHWORTH statement where he indicates leaving the restaurant with the victim some twenty minutes before the time given by other witnesses. ASHWORTH also appears to have given the wrong clothing to police before offering the correct trousers.

DSC HUNGERFORD believes the motive for ASHWORTH to murder DUTFIELD is that on the night of the murder, DUTFIELD was highly intoxicated. The Coroner mentions that DUTFIELDS toxicology shows an alcohol reading of greater than .2 (high range PCA). There is evidence from witness **154** and **166** that DUTFIELD was "an aggressive and upset drunk" and there is a possibility that ASHWORTH was the anonymous male that referred DUTFIELD to a community care service stating that he had "an alcohol problem and was driving him nuts".

As is often the case with long term homicide matters, some of the mentioned factors have ambiguous interpretations. ASHWORTH owned the flat that the deceased resided in and was a frequent visitor. The finding of ASHWORTH's fingerprints on the murder weapon indicates he has handled the tape dispenser, in ASHWORTH's statement he states he brought the tape dispenser to the unit after retiring from work. The tape dispenser was wiped down using water and a cloth following the murder, either ASHWORTH wiped down the tape dispenser missing two of his prints, or an offender wiped the tape dispenser missing two of ASHWORTH's prints.

There may be some confusion regarding the fingerprints being identified on the tape dispenser. A listing in the exhibit's files may indicate the fingerprints may have been located on the Whiskey bottle also collected from the kitchen area.

N167016, "Fingerprints", "W1W2 on top centre near brand label on metal tape dispenser... Dispenser as no label on dispenser however in same job is Whiskey Bottle also in job number

The original Investigator Detective Sergeant O'TOOLE stated he was unaware of ASHWORTH's fingerprint being on the murder weapon. The fingerprint evidence was also not mentioned at the Coroner's Inquest. The statement from the fingerprint examiner was not located at the time of this report. It is noted, that Sergeant WEST advised police during Forensic Review on 09/06/2010 that the fingerprints were on the tape dispenser.

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

In 2010 Dr BRUCE from DAL advised that the DNA from the bloody tissue found in the kitchen waste bin matched the DNA profile obtained from ASHWORTH's diary/passport. There is no evidence that the offender was injured at the time of DUTFIELD's murder. DUTFIELD appears to be sitting on the lounge when the tape dispenser obtained from on top of the fridge was used to attack the rear of his head. There is evidence that DUTFIELD has raised his arms in defence, but the self-defence marks are minor and not likely to have injured the offender. It is possible that after being struck with the dispenser initially, DUTFIELD has turned to defend himself raising his arms before being struck further times to the head rendering DUTFIELD incapable of defence. The entire attack occurred with DUTFIELD sitting on the lounge given the blood splatter marks.

An alternative theory exists that DUTFIELD has become belligerent towards ASHWORTH while intoxicated and punched ASHWORTH causing a small bleed. There are abrasions on the left knuckles of DUTFIELD. ASHWORTH may have gone to kitchen to stop the bleeding using a tissue. Then becoming enraged, ASHWORTH may have gone on to grab the tape dispenser and fatally attack DUTFIELD. In favour of this theory is the witnesses in the adjoining unit hearing an argument shortly after the time ASHWORTH is believed to be with DUTFIELD. However, ASHWORTH friend and witness states that he was with ASHWORTH the next morning who stated "*On that morning Arther (sic Arthur ASHWORTH) seemed his normal self*". This is unusual behaviour control for a person who has violently beaten his friend of twelve years to death the night before. Police officers had not observed any injury on ASHWORTH on 20/11/1991 although a minor laceration may have been hidden by ASHWORTH.

The time of the attack appears to be at the time of ASHWORTH's visit to DUTFIELD's unit or shortly afterwards. Phone records were not obtained from DUTFIELD's phone and ASHWORTH does not give any evidence that DUTFIELD was expecting a visitor on that night. The initial investigators were mindful that given DUTFIELD was a victim of a recent robbery (around four weeks) at his unit where \$900.00 dollars was obtained and felt that a similar offender had returned to obtain further cash. This theory is reliant on the premise that males seeking to rob homosexuals after being invited to their homes, converse with each other about prospective clients. The layout of the unit block at 102 Spit Road Mosman would enable an offender to observe the movements of DUTFIELD.

