

FOR THE INFORMATION OF THE CORONER
GLEBE CORONER'S COURT.

1.0 INTRODUCTION:

- 1.1 About 4.30am on 23.12.94, Scott John NEILSON, who was in a motor vehicle, stationary at the intersection of Campbell and Bourke Streets, Darlinghurst, facing west, observed three male persons standing around a man laying on the roadway on the northern side of Campbell Street, near the intersection of Little Oxford Street, a short distance from him.
- 1.2 At the time, they were seen by NEILSON apparently removing something from his clothing, after which they ran west in Campbell Street. Mr. NEILSON drove past and continued on in an effort to locate a Police Station, and in doing so again saw the three men running across Crown Street then turn west into Goulburn Street.
- 1.3 He continued into Oxford Street, driving around the block, and saw them again after re-entering that street, at which time they were walking west along the southern footpath, east of Pelican Street.
- 1.4 He subsequently spoke to Police at Surry Hills, Constables JOHNSTONE and LUCK attending the scene, whilst Constables RIDLEY and SPARKES accompanied Mr. NEILSON in a Police vehicle around the area in an effort to identify the offenders.
- 1.5 Officers PARKER & EVANS of the Central District Ambulance attended the scene, and the man, later identified as Crispin Wilson DYE, born 01/06/52, who was suffering facial injuries was found to be in a state of cardiac arrest, however was revived by means of electro-cardiac shock treatment. He was conveyed to St. Vincents Hospital, with the assistance of Paramedics CRIBB and MARTIN, and as he had not been identified, was admitted to the Casualty section there, as 'HARRY UNKNOWN' in an unconscious condition.
- 1.6 He was diagnosed as suffering brain damage, and was placed on a resuscitator. Whilst there, photographs were taken by Police and his property was also taken possession of, which consisted of clothing and some papers containing phone numbers, however no form of identification was found, which gave rise to the suspicion at the time that he had been the subject of a robbery.

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- 1.7 As that Centre had insufficient facilities available at that time however, to cope with his condition, the deceased was transferred to St. George Hospital, Kogarah later the same day where he remained in the same state. After a final examination by Dr. MCKAIG, Mr. DYE was diagnosed as being brain dead, and the life support system was disconnected at 5.40pm on 25 December, 1993. Life was pronounced extinct by Dr. KIM at 6.30pm on 25th December, 1993.
- 1.8 Constable PORTLOCK from Kogarah Police Station attended the Hospital, and the body of the deceased was identified to him by his brother Brenton DYE.
- 2.0 **CRIME SCENE:**
- 2.1 Senior Constable Van LEEUWEN of the Physical Evidence Section attended the scene at 6.20am on 23.12.93 and made an examination, taking a number of photographs, a blood sample and also taking possession of \$3.30 in coins. About 8.30am he attended the St. Vincents Hospital and photographed the deceased, who was at that time on a respirator, and took possession of items of clothing.
- 3.0 **CANVASS RE POSSIBLE WITNESSES:**
- 3.1 A canvass was also made of the area surrounding the scene, however this produced a negative result.
- 3.2 Inquiries were also subsequently made of the drivers of State Transit Authority buses from the Waverley, Randwick and Port Botany Depots, responsible for routes which take them along Oxford Street, Surry Hills during the relevant period of time on 23/12/93, however nothing of an evidentiary nature was gleaned as a result.
- 3.3 A Security Officer employed by EASTSIDE SECURITY, Mr. Alex FRENCH, was also interviewed, as he had been working in the early hours of the 23rd December, 1993, patrolling Kinsela's nightclub and its surrounds, including the area of Little Oxford Street, however he did not notice anything out of the usual during the performance of his duty.

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4.0 POST MORTEM RESULTS:

4.1 A post mortem examination was carried out by Dr. Lilliana SCHWARTZ, on 27/12/93, and a report was prepared in that regard on 12/4/94, the Pathological summary indicating that the deceased had suffered fractures of both orbital plates and part of the left frontal bone, the left mandibular condyle and left zygoma, and diffuse brain damage. He also had bruising of the soft tissues of the neck with associated fracture of the right greater horn of the thyroid cartilage. He had also suffered oedema, congestion of the lungs, acute bronchopneumonia, pancreatitis and showed septic features in the liver spleen and heart. Dr. SCHWARTZ indicated that in her opinion the injuries described were caused by a blunt instrument, the direct cause of death being head injury.

5.0 DESCRIPTION OF SUSPECTS:

5.1 The three males seen by NEILSON were described similarly, being 17-18 old, Pacific Islanders, 180cms in height, slim to medium build, dark complexion, with shoulder length black hair. Two were wearing long baggy pants and 'T' shirts, the third wearing grey knee length baggy shorts, 'T' shirt, white sock, joggers and a dark coloured baseball cap. The witness however, did not see the faces of the suspects, and could not assist further in that regard.

5.2 After having attended the Surry Hills Police Station, Mr. NEILSON was taken in a Police vehicle by Constables RIDLEY and SPARKES, and driven around the Surry Hills area looking for the suspects previously described by him. When at the intersection of Brisbane and Oxford Street, three male persons were observed sitting in a bus shelter, described as being caucasian, about 17 old, wearing baggy shorts 'T' shirts and one wearing a red coloured peaked cap. Some were also carrying back packs, however the witness viewed these boys and indicated to the Police they were definitely not the persons he had seen a short time earlier with the deceased and indicated that the suspects in his opinion appeared to be Maoris or similar.

