

INVESTIGATION INTO THE MURDER OF CRISPIN WILSON DYE
STRIKE FORCE BARCOO

1. ORIGINAL INVESTIGATION

- 1.1 About 4.35am on Thursday the 23 December, 1993, Mr Scott John NEILSON was driving in Campbell Street, Surry Hills (Taylor Square) when he saw three men standing around an object on the northern side of Campbell Street near the intersection of Little Oxford Street.
- 1.2 The three men were picking the object up slightly and moving it about, they have then appeared to grab something from this object before running off, north in Campbell Street. As Mr NEILSON drove up to the object he realised that it was in fact a man lying face down on the street. The man was not moving.
- 1.3 Mr NEILSON continued driving in Campbell Street and then turned right into Crown Street where he saw the three men running across Crown Street and then west in Goulburn Street (past the Surry Hills Police Station/Sydney Police Centre). Mr NEILSON continued to drive in Crown Street and turned left into Oxford Street and drove around the block (left into Pelican, left in Goulburn, left into Crown and then left into Oxford Street).
- 1.4 As Mr NEILSON re-entered Oxford Street he saw these three men walking west along Oxford Street near Pelican Street. Mr NEILSON then attended the Surry Hills Police Station in Goulburn Street and reported the incident to the Police.
- 1.5 Mr NEILSON described these three men as all being 17-18 years old, Islander appearance, about 180 cm tall, slim to medium build with dark complexion. He describes one of these men as wearing a dark-coloured baseball cap.
- 1.6 Constables RIDLEY and SPARKES of Surry Hills Police Station then went with Mr NEILSON and endeavoured to locate these three men, without success. Constables RIDLEY and SPARKES have then attended Campbell Street, Surry Hills where they saw Ambulance officers treating the male person.
- 1.7 The male person was conveyed by ambulance to St. Vincents Hospital in a serious condition. Upon examination at that hospital it was ascertained the male persons had sustained 'massive head injuries, brain injury with petechial haemorrhages, a facial fracture and cardiac arrest.
- 1.8 The male person was subsequently transferred to the St. George Hospital where life was pronounced extinct about 6.30pm on the 25 December, 1993. Constable PORTLOCK was in attendance at the hospital with Mrs Jean DYE (mother) and Mr Brenton DYE (brother). Brenton DYE formally identified the deceased as being Crispin Wilson DYE, born 1 June, 1952.

- 1.9 On the 27 December, 1993 a post mortem examination was undertaken by pathologist, Dr L. SCHWARTZ, at the Glebe mortuary. As a result of her examination she described:
- deep blue bruise on the upper and lower eyelids of the left eye
 - superficial scratching to the base of the bridge of the nose
 - abrasions to the left nasal region and to the chin
 - scratch to the left angle of the jaw
 - blue bruise on the upper lip of the mouth
 - abrasion on the lower lip of the mouth
 - rectangular abrasions to the left temple
 - abrasion on the left cheek
 - bruise on the inner surface of the scalp and periosteum overlying the left side of the head
 - fractures of the left zygoma and left mandibular condyle
 - linear fractures of both orbital plates and crista galea. The linear fracture on the left orbital plate extended towards the left frontal bone
 - bruising of the soft tissues of the neck with associated fracture of the right greater horn of the thyroid cartilage
- 1.10 Dr SCHWARTZ makes a comment that the injuries described are those caused by a blunt instrument. The fracture of the mandible and zygoma are most likely due to a direct impact. She attributes the direct cause of death to head injury.
- 1.11 Detective Sergeant KNIGHT of the Surry Hills Police Station led investigations into the murder of Crispin DYE with Strike Force BARCOO being established. A large number of inquiries were undertaken and numerous persons were interviewed and statements obtained. A number of persons of interest were also identified and investigated by the strike force.
- 1.12 Detective KNIGHT subsequently compiled a coronial brief of evidence and on the 7 and 8 August, 1995 an inquest into the death of Crispin DYE was held by the State Coroner, Mr HAND, at the Glebe Coroners Court. Mr HAND found that Crispin DYE:
- "on the 25th day of December, 1993 at the St. George Hospital, Kogarah December, 1993, died of the effects of a head injury inflicted on 23rd day of December, 1993 in Campbell Street, Darlinghurst (Surry Hills), by a person or persons unknown".

1.13 The following statements from this investigation are attached:

1. Detective Sergeant G.R. KNIGHT, dated 27/09/1994 (coronial statement)
2. Detective Sergeant G.R. KNIGHT, dated 26/07/1995 (additional coronial statement)
3. James Keith MacALISTER, dated 23/12/1993
4. William James MacALISTER, dated 24/12/1993
5. Peter Edward SNELLING, dated 29/12/1993
6. Michael Richard TRAVINSKI, dated 30/12/1993
7. James Norman HILLMAN, dated 30/12/1993
8. Jeremy Barnabas LARKINS, dated 28/12/1993
9. David Anthony WALKER, dated 23/12/1993
10. David (Anthony) WALKER, dated 30/12/1993
11. Owen READ, dated 26/12/1993
12. Scott John NEILSON, dated 23/12/1993
13. Constable K.R. RIDLEY, dated 12/09/1994
14. Ambulance officer D.A. PARKER, dated 05/01/1994
15. Paramedic L. CRIBB, dated 14/10/1994
16. Dr. A. SHERBON, dated 22/09/1994
17. Dr. A. KAM, dated 14/09/1994
18. Constable M.P. PORTLOCK, dated 09/09/1994
19. Brenton Wilson DYE, dated 08/08/1995
20. P.C. Constable M. SINADINOVIC, dated 23/09/1994
21. Detective S/Constable L. VAN LEEUWEN, dated 15/11/1994
22. Dr. L. SCHWARTZ, dated 12/04/1994 (Pathologist report)
23. Jacqueline DUNN, dated 20/01/1994
24. Richard FUNSTON, dated 15/02/1994
25. Sylvia Rosa LIEB, dated 21/04/1994
26. NP221, dated 05/05/1994 (E.R.I.S.P. synopsis Detective Sergeant MULHERIN)
27. NP222, dated 05/04/1994
28. Bradley William SMITH, dated 14/01/1994

1.14 The coronial statements of Detective Sergeant KNIGHT provide a broad overview of the original investigation.

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2. INVESTIGATIONS INTO RICHARD LEONARD AND**NP129**

- 2.1 In January, 1996, [I269], an inmate at the Long Bay Correctional Centre, contacted Police and indicated that he had information regarding the murder of Crispin DYE.
- 2.2 On the 24 January, 1996, Detective Sergeant KNIGHT in company with Detectives COVI and DEAS of the Homicide Unit (Major Crime Squad South) interviewed [I269] at Long Bay regarding this information. Briefly, [I269] stated that he had been sharing a cell with Richard William LEONARD, born [REDACTED], 1973, who had made admissions regarding murdering DYE. On the 24 February, 1996, [I269] participated in an electronically recorded interview regarding his knowledge.
- 2.3 On the 4 March, 1996, a lawfully obtained listening device was placed into a cell shared by [I269] and LEONARD. A tape from this device was removed from the cell on the 8 March, 1996. This tape contained conversations between [I269] and LEONARD that took place on the 5 March, 1996.
- 2.4 Included in these conversations were apparent admissions by LEONARD that he was responsible for the murder of DYE. LEONARD was on remand for two murders being the murder of Steven DEMPSEY at Narrabeen on the 4 August, 1994 and the murder of taxi driver, Ezzedine BAHMAD, at Collaroy Plateau on the 18 November, 1995 (He has subsequently been convicted of both of these murders is currently serving penal servitude for life).
- 2.5 The conversations between [I269] and LEONARD occurs whilst LEONARD is using a ouija board. LEONARD states he killed DYE and Steve [NP129] was with him. LEONARD then commences to 'speak' with DYE. DYE tells him that he hates him as much as DEMPSEY. LEONARD describes 'cruising for whores' around the back of Kings Cross with [NP129]. LEONARD states he was armed with a baton. He states he saw a young girl, then a couple of more. His intention was to pick the best one and come back at 3.00am to take them to his home.
- 2.6 LEONARD states he saw a man and [NP129] parked his vehicle. LEONARD states he walked up to this man and said, "Don't like faggots. I'm going to kill ya". He then describes hitting the man as hard as he could on the back of the head with his baton. LEONARD then states he struck the man a number of times to the back and side of the head. The man fell to his hands and knees and started screaming. LEONARD states that [NP129] was 'freaking out' and telling him, "That's enough". LEONARD believed that someone was coming so he left. He described blood coming out of the man's head.