At 10:00am 21/11/1991 police attend ASHWORTH's house and collected Brown trousers, beige long sleeve shirt, beige zip up jacket, brown shoes and beige socks. ASHWORTH stated that these were the clothes he was wearing two days earlier on 19/11/1991. According to [164] statement, ASHWORTH was wearing the brown clothing on the morning of 20/11/1991, unless he returned to his nursing home, changed clothes prior to attending DUTFIELD's unit, police must have seen ASHWORTH in his brown clothing. ASHWORTH completed a four-page statement with police on 20/11/1991 where his clothing must have been observed. It is unknown if it was an honest mistake on ASHWORTH part to give police the clothing he was wearing on the 20/11/1991, however, ASHWORTH did hand police grey trousers on the 21/11/1991 acknowledging the error. It is unknown if the timing of the dry cleaning of these trousers is suspicious.

A grey cardigan was located on the lounge suite which had blood stains. ASHWORTH is described by a witness as wearing a grey coloured top at the restaurant the night of the murder. Blood stains belonging to ASHWORTH have been identified on the cardigan. The owner of the cardigan is unknown. The blood stains appear to be on front and sleeves of cardigan, it is not known why an offender bleeding from the attack would leave the cardigan behind. The DNA from the cardigan was a partial profile consistent with ASHWORTH.

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

The attack on DUTFIELD may have commenced while he was sitting, facing his back to the offender. Although ASHWORTH was 77 years old at the time and DUTFIELD was 41 years old, DUTFIELD is of small stature. ASHWORTH could have been capable of carrying out the attack.

On 19/11/2011 DSC HUNGERFORD approached Sergeant MADDOCKS from the Coronial Prosecutors and requested the Coroner make a determination into the death of DUTFIELD finding ASHWORTH responsible.

On the 26/06/2012 Sergeant Daniel MADDOCKS contacted DSC Hungerford and advised him that the Coroner and him are of the view that a further inquest would not be warranted as there must be **sufficient clear and cogent evidence that Arthur ASHWORTH was the only person who could be responsible. Arthur ASHWORTH cannot defend himself or answer any of the unanswered questions.** Therefore, the Coroner would be in the same position that he was in 1994 and would have to hand down the same finding.

Unknown offender committed the murder

William DUTFIELD was included in Strike Force PARRABELL 2018 terms of reference as victim number 50. DUTFIELD was also included as an unsolved homicide of a gay man in 'In pursuit of Truth and Justice' ACON 2016 and 'Hatred, murder and male Honour' AIC research and Public Police Series. Literature sources clearly identified that DUTFIELD's murder has shared characteristics of homosexual murders in the 1990s.

The victim of a gay-hate related homicide incident is more likely to be killed at a residential premise (62% vs 51.4%), with the majority of these incidents occurring in the victim's home (only one incident occurred in some other person's home). The majority of deaths were as a result of 'bashing' and involved alcohol and/or drugs.

1 July 1989 – 30 June 1999: Comparison of Incident Characteristics Between Male Gay-Hate Related Homicides and Other Male Homicides Involving Victims Aged Over 18

Gay-hate related incidents are significantly more likely to involve a high level of brutality. For example, it is not uncommon to find victims of gay-hate related homicide incidents that have been *repeatedly* stabbed to death, with up to 75 stabs wounds being recorded. A study by the New South Wales Gay/Lesbian Client Consultant (Thompson 1999) showed that 70 per cent of the 42 gay-hate homicides recorded in 1990-99 involved savage beatings, repeated stabbings, mutilation and/or dismemberment. This expectation of a higher level of brutality has been presented in hate crime literature—

Levin and McDermitt (1993), Mason (1993), Martin (1996) and has been observed by hospital staff particularly in regard to gay-hate homicide—Herek and Berrill (1992).

The prevailing society attitudes to homosexuality at the time, encouraged attacks on persons identified as being 'Gay'. Gay hate perpetrators often felt that their actions were condoned by other members of society stating words similar to, "it was only a faggot". As such, violent robberies on homosexual victims was considered to be a 'safe' endeavour for offenders due to the low reporting rates from victims and an expected reluctant response from police.

The factors that indicate DUTFIELD was a victim of a 'Gay Hate' robbery and bashing are

-attacked in his own home after apparently inviting offender in

- 'overkill' of attack with around 16 strike injuries to the head noted in the post mortem leading to 'extensive fracturing of the skull' including eye sockets and jaw.

ANNEXURE A TRIAGE FORM REVIEW OF AN UNSOLVED HOMICIDE. CAC REFERENCE

On documents available on Strike Force HAMISH, it is difficult to establish the extent of forensic testing and whether there are any unknown fingerprints/DNA sources identified at the scene. If the only DNA/Fingerprints located belong to DUTFIELD or ASHWORTH, it may be possible to seek a further determination from the Coroner.

A review is recommended to determine if forensic material exist to produce sufficient evidence to assist the Coroner in making a determination.

Completed by:	
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Date:	22/07/2019