

## REVIEW OF AN UNSOLVED HOMICIDE CASE SCREENING FORM

You have been selected to undertake a review of an unsolved homicide. The review should be conducted in accordance with this 'Case Screening Form'. Once completed, the Case Screening Form will be forwarded to the Coordinator, Unsolved Homicide Review Team, Homicide Squad, State Crime Command. Your assessment of the available evidence and recommendation is necessary to assist in determining opportunities for re-investigation

### 1. Location of Brief of Evidence.

The original investigation documents must be located. The current location of these documents may depend upon the date of the murder you are reviewing and who conducted the inquiry. If the investigation is relatively recent, it may still be stored at the Local Area Command, which had carriage of the matter. Inquiries which were conducted by the former Major Crime Squads and investigations that are considerably more historical, will most likely be located at the Corporate Archives Records Repository, Bridge St, Stanmore, Ph: [REDACTED]

A manual inspection of the investigation records must be conducted as experience has shown that in older cases, exhibits are sometimes stored in the boxes along with the documents.

Many investigations will be voluminous and the transport of the entire investigation to an LAC office may not be viable. Facilities exist at the Archives for the documents to be inspected and an inventory conducted. Depending on the type of investigation management used during the inquiry, the investigation may be reviewed electronically. All former TIMS inquiries located by the Investigative Systems Support Unit have been converted into E@gle.i investigations. Secondary investigations into the same murder may also be recorded on E@gle.i. To obtain 'read only' access to the investigation contact should be made with the SSU on [REDACTED]

Victim:

Name:	Crispin Wilson DYE		
Gender	Male	D.OB	01/06/1952 (41 years)
Relative contact (if known)	Jean DYE (Mother) [REDACTED] Lindfield Ph [REDACTED] Brenton DYE (brother) [REDACTED] Yorkeys Knob 4878 Ph [REDACTED]		

Homicide Details:

Time & Date	Assaulted at 4.35am on Thursday 23/12/1993 – died on Saturday 25/12/1993
Location:	Campbell Street Surry Hills X Little Oxford Street

COPS Event/P40 No.	E914409307297 CIR933561417	Attached	P40
Previous Investigation Name: (Strike Force/Task Force/Operation)		S/F BARCOO	
Command in charge:		Surry Hills, then (Homicide Unit) Major Crime Squad South, then Homicide & Serious Violent Crime Agency	

## 2. Cause of death

If the Post Mortem results are not contained within the investigation documents, contact may be made with the relevant Coroner's Court. A request in writing with NSW Police letterhead must be forwarded to the Registrar of the court, outlining the information required.

Post Mortem Results:	Yes		
Exhibits Retained:		Location:	
Further Examination:	Y/N		
Comment: Carried out on the 27/12/1993 by Dr Lilliana SCHWARTZ at Glebe. Direct cause of death – head injury – most likely caused by a blunt instrument			

## 3. Investigation Records

Investigation Records relate not only to the statements taken from witnesses etc; but to all documents generated during the investigation. For investigations conducted prior to 1990 the investigation will be recorded by way of running sheets typed on occurrence pad forms. From about 1990 onwards, the TIMS system of investigation management was used. In 1999 the conversion to E@gle.i began.

Investigation Records Located:	Yes
Comment: IIC murder file 1993/98 (only contains cops entry and P40), 9 X boxes from archives (REPO/B/2001/655, REPO/B/2003/26516 – records for the 1993 murder of Steven CALDER & REPO/B/3286 - 3292). Contains coronial brief, TIMS running sheets, sitreps, 1999 reinvestigation.	

During the 1960's, 1970's and early 1980's, 'Investigation Resumes' were formerly completed by the Officer in charge of a homicide investigation that was not solved. It was a summary of the investigation, highlighting suspects, significant inquiries and evidence and was forwarded to the Superintendent of the Criminal Investigation Branch.

Investigation Resume:	No
Comment: 1993 investigation	

Progress Reports have been used by the former Crime Agencies since 1997 and the State Crime Command since 2002. They are a monthly report submitted by the officer in charge of an investigation, detailing the progress of the inquiry and significant events. Copies are maintained by Operations Co-ordination, State Crime Command.

Progress Reports:	Yes
Comment: Submitted between 27/07/1998 & 24/08/1999 by D/Sgt POPPLEWELL and between 20/01/1999 and 16/11/1999 by D/Sgt WATERMAN.	

Post Operational Assessments are the current replacement for an Investigation Resume. They are submitted by the Officer in Charge of the investigation to Operations Co-ordination, State Crime Command, at the completion of an investigation.

Post Operational Assessment:	Yes
Comment: Completed by Detective Sergeant Andrew WATERMAN on 23/10/2001.	

#### 4. Coroner's Inquest

Details of Coroner's Inquests, including Coroner's Findings, may be obtained from the Registrar of the relevant Coroner's Court by submitting a request in writing with NSW Police letterhead.

Coroner's Inquest Held:	Yes	Date: 7-8/08/1995
Court: Glebe	Coroner: Mr HAND	
Inquest Brief Located	No records located with the Court. Copy of brief located with investigation records. Coroner's transcripts also located with investigation records.	
Findings: On the 25 <sup>th</sup> day of December 1993 at St George Hospital Kogarah, died of the effect of a head injury inflicted on the 23 <sup>rd</sup> day of December 1993 in Campbell Street Darlinghurst by a person or persons unknown.		

