

CITATION: *Inquest into the death of Peter Wayne Murphy* [2011] NTMC
022

TITLE OF COURT: Coroners Court

JURISDICTION: Alice Springs

FILE NO(s): D0039/2010

DELIVERED ON: 6 July 2011

DELIVERED AT: Alice Springs

HEARING DATE(s): 12, 13, 14 and 15 April 2011

FINDING OF: Mr Greg Cavanagh SM

CATCHWORDS:

Violent death, foul play, belief as to
crime

REPRESENTATION:

Counsel:

Assisting the Coroner: Ms Elisabeth Armitage
Witness Adam Filippone: Mr Dan Rogers

Judgment category classification: B
Judgement ID number: 022 [2011] NTMC
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IN THE CORONERS COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. D0039/2010

In the matter of an Inquest into the death of
Peter Wayne Murphy

**ON 17 AUGUST 2008
AT A PLACE OUTSIDE ALICE SPRINGS**

FINDINGS

Mr Greg Cavanagh SM:

INTRODUCTION

1. Mr Peter Wayne Murphy, the Deceased, was murdered on 17 August 2008. He was 47 years old. He died from gunshot wounds to the head and was buried in a shallow, unmarked, grave approximately 120 kilometres north of Alice Springs off the Plenty Highway.
2. The Deceased was last seen alive shortly after midday on 17 August 2008 at the Town and Country Tavern in Alice Springs. He was reported missing two days later. He could not be found and police treated his disappearance as that of a missing person. The initial investigation was reviewed and reopened in October 2009. Further evidence came to light which indicated that Mr Murphy was deceased and the investigation then became one focussing on his death.
3. The Deceased's skeletal remains were located on 2 June 2010. His remains were found only after police received detailed written instructions from Mr Greg Russell describing the location of the grave site. Even with those instructions it took police several days to locate the grave. Without the instructions it is likely that, given the remote location, the remains would never have been found.

4. Together with those written instructions, Mr Russell left a taped confession outlining his involvement in the Deceased's murder. He said the Deceased was 'executed' because he owed money for drugs. Mr Russell named an accomplice. In his confession Mr Russell admitted being connected to motorcycle gangs, being a 'hit man' for those gangs, and having killed before. After recording his confession Mr Russell committed suicide.
5. The death was reported to the coroner because it was a violent death. I ordered an inquest pursuant to s. 15 (1A) (b) of the *Coroners Act* because I suspected an unlawful killing.
6. The death was investigated by Detective Sergeant David Richardson. A thorough and detailed brief was provided to my Office which I received into evidence. I also heard evidence from the Deceased's siblings, Ms Cheryl Smith and Mr Michael Murphy, and witnesses Mr Steven Williams, Ms Leisa Ford, Mr Kevin Hucks, Ms Tamara Murphy, Master Leigh Murphy, Mr Matthew Poe, Mr Graham Brewster, Ms Angela Russell, Mr Robert Dashwood, Mr Adam Moore, Mr Rodney Moseley, Mr Frederick Spurling, Ms Gemma Beattie, Ms Wendy Hassett, Det. Sgt. David Richardson, Mr Kurt Tomlinson, Ms Sunni Torgman, and Mr X (a witness whose name and nick name I have suppressed).
7. Pursuant to section 34 of the *Coroners Act*, I am required to make the following findings:

“(1) A coroner investigating –

(a) a death shall, if possible, find –

(i) the identity of the deceased person;

(ii) the time and place of death;

(iii) the cause of death;

(iv) the particulars needed to register the death under the Births, Deaths and Marriages Registration Act;

8. Section 34(2) of the Act operates to extend my function as follows:

“A coroner may comment on a matter, including public health or safety or the administration of justice, connected with the death or disaster being investigated.”

9. Additionally, I may make recommendations pursuant to section 35(1), (2) & (3):

“(1) A coroner may report to the Attorney-General on a death or disaster investigated by the coroner.

(2) A coroner may make recommendations to the Attorney-General on a matter, including public health or safety or the administration of justice connected with a death or disaster investigated by the coroner.

(3) A coroner shall report to the Commissioner of Police and Director of Public Prosecutions appointed under the Director of Public Prosecutions Act if the coroner believes that a crime may have been committed in connection with a death or disaster investigated by the coroner.”

Circumstances surrounding the death

Background

10. The Deceased was born in South Australia on 25 June 1962, the youngest child of Valerie and Reginald Murphy. He grew up in Port Pirie and went to St Marks School. After a number of relationships the Deceased moved to Alice Springs and in July 2000 married Ms Tamara Murphy. They had two children, Chase and Jaxon. The Deceased was also a father to Ms T. Murphy’s two older children, Vanessa and Leigh. The Deceased and Ms T. Murphy separated in 2004 but maintained a firm relationship. The Deceased continued to provide financial support to Ms T. Murphy and the children.

