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W608 22/96 GK-A1

NEW SOUTH WALES STATE CORONER'S COURT

CORONER: D W HAND

MONDAY 7 AUGUST 1995

FILE 2519/95

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INQUEST INTO THE DEATH OF CRISPIN WILSON DYE

Sergeant J Gibson Assisting Coroner
Mother and brother of deceased present

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NP128 present

CORONER: Yes we have an inquest into the death of Crispin Dye, Sergeant Gibson you're seeking leave to assist?

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GIBSON: Thank you your Worship I do.

CORONER: Thank you we have the mother and brother Brentan present. Yes Sergeant.

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GIBSON: Your Worship perhaps at this stage it may be that NP128 also take a seat at the bar table, at the end of the bar table.

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CORONER: Yes NP128 you can sit down at the end of the bar table there if you wish. Yes Sergeant.

<GEOFFREY ROY KNIGHT
SWORN AND EXAMINED

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GIBSON: Q. Detective for the record your full name, rank and station please?

A. Yes my full name is Geoffrey Roy Knight, Detective Sergeant currently stationed at the Major Crime Squad South.

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Q. And Detective you're the principal investigating officer in regard to the death of Crispin Wilson Dye?

A. That's correct.

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Q. And you have prepared a brief of evidence in relation to those investigations, true?

A. That's correct.

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Q. Now Detective perhaps you could turn to your statement, which I believe is part of Volume 1/3. Have you found that statement?

A. Yes Sir.

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Q. Detective would you read that statement onto the record please commencing at paragraph 3?

STATEMENT OF DETECTIVE SERGEANT KNIGHT READ TO THE COURT

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Q. Now Detective I believe you've made a further statement which is dated 26 July '95?

A. That's correct.

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Q. If you now read that statement onto the record please?

STATEMENT OF DETECTIVE SERGEANT KNIGHT DATED 26 JULY 1995
READ TO THE COURT

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Q. Now Detective you also prepared a summary--

A. That's correct.

Q. --of the entire investigation for the Coroner?

A. That's correct.

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Q. Would you now turn to that summary, and although I don't want you to read the entirety of that summary onto the record, I'd like you to go through each page and read out the relevant pieces that have not been indicated within your own statement, are you able to do that?

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A. I'll endeavour to do so yes. About 4.30am on 23 December '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 at short distance from him. 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 Goulbourn Street. 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. He subsequently spoke to police as was indicated and was driven around the area in an effort to identify the offenders.

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Paragraph 2 (1) Senior Constable Van Leeuwen of the Physical Evidence Section attended the scene at 6.20am - excuse me, on 23 December '93 and made an examination, taking a number of photographs and a blood sample was also taken in possession of - sorry a blood sample and also taken into possession of three dollars thirty in coins. About 8.30am he attended St Vincents Hospital as indicated and photographed the deceased who was at that time on a respirator and took possession of items of clothing.

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Paragraph 4 (1) A post mortem examination was carried out by Dr Lillian Schwartz on 27/12/93 and a report was prepared in that regard on 12 April '94. A pathological summary indicating that the deceased had suffered - excuse me - the deceased had suffered fractures of both orbital plates and part of the left frontal bone, the left mandibular condyle and the left zygoma and diffuse brain damage. He also had bruising of the soft tissues of the neck with associated fracture of the right ..(not transcribable).. horn of the thyroid cartilage. He also had 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

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cause of death being head injury.

Pages 4 and 5 are relevant to the prime movements of the deceased which have been--

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Q. Mentioned, thank you?

A. --mentioned. Inquiries were subsequently carried out and established that the deceased had been in possession of a leather wallet, possibly an 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. 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 established that William McAllister had retained those items fearing his friend might lose them due to his state of insobriety.