## 5. Original Case Officer

Attempts should be made to locate and interview the original Case Officer even if they are no longer employed by the NSW Police Department. In the event that they are not located, another senior investigator from the inquiry should be approached. A list of investigators significantly involved in the investigation should be compiled.

OIC Name:	D/Sgt Geoffrey Roy KNIGHT	Interviewed:	No
Serving Member:	No	Location: HOD 2000	
Comment: RTA 4439LY – [REDACTED] – no Telstra listing.			

Other Investigators:

Name:	Current Location:
D/Sgt Wayne POPPLEWELL	Resigned 1999
D/Sgt Graham BANFIELD	Resigned 2000
DSC Paul COVI	Resigned 1996
DSC Lyle Van LEEUWEN (Sydney CSU)	Campbelltown Crime Scene
D/Sgt Andrew WATERMAN	Homicide Squad

## 6. Weapons

The Ballistics Unit, Sydney Police Centre has a large store of firearms, ballistic material and exhibits with ballistic damage held in their office from historical murders. For other weapons see point 7.

Type:	PM examination found skull fractures as a result of heavy blows with a blunt instrument	
Recovered:	No	Location: Never located

## 7. Exhibits

The original Exhibit Book is obviously the best place to begin to track the movement and location of exhibits. Many homicide exhibits however were never entered into Station exhibit books as they were recovered from crime scenes by Crime Scene Officers and entered into Registers at the particular office at which the Officer was attached. From there, many were forwarded to DAL and other experts. Inquiries have revealed that there is still a large store of exhibits held at the CSU Satellite Offices. DAL are in possession of thousands of samples taken from exhibits for the period 1986 –1997. These samples were not analysed and a DNA sample placed on the data-base. From 1997, all DNA profiles obtained from samples were placed on the database.

Attempts should be made to locate all exhibits and determine what examinations have already taken place. The table below should be completed.

#### Exhibits located

Exhibit	Location (exhibit No.)	Previous Examinations	Status
Blue denim jeans, brown belt, denim shirt, maroon shoes, maroon socks, white t-shirt (all deceased's)		Examined by Sydney CSU (job 93/1505). Unable to locate shoe prints or trace evidence on the clothing	
Blood sample (deceased)	14/A07795 (Sydney Crime Scene)	DAL	
Deceased's Health Care & Frequent Flyer card	Collected from Fingerprints on 09/02/1994	Fingerprinted 27/01/1994 with a negative result	<b>NOT LOCATED</b>
Items from deceased's wallet and items belonging to <b>NP221</b>	Collected from Fingerprints on 28/03/1994, Fingerprint exhibit C161666  MPB Surry Hills C29965 28/3/1994	Delivered to Fingerprints on 17/02/1994 RS 3/2/4	Oldest MPB books at Surry Hills from 1995. No records for DYE murder located.  <b>NOT LOCATED</b>

#### 8. Fingerprints

There was no electronic fingerprint database in existence prior to 1986 when N.A.F.I.S. (National Automated Fingerprint Identification System) was established. All fingerprints were categorised and searched manually. When N.A.F.I.S. was established this enabled the capability of searching fingerprints electronically rather than by manual means. Palm prints for serious crime were back-captured on N.A.F.I.S. Fingerprints retrieved from homicide crime scenes were collected and filed in unsolved homicide files at the Fingerprint Latent Unit – Major Crime. All historical Fingerprint Major Crime Files are held with the Records Unit on Level 1, Tower B of Police Headquarters. (A list of these case files are in possession of the Commander, Latent Print Section, Fingerprint Operations, Criminal Identification Specialist Branch (C.I.S.B.)). Contact can be made with staff at the Major Crime Response Section on 27388 For cases occurring after 1986 results can be viewed through FCSR. In May 2001 N.A.F.I.S. was upgraded (N.A.F.I.S. 2) which allowed the capability of searching palm print impressions. It would appear that there are no archived records dating back to prior to 1971.

Fingerprints Available:	Yes
Fingerprint Case Number:	
Major Crime Reference Number:	Not allocated
Person Identified:	Richard LEONARD

Comment:  
 LEONARD identified on items [REDACTED]  
 [REDACTED] – NOT RELEVANT TO THE MURDER OF DYE.

No prints located on Health Care card or Ansett Frequent Flyer card (printed by McCue)

Items from deceased's wallet and items belonging to [NP221] were printed. According to the negatives located by Fingerprint Major Crime, 4 graphs were searched with no hits and 6 graphs were not suitable for searching. Advice sought from them to establish whether the 4 graphs are now on NAFIS – TO BE UPDATED....

**9. Witnesses**

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

Witnesses are not to be contacted during this process, as the relationship between witnesses and suspects is not always known. The relationship between them may have changed over time and there is the possibility that the suspect may be alerted to a renewed investigation.

Also, it will not be desirable to raise the hopes of relatives, secondary victim's etc; that their matter will be re-investigated when it may be the case that nothing further can be done.

Witness lists must be extensive however inquiries will only need to relate to witnesses who provide significant evidence. Inquiries regarding witnesses should be confined to COPS, Intelligence Reports, RTA, Electoral Roll, Registry of Births Deaths & Marriages etc.