11. The Deceased enjoyed a social drink with friends and associates. When in Alice Springs the Deceased was known to be a regular drinker at the Town and Country Tavern (formally known as Scotty's Tavern). He was also known to be a heavy gambler and user and supplier of cannabis. The Deceased knew Mr Greg Russell socially and through work. The Deceased told a friend, Mr Robert Dashwood, that Mr Russell supplied him with cannabis.
12. The Deceased had a varied work history. He worked as a painter, a store assistant and as a bar attendant in Alice Springs, Barrow Creek, and Docker River. He also worked from time to time in the building industry with Mr Russell and Mr X, who also commonly went by the nick name 'Y' (I have suppressed both names). For a period of time prior to his death, the Deceased worked in Yuendumu Community.
13. Whilst at Yuendumu, I heard evidence that the Deceased was supplying cannabis to local residents. His son, Leigh, gave evidence that he visited the Deceased in Yuendumu for school holidays. Leigh said he saw his father in possession of quantities of cannabis in resealable lunch bags. In a statement to Police, Leigh said he saw the Deceased selling cannabis to residents.
14. Ms T. Murphy gave evidence that she was working with a second hand car dealer who was Mr Russell's business partner. She saw a second hand car, destined for Yuendumu, with cannabis wrapped up in the boot.
15. I also heard evidence from Mr Russell's ex-wife, Ms Angela Russell. She told me she had been married to Mr Russell for 25 years but they separated in January 2008. They had two daughters who lived with them and an older daughter, Ms Gemma Beattie, who was adopted out when she was young. Ms Russell gave evidence that Mr Russell was connected to the motor cycle gang, the "Black Ulans", and was involved in dealing drugs in Aboriginal communities. Ms Russell said that she saw Mr Russell supply the Deceased

with drugs for on-sale and she saw money pass between the two men. Ms Russell also gave evidence that Mr Russell owned a number of guns and had admitted to her that he was a 'hit man'. She recalled Mr Russell telling her that he had killed a man called 'Jamie' from Darwin in 1997.

16. In mid-2008 the Deceased returned to Alice Springs. He stayed at the Elkira Motel and was employed by Mr Kurt Tomlinson as a painter. The Deceased was in regular contact with Ms T. Murphy and the children.
17. In this inquest I heard evidence from Mr Graham Brewster, a friend of the Deceased. Mr Brewster gave evidence that around June 2008, he and the Deceased went to cut firewood. The Deceased asked Mr Brewster to lend him '30 grand'. Mr Brewster thought the request was serious but was unable to assist. The Deceased then said 'If they come and get me they come and get me then'. It seems the Deceased was seriously indebted. Rumours suggested he was indebted to Mr Russell over unpaid drug moneys. This was later confirmed in Mr Russell's confession.
18. In August 2008 Mr Russell was boarding at 1912 Fuchsia Road, Alice Springs, with: Ms T. Murphy, her boyfriend Mr Adam Moore, the four children, and another boarder, Ms Leisa Ford.
19. Mr Russell had a small handgun. He asked Ms T. Murphy to keep it safe for him. Mr Moore also gave evidence that he saw the gun.
20. In the weeks before Mr Murphy's death, both Ms T. Murphy and Mr Moore, heard Mr Russell complaining that the Deceased owed him a lot of money, in the order of hundreds of thousands of dollars. During a drunken conversation at the Elkira Hotel (where Ms T. Murphy worked), Mr Russell asked Ms T. Murphy whether the Deceased had a life insurance policy and offered to kill the Deceased for \$10,000. Ms T. Murphy gave evidence that Mr X was present during that conversation. She said that the Deceased later

joined the group, and she overheard Mr Russell telling the Deceased that ‘he (Mr Russell) had lost his patience’.