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- 6.0 PRIOR MOVEMENTS OF DECEASED:
- 6.1 Subsequent inquiries established that the deceased had attended the Bellevue Hotel, 159 Hargraves Street, Paddington, about 6pm on Wednesday the 22nd December, 1993. A short time later he met a friend William MacALISTER, there where both dined and had a few drinks, moving to the Paddington Inn, Oxford Street, Paddington, shortly after 8pm where they joined some other acquaintances, namely a girl named Jane WILKINSON, a man named Hamish and MacALISTER's cousin James Keith MacALISTER.
- 6.2 Around 10pm after apparently consuming some drinks (including beer, coffee, champagne and water) the deceased left the others and went to a bar known as 'GILLIGAN'S' above the Oxford Hotel, on the north western corner of Oxford and Bourke Streets, Darlinghurst.
- 6.3 Some time later, probably around 10.30pm the others also joined the deceased at that premises, at which stage he was talking to a male at the bar. Whilst there, the deceased was seen to consume some more beer and wine, also consuming ice water between drinks. He also spoke to a number of other male persons at the bar whilst at that premises, and about 1am the others left, walking to the Courthouse Hotel, which is directly opposite on the south western corner of the intersection.
- 6.4 They stayed there drinking and about 3am James MacALISTER left, walking down Oxford Street, to the Exchange Hotel where he met his girlfriend Jo, who had also been with the others earlier at GILLIGANS.
- 6.5 William MacALISTER left the Courthouse Hotel about 2.30am, going home with Jane WILKINSON.
- 6.6 Two other friends of the deceased, both employed at the Bellevue Hotel, namely Peter Edward SNELLING and Michael Richard TRAVINSKI, who had observed him there earlier in the evening with William MACALISTER, were also at the Oxford Hotel between about 1am and 2am, however did not see him there during that time. About 2.15am, however, they met him outside and invited him to accompany them to play pool at the nearby FLINDERS HOTEL, in Flinders Street, Darlinghurst. He was according to those persons well under the influence of alcohol at that time, however apparently quite jovial.

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- 6.7 On arrival at that premises, the three consumed some more beer however between then and time closure of the Hotel about 3am, the others lost track of the deceased, however according to TRAVINSKI, he went with SNELLING to the Exchange Hotel to look for him. The former remained there from about 3.30am to 5.30am, however the latter left about 4am. The deceased was not seen by them after around 3am.
- 6.8 James Norman HILLMAN who is employed as a Barman at the Flinders Hotel, recalls seeing the deceased in the bar for 10 or 15 minutes, leaving alone, about 2.45am.
- 6.9 HILLMAN left the premises himself about 3.15am and about 45 minutes later saw DYE on his own, walking from the vicinity of the bus stop outside the District Court, diagonally across Oxford Street, towards a traffic island, known as 'Gilligans Island'. At this time there were apparently few other persons in the vicinity and although walking normally according to HILLMAN, the deceased was obviously intoxicated, and talking to himself.
- 6.10 Jeremy Barnabas LARKINS, the Assistant Manager of the Court House Hotel, 189 Oxford Street, recalls refusing service to the deceased at the premises about 4am due to his state of sobriety. He states that the deceased entered the Hotel alone through the northern door on the Bourke Street side and that he appeared to have urinated in his pants. When refused service, he did not become agitated and left the Hotel by the same door, walking to the left towards Oxford Street.
- 6.11 David Anthony WALKER, a Security Guard employed by Eastside Security, was working in that capacity on the door at the Court House Hotel and about 2.30am noticed three males of similar appearance to a young man who had been refused service the previous evening. They walked around from Oxford into Bourke Street, however passed the entrance to the Hotel.
- 6.12 About an hour later, WALKER stepped out of the Hotel into Bourke Street and was looking towards Kinsela's Night Club and saw one of the three men in front of the entrance alcove. As that premises was closed he took notice and saw another of the men also adjacent to the entrance and as he walked to the edge of the footpath they both moved back so as to be obscured from his vision.

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- 6.13 He re-entered the Hotel with the intention of calling Radio Control, however before doing so became aware that the men had left. Mr. WALKER subsequently attended the Physical Evidence Section at Surry Hills, and assisted in the construction of a 'F.A.C.E.' image of one of the men whom he had described as seeing.
- 6.14 It was established that a man named Owen READ (also known as 'Kiwi') a resident of [REDACTED], located Mr. DYE about 4.30am on 23.12.93, lying on his stomach on the roadway at the rear of Kinsela's Nightclub. He indicated that he initially thought it was a friend named 'Aaron' and subsequently walked down the laneway to look for, but did not see him. Mr. DYE was still alive at that time and after walking back towards him READ saw and spoke to the Police, who had arrived by that time.
- 6.15 On December, 28, a friend of the deceased, Colin DORRINGTON, contacted the Task Force and notified investigators that the deceased had spoke to him about 10 days previously, following his arrival in Sydney to the effect that he had informed his mother that he was a homosexual. He indicated that she had not taken this news well and he requested that he stay with DORRINGTON for a time. Not long after however, the deceased and his mother apparently spoke on the telephone and he was invited back home. About 5pm on 22/12/93, the deceased had called DORRINGTON to arrange for them to have drinks later, however no final plans were made.
- 6.16 Mr. DORRINGTON further indicated that DYE was attracted to males of an Islander appearance, having some aboriginal friends and also a Torres Strait Islander named Patrick.