Witness:	Location:	How Located:	Relevance
Scott John NEILSON	[REDACTED] Heathcote 2233	[REDACTED]	Driving in Campbell Street Surry Hills at 4.30am, saw three men standing over the deceased who was lying on the ground
[I269] I269	Custody, earliest release date 09/12/2009	[REDACTED]	Prison inmate who provided info about suspect Richard William LEONARD
[I115] I115	[REDACTED]	[REDACTED]	Assaulted in Darlinghurst during the early hours of 27/12/1993
Owen READ	Possibly deceased due to a fall in 2001	[REDACTED]	Saw deceased lying behind Kinsella's Nightclub about 4.30am on 23/12/1993
David Anthony WALKER	[REDACTED] Phillip Bay 2036	[REDACTED]	Security Guard Courthouse Hotel. Created FACE image f_A0008 as one of the youths

			near Kinsella's
<b>I116</b>	██████████ Paddington 2021	██████████	Around 3am 23/12/1993, was robbed near Harry's Café de Wheels
George Norman GROSE	██████████ Kings Cross 2011	██████████	Saw 5 males in Woolloomooloo prior to ██████████ I116's robbery. Compiled FACE image of one of these males.
Leah-Jane COOPER	██████████ Potts Point 2011	██████████	In the company of fiancée GROSE.
Paul Frederick RYAN	██████████ Riverwood 2210	██████████	Postman, walking to work on Flinders Street.
Kenneth Randle BLAKE	██████████ Summer Hill 2130	██████████	Was almost robbed by 3 youths around 10pm on 18/11/1993. Created FACE image F_A000009, F_A000010 & F_A00011
David Charles HARE	██████████ Summer Hill 2130	██████████	See above
Bradley William SMITH	██████████ Dora Creek 2264	██████████	Confronted by two Islanders and one Caucasian in Little Oxford Street Darlinghurst on 19/12/1993. Created FACE images F_A000012, F_A000013 & F_A00014 were published in the media.

#### 10. Suspect/s

#### **UNDER NO CIRCUMSTANCES ARE SUSPECTS TO BE CONTACTED AS PART OF THE REVIEW PROCESS**

Inquiries regarding the location and status of suspects should be confined to those listed above. Of particular importance to the Review is the fact whether suspects have been charged with other offences since the original investigation (particularly sexually related offences). If suspects are identified, a current profile is to be completed listing address, phone number, intelligence reports, marital status, associates, employment and any other relevant information. Checks should be confined to COPS, Intelligence Reports, RTA, Electoral Roll, Registry of Births Deaths & Marriages etc.

Suspect Identified:	Yes	Profile attached:	Yes
Name: <b>NP128</b> <b>NP128</b>	DOB: ██████████	CNI: ██████████	Status: Never Charged
<p>Comment: Currently imprisoned at Long Bay Gaol (area 2). Has been in custody since 15/10/1999, earliest release date 12/10/2003 – latest release date 12/04/2006 on GBH charge. Initially admitted he was present when the deceased was assaulted but later raised idea that he was at Moree at the time it occurred. This fact was never completely verified. Coroner critical of his evidence during the inquest. Provided DNA sample in 2001.</p>			

Suspect Identified:	Yes	Profile attached:	Yes
Name: <b>Richard William LEONARD</b>	DOB: ████████/1973	CNI: ██████████	Status: Never Charged
<p>Comment: Serving a life sentence since the 03/05/1995 for two other murders. Made ██████████ admissions to another prisoner whilst in Gaol in relation to the murder of DYE however refused to be interviewed in any way in relation to the murder or the assault upon <b>I115</b>. DPP initially recommended LEONARD should be charged with the deceased's murder however after a thorough re-investigation, recommended no charges be preferred. LEONARD provided a DNA buccal swab in 2001.</p>			

Suspect Identified:	Yes	Profile attached:	Yes
Name: <b>NP129</b> <b>NP129</b>	DOB: ██████████	CNI: ██████████	Status: Never Charged
<p>Comment: Was in the company of LEONARD when he assaulted a man in the East Sydney area in December 1993. After being shown photographs of the deceased, <b>NP129</b> did not believe he was the man LEONARD assaulted. <b>NP129</b> stated it was possible <b>I115</b> was the man LEONARD assaulted after he was shown photographs of him. Recorded address of ██████████.</p>			

Suspect Identified:	Yes	Profile attached:	Yes
Name: <b>NP127</b>	DOB: ██████████	CNI: ██████████	Status: Never Charged
<p>Comment: An informant nominated <b>NP127</b> as a suspect for the murder. He refused to be interviewed in 1995 when police travelled to WA to speak to him about this murder of the 1995 Surry Hills murder of Stephen SEYMOUR. Is now on parole until the 07/10/2006. His DNA was obtained on the 12/09/2002 and is on the database. His recorded address is ██████████.</p>			



## 11. Synopsis:

A synopsis of your review should be completed detailing the circumstances of the murder, lines of inquiry and any known suspects.

### Synopsis:

About 4.35am on Thursday the 23/12/1993, Scott NEILSON was driving in Campbell Street Surry Hills (Taylor's Square) where he saw three men standing over an object on the ground. The object was on the northern side of Campbell Street near the intersection of Little Oxford Street. The three men were picking the object up slightly and moving it about. They appeared to grab something from the object before running off, north in Campbell Street.

As NEILSON drove up to the object, he realised it was actually a man, the deceased Crispin Wilson DYE, who was lying face down and not moving. He continued driving in Campbell Street and then into Crown Street where he saw the three men running into Goulburn Street, past the Surry Hills Police Station. NEILSON continued to drive in Crown Street; turning left into Oxford Street and drove around the block.

As he re-entered Oxford Street, he saw these three men walking west along Oxford Street near Pelican Street. NEILSON attended the Surry Hills Police Station where he reported the matter. Police drove NEILSON around the area but he was unable to identify those males in the vicinity.

He described the three men as being about 17 or 18 years old, Pacific Islander appearance, about 180 cm tall; slim to medium build with dark complexion. Two were described as wearing long baggy pants and t-shirts, the third wearing grey knee length baggy shorts, t-shirt, white socks, joggers and a dark coloured baseball cap. NEILSON did not see their faces and was unable to assist any further.

### **CRIME SCENE**

Police attended Campbell Street Surry Hills where ambulance officers had commenced treating the deceased. He was conveyed to St Vincent's Hospital where he was found to have suffered massive head injuries, brain injury with petechial haemorrhages, a facial fracture and cardiac arrest.

An examination of the crime scene found a pool of freshly congealed blood and coins totalling \$3.30 on the roadway. The blood was swabbed by crime scene police but no further items were located at the scene.

The deceased was subsequently transferred to St George Hospital where he died about 6.30pm on Saturday the 25/12/1993. The post mortem examination discovered the deceased had suffered three fractures to the skull which caused uncontrollable bleeding to the brain. These injuries were consistent with the deceased having received heavy blows to the head with a blunt instrument. The deceased's blood alcohol reading was .26. An examination of his clothing failed to locate shoe prints or other trace evidence. His clothing was undamaged and appeared to be intact.

S/F BARCOO was subsequently established by Surry Hills Detectives to investigate the deceased's murder.

### **THE DECEASED'S MOVEMENTS**

The deceased had been in Sydney visiting family and normally resided in Far North Queensland. Enquiries found the deceased had been out that evening for dinner and drinks with friends. He was last seen around 4am on Thursday the 23/12/1993, when he was refused service at the Courthouse Hotel, corner of Oxford and Bourke Streets Surry Hills, due to his intoxication. Staff there described the deceased as a happy drunk who was not aggressive in any way and left the premises when asked to. The deceased appeared as if he had wet himself, indicating a high level of intoxication.

An examination of the deceased's bank records found two withdrawals had been made on Wednesday the 22/12/1993; one for \$20 at Chatswood at 1.45pm and another for \$50 at Paddington at 8.17pm, being consistent with the deceased's movements. It appears the deceased would have only been in possession of a small amount of money at the time of the assault.

On the 28/12/1993, Collin DORRINGTON a friend of the deceased, provided information that the deceased was homosexual and added the deceased was attracted to males of an islander appearance.

### **CANVASSES**

David WALKER, a security guard working at the Courthouse Hotel, noticed three males, one of whom was similar in appearance to a young man who had been refused service about 2.30am on Thursday the 23/12/1993. These males walked around Oxford Street into Bourke and about an hour later, WALKER saw two of them near the entrance to Kinsela's nightclub, which was closed. WALKER compiled a FACE image of this person.

Paul RYAN, a postman employed at Darlinghurst, walked to work from his home in Paddington, leaving home around 4.40am on Thursday the 23/12/1993. He purchased a newspaper at the Circle K on Flinders Street and noticed three Polynesian males crossing Flinders from the other side, near where it meets Taylor Street. RYAN assumed these men had been at the nearby Taxi Club. When the males crossed over they were in front of him and they continued walking in Flinders Street. RYAN last saw the three males walking to the corner of Oxford and Bourke Streets.

When he arrived at the park where the men had crossed Flinders Street, RYAN saw a police car and two police officers who were standing over a person lying on the ground. RYAN crossed Bourke and commenced walking down Campbell Street. He stated he did not see the faces of the Polynesian males recalled one of them was a big bloke with thick curly hair, similar to an afro style. One of the others was a slight build and was quite young.

### **ROBBERY UPON [REDACTED] IN WOOLLOOMOOLOO**

Enquiries were also carried out in relation to a robbery which occurred about 3.30am on Thursday the 23/12/1993, upon 23 year old [REDACTED] [REDACTED] was attacked by five males in Bougham Street Woolloomooloo, near Cowper Wharf Road and property was stolen from him.

Shortly before this occurred, 19 year old George GROSE and 17 year old [REDACTED] had been sitting at the McElhone Stairs when a group of males walked past them. Upon seeing the group, GROSE and [REDACTED] were fearful that they were actually going to be mugged. GROSE was able to complete a FACE image of one of the males. He described this male as being Islander appearance, 19 to 24 years old, 180cm tall, medium muscular build, medium to dark complexion, and collar length black hair in dreadlock curly style. He was wearing a collared shirt, baggy denim jeans, and a baseball cap with the peak facing the front with possibly either a "Chicago Bulls" or "New York Yankees" emblem on it. He described a second male as Mediterranean appearance, 20 to 24 years old, and 180-185cm tall, thin to medium build, olive complexion and short black hair. He was wearing semi baggy blue jeans and brown "dock" shoes. The remaining three males were similar height, build and dress as the previous males. They were all wearing baseball caps with the peak toward the front.

### **PUBLICATION OF "FACE" IMAGES**

On the 31/12/1993, Bradley William SMITH informed police he and Keith LAURIE had been confronted by two Islanders and one Caucasian male in Little Oxford Street Darlinghurst on the 19/12/1993. The descriptions given by SMITH were similar in appearance to the offenders responsible for the assault upon the deceased. SMITH created three FACE images of the males involved in the confrontation.

On the 02/01/1994, a newspaper article containing the FACE images created by SMITH and the FACE image created by the Security Guard from Kinsella's were publicised and a

number of calls were received by members of the public nominated various suspects who were similar to those images. Enquiries were also conducted into criminals who had been arrested for similar offences in the two months prior to the murder. An offender/suspect video was also compiled which included the photos of 124 males. The video was viewed by a number of persons but it appears no one was identified.

LAURIE was eventually interviewed on the 18/01/1994 however due to certain discrepancies between the two versions of the incident and the descriptions supplied, it was decided that less significance be given to the FACE images compiled by SMITH.

#### **THE DISCOVERY OF THE DECEASED'S PROPERTY**

In the New Year, the deceased's brother Brenton DYE went to his brother's home and located a package in the mail box which had been sent from Sydney. The package contained a number of cards, including the deceased's Frequent Flyer card. After contacting police in Surry Hills, these items were sent to NSW for examination, with a negative result. The person who handed the property in was never identified. DYE also believed a diamond and gold ring belonging to the deceased was missing however he conceded the deceased may have actually pawned that item.

Enquiries found those items had been handed in to the Ansett office on the corner of Riley and Oxford Streets Surry Hills on Thursday the 23/12/1993. No records were kept by the company and none of the staff had a recollection of the property being handed it. Subsequent media appeals failed to provide further information.

On the 14/02/1994, Richard FUNSTON Solicitor was confronted in his office at the Inner City Legal Centre, 94 Oxford Street Darlinghurst, by a male who refused to divulge his identity. The male produced a wallet which he said he been taken by him by mistake at a nearby McDonalds. The wallet was found to contain certain items, including the deceased's missing ATM card. The man left the office prior to revealing his identity. The wallet was also found to contain a [REDACTED] passport in the name of [REDACTED] NP221 a number of ATM receipts for accounts with St George Bank and Sydney Credit Union, and an Australian Credit Union card in the name of [REDACTED] 1320. An examination for fingerprints returned a negative result.

Enquiries found [REDACTED] NP221 was an employee at McDonalds on [REDACTED] and resided at Annandale with his girlfriend [REDACTED] NP222. The investigation focused on the couple and [REDACTED].

A search warrant was also executed at their address but the property seized did not assist the murder investigation. [REDACTED] NP221 was interviewed and stated he found the deceased's ATM card on the corner of Oxford and Riley Streets Surry Hills, prior to Christmas 1993. He admitting making no effort to return it to the owner. [REDACTED] NP222 was interviewed and denied ever seeing the card in [REDACTED] NP221's wallet and further stated she was overseas between the 17/12/1993 and the 31/12/1993. [REDACTED]

[REDACTED] failed to disclose any knowledge of the deceased's murder. Although [REDACTED] NP221 did not have an alibi for the early hours of the 23/12/1993, he was not investigated any further.

#### **SUSPECTS [REDACTED] NP127 AND [REDACTED] NP227**

On the 14/05/1994 an informant known to Detective EARDLEY from the DEA provided information relating to [REDACTED] NP127 and [REDACTED] NP227 as being possibly involved with the murder or having some knowledge of the offence. The specifics of their alleged involvement is not evident, although there is evidence from associates, the pair had bragged about assaulting and robbing homosexual males in the city.

Enquiries found [REDACTED] NP227 died of [REDACTED] in June 1994. Attempts were made to locate [REDACTED] NP127, who was wanted for interview for the murder of Stephen SEYMOUR, which occurred in Surry Hills on the 16/04/1994. SEYMOUR had been kicked in the head several times and black scuff marks were also evident on his trousers. [REDACTED] NP127 fits the description of the person believed to be responsible for the assault upon SEYMOUR, however he is not similar to the description provided by Scott NEILSON.

In 1995, Detective KNIGHT travelled to Perth with police involved in the SEYMOUR investigation, in order to interview [NP127]. According to the records held for the SEYMOUR murder, [NP127] refused to speak to police about the deceased's murder.

#### **INFORMANT NOMINATES "ROBBIE" AS A WITNESS**

On the 18/05/1994, the DEA advised Strike Force BARCOO registered informant [REDACTED] allegedly had information about the deceased's murder. The informant was aware of a young male known as "Robbie", who said he was present near Campbell Street on Thursday the 23/12/1993 and witnessed the assault on the deceased by several young males. "Robbie" alleged that he knew the identity of at least two of the offenders but had no intention of assisting police. "Robbie" told police he believed bikie gangs would be interested in the information due to the deceased's ties to rock band AC/DC. As a result, an application was successfully made for a [REDACTED]

A meeting was arranged between an undercover officer posing as a bikie gang member and "Robbie" on the 20/05/1994 and their meeting was [REDACTED]. "Robbie" claimed the assault had been committed by a number of males and purported to have access to the identity of the offenders however despite numerous attempts to pursue the matter, no further contact was had with "Robbie" and no further information was obtained. It was considered "Robbie" was attempting to align himself with a bikie group and did not actually possess information about the murder. Upon [REDACTED] it appears "Robbie" had worked at "The Wall" in the past.

**POI -** [NP128]

20 year old [NP128] was nominated by various persons as being similar in appearance to the FACE image created by George GROSE after the [I116] robbery at Woolloomooloo. On Tuesday the 14/06/1994, [NP128] was arrested in Kempsey on unrelated matters. [NP128] denied any involvement in the robbery upon [I116] despite admitting he was in the vicinity at the time it occurred. He was never identified during subsequent photo identification parades conducted with the witnesses to this robbery.