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On 31 December '93, paragraph 8 (20), a Mr Brad Smith of Umina was interviewed indicating that he had been in the company of another male, Mr Keith Lawrie, about ten days previously at which time they had been approached and threatened by three islanders of similar appearance to the suspects before Mr Dye's 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 containing - concerning persons of a similar description. Mr Lawrie was not available at that time, was not able to be interviewed to substantiate his friend's version of the incident. 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. On January the eighteenth '94 Smith's associate, Keith Lawrie, was interviewed, however due to certain discrepancies between the two versions of the incident and description supplied, it was decided that less significance be given to the face photos referred to.

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Paragraph 8 (27) on 9 January '94 the brother of the deceased, Brentan Dye residing in Cairns, advised investigators that a wallet containing a Metway Card, previously reported as lost, had been recovered in that State. Although there was no report of the loss of 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 of theft on his arrival here. His brother did however indicate the wallet was not one that he had presented to him as a gift in 1992, neither was that wallet contained in the property left at his home address in Cairns. Brentan Dye also indicated that he was unable to locate a gents 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. Inquiries were subsequently instigated with police in Cairns to carry out investigations with a view to locating the property, those inquiries were of a negative result as were

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inquiries made by - made of those persons in whose company the deceased was on December twenty two, none of them recalling any jewellery being worn by him.

Paragraph 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 son's 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 the information may have related to a friend of the deceased, a William McAllister, 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 that rumour, the line of investigation was not further pursued. 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.

Paragraph 12 (4) in relation to inquiries regarding [NP128] June fifteenth 1994 Task Force investigators, as was indicated, travelled to Kempsey where [NP128] was further interviewed and although appearing somewhat erratic confirmed the earlier assertion that he has witnessed the incident alleging he and [I327] rang from the scene in separate directions meeting at the latter's home shortly after. [NP128] denied any complicity in the assault committed upon [I116], although according to his account would have been in the vicinity about that time in company with [I327]. 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. 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. Although modifying his account at various times during the interview, [NP128] alleged he travelled to Moree by train probably arriving around 25 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. On June 16 [NP128] was sentenced to six months imprisonment at the Port Macquarie Local Court in respect of other matters. During the interview [NP128] indicated that he had been living in Sydney for some months prior to December '93 and various relatives with whom he had been residing were subsequently interviewed with a view to clarifying the position in that regard. His grandfather, [I321], seventy two old, indicated 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 a sum of eighty dollars at the time from which bank records

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available he believed to be on 15 December '93. His uncle, [1322], with whom [NP128] had been employed for a time, indicated that his services were terminated on 22 December '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. Inquiries made by police in Moree established that according to his Aunt [1324], he arrived on foot in that town in early hours of 11 December '93, 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 sister's home in the evening by taxi. [1324] produced a diary with an entry she alleges relates to his arrival on the eleventh and claim that following his arrival in Moree he commenced employment with her brother-in-law, [1325], a local rural contractor as a cotton shipper. Following prior arrangements having been made with him to do so with a view to clarifying certain aspects of the inquiry and accompanying investigators to the scene, [NP128] was further interviewed at Surry Hills on July the sixth, as has been indicated. However at that time alleged that he had previously been mistaken, since realising that he was not in fact in Sydney on 23 December and that the incident to which he had eluded, had occurred some time previously in a different location. 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 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 recounted that however indicating that he could not specifically recall the relevant times and dates and confirmed that he had been working with [1325] stating that he had been paid on a 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 20 December receiving his first payment four days later. Inquiries made with that Department confirmed 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. On July the twelfth Task Force investigators travelling 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 Mr Dye on 23 December. 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, Glen Goodwyn, were examined. A statement was obtained by [1325] in which he confirmed [NP128] worked for him between 16 December '93 and 7 January '94 under the name of [NP128 alias]. However other than the cheques which were obtained from the bank, no document is available to substantiate that [NP128 alias] was identified - identical with [NP128]. It was established that

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KNIGHT X (GIBSON)

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[NP128 alias], or [NP128], worked over three separate periods during that time being paid on each occasion by cheque, one having been cashed at the ANZ Bank, one at the Moree Hotel at the other at the Moree Services Club. 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 or signature appearing thereon. Club records indicate the cheque was cashed at the club on 8 January 1994, as was another of [I325]'s cheques in the amount of four hundred and fifty five, however there was no record of [I325] or [NP128 alias] signing the register for that date. Inquiries indicate that the only cheque on that date in that amount was cashed at the club by a member, named Claude Richens, on behalf of one of [I325]'s employees, Max Roberts. However when interviewed Richens denied any knowledge of either [NP128] or [NP128 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. One of the cheques allegedly paid to [NP128] relating to work carried out on 16 and 17 December '93, has a signature on the back, which although not fully intelligible, appears similar to those signature - to some signatures of [NP128] available from receipts to audio - 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 alias]. The teller, Beverly Cribbs, has no independent recollection of the transaction and cannot identify the person carrying out the transaction. The cheque relating to employment allegedly undertaken during the period 20 December to 24 December '93 inclusive was cashed at the Moree Hotel on 24 December '93, however due to the large number of employees cashing [I325]'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. Statements obtained by [I325] and other family members however do appear to confirm that [NP128 alias] is identical with [NP128] and that he was in fact in Moree on 22, 23 December, therefore could not have been involved with or have been witness to the assault upon the deceased as he originally indicated. The evidence of [NP128]'s uncle, [I326], in particular confirms that he conveyed his nephew to and from the properties on which they worked during the period relevant to this inquiry. Whilst in Moree the legal representative of [NP128], solicitor [REDACTED], contacted investigators and indicated that her client would not be taking part in further interviews, nor would be giving permission for police to peruse his Social Security Records as had been previously requested through his Welfare Officer at Cessnock Penitentiary.

On September the eighth nineteen ninety four [I70] [I70], born [REDACTED], was interviewed at Bidura Children's Court in the company of a juvenile Justice Officer after consultation with his legal representative,

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Tracey Randall, of the Aboriginal Legal Service. As indicated Mrs Randall indicated that her client would not take part in a formal interview. When questioned however [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 twenty six dollars, and requested the ticket be purchased in the name of [NP128 alias], as he was wanted by police and desired to get away from Sydney. 5

[170] alleged that he had no knowledge of the reason for [NP128] being wanted, however it is known that he had smashed a window of a Social Security Office in Surry Hills and had breached the Community Service Order for which he believed his arrest was desired. He indicated that whilst he could not recall the specific date of purchase of the ticket, is adamant that it would have been two to four weeks prior to Christmas '93, which is consistent with what [NP128] alleges to be the case and places him out of Sydney at the time of the offence. Inquiries were subsequently carried out by the Administrative Officer, Reservation Department, Country Links State Rail Authority, however no record of the purchase in the name of [NP128 alias] was found at that time during the perusal of the manifests available, those being in respect of the dates 17, 18, 19 and 20 December only, no others for that month are on record at that Department. 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 of the assault upon Mr Dye. However owing to the inquiries carried out, as indicated, there's no evidence to substantiate charges in respect of [NP128] concerning the matter. 10 15 20 25 30

CORONER: Thank you Sergeant, perhaps we might give the Sergeant a break, about a 10 minute adjournment. 35

SHORT ADJOURNMENT

CORONER: Mrs Dye Sergeant Gibson's had a talk to you--

MRS DYE: Yes. 40

CORONER: --and Brentan?

MRS DYE: Yes thank you. 45

CORONER: He's not well and I think that we had three other police officers to call but look Sergeant Knight's covered everything, I think that what we'll do is to save losing that much time and having to call the police tomorrow we'll excuse the police and we'll start on the civilian witnesses tomorrow at twelve, okay. 50

<GEOFFREY ROY KNIGHT
ON FORMER OATH 55

GIBSON: Q. You had actually completed the reading of the statements and the summary?