7.0 MISSING PROPERTY:

- 7.1 Inquiries subsequently carried out established that the deceased had been in possession of a leather wallet (possibly 'ARTEX' brand) and an unknown sum of money the previous evening, and was believed to normally carry some form of identification, however this property had apparently been removed from him at the time of the incident.

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- 7.2 It was initially believed that the deceased had been in possession of other property, including some Compact discs and a bag containing some glasses, however it was subsequently established that William MACALISTER had retained those items fearing his friend might lose them due to his state of insobriety.
- 8.0 INVESTIGATION:
- 8.1 A Task Force, named 'BARCOO' was established on 29th December, 1993, and extensive investigations commenced with a view to establishing any evidence to assist the inquiry.
- 8.2 Investigations also established that a man named [1116] of [redacted] Mosman had been walking in Brougham Street, Woolloomooloo in the vicinity of Cowper Wharf Road, about 3.30am on 23 December, 1993, when he was approached from behind and attacked by five male persons, during which his wallet was removed from his trouser pocket. He suffered concussion, a wound to the left temple, facial lacerations and bruising to the jaw and nose.
- 8.3 There were two persons who observed a number of persons, apparently the offenders, prior to, and following the incident namely George GRACE, and Leah COOPER, the descriptions supplied being similar to that of Mr. Scott NEILSON, who had observed the offenders near the deceased in Surry Hills about an hour later.
- 8.4 Mr. GRACE, supplied details to a Police technician who subsequently compiled a 'F.A.C.E' reconstruction of one of those persons suspected of being involved in the assault and robbery on [redacted] [1116] (No. A00005) that investigation being undertaken by Detectives from Kings Cross.
- 8.5 On 29th December, 1993, a resident of [redacted] Surry Hills, namely Aaron BUTTRISS, born [redacted]/62 was spoken to by Investigators and indicated that he had overheard a man named [redacted] [1287], speaking about having been responsible for 'doing a guy over' behind Kinsela's a few nights previously.

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- 8.6 BUTTRISS is [REDACTED]. He is the 'Aaron' referred to by the witness Owen READ and when interviewed, indicated that he would not make a formal statement nor would he be willing under any circumstances to give evidence in relation to the matter against any person.
- 8.7 He initially stated that he had been drinking with two other alcoholics, Les McFARLANE, and Lloyd ARMSTRONG, around midday on 26/12/93, at which time he approached by [1287] and two other males known only to him as [REDACTED] and [REDACTED]. According to him they were bragging about having 'done over' someone a couple of nights before behind Kinsela's in Campbell Street and alleged that [1287] had some sixty or seventy dollars in his possession, stating that he had taken about \$120 from the victim referred to.
- 8.8 He alleged that he knew more, however feared for his safety if he revealed the information.
- 8.9 When further questioned in that regard, he alleged that he had in fact, observed [1287] deliver a strong kick to the face of a male person on the night of 23/12/93 in Little Oxford Street, about 20 metres north of Campbell Street, as a result of which blood spurted everywhere. He indicated that the victim at the time was lying on the roadway facing Campbell Street, his head lying on the western footpath.
- 8.10 He alleged that he had been in Sydney Hospital for 16 days prior to the 25th December, and had left with the excuse of obtaining cigarettes, however had purchased a bottle of port from the Court House Bottle shop and after having remained there for about one hour was walking down Campbell Street, in a westerly direction when he saw the incident referred to. He then allegedly returned to the Hotel where he had a few more drinks with an unknown friend and returned to Little Oxford Street where he saw the person lying on the roadway with his head between two parked vehicles.
- 8.11 When questioned in relation to the time of the incident, he initially adamant that it was around 9pm, then conceded that it could have been later, although definitely no later than midnight. He was also adamant that Kinsela's was still open and there was considerable traffic about. Whilst being

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unaware of the actual time of the alleged offence was emphatic that it could not have been around 4 or 5 in the morning.

- 8.12 He was conveyed to the site described and indicated a position to Police where he alleged the offence took place and about 3pm the same date, Senior Constable Van LEEUWEN of the Physical Evidence Section also accompanied investigators to the scene and made presumptive tests of some stains in that vicinity on the roadway which were of a negative result. He also indicated that upon his examination of the scene on the morning of the 23rd December, there were no indications of any other site of attack upon Mr. DYE in that vicinity, and the only blood stains located were on the roadway where the deceased was found.
- 8.13 Inquiries were subsequently carried out at the Sydney Hospital, where it was ascertained that BUTTRISS was in fact brought to Casualty by Missionbeat at 8.30pm on 23.12.93, which was later confirmed through a driver Tautoki MEHANA, who indicated he had been taken there from [REDACTED], suffering a slight head injury following a suspected fall.
- 8.14 He was admitted, however remained in Casualty due to a lack of beds elsewhere, due however, not to the injury, but to the fact he was severely dehydrated as a result of diarrhoea. He was then placed on an intravenous drip and transferred to Ward 7 where he remained until his discharge at 3pm on 25/12/93. Although it cannot be confirmed, it is highly unlikely that he left the hospital during that period due to the I.V. Drip.
- 8.15 The man Leslie Colin McFARLANE, born [REDACTED]/29, also a chronic alcoholic, was interviewed on 29/12/93, at Campbell House, however could not give any information to assist due to a total inability to maintain continuous thought process. He obviously knows BUTTRISS and [1287], having apparently previously had some personal difficulty with the latter.
- 8.16 The same date, Lloyd ARMSTRONG, born [REDACTED]/32, was interviewed at Swanton House. He is also an alcoholic, in a similar situation to McFARLANE, and made vague allegations about seeing some other unidentified alcoholic kicked to death the previous day somewhere around the city.