- 2.7 LEONARD stated that a few days later he heard that a man was killed on the same night. He looked in the newspaper, television or 'something' and saw about the murder of Crispin DYE. LEONARD stated he saw a newspaper article that had a photograph of DYE which he recognised as being the man he assaulted. He stated he showed this photograph to **NP129**.
- 2.8 On the 15 April, 1996, Detective Sergeant POPPLEWELL conducted an electronically recorded interview with **NP129**, born **NP129** at the Gosford Police Station.
- 2.9 **NP129** stated that he was present when Richard LEONARD assaulted a man in Sydney before Christmas, 1993. LEONARD used a telescopic baton to hit the man. **NP129** believed the assault took place in Palmer Street, Darlinghurst (East Sydney). He went with LEONARD to talk to girls (prostitutes) in William Street. The assault took place about 2.00am or 3.00am.
- 2.10 **NP129** described the man as 'sort of like a slob', with a beer belly, and apparently drunk or drugged. He believed the assault took place in Palmer Street next to a lane that ran parallel with William Street. **NP129** believed LEONARD struck the man about half a dozen times at most. The man was laying on the ground, bleeding on the head, making a deep howling type noise.
- 2.11 About a week after the assault LEONARD showed **NP129** a newspaper (possibly the Sydney Morning Herald) and there was an article about the murder of DYE. **NP129** checked a directory and found that the location of the DYE assault was not the same place as the man LEONARD assaulted. **NP129** thought the dates of the assaults were the same.
- 2.12 **NP129** described the man LEONARD assaulted as wearing a white t-shirt, pair of light coloured shorts, dirty type of clothes. He had a dishevelled look, short hair, balding on top. Police showed **NP129** a photograph of Crispin DYE playing a guitar. **NP129** stated, "I'd say that could have been him, year. That could have been him". When questioned as to why, **NP129** stated, "Well he just has that look, you know. He has sort of a, I don't know, just a bit of an ocker look or something like that, you know. I don't know".
- 2.13 **NP129** stated that LEONARD was a very vengeful person and he is still fearful of him. **NP129** then accompanied Police to Palmer Street, East Sydney and indicated an area outside 192 Palmer Street as being the area where LEONARD assaulted the man.

- 2.14 Detective POPPLEWELL measured this distance as being about 500 metres from the location where Mr NEILSON saw Crispin DYE lying in Campbell Street about 4.35am on the 23 December, 1993.
- 2.15 Detective POPPLEWELL then resumed his interview with NP129. When questioned again about the photograph of DYE, NP129 stated the man LEONARD assaulted was a bit more bald. The man had a beer belly and was wearing a t-shirt and shorts. The photograph of DYE does not strike him as being the same person.
- 2.16 NP129 stated that LEONARD assaulted the man on the back of the head and the man didn't let LEONARD hit his face. He could have hit him around the arms or shoulders. NP129 saw him hit the man a couple of times on the back of the head. NP129 believes that LEONARD is glorifying himself and the man he assaulted was not actually Crispin DYE.
- 2.17 On the legal advice of his solicitor, Mr Gary STEWART, Richard LEONARD was not prepared to give a statement regarding the death of Crispin DYE.
- 2.18 Detective POPPLEWELL prepared a submission dated the 19 August, 1998 seeking an advising from the Director of Public Prosecutions as to whether there were sufficient grounds for the laying of charges against Richard William LEONARD. Detective POPPLEWELL submitted that there was a doubt that the man that LEONARD assaulted was in fact Crispin DYE.
- 2.19 The submission by Detective POPPLEWELL is attached and is comprised of the following documents:
29. Submission by Detective POPPLEWELL, dated 19/08/1998
 30. Pathologist Report - Dr. L. SCHWARTZ, dated 12/04/1994
 31. Report to the Coroner - Detective Sergeant KNIGHT, dated 12/10/1994
 32. Transcript of inquest into the death of Crispin DYE, dated 7 & 8/08/1995
 33. Transcript of conversation Detective DEAS and I269 on the 24/01/1996
 34. Statement of I269, dated 24/01/1996
 35. Transcript of E.R.I.S.P. interview between Detective POPPLEWELL and I269 on the 14/02/1996
 36. Transcript of recorded conversation between Richard LEONARD and I269 on the 05/03/1996
 37. Transcript of E.R.I.S.P. interview between Detective POPPLEWELL and I269 on the 22/03/1996
 38. Transcript of E.R.I.S.P. interview between Detective POPPLEWELL and NP129 on the 15/04/1996
 39. Report of Consultant Neurosurgeon - W.A. STENING, dated 04/08/1997
 40. Further Report - Dr. L. SCHWARTZ, dated 09/07/1997
 41. Letter from Gary STEWART (Solicitor), dated 24/07/1997

3. FURTHER INVESTIGATIONS INTO LEONARD AND NP129

- 3.1 On the 14 December, 1998 a direction was received from the Director of Public Prosecutions that charges should be laid against the following persons regarding the murder of Crispin DYE:

Richard William LEONARD

- i) Murder
- ii) Maliciously Inflict Grievous Bodily Harm

NP129

- i) Accessory After the Fact to Maliciously Inflict Grievous Bodily Harm
 - ii) Conceal Serious Offence
- 3.2 On the 21 January, 1999 a further direction was received from the Director of Public Prosecutions that LEONARD should be charged with the following offences:
- i) Murder
 - ii) Maliciously Inflict Grievous Bodily Harm With Intent

- 3.3 Strike Force BARCOO was reactivated to continue the investigation into the murder of Crispin DYE under my command. On the 21 January, 1999 a meeting was held between Ms Jennifer LEHN (Solicitor - Office of the D.P.P.) and myself where the direction of the investigation was discussed.

- 3.4 A review of the original investigation was undertaken and during that review an assault upon a [I115], born [REDACTED], was identified. On the 29 December, 1993, Mrs [I345] contacted Surry Hills Detectives and reported that her brother, [I115], had been assaulted in the Darlinghurst area during the early hours of Monday the 27 December, 1993.

- 3.5 On the 12 January, 1994 Mr [I115] attended Surry Hills Police Station and provided a statement to Detective MILLIGAN. He stated about 8.30pm on the 26 December, 1993 he left [REDACTED], Darlinghurst (East Sydney) with a friend, Craig PARHAM, and walked to the Oxford Hotel in Oxford Street, Darlinghurst where he consumed a number of schooners of beer.

- 3.6 About 2.00am on the 27 December, 1993 Mr [I115] left the Oxford Hotel with friends and went to the Flinders Hotel in Flinders Street, Darlinghurst. He stayed there for one drink and commenced to walk back to [REDACTED]/199 William Street.

- 3.7 Mr [1115] describes walking down Bourke Street, towards William Street (East Sydney). As he approached St. Peters Street he describes being struck on the back of the head from behind. The blow caused him to fall to his hands and knees. As he turned his head he was again struck, this time to the upper side of his head.
- 3.8 He believed he was knocked unconscious and then remembers waking up with a very bad pain in his head and blood on his head and t-shirt. He then walked back to [redacted]/199 William Street where he laid down and fell asleep. Sometime later he was awoken by Craig PARHAM and an ambulance was called for. Mr [1115] was taken by ambulance to Sydney Hospital where he was treated.
- 3.9 Mr [1115] could only describe his assailant as having black coloured skin and black shoulder length straight hair. He believes he was struck by a steel bar, wooden stick or similar. He states that there was a second person present during the assault but he could not describe him.
- 3.10 As a result of the result, Mr [1115] sustained three cuts to his head; two to the back and one to the right upper side of his head. These wounds required a total of ten sutures. No property was taken from him as a result of this result even though he carried money and wore a watch and gold jewellery.
- 3.11 About 10.30am on the 13 April, 1999 I attended Westmead Hospital where I spoke to [1115] who is employed at the hospital as a cook. Mr [1115] has been profoundly deaf since birth. He is capable of reading lips and is able to voice words (although not clearly). He is also capable of screaming in a loud voice.
- 3.12 On the 27 April, 1999 I obtained a further statement from Mr [1115]. This statement clarified Mr [1115] movements on the night of the 26-27 December, 1993 and details of the assault upon him in Bourke Street. At the time of the assault Mr [1115] was wearing a white cotton sleeveless t-shirt, black cotton shorts, white long socks (pushed down), black leather lace up shoes and a black 'bumbag'. He was wearing a watch, necklace and earrings.
- 3.13 Mr [1115] stated he was attacked in Bourke Street, about 50 metres south of William street. The area was quiet and dark. The first thing he felt was being struck by a very hard object on the right back of his head. He fell forward and blacked out briefly. He had fallen to his hands and knees, saw two pairs of legs, then turned to look back.
- 3.14 When he turned he saw the right side of a man with olive skin and black shoulder length hair. It was dark and the assault happened very quickly. He was then hit again by a hard object to the top right of the front of his head and again on the back left side of his head.

- 3.15 Mr [I115] stated that he was bleeding from his head and in a lot of pain. He was screaming, "Help" as loud as he could and commenced to crawl forwards. He stood up and staggered forward, screaming, "Help". He turned around and couldn't see anyone. He believed that only one man was hitting him. To his knowledge, no demand for property was placed upon him and no property was taken from him.
- 3.16 On the 27 April, 1999 Mr [I115] was taken to the Identification Unit, Sydney Police Centre, where a number of photographs were taken of him wearing clothing of a similar nature to that worn by him on the 26-27 December, 1993. Mr [I115] is Caucasian in appearance, 185 cm tall, obese build, brown/receding hair and blue/grey eyes.
- 3.17 On the 30 April, 1999 I attended the MITCHELL LIBRARY, Macquarie Street, Sydney where I accessed newspaper archives regarding the murder of Crispin DYE. The first articles to appear in The Daily Telegraph and The Sydney Morning Herald occurred on the 28 December, 1993. From that date onwards there were various articles appearing in both papers.
- 3.18 On the 10 May, 1999 a further meeting was held between Ms Jennifer LEHN (Solicitor - Office of the D.P.P.) and myself. At that time she was provided with copies of [I115] [I115] statements, his medical records and relevant newspaper articles. We also discussed the direction of the investigation.
- 3.19 On the 28 July, 1999 I conducted an electronic interview with [NP129] at The Entrance Police Station. [NP129] adopted the following items:
- transcript of electronic interview between Detective POPPLEWELL and [NP129] on the 15 April, 1996
 - photographs of [NP129] with Detective COVI taken outside 192 Palmer Street, East Sydney
 - a photograph of Richard LEONARD
 - a newspaper article from The Sunday Telegraph dated the 2 January, 1994
 - a newspaper article from The Star Observer dated the 14 January, 1994
 - a newspaper article from The Daily Telegraph dated the 28 December, 1993 (shown to [NP129] by Detective POPPLEWELL on the 15 April, 1996)
 - a number of other newspaper articles shown to [NP129] but not adopted by him
 - photographs of Peter LEONARD taken at the Sydney Police Centre on the 27 April, 1999
 - ROADS & TRAFFIC AUTHORITY computer print-out regarding vehicles owned by [NP129]