A. That's correct.

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Q. At the end of the summary that you just read you referred to this ticket purchased from the Redfern Railway Station--

A. That's correct. I can indicate that since that time I have instigated inquiries at Redfern Railway Station and recently spoken to the Booking Clerk there and as a result of a search of records held at that station, can indicate that the records show the purchase of a railway ticket on 3 December 1993 by a Master - I think it's NP128 alias of the sum of thirty one dollars which is indicative of that person being a youth and a statement has been obtained, a copy of the record and the rail ticket also of the person. 5 10

Q. The Booking Clerk's name is David McKewan?

A. That's correct. 15

Q. And you have the original of that statement there with you?

A. Yes I do. 20

Q. Now Detective in regard to the contents of the three volumes of this brief?

A. Yes.

Q. You have supplied a table of contents chart at the beginning of Volume 1 I believe? 25

A. That's correct, that's right.

Q. And you tell the court that the table of contents outlines all documents contained within the three volumes? 30

A. That's correct.

GIBSON: Perhaps your Worship at this stage I can tender to you the three volumes as exhibit number 1. 35

CORONER: Yes.

WITNESS: That is with the exception of the statement of mine dated 26 July and the statement of Mr McKewan. 40

GIBSON: McKewan, thank you yes.

EXHIBIT #1 THREE VOLUMES TENDERED, ADMITTED WITHOUT OBJECTION 45

EXHIBIT #2 STATEMENT OF SERGEANT KNIGHT DATED 26 JULY 1995 TENDERED, ADMITTED WITHOUT OBJECTION

EXHIBIT #3 STATEMENT OF DAVID McKEWAN DATED 27 JULY 1995 TENDERED, ADMITTED WITHOUT OBJECTION 50

EXHIBIT #4 STATEMENT AND PHOTOGRAPHS SUPPLIED BY DETECTIVE VAN LEEUWEN OF THE CRIME SCENE UNIT TENDERED, ADMITTED WITHOUT OBJECTION 55

EXHIBIT #5 TWO DOCUMENTS FROM THE ST GEORGE HOSPITAL, THE IDENTIFICATION STATEMENT, THE POST MORTEM REPORT AND THE ANALYST CERTIFICATE TENDERED, ADMITTED WITHOUT OBJECTION

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GIBSON: Q. And Detective there is a final document to be tendered if you just indicate to the court what that document is?

A. It is a case inquiry in relation to the details concerning the deceased [NP227] consisting of five(?) pages. 5

EXHIBIT #6 CASE INQUIRY IN RELATION TO THE DETAILS CONCERNING THE DECEASED [NP227] TENDERED, ADMITTED WITHOUT OBJECTION 10

Q. And Detective do you tell the court that all running sheets are available for production if the Coroner requires?

A. That's correct. 15

GIBSON: Your Worship that is the evidence of this witness.

CORONER: Thank you. Mrs Dye do you or Brentan wish to ask the Sergeant anything at all? 20

MRS DYE: No I don't have anything to say.

CORONER: Brentan?

BRENTAN DYE: No thank you. 25

CORONER: [NP128] do you wish to ask the Sergeant anything?

[NP128]: No, no not at this stage. 30

GIBSON: Just one further matter your Worship if I might have leave.

Q. In regard to any reward that was posted for information, could you supply that information to the court please? 35

A. Yes as a result of an application made by me some time ago a reward has been offered for information leading to conviction of persons in relation to the offence. From my recollection the reward was a hundred thousand dollars. 40

Q. And there was no response in regard to that?

A. No there's been no response specifically as a result of that.

<WITNESS RETIRED 45

CORONER: Okay on the basis of what I've said earlier we'll adjourned till 12 noon tomorrow. The other police witnesses may be excused Sergeant, Sergeant Knight has covered the police activity fully enough and at 12 noon we'll recommence and we'll start the civilian witnesses, okay. Now if there's anything in the meantime you want - you would like or ask for, just speak to Sergeant Knight and he'll get them for you, okay? 50

MRS DYE: Thank you. 55

MATTER ADJOURNED TO 8 AUGUST 1995 AT 12 NOON FOR FURTHER HEARING