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- 8.17 About 5pm on 30/12/93, BUTTRISS was spoken to, this time on the telephone, remaining adamant that he had witnessed the incident referred to whilst on leave from the Hospital, however when confronted with the various discrepancies concerning dates, times ect, became aggressive and stated the Police must be wrong. He then refused to have anything further to do with the inquiry.
- 8.18 BUTTRISS had described the associates of [1287], who is well known to Police and himself an alcoholic and of very large build, as being Samoan or Fijian, 5'11" to 6'1", very large frame, 16 to 17 stone and fat. Both were alleged to be wearing long sleeved 'sloppy joe' tops, blue jeans and sandals. He indicated [1287] had been wearing a white singlet, blue jeans and maroon lace up 'Doc Marten' shoes, alleging that [1287] had assaulted him in the past, although the matter had not been reported to the Police.
- 8.19 No reliance could be placed on anything said by either BUTTRISS, MCFARLANE, or ARMSTRONG, due to their continuous state of confusion in relation to times, dates and any details of a specific nature. BUTTRISS is himself well known to Police in respect of various offences.
- 8.20 On 31 December, 1993, a Mr. Brad SMITH of Umina was interviewed, indicating that he had been in the company of another male, Mr. Keith LAURIE, about 10 days previously at which time they had been approached and threatened by three Islanders of similar appearance to the suspects for the DYE assault, in Little Oxford Street and provided detailed descriptions to Police technicians, who converted those to computer images, subsequently circulated by way of the news media with a view to obtaining information concerning persons of a similar description. Mr. LAURIE was not available at that time and was not able to be interviewed to substantiate his friends version of the incident.
- 8.21 The release of this information resulted in a substantial response from members of the public and Police, and a large number of persons were subsequently interviewed, however with a negative result.

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- 8.22 On January, 18, 1994, SMITH's associate, Keith LAURIE was interviewed, however due to certain discrepancies between the two versions of the incident and descriptions supplied, it was decided that less significance be given to the F.A.C.E photos referred to.
- 8.23 It was established that the deceased was the holder of an A.N.Z. Bank account, however inquiries carried out confirmed that, although this was the case, he did not have any Bankcard or Access card facility and that there had been no movement on the account for some time prior to and since his death.
- 8.24, It was also confirmed that the deceased had an account with the METWAY BANK, and held an access card to facilitate use of the funds, however inquiries confirmed that the card was for use only in conjunction with 'Rediteller' machines or 'Eftpos' facilities for the withdrawal of cash. The card was not able to be used to purchase goods and a security warning was placed on the card by the Bank at the request of Police.
- 8.25 Further inquiries made at the METWAY BANK in Sydney confirmed that the deceased had reported the loss of his access card on 15/12/93, and that this had been subsequently replaced with another two days later.
- 8.26 Further, two withdrawals had apparently been made by the account holder on the 22nd December, 1993, one of \$20 at Chatswood at 1.45pm and another of \$50 at Paddington at 8.17pm, both being consistent with the known movements of the deceased on that date, and an indication that he would most likely have been in possession of only a small sum of money at the time of the assault upon him.
- 8.27 On 9/1/94, the brother of the deceased, Brenton DYE residing in Cairns, Queensland, advised investigators that a wallet containing the Metway Card previously reported as lost had been recovered in that State. Although there was no report of the loss or theft to the Police, it was apparent that the deceased had mislaid the property prior to leaving to travel to Sydney and reported the loss/theft on his arrival here. His brother did however indicate that the wallet was not one that he had presented him as a gift in 1992. Neither was that wallet contained in the property left at his home address in Cairns.

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- 8.28 Brenton DYE also indicated that he was unable to locate a gent's diamond ring that his brother owned and believed that as he had previously pawned the ring with a local Dealer, that may have been the case on this occasion.
- 8.29 Inquiries subsequently instigated with Police in Cairns, to carry out investigations with a view to locating the property, were of a negative result, as were inquiries made of those persons in whose company the deceased was on December 22, none of them recalling any jewellery being worn by him.
- 8.30 On 21 January, 1994, Brenton DYE advised that an Ansett 'Frequent Fliers' card and Social Security advice, belonging to the deceased, had been forwarded by mail to his home address in Cairns. Inquiries confirmed that those items had been posted from Sydney, having been handed in to the Ansett Office, on the corner of Riley and Oxford Street, Surry Hills, on 23 December, 1993.
- 8.31 No records however, were kept by the Company and none of the staff has any independent recollection of the property being handed in. Although a request was made through the media with a view to locating the person responsible, no response was received at all in that regard.
- 8.32 Fingerprint examination of the items recovered were of a negative result.
- 8.33 Mrs. Jean DYE, the mother of the deceased, also notified the Task Force that she had information from someone who desired to remain anonymous, to the effect that an associate now resident overseas was, shortly before her sons death, involved in a dispute with him over some property and felt that perhaps he had been in some way implicated in the murder. This matter was pursued with Mrs. DYE who was encouraged to surrender the identity of the informant to Police so that the inquiry could be continued. Although it was only supposition, it was considered that the information may have related to a friend of the deceased, William MACALISTER as he had moved to New Zealand on a permanent basis. Investigators pursued this matter with Mrs. DYE however she was unable to identify the source of the information or offer any further information and in the absence of any evidence to support this rumour this line of investigation was not pursued.