17 August 2008

Before the Deceased left the Town and Country Tavern

21. On Sunday 17 August 2008 the Deceased was painting with Mr Kurt Tomlinson. At about midday, Mr Tomlinson dropped him off at the Town and Country Tavern in the Alice Springs Mall. Mr Dashwood gave evidence that he was drinking with the Deceased at the Town and Country Tavern.
22. Phone call records reveal that at midday the Deceased received a call on his mobile phone that lasted for one minute. CCTV footage from the Town and Country Tavern was played during the inquest. The footage showed the Deceased receiving the phone call.
23. At about 12.30 pm Ms Sunni Torgman, a barmaid from the Town and Country Tavern, was waiting for a taxi in a car park behind the Tavern.
24. Ms Torgman gave evidence that a man approached her and asked her to go into the bar and get the Deceased. She went inside and told the Deceased that there ‘was somebody out the back waiting for him’. The Deceased told Mr Dashwood that he was being picked up, that it would ‘benefit us all’, and that he would see Mr Dashwood later on. Based on their previous dealings, Mr Dashwood understood this to mean that that the Deceased would be supplied with cannabis. The CCTV footage shows Ms Torgman talking to the Deceased and the Deceased walking outside on to the Mall. I note there is a side alley next to the Tavern which leads out to the car park at the back.
25. There is no CCTV footage of the rear of the Tavern, so there is no footage of the person who approached Ms Torgman, or of the car he was travelling in. Ms Torgman had very little recollection; of the person who approached her, whether he was alone, or the type of car used. However, she did recall

that he was wearing sunglasses and in a “COMFIT” process, Ms Torgman selected glasses similar to those she had seen the man wearing (see paragraph 58 below).

26. On the morning of Sunday 17 August 2008, Mr Russell asked Ms T. Murphy for his gun and left Fuchsia Road at around 10 am. He said he was going to do his washing at Ms Angela Russell’s (his ex-wife’s) house, at 17 Standley Crescent Alice Springs.
27. Ms Russell was home very sick in bed. She recalled Mr Russell coming to her home to do washing. This was unusual. It was the only time since the separation that he came over to wash.
28. Phone records show that the midday phone call received by the Deceased at the Town and Country Tavern, was made from Ms Russell’s registered landline. Ms Russell gave evidence that neither she nor her daughters knew the Deceased’s phone number nor, more importantly, had any reason to call him. Accordingly, the only inference reasonably available is that the midday call to the Deceased was made by Mr Russell.
29. Within minutes of the call to the Deceased, phone call records reveal that Mr Russell was in mobile phone contact with Mr X. The pair engaged in phone conversations both before and after the midday call to the Deceased.

17 August 2008

After the Deceased left the Town and Country Tavern

30. Ms Leisa Ford lived as a boarder with Ms T. Murphy for about two years. She knew Mr Russell when he was also boarding at Fuchsia Road. She was familiar with Mr Russell’s car, a white Holden Commodore utility, because it was often parked at Fuchsia Road. She knew Mr X as a friend of Mr Russell and gave evidence that he had visited the house three or four times.

She knew the Deceased as Ms T. Murphy's ex-husband, and because she had met him a few times when he dropped off or picked up the children.

31. On 17 August 2008 Ms Ford started work at about 2 pm. On her way to work she was intending to stop at Woolworths. Whilst stopped at traffic lights at the intersection with the Stuart Highway, Ms Ford saw Mr Russell, Mr X and a third person in Mr Russell's white, Holden Commodore utility, turning north on to the Stuart Highway. Ms Ford gave evidence at the inquest that 'Peter (the Deceased) was in the middle, Greg (Russell) was driving, and Y (Mr X) was on the passenger side'. I note that before the inquest Ms Ford had not positively identified the Deceased as the third person in the ute and it was submitted on behalf of Mr X that I should reject her identification evidence. However, having considered all of the evidence produced at the inquest, I accept her evidence that it was the Deceased in the ute with Mr Russell and Mr X.

17 August 2008

Later in the afternoon and evening

32. During the afternoon, Mr Russell returned to Ms Russell's house and stayed there until dark. Miss Ainsley Russell (aged 11 years) provided a statement that she had been at a sleep over party and returned home at about 2 pm that Sunday. She was feeling unwell and went to her mother's bed and slept until about 4 pm. During the afternoon she saw her father, Mr Russell. She thought she saw him shortly after she returned home and thought that was about 2.30 pm. Both mother and daughter said that Mr Russell kept coming in and telling them the time and both recall him saying it was 2.30 pm. It appears that neither actually independently checked the time. I note the objective evidence concerning the mobile phone records of Mr Russell (see paragraph 44 below). Taking into account all the evidence I have received, I consider it likely that Mr Russell returned shortly after 3.30 pm. Accordingly, I find that when he asserted that the time was 2.30 pm Mr

Russell was deliberately concocting an alibi for his whereabouts at around 2.30 pm. This reasoning is consistent with Mr Russell's confession. (I note in passing, that the following day Ms Russell saw what appeared to be a smear of blood at 'hand height' on the entrance wall near the front door. This was never reported to police or forensically examined.)

33. Mr Russell and Mr X both arrived at Ms T. Murphy's house in separate vehicles at about 6 pm. Mr Russell showered and changed his clothes. Mr Russell and Mr X then drank beer outside before coming inside, locking the doors, and eating dinner. Ms T. Murphy was concerned by the men's behaviour and felt threatened when the doors were locked.
34. Ms T. Murