

NSW POLICE SERVICE

CRIME AGENCIES



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19 August, 1998

Advising sought from the Department of Public Prosecution regarding evidence implicating Richard William LEONARD as being responsible for the murder of Crispin Wilson DYE.

* * * *

THE SUBMISSION:

1.1 This submission relates to the murder of Crispin Wilson DYE and admissions made by Richard William LEONARD that he was responsible. These admissions were captured on a lawful listening device.

1.2 As the Senior Investigator I am of the view that, despite the captured admissions, prosecution of LEONARD is not appropriate because of issues that will be raised later in this report. However, in light of the apparent full and graphic admissions by LEONARD I believe that it is proper to seek independent advice.

THE MURDER OF DYE:

2.1 Crispin DYE was located, unconscious, about 4.30am on 23 December, 1993 in Campbell Street, near Little Oxford Street, Darlinghurst. Shortly after he was treated by paramedic ambulance officers for cardiac arrest. He had facial injuries consistent with being assaulted.

2.2 DYE was conveyed to St. Vincents Hospital where brain damage was diagnosed. He was subsequently transferred to the trauma centre at St George Hospital. On the 25 ^{December} ~~September~~, 1993 the life support system was disconnected and subsequently life was pronounced extinct at 6.30pm on that day.

2.3 A Post Mortem examination was carried out by Dr. Lilliana SCHWARTZ of the NSW Institute of Forensic Medicine, Glebe. The examination revealed that DYE had received fractures of both orbital plates and part of the left frontal bone, the left mandibular condyle and left zygoma, and diffuse brain damage. There was also evidence of bruising to the soft tissues of the neck with associated fracture of the right

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greater horn of the thyroid cartilage.

2.4 Dr. SCHWARTZ indicated that the injuries were inflicted by a blunt instrument - the direct cause of death being head injuries.

POST MORTEM REPORT 93/2466 - ANNEXURE 'A'

THE ORIGINAL INVESTIGATION:

3.1 The original investigation into this matter was carried out as Operation BARCOO. The investigation was led by Detective Sergeant KNIGHT of Surry Hills Police and was supported by Detective Sergeant MULHERIN of the Homicide Unit, South Region.

3.2 On the 12 October, 1994 Detective Sergeant KNIGHT prepared a 24 page comprehensive summary of the investigation for the benefit of the Coroner.

SUMMARY ATTACHED - ANNEXURE 'B'.

3.3 An eye witness, possibly to the murder, Scott John NEILSON, stated that he observed the deceased laying on the roadway in Campbell Street about 4.30am on 23/12/93. At the time three male persons were standing around the prone figure. Mr. NEILSON described the three male persons collectively as being Pacific Islanders.

CORONIAL INQUEST:

4.1 The Coronial Inquest into the death of Crispin DYE was held on the 7 and 8 August, 1995. The presiding Coroner was Mr. E.W. (Derek) HAND.

4.2 In relation to the person **NP128** (Category 12 ANNEXURE 'B') Mr. Hand made comment "But I'll say this, I just can't believe you at all in your evidence and I can't believe all the stories about your alibi." and later, "But for whatever reason it was you certainly told them different stories to what you tell us here today. So I just don't know where the truth lies but it seems to me that there's a lot of suspicion about the fact that you were involved in this but suspicion is not enough."

4.3 At the conclusion of the evidence Mr. HAND found -

Now I find that on 25 December 1993 at the St George Hospital, Kogarah, Crispin Wilson DYE died of the effects of a head injury inflicted on 23 December 1993 in Campbell Street, Darlinghurst by a person, or persons, unknown.

TRANSCRIPT OF INQUEST ANNEXURE 'C'

COHEN INFORMATION:

5.1 In January, 1996 [1269] an inmate at Long Bay Gaol, contacted Police indicating that he had information regarding the murder of Crispin DYE.

5.2 On 24 January, 1996 Detective Sergeant KNIGHT of Surry Hills Police Station, in company with Detectives Covi and Deas from the Homicide Unit, Major Crime Squad South, attended the Remand Centre at the Long Bay Gaol Complex. There they spoke to [1269] regarding his information relating to the DYE murder. In short [1269] stated that he was sharing a cell with Richard LEONARD and that LEONARD had admitted killing Crispin DYE.

TRANSCRIPT OF NOTES OF THAT CONVERSATION ANNEXURE 'D'

5.3 Detective Covi obtained a signed statement from [1269] on the 24 January, 1996 outlining his expectations with regards to benefits for assisting Police.

STATEMENT DATED 24/1/96 ANNEXURE 'E'

5.4 On 14 February, 1996 [1269] was further interviewed by ERISP regarding his information.

TRANSCRIPT OF ERISP INTERVIEW 14/2/96 ANNEXURE 'F'

5.5 A warrant pursuant to the Listening Device Act was granted on 15 February, 1996. A listening device was then placed within a television set and placed in Cell 163, Wing 13 of the Remand Centre. That cell being the one shared by [1269] and LEONARD. [1269] was instructed as to how to activate the device within the television.

5.6 On 22 February, 1996 the television and device was removed from the gaol. There was no product on the audio tape contained within the listening device.

5.7 On the 27 February, 1996 the television containing the listening device was again placed into the cell. On the 1 March, 1996 the cassette tape from the listening device was removed from the gaol. Again there was no product on the tape.

5.8 On the 4 March, 1996 Police met with [1269] at the Remand Centre. On the same day another tape was placed in the listening device by [1269]

5.9 The tape from the listening device was removed from the gaol on Friday the 8 March, 1996. There was found to be conversation between [1269] and LEONARD on that tape. That conversation contains apparent admissions by LEONARD that he killed DYE. Information relating to other offences was also captured. From a further interview with [1269] it appears that the conversation

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between he and LEONARD was recorded on the night of Tuesday 5 March, 1996.

TRANSCRIPT OF [1269] /LEONARD CONVERSATION ANNEXURE 'G'

5.10 On the 22 March, 1996 [1269] was again interview by ERISP regarding the captured conversation with LEONARD and the circumstances surrounding same.

TRANSCRIPT OF [1269] INTERVIEW OF 22/3/96 ANNEXURE 'H'

LEONARD ADMISSIONS:

6.1 Richard William LEONARD, born [REDACTED].73 was, at the time of sharing the cell with [1269] on remand for two murders they being the murder of Steven DEMPSEY and taxi driver Ezzedine BAHMAD.

6.2 LEONARD was in Wing 13 under protection apparently in fear of reprisals from lebanese inmates because of the BAHMAD murder.

6.3 It should be noted that conversations captured on the listening device between [1269] and LEONARD were used in the trial of LEONARD for the murder of DEMPSEY by the Crown Prosecutor Chris MAXWELL Q.C. to alleviate certain defences put up by counsel representing LEONARD. Apparently, and this could be checked through Court transcripts, when confronted with the taped conversations it was alleged by LEONARD's counsel that LEONARD had actually assisted [1269] in recording the conversation and knew at the time he was being taped and that the conversation was a sham.

6.4 The transcript of the captured conversation is self evident as to the admissions in relation to the assault of a man who LEONARD continually referred to as Crispin DYE.

6.5 During the the taped conversation LEONARD indicated that he confronted this person, made a verbal a reference to homosexuality, and then struck him on the back of the head with a telescopic baton. He then further described the assault, nominating numerous blows to the back of the head, the side of the head and the arms of the victim when he trying to defend himself. He said that he left this person bleeding in the street.

6.6 LEONARD suggested that this was a random attack on a person he believed to be homosexual. It was not until some days later that he identified the person that he assaulted as being Crispin DYE from a newspaper coverage.

6.7 Further comment about the admissions, and the identity of the victim, will be made later in this document.

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STEPHEN NORMAN NP129 :

7.1 LEONARD indicated that NP129 was with him at the time of the assault upon DYE. This person was identified as NP129, born [REDACTED] NP129 is known at the criminal registry for minor stealing and indian hemp matters.

7.2 NP129 was interviewed at Gosford Police Station on the night of 15 April, 1996. He stated that he was in the company of Richard LEONARD when LEONARD attacked a man in Palmer Street, Darlinghurst. He stated that LEONARD assaulted the man with a telescopic baton. He further stated that LEONARD hit the man on the back of the head, and on the arms and hands when the man attempted to cover up.

7.3 During a suspension in the interview NP129 accompanied investigators to the Palmer Street, Darlinghurst area. He nominated an area adjacent to No. 192 Palmer Street as the area where LEONARD assaulted the male person.

7.4 In the main the events described by LEONARD are corroborated by NP129. During the interview the description of the victim, the location and circumstances of the assault, were canvassed and will be matter for comment later in this document.

TRANSCRIPT OF ERISP INTERVIEW WITH NP129 - ANNEXURE 'I'**OBSERVATIONS:****The assault;**

8.1 There is little doubt that on or about the night of the 23 December, 1993 LEONARD assaulted a male person with a telescopic baton whilst in the Darlinghurst area.

Identity of the victim;

8.2 Sydney Hospital and St Vincent hospital records were obtained under an order from the Coroner. Those records do not assist in identifying any person, other than Crispin DYE, who suffered comparable injuries as to those described as being inflicted by LEONARD and NP129 within a week of the 23 December, 1993.

8.3 Similar assaults were also canvassed in the original investigation, Operation BARCOO, with nothing arising to assist in the identity of the victim of LEONARD's assault.

8.4 Police records were also checked regarding the assault in Palmer Street, and nearby locations, with a negative result.

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Location;

8.5 There is nothing in the version of LEONARD to assist with an exact location where the assault took place. The only suggestion that indicates there may have been occupied buildings nearby is LEONARD stating "I'm thinking fuck somebody's going to come out..." (P. 38 point 20 of Annexure 'H')

8.6 **NP129** accompanied Police to Palmer St and was definite that the assault had occurred outside 192 Palmer Street, Darlinghurst. He stated that he parked the car, that he and LEONARD travelled in on the night of the assault, in Berwick Lane, Darlinghurst. Berwick Lane runs off Palmer Street.

8.7 Occupants of the residences in the area nominated by **NP129** have been canvassed as to any recollection of an assault in the early hours around 23 December, 1993. At this stage there has been a negative result although some occupants have not been traced. It has been mentioned by occupants that disturbances are such a frequent occurrence they are usually ignored.

8.8 **NP129** DYE was located some 500 metres away from the area nominated by **NP129**

8.9 Dr STENING, consultant neurosurgeon, who treated DYE at the St George Hospital, does not rule out the possibility that DYE was able to transport himself 500 metres after the assault. Although he states that DYE may have lapsed into unconsciousness which would have prevented mobility.

LETTER FROM DR. STENING - ANNEXURE 'J'

8.10 There were no blood trails located that could indicate that the assault on DYE took place anywhere else other than where he was located.

Injuries;

8.11 LEONARD and **NP129** both stated that a telescopic baton was used to inflict injury upon the assault victim.

8.12 The baton used by LEONARD was identified as a C-A-F 16 baton.

8.13 Dr. SCHWARTZ was supplied with a CAF 16 baton and requested to comment on the ability of that type of telescopic baton to inflict the injuries as sustained by DYE. Briefly, Dr. SCHWARTZ is of the opinion that the baton could have inflicted the injuries although she leans toward a more square shaped object, like a cricket bat.

8.14 Dr. SCHWARTZ was also asked to comment on the frequency and location of blows as described by LEONARD and **NP129**, particularly with regard to the blows to the back of the head claimed by both. Dr. SCHWARTZ made

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the observation that there were no injuries noticed on the top or the back of the head. Further she observed that there were not sufficient injuries to reflect the number of blows outlined by LEONARD.