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- 8.34 Investigators are of the opinion that robbery was the motivation for the offence, due to the evidence available and there is nothing to suggest there was any premeditated action involved.
- 8.35 On 14th February, 1994, a Solicitor, Mr. Richard FUNSTON, was confronted in his office at the Inner City Legal Centre, [REDACTED], Darlinghurst, by a male who refused to divulge his identity, who produced a wallet which he alleged had been taken by him by mistake at a nearby Restaurant. He indicated he would not take the property to Police as he was wanted for outstanding warrants.
- 8.36 The wallet was subsequently found to contain, among other property, the missing METWAY Bank cash card belonging to the deceased Crispin DYE.
- 8.37 Although Mr. FUNSTON apparently endeavoured to ascertain the man's identity, he was unable to do so, and he left the office without identifying himself, the Solicitor being of the opinion that his behaviour was symptomatic of an untreated schizophrenic. The wallet and contents were conveyed to the Task Force office at Surry Hills and found to also contained [REDACTED] Passport in the name of [REDACTED] NP221, born [REDACTED], a number of automatic teller machine receipts pertaining to accounts in his name with the St. George Bank and the Sydney Credit Union and an Australian Credit Union transaction card in the name of [REDACTED] I320
- 8.38 None of that property was the subject of a lost or stolen report on the indices of the Police Department, although [REDACTED] NP221 reported his 'Freedom' account card stolen to the St. George Bank on 14/02/94.
- 8.39 It was established that [REDACTED] NP221, D.O.B. [REDACTED] who was residing at [REDACTED], Annandale with his girlfriend [REDACTED] NP222, born [REDACTED], was at the time, an employee of the McDonalds Restaurant, [REDACTED], Darlinghurst.
- 8.40 An examination was made by the Central Fingerprint Bureau, for latent fingerprints in respect of the property referred to, however with a negative result.

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- 8.41 On 17th February, following applications being made, search warrants were issued in respect of records held at the St. George Bank and Sydney Credit Union, and the documentation obtained was examined with a view to facilitating further evidence in respect of both parties.
- 8.42 It was established that [NP221] held two accounts at St. George, one as the sole account holder the other being a joint account with his girlfriend [NP222]. There was a transaction on the former account on 22nd December, 1993, being a withdrawal at the branch on the corner of Pitt and Market Streets, Sydney at 17:01 hrs, the next being on 29.12.93.
- 8.43 The latter account was opened on 27.1.94 and the transactions on this account appeared to have no relevance to the inquiry.
- 8.44 A report had been made to the Bank by [NP221] to the effect that the St. George card had been stolen on 14/2/94, between 9am and 2pm from his place of employment, and that the matter had been reported to Police, however no such report was in fact made.
- 8.45 On 21 February, 1994, surveillance was commenced of [NP221] and [NP222], with a view to obtaining information in respect of their movements and associates. Those observations confirmed that they appeared friendly with some other Islanders resident in Annandale, subsequently established to be [NP224], his de-facto [REDACTED], brother and sister.
- 8.46 On 23 March, an affidavit was sworn at the office of the Solicitor in respect of the suspect [NP221] [REDACTED]. During inquiries however, it was established that the suspect had moved to flat No. [REDACTED] within the same complex and accordingly after the completion of a fresh affidavit, a warrant was issued on 30th March in respect of that premises.
- 8.47 On April 5, a warrant to search the premises [REDACTED] was issued at the Downing Centre Local Court and subsequently executed in the presence of the suspect [NP221], who was

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subsequently interviewed electronically at Surry Hills Police Station and questioned in respect of the subject property.

8.48

[REDACTED]

8.49

When interviewed, [NP221] indicated had been found by him on his way to work outside the Brighton Hotel, on the corner of Oxford and Riley Streets prior to Christmas 1993, however made no effort to restore the card to the owner, retaining it without further inquiries being made. He confirmed that he had been in the city early on the evening of 22 December, 1993, subsequently staying at the home of his friend [NP224], [REDACTED] Leichhardt, then attending his place of employment at 11.30am the following day. He denied any knowledge or involvement in the murder of Crispin DYE.

8.50

[NP222] was also interviewed, indicating that she had not seen the subject credit card in [NP221]'s wallet, and that she had been overseas from the 17th to the 31st December and of course unable to confirm his movements.

8.51

[REDACTED]

8.52

[REDACTED] [NP221] and [NP222] no evidence was gleaned to substantiate any knowledge or involvement in the murder. As a result, investigators were satisfied that [NP221] found the property of the deceased on the street near his place of employment at [REDACTED] Darlinghurst.

8.53

Due to the lack of supporting evidence arising from the investigation it was considered unnecessary to pursue that manner of investigation further and whilst [NP221] does not have a specific alibi for the period surrounding the early hours of 23rd December, 1993, he and his associates were eliminated as suspects.

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- 8.54 On May 7, a man named Ashley PARCELL, a resident of the [REDACTED] Surry Hills, attended the Task Force office and indicated that he had been drinking with another male at the Gaslight Hotel, Surry Hills, known to him only as 'Simon', who had told him he witnessed the deceased being assaulted by three male aboriginal males, allegedly nominating that they were residents of [REDACTED], Redfern.
- 8.55 Numerous inquiries were subsequently made with a view to establishing the identity of 'Simon', who was also believed to have been a retired member of the Northern Territory Police, however on 10th June, [REDACTED] NP225, born [REDACTED]/44 of [REDACTED], Auburn, was interviewed and indicated that he was the person referred to by PARCELL as 'Simon'. [REDACTED] NP225 indicated that he was an alcoholic, and although himself being a past victim of an assault an robbery in the City, denied having seen the incident referred to, most likely having been at home with his family at that time.
- 9.0 SUSPECTS [REDACTED] NP127 AND [REDACTED] NP227
- 9.1 On May 14, 1994, an informant known to Detective EARDLEY of the Drug Enforcement Agency, approached officers of the Drug Unit, Major Crime Squad, South and volunteered information relating to [REDACTED] NP127, born [REDACTED] and an associate, [REDACTED] NP227, born [REDACTED], as being possibly involved with the murder, or having some knowledge in relation to the offence.
- 9.2 Inquiries carried out by members of the Task Force in an attempt to locate and interview both those persons in relation to their possible knowledge of the Crispin DYE murder however it was established that [REDACTED] NP227 died as a result of a drug overdose at his home in [REDACTED] in June, 1994. Attempts have been made to locate [REDACTED] NP127, however, although some of his associates have been interviewed, his whereabouts are presently unknown. It would appear that, as he is a suspect in relation to other matters he may not be located for some time, and has therefore been currently circulated by this Task Force as being wanted for interview in respect of this matter.

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- 10.0 ALLEGED WITNESS 'ROBBIE'.
- 10.1 On May 18, Detective EARDLEY of the Drug Enforcement Agency contacted the Task Force to the effect that a reliable informant had indicated that he had been speaking to an associate known as 'Robbie' who claimed to have witnessed the murder and was aware of the identity of at least one of the offenders, all of whom were alleged to be Tongans.
- 10.2 As a result of the information received an affidavit was prepared and sworn at the Office of the Solicitor on 20th May, a warrant subsequently being issued later the same date for the placement of a Listening device on the person of an undercover Police operative.
- 10.3 A meeting was arranged between that officer and the person 'Robbie' and the ensuing conversation was recorded. As it was known that 'Robbie' would not speak to the Police about the matter, but believed certain 'bikie' groups may be interested in the information due to the deceased's background with a rock band named 'AC/DC', the undercover operative assumed that role during his meeting with the alleged witness.
- 10.4 The man 'Robbie' claimed that the assault had been committed by a number of male persons and purported to have access to the identity of the offenders, however despite numerous attempts to pursue the matter through the use of the undercover officer, no further information was forthcoming, and it is considered that 'Robbie' was endeavouring to ingratiate himself with the 'bikie' faction by proffering information in this manner.
- 11.0 NP226 :
- 11.1 During the investigation, information was received through Detective Sergeant HAYS, of Malabar Police, that a youth named NP226, born [REDACTED], a resident of Matraville, had allegedly indicated to the Manager of a local Fruit Market that he had some knowledge of the murder.
- 11.2 Accordingly on 14/06/94, the young person was interviewed by Investigators at his home [REDACTED], Maroubra, in the presence of his

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mother [REDACTED]. The boy denied having any knowledge of the murder indicating that he was asleep in bed at his home, this being confirmed by his mother who indicated that the boy sleeps with other children in the bedroom, none of whom had been disturbed by his leaving the house. Mrs. [REDACTED] also confirmed that her son rarely stays away from home and if he does go out, is always home by 9pm.

11.3 She recalled seeing her son at home on the morning of 23/12/93, indicating that they went Christmas shopping together, and further indicated that the boy [REDACTED]. He attends [REDACTED] in Year [REDACTED], working part time at a local [REDACTED].

11.4 He denies admitting that he was the person circulated through the media for DYE's murder, however it is believed that he may have done so to ingratiate himself with others, as a result of his mental state. His mother confirms that he does not associate with Tongans or similar races, and there is nothing further to suggest that this young person was involved in any manner with the offence.

12.0 [REDACTED] NP128 :

12.1 During the course of investigations in respect of the assault and robbery committed upon [REDACTED] 1116 in Woolloomooloo about an hour before the attack on the deceased, various persons nominated a young person named [REDACTED] NP128, born [REDACTED], as being similar in appearance to the F.A.C.E photograph No. A00005, previously referred to, prepared with the assistance of Mr. George GRACE, a witness to that incident.

12.2 Following numerous unsuccessful attempts to locate the young person, who had allegedly been a resident of the same area, his description was circulated vide the Police Netmail system on 27 May, 1994.

12.3 On June 14, [REDACTED] NP128 was arrested by Police in Kempsey in respect of other matters, and subsequently interviewed in relation to the murder by Detectives MIMNAW and REDMAN of that station. During the course of a lengthy electronically recorded interview, [REDACTED] NP128 admitted being a witness to the

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assault on the deceased, alleging the perpetrators were four aboriginal and 1 caucasian youths, the identity of whom were unknown to him. He further alleged that he had at the time, been in the company of another young man named [1327], who died of a [REDACTED] in March, 1994, and denied any involvement in the actual commission of the offence.

- 12.4 The following day, Task Force investigators travelled to Kempsey where he was further interviewed and although appearing somewhat erratic, confirmed the earlier assertion that he had witnessed the incident, alleging he and [1327] ran from the scene in separate directions, meeting at the latter's home shortly after.
- 12.5 He denied any complicity in the assault committed upon [1116], although, according to his account, would have been in the vicinity about that time in company with [1327]. The witnesses to that offence had previously viewed a number of suspect photographs including that of [NP128], however failed to identify him as an offender.
- 12.6 It was established that [NP128] had been residing with relatives in Moree prior to travelling to Kempsey and searches were carried out of premises in both places with a view to obtaining physical evidence, however with a negative result.
- 12.7 Although modifying his account at various times during the interview, [NP128] alleged he travelled to Moree by train, probably arriving around 25th December and supplied various names under which the ticket may have been purchased, however despite substantial inquiries being carried out with the State Rail Authority Police were unable to confirm or refute his mode of travel.
- 12.8 On June 16, [NP128] was sentenced to 6 months imprisonment at the Port Macquarie Local Court in respect of other matters and is currently an inmate at the [REDACTED].
- 12.9 During the interview, [NP128] indicated that he had been living in Sydney for some months prior to December, 1993, and various relatives with whom he had been residing were subsequently interviewed with a view to clarifying the position in that regard. His grandfather, [1321], [REDACTED] old, indicated

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that he recalled the boy being in possession of a rail ticket for travel between Sydney and Moree and stated that he had loaned him the sum of \$80 at the time, which from Bank records available, he believed to be the 15th December, 1993.

- 12.10 His uncle [1322], with whom [NP128] had been employed for a time indicated that his services were terminated on 22/12/93, and inquiries indicate that whilst in Sydney and not staying with his grandfather, he had been staying with friends in and around the Woolloomooloo area.
- 12.11 Inquiries made by Police in Moree established that, according to his aunt [1324], he arrived, on foot, in that town in the early hours of 11th December, 1993, which is in conflict with the evidence of that of his grandfather, and that of his mother, [1323], who alleged that he arrived at her sisters home in the evening by Taxi. [1324] [1324] produced a diary with a entry she alleges relates to his arrival on the 11th and claimed that, following his arrival in Moree he commenced employment with her brother in law, [1325], a local Rural Contractor, as a 'Cotton chipper'.
- 12.12 Following prior arrangements having been made with him to do so, with a view to clarifying certain aspects of the inquiry and to accompany investigators to the scene, [NP128] was further interviewed at Surry Hills on July 6, however at that time alleged that he had previously been mistaken, since realising that he was not in fact in Sydney on 23rd December, 1993, and that the incident to which he had alluded had occurred some time previously in a different location.
- 12.13 He further alleged that another young person named [170], had purchased a rail ticket in that name at Redfern Railway Station around 10am in the morning and that he travelled to Moree later the same evening. Whilst he was unaware of the date, he initially stated that it was about a week after having borrowed the money from his grandfather and that he had lost the original ticket, the one being purchased by [170] being a replacement. He subsequently recanted that however, indicating that he could not specifically recall the relevant times and dates. He confirmed that he had been working with [1325], stating that he had been paid on a

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- 12.14 daily rate by cheque, those subsequently being cashed at a local Moree Hotel. He also alleged that he had made application to the Department of Social Security for benefits on 20th December, receiving his first payment four days later.
- 12.15 Inquiries made with that Department confirm that this appears to be the case, although Police have been unable to authenticate, due to privacy legislation, that he attended the Moree office personally on the date specified.
- 12.16 On July 12, Task Force Investigators travelled to Moree to further investigate those aspects raised by [NP128], with a view to either eliminating him as a suspect, or confirming that he was in Sydney and may have been a party to the assault on DYE on 23/12/93.
- 12.17 Substantial inquiries were carried out in relation to the person with whom he was allegedly employed, [1325], and all work records relating to employees of the company and cheque records retained by his accountant [REDACTED], were examined. A statement was obtained by [1325] in which he confirmed that [NP128] worked for him between 16/12/93 and 07/01/94 under the name of [NP128's alias], however, other than the cheques which were obtained from the Bank, no documentation is available to substantiate that [NP128's alias] was identical with [NP128].
- 12.18 It was established that [NP128] worked over three separate periods during that time, being paid on each occasion by cheque, one having been cashed at the A.N.Z. Bank, one at the Moree Hotel and the other at the Moree Services Club.
- 12.19 Inquiries were carried out in relation to the latter, as it is the normal procedure undertaken at that premises when a member cashes a cheque, for that person's membership number to be recorded on the rear, as would be the recipient's signature, however for some reason, this was not the case on this occasion, there being no such number of signature appearing thereon.
- 12.20 Club records indicate the cheque was cashed at the Club on 8th January, 1994, as was another of [1325]'s cheques in the amount of \$455, however there was no record of [NP128] signing the