[NP128] was interviewed by local police and admitted he had witnessed the assault upon the deceased. He said he was present with 28 year old [I327] and "some Redfern fellas". He was able to remember it because he had travelled from Sydney to Moree the day before Christmas. After the assault happened, he ran to [I327]'s place where they smoked marijuana for around an hour, before the sun started coming up. A UBD map of the area was supplied to [NP128] who marked the intersection of Little Oxford Street and Campbell Streets as the location where the assault had taken place.

[NP128] went on to detail what had occurred in the lead up to the assault. He said he left the Bondi Hotel around 11pm that evening, catching a bus to Kings Cross where he ran into [I327]. He and [I327] walked towards Oxford Street going up Bourke Street. They saw a group of youths who [I327] knew from Redfern. [NP128] and [I327] were sharing a bottle of beer while the youths were walking up ahead of them. They walked up Oxford Street and then back down Little Oxford Street. This is where [NP128] looked ahead and saw the boys were kicking and punching a man. Three were punching the man whilst two were behind him.

[NP128] said he suffered from poor eyesight which required him to wear prescription glasses however he was not wearing them that night. He claimed he was also drunk at the time, having consumed eight schooners of beer in a five hour period. [NP128] says after seeing this occur, he ran down Bourke Street toward Woolloomooloo where [I327] lived. [I327] and he smoked marijuana, after which the sun came up and he went home to Bondi and had a shower. [I327] died on the 11/03/1994 of [REDACTED]. It appears he had been staying with family at [REDACTED] Woolloomooloo at the time of the murder.

S/F BARCOO Detectives travelled to Kempsey and interviewed [NP128] on Wednesday the 15/06/1994. During one of those interviews, [NP128] told police he did not believe he was in Sydney at the time of the assault upon the deceased. [NP128] said he travelled from Sydney

to Moree via the XPT, sometime between the 05/12/1993 and the 20/05/1993. NP128 claimed he left Sydney in the evening and arrived at Moree at 6.30am the following morning, where he went to the home of his I324. Police believed NP128 left Sydney on the evening of Thursday the 23/12/1993, arriving in Moree the morning of Christmas Eve.

On the 15/06/1994, I324 told police NP128 had arrived at her premises in Moree unannounced sometime in early to mid December 1993. She provided an additional statement on the 05/07/1994 claiming she had located a 1993 diary where she had recorded NP128's arrival in Moree on the 11/12/1993. She remembered he commenced working for her brother-in-law cotton picking. NP128's grandfather I321 told police he had withdrawn \$80 from an ATM to give to his grandson so he could purchase his train ticket to travel to Moree. The only transaction made on his account, and the one he is adamant is the relevant one, is a \$70 ATM withdrawal on the 15/12/1993, which conflicts with the evidence provided by I324.

NP128's mother I323 was interviewed on the 06/07/1994 and said she had been working as a cotton picker whilst living in Moree between December 1993 and March 1994. I323 believed NP128 arrived in Moree a couple of weeks after she commenced cotton picking and that it was sometime before Christmas. I323 recalled NP128 arriving on the train from Sydney around 7pm in the evening. NP128 caught a taxi to her sister I324's home and I324 drove NP128 to where she was residing in Moree at the time.

Enquiries carried out in Moree led to I325 who allegedly employed NP128 between the 16/12/1993 and the 07/01/1994. NP128 was allegedly employed under the name of NP128's alias however employment declaration forms and other records for NP128's alias and other employees, had been lost or stolen prior to January 1994. Cheques in the name of NP128's alias had been found to have been cashed at the Moree Services Club, the Moree Hotel and over the counter at the ANZ Moree branch. This last cheque was signed and the signature appeared to be NP128's signature, when compared with his signatures on receipts for audio tapes. Other than these cashed cheques obtained from the bank, no other documents were available to substantiate that NP128's alias was identical with NP128.

I325 told police he saw NP128 working at a cotton field at Beela near Moree on the 24/12/1993. I325 had known NP128 all his life but had not seen him for several years prior to this date. NP128 told him, "I have been doing a bit of work on and off with you."

I325 had not seen him prior to that and wasn't aware at that time NP128 was working under the name of NP128's alias however he recalled giving NP128 a cheque in the name of NP128's alias that particular day.

A statement was obtained from I326 the defacto of I324 who confirmed NP128 had been working for I326's brother I325 under the name NP128's alias and had worked with him in the five days prior to and including the 24/12/1993, during which he had driven him to and from the cotton fields.

NP128 alleged he made application to the Department of Social Security for benefits on the 20/12/1993, receiving his first payment four days later. Enquiries made with the Department confirmed this appeared to be the case however police were unable to authenticate it due to privacy legislation, that he attended the Moree office personally on the date specified.

In July 1994, NP128 was sentenced to a six months imprisonment for unrelated offences. On Wednesday the 06/07/1994, he was interviewed again at Surry Hills however he refused to accompany police on a video recorded run-around of the vicinity where the assault upon the deceased took place. NP128 alleged he was not present on the 23/12/1993, stating what he had been talking about was a completely different incident. NP128 stated he was in Moree in mid December 1993 where he started work cotton chipping about two weeks prior to Christmas.

As a result of all the enquiries carried out, investigators were satisfied NP128 had been in Moree at the time of the murder and could not be a witness or involved in the offence. This fact was included on a briefing note dated 18/07/1994.