REPORT FROM DR SCHWARTZ DATED 9/7/97 - ANNEXURE 'K'

Time;

8.15 LEONARD makes no reference to the time of the assault. NP129 remained firm that the assault was 2am or 3am.

8.16 Two witnesses, HILLMAN and LARKINS, nominated on page five (5) of Annexure 'A', recall seeing DYE about 4am in the vicinity of Taylor Square. He had not been assaulted at that time. It would appear that DYE was in the company of acquaintances for the majority of the 2am to 3am period on that morning.

Clothing;

8.17 LEONARD made no comment as to the appearance of his assault victim. McALLISTER was asked more than once during his interview what clothing the assault victim was wearing and on each occasion he stated white 'T' shirt and shorts. He stated that they may have been long shorts. He thought the victim was wearing sandshoes. He described the victim's clothing as dirty.

8.18 Crispin DYE, at the time he was assaulted, was wearing blue jeans, a white 'T' shirt with a blue long sleeved shirt and a pair of maroon shoes.

Physical description;

8.19 LEONARD made no comment about the physical appearance of his victim. NP129 states that the person was an unclean slob with short hair a bit baldy on top with a beer belly.

8.20 Witnesses on the night of his assault generally described DYE as, Australian, 30old, receding blonde hair tied back in a pony tail with tanned skin, average to fit build.

Photograph;

8.21 NP129 was shown a photograph of DYE. He said that the assault victim did not have a moustache as depicted in the photograph. (The photograph does not depict DYE with a moustache rather there appears to be a shadow or slight growth.) NP129 goes on to say (P.21 of Annexure 'I') "That could have been him." and (P.48 Q.187 & 179 Annexure 'I') "The person... in the photo seems younger than, than the person on the road."

8.22 NP129 was shown other photographs taken at the morgue in which DYE, and in particular his hair, were depicted. In answer to Q.182 regarding

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those photographs he suggests that the person assaulted by LEONARD had similar length hair, although could have been more balding.

Leonard;

8.23 LEONARD is currently serving two life sentences with regard the two murder matters previously mentioned.

8.24 Written advice from Gary Stewart & Associates, solicitors, on behalf of LEONARD indicates that he does not wish to be interviewed regarding this matter.

LETTER FROM GARY STEWART & ASSOCIATES - ANNEXURE 'L'

NP129

8.25 There is no reason to believe that **NP129** was not being truthful when interviewed.

8.26 There does not appear to be sufficient grounds to charge **NP129** with any offence.

CONCLUSION:

9.1 The apparent admissions by Richard LEONARD, captured on lawful listening device, regarding his apparent involvement in the murder of Crispin DYE, are compelling when considered in isolation. However, I believe due to the inconsistencies previously mentioned, and in particular, the further report of Dr. Schwartz regarding the nature of DYE's injuries, their cause, and frequency, in comparison to the versions put forward by LEONARD and **NP129** that there is a doubt that Richard LEONARD's victim was Crispin DYE.

9.2 The intitial investigation was comprehensive and thorough and as outlined in **ANNEXURE 'B'** robbery was the most likely motive for the assault on DYE. Strong suspicion for that assault must be attached to the three males observed by the witness NEILSON. The recency of the sightings of DYE by HILLMAN and LARKINS to the time of NEILSON's observations supports that theory.

9.3 I do not believe that any purpose would be served in charging LEONARD with an assault matter regarding an unknown victim. As previously mentioned all efforts to locate the victim or record of the assault have failed.

9.4 Although apparently truthful **NP129** would not be a strong witness.

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REQUEST FOR ADVICE:

10.1 Please advise if there are any grounds, benefit, or need, to have LEONARD charged with;

- a) Murder of Crispin DYE
- b) Assault Occasioning Actual Bodily Harm of person unknown.
- c) Any other matter.

W. POPPLEWELL
Detective Sergeant