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- 12.21 register for that date. Inquiries indicate that the only cheque on that date in that amount was cashed at the club by a member [REDACTED], on behalf of one of [1325]'s employees [REDACTED], however when interviewed [REDACTED] denied any knowledge of either [NP128 or NP128's alias], stating that he went to the club on his own, cashed the cheque and left, not assisting in cashing a cheque for any other person.
- 12.22 One of the cheques allegedly paid to [NP128], relating to work carried out on the 16th and 17th December, 1993, has a signature on the back, which although not fully intelligible, appears similar to some signatures of [NP128] available from receipts to numerous audio tapes supplied to him following the three interviews with Police, however inquiries made with the Document Examination Unit, indicate that a proper comparison is not possible as the signatures relate to two completely different names, [NP128] and [NP128's alias]. The Teller, Beverley KREBS has no independent recollection of the transaction, and cannot identify the person carrying out the transaction.
- 12.23 The cheque relating to employment allegedly undertaken during the period 20/12/93 to 24/12/93 inclusive was cashed at the Moree Hotel on 24th December, 1993, however, due to the large number of employees cashing [1325]'s cheques during the cotton season, staff at the Hotel are unable to verify the identity of those persons doing so on an individual basis.
- 12.24 Statements obtained by [1325] and other family members however do appear to confirm that [NP128's alias] is identical with [NP128], and that he was in fact in Moree on the 22nd - 23rd December, 1993, therefore could not have been involved with, or have been witness to the assault upon the deceased as he originally indicated.
- 12.25 The evidence of [NP128]'s uncle, [1326] in particular, confirms that he conveyed his nephew to and from the properties on which they worked during the period relevant to this inquiry.
- 12.26 Whilst in Moree, the Legal Representative of [NP128] [NP128], Solicitor [REDACTED], contacted Investigators and indicated that her client would not be taking part in any further interviews, nor

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- 12.27 would be give permission for Police to peruse his Social Security records, as had been previously requested through his Welfare Officer at Cessnock Penitentiary.
- 12.28 On September 8, 1994, [redacted] 170, born [redacted], was interviewed at the Bidura Children's Court in the company of a Juvenile Justice Officer, after consultation with his Legal Representative, [redacted]. [redacted] indicated that her client would not take part in a formally recorded interview, and would only answer questions concerning the allegation of the purchase of the rail ticket for NP128.
- 12.29 When questioned in that regard, [redacted] 170 confirmed that he had in fact purchased a ticket for NP128 at Redfern Railway Station, alleging that he had given him the money (about \$26) and requested the ticket be purchased in the name of [redacted] 170's alias [redacted] 170's alias as he was wanted by Police and desired to get away from Sydney.
- 12.30 [redacted] 170 alleged that he had no knowledge of the reason for NP128 being wanted at the time, however it is known that he had smashed the window of a Social Security Office in Surry Hills and had breached a Community Service Order, for which he believed his arrest was desired.
- 12.31 He indicated that whilst he could not recall the specific date of purchase of the ticket, is adamant that it would have been 2 to 4 weeks prior to Christmas 1993, which is consistent with what NP128 alleges to be the case, and places him out of Sydney at the time of the offence.
- 12.32 Inquiries were subsequently carried out by the Administrative Officer, Reservation Department, Country Link, State Rail Authority, however no record of the purchase in the name of [redacted] 170's alias [redacted] 170's alias was found during a perusal of the manifests available, those being in respect of the dates 17th, 18th, 19th and 20th of December, 1993 only. No others for that month are on record at the Department.
- 12.33 There are various discrepancies and there appears no specific reason for NP128 to have made the allegation to Police of having been present or in the vicinity

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of the assault upon Mr. DYE, however, owing to the inquiries carried out as indicated, there is no evidence to substantiate charges in respect of **NP128** concerning the matter.

13.0 CONCLUSIONS:

13.1 During the course of the investigations carried out in respect of the death of Crispin DYE, numerous operations were undertaken within the Sydney District, with a view to gaining intelligence in respect of groups of youths who congregate in the City on a regular basis from outer suburbs, particularly in the evening and weekends, who were believed responsible for assaults, robberies and other offences, this information being monitored and disseminated on a constant basis, however nothing of an evidentiary nature was gleaned as a result.

13.2 There are also some other persons, nominated for no other reason than their being similar in various fields to the 'F.A.C.E.' photographs described by the man SMITH, who have yet to be interviewed, however due to difficulties experienced as a result of the transient lifestyle of most, it is not expected that they will necessarily be located in the near future. There has nevertheless been a vast number of persons interviewed in that regard with a negative result.

13.3 A large number of persons have been spoken to during the course of the inquiry, particularly youths similar in description to the suspects observed by the witness NEILSON, those reported as being similar to those 'F.A.C.E.' photos developed as a result of the information supplied by Brad SMITH, and David WALKER, and persons arrested for offences of a similar nature. None of those interviewed however, with the exception of **NP128**, have provided investigators with anything of an evidentiary nature that would indicate they have been either directly or indirectly involved with the commission of the assault that caused the death of Crispin DYE.

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14.0 CONCLUSION:

- 14.1 That Crispin Wilson DYE born on 01/06/52, of Cairns, Queensland, died in St. George Hospital, Kogarah, on the 25th December, 1993, from head injuries he had sustained as a result of an assault upon him by persons unknown between 4am and 4.30am on the 23rd December, 1993.



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12th October, 1994.