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- 3.20 On the 9 September, 1999, Richard LEONARD was removed from the Lithgow Correctional Centre by virtue of a Section 29 order and conveyed to Lithgow Police Station. Upon receiving legal advice, LEONARD declined to be interviewed regarding the murder of Crispin DYE.
- 3.21 On the 24 September, 1999 I submitted a request to Mr Gary STEWART (Solicitor) seeking to interview LEONARD regarding the murder of Crispin DYE.
- 3.22 On the 7 October, 1999 I received a reply from Mr STEWART advising that LEONARD is unwilling to be interview in relation to his knowledge of the murder of Crispin DYE.
- 3.23 Investigations have been carried out regarding the known telephone services and banking records of LEONARD and NP129. There are no records or transactions that indicate the movements of either LEONARD and NP129 during the relevant period.
- 3.23 The following documents regarding this portion of the submission are attached:
- 42. Recommendation of the D.P.P. dated 14/12/1998
 - 43. Amended Recommendation of the D.P.P. dated 21/01/1999
 - 44. Running Sheet 8/1/3 regarding I115
 - 45. Running Sheet 11/6/1 regarding statement of I115
 - 46. Statement of I115, dated 12/01/1994
 - 47. Statement of I115, dated 27/04/1999
 - 48. Transcript of E.R.I.S.P. interview between Detective WATERMAN and NP129 on the 28/07/1999
 - 49. Request by Detective WATERMAN to Mr Gary STEWART (Solicitor) dated 24/09/1999
 - 50. Letter of Gary STEWART, dated 07/10/1997

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4. CONCLUSION

- 4.1 The Director of Public Prosecutions has made his recommendation to have charges laid against Richard LEONARD and **NP129** without the knowledge of the assault upon **I115**. This assault is significant for a number of reasons even though Mr **I115** is not able to, and will not be able to, identify his assailant.
- 4.2 Mr **I115** was assaulted in Bourke Street (he believes) south of William Street, East Sydney. **NP129** describes the assault undertaken by LEONARD as occurring in Palmer Street (south of William Street, East Sydney). Bourke and Palmer Streets run parallel to each other and are adjoining streets from William Street.
- 4.3 The time frame described by Mr **I115** is consistent with the time frame described by **NP129**. Robbery does not appear to be the motive for the attack upon Mr **I115** and this again is consistent with the versions of **NP129** and LEONARD.
- 4.4 **NP129** provides a description, and the clothing worn by the man assaulted by LEONARD. Mr **I115** fits both the description and was wearing the same type of clothing.
- 4.5 Both **NP129** and LEONARD provides details of LEONARD striking the man on the back of the head with a baton. Mr **I115** describes being struck on the back of the head by a 'steel bar, wooden stick or similar'.
- 4.5 **NP129** is not sure of what date the assault took place but believes it was on or about the 23 December, 1993. **NP129** was first interviewed and asked to recall this date by the Police on the 22 May, 1996.
- 4.6 **NP129** details his conversations with LEONARD after the assault and stated that LEONARD referred to the murder of DYE only after the details had been published in the newspaper. The first date that an article appeared in the newspaper was on the 28 December, 1993 (after the assault upon Mr **I115**).
- 4.7 **NP129** has now been shown photographs of both Mr **I115** and Crispin DYE and states the person LEONARD assaulted did not look like Crispin DYE but it could have been Mr **I115**. **NP129** has stated that LEONARD did not assault a man in Taylor Square on the night he went out with LEONARD.

A. Waterman
 Detective Senior Constable
 Commander - Strike Force BARCOO
 30 November, 1999