On the 08/09/1994, [ 170 ] was interviewed and admitted he had purchased a train ticket for [ NP128 ], in the name of [ 170's alias ] as [ NP128 ] said he was wanted by the police and wanted to get away from Sydney. [ 170 ] alleged he had no knowledge of the reason for [ NP128 ] being wanted at the time. Although he was unable to remember the specific date this occurred, he was adamant it would have been between two and four weeks before Christmas 1993, which is consistent with the version given by [ NP128 ]. Enquiries with State Rail failed to locate any booking under this name and the only manifests available were for the 17<sup>th</sup>, 18<sup>th</sup>, 19<sup>th</sup> and 20<sup>th</sup> of December 1993, leaving that enquiry incomplete.

#### **INQUEST**

A two day inquest was held at Glebe on the 07/08/1995 and the 08/08/1995, before the Coroner Mr HAND. Detective KNIGHT gave evidence that he had conducted enquiries at Redfern Railway and had located records showing the purchase of a railway ticket on the 03/12/1993 by [ 170's alias ] for \$31.

[ NP128 ] appeared and gave evidence that the story he had told about witnessing an assault in the Oxford Street area was false. He said he previously supplied false information as a result of his fear of the interviewing police. He also stated he travelled to Moree on the evening the rail ticket was purchased for him by [ 170 ].

Mr HAND made a comment that [ NP128 ]'s evidence had more holes in it than a sieve; that it was unbelievable the alibis that were coming up for him; that he did not believe [ NP128 ]'s story but there was insufficient evidence to tie him to the murder.

He found the deceased died as the result of the effects of a head injury inflicted by person or persons unknown.

[REDACTED]

[REDACTED]

[REDACTED] LEONARD stated he killed DYE and [ NP129 ] was with him at the time.

[REDACTED]

[REDACTED] LEONARD walked up to this man and said, "I don't like faggots. I'm going to kill ya", before hitting the man as hard as he could on the back of the head with his baton. He stated he struck the man a number of times to the back and side of the head before the man fell to his hands and knees and started screaming. LEONARD believed someone was coming so he left and described seeing blood coming out of the man's head.

[REDACTED]

On the 15/04/1996, [NP129] participated in an electronically recorded interview and stated the following. He said he was present when LEONARD assaulted a man in Sydney prior to Christmas 1993. LEONARD used a telescopic baton to strike the man. He had gone with LEONARD to talk to working girls in Williams Street and the assault had taken place about 2am or 3am.

[NP129] described the man as "sort of like a slob", who was apparently drunk or drugged. [NP129] believed the assault took place in Palmer Street East Sydney next to a lane running parallel with William Street. [NP129] believed LEONARD struck the man around six times after which the man lay bleeding on the ground, making a deep howling noise. Around a week later, LEONARD showed [NP129] a newspaper article about the murder of the deceased. [NP129] checked a street directory and found the locations of the assaults were different although he thought they did occur on the same day.

[NP129] described the man as wearing a white t shirt and light coloured shorts which were dirty. The man was dishevelled and had short hair which was balding on top. [NP129] was shown a photograph of the deceased and indicated he could have been the man LEONARD assaulted. He accompanied police to Palmer Street East Sydney and indicated an area outside number 192 as the location where LEONARD had assaulted the man. This was about 500 metres from the location where Scott NEILSON had seen the deceased lying in Campbell Street about 4.35am on Thursday the 23/12/1993.

[NP129] was interviewed further and reiterated the fact the deceased's photograph did not strike him as being the same person LEONARD assaulted. [NP129] told police he thought LEONARD was glorifying himself and the man he assaulted was not the deceased.

On legal advice, LEONARD refused to speak to police in relation to the death of the deceased.

Clarification of a number of matters was sought from the Forensic Pathologist, as a result of the [redacted] admissions made by LEONARD. Dr SCHWARTZ was of the opinion the C-A-F 16 baton was capable of inflicting the deceased's injuries although the injuries on the back of the deceased's head were less than would be expected, if LEONARD's story was to be relied upon. Neurosurgeon Dr STENING, who treated the deceased, stated it was possible but not definite that the original head injury might have rendered the deceased temporarily unconscious or not rendered him unconscious at all. Therefore, it was possible the deceased could have moved under his own power for 500 metres before another process caused the cardiac arrest which resulted in the brain damage. There were no blood trails located which could indicate the deceased was assaulted anywhere other than where he was found.

[NP129] alleged the assault took place around 2am or 3am however two witnesses recalled seeing the deceased at 4am at Taylor's Square, before he was assaulted. At the time of the assault, the deceased was described as being 41 years old, having receding blonde hair tied back into a pony tail, having tanned skin with an average to fit build. On the night of the assault, the deceased was wearing blue jeans, a white t shirt with a blue long sleeved shirt and a pair of maroon shoes. [NP129] described the man LEONARD assaulted as being an unclean slob with short balding hair and a beer belly.

On the 19/08/1998, an advising was sought by the DPP as to whether there were sufficient grounds for laying charges against LEONARD. That written submission included the belief there was a doubt that the man LEONARD assaulted was in fact the deceased.

On the 14/12/1998, a direction was received from the DPP that charges **should** be laid against LEONARD and [NP129] regarding the murder of the deceased. Recommendations were made that LEONARD should be charged with "Murder" and "Maliciously Inflict Grievous Bodily Harm" and [NP129] with "Accessory After The fact to Maliciously Inflict Grievous Bodily Harm" and "Conceal Serious Offence". A further direction

from the DPP was received on the 21/01/1999, stating LEONARD should be charged with "Murder" and "Maliciously Inflict Grievous Bodily Harm With Intent".

#### **REACTIVATION OF S/F BARCOO**

On the 20/01/1999, Strike Force BARCOO was reactivated to continue the investigation into the deceased's murder under the command of Detective WATERMAN from the Homicide Squad. A review of the original investigation was undertaken and a 1993 assault upon [I115] [I115] was identified as a result.

#### **1993 ROBBERY UPON [I115]**

On Saturday the 29/12/1993, [I345] [I345] contacted Surry Hills Police to report an assault upon her brother [I115] [I115] in Darlinghurst during the early hours of Monday the 27/12/1993.

On the 12/01/1994, [I115] [I115] gave a statement to police stating about 8.30pm on Sunday the 26/12/1993, he left [REDACTED] Darlinghurst/East Sydney, walking with a friend to Oxford Street where he consumed a number of schooners of beer. About 2am on Monday the 27/12/1993, [I115] [I115] left the Oxford Hotel with friends and went to the Flinders Hotel on Flinders Street, where he had one last beer before commencing to walk back to [REDACTED] William Street. [I115] [I115] described walking down Bourke Street, towards William Street. As he approached St Peters Street, he was struck on the back of his head from behind, causing him to fall to his hands and knees. As he turned his head, he was struck again to the upper side of his head. [I115] [I115] believed he was knocked unconscious and remembered waking up with a very bad pain in his head, blood on his head and his t-shirt. He walked back to [REDACTED] where he laid down and fell asleep. Sometime later, he was woken by a friend and an ambulance was summonsed. He was taken by ambulance to Sydney Hospital where he was treated.

[I115] [I115] described his attacker as having dark coloured skin and black shoulder length straight hair. He believed he was hit with a steel bar, wooden stick or similar. He added he saw the legs of a second person who was present but was unable to describe him. As a result of the assault, [I115] [I115] received three cuts to his head; two to the back and one to the right upper side. These required a total of ten sutures. Nothing was stolen from him during the attack although he was wearing a watch, gold jewellery and was carrying some money at the time.

[I115] [I115] was re-interviewed on the 13/04/1999. He is profoundly deaf and has been since childbirth. He is apparently able to read lips and voice words (not clearly) and is also capable of screaming in a loud voice. An additional statement was obtained from [I115] [I115] clarifying his movements on the night and early morning of the 26-27/12/1993. He said he was wearing a white cotton sleeveless t-shirt, black cotton shorts, white long socks pushed down, black leather lace up shoes and a black bum bag. [I115] [I115] is Caucasian, 185cm tall, obese building with brown receding hair. Photographs were taken of [I115] [I115] wearing clothing similar to what he was wearing on the night of the assault. These were shown to [NP129] [NP129] who stated the person LEONARD assaulted could have been [I115] [I115].

This information was supplied to the DPP who provided a formal reply on the 08/02/2001, recommending no charges should be laid against LEONARD or [NP129] [NP129].

## **12. Recommendation:**

You must submit a recommendation on the potential for any further investigation, including the scope of any subsequent investigation eg; opportunity for DNA link, potential for Undercover Operative to be employed, witnesses to be reinterviewed due to change of circumstances. If you recommend that further investigation should take place, list the most appropriate contact person should be listed.



**Recommendation:**

- Records show some exhibits are still on hand at Sydney Crime Scene at the SPC. The exhibits include the deceased's clothing, head hair and blood and his stolen ATM card. The items should be located and transferred to Exhibits at the SPC for retention. It appears the deceased's blood is the only item which has ever been sent to DAL for examination. Consultation should take place with DAL in order to submit suitable exhibits for a trace DNA examination. Previous suspects are currently on the DNA database.
- Obtain confirmation from Fingerprints that any outstanding prints have been included on NAFIS. Also establish from their records upon which items the prints were located.
- A reward was in force for 12 months after the murder. There were apparently no responses. Consider reissue of the reward to coincide with any reinvestigation, especially if electronic surveillance becomes an option.
- [NP128] was not adequately eliminated from the investigation. [NP128] is currently in Gaol until 12/04/2006. The use of the [REDACTED] would be a strategy which could be used with [NP128] in an attempt to ascertain exactly how he is involved in the murder, if at all. [NP128] is on the DNA database.
- [NP128] previously agreed to participate in a video run around with police but later refused to assist. Should the [REDACTED] be successfully utilised, it would assist to create a scenario which is based in the East Sydney area, giving him an opportunity to indicate areas of relevance around Oxford Street.
- TIMS Category 7 details the various suspects nominated for the fact they were similar to the FACE images published in the media. A large number have not been recorded as being eliminated. Should further investigation be warranted, a detailed Intelligence analysis of all pois and suspects would be required, including recorded which FACE image they are similar to, since five were published throughout the media.
- Establish a time line or some sort of analysis of all the similar offences occurring in the Oxford Street area in the months leading up to the murder – [NP128]'s explanation that he was thinking about an earlier event.

**REVIEWER'S CERTIFICATION**

I certify that the review has been conducted thoroughly and I have accessed all available documents and exhibits.

Signature:

Name: Natalie Barr

Rank: DSC

Date: 25/05/2005

**CO-ORDINATOR'S CERTIFICATION**

I certify that sufficient time and opportunity has been provided to the case reviewer to conduct the attached review. I am satisfied that the reviewer has accessed available documentation and agree with their recommendations.

Signature:  
Name:  
Rank:  
Position:  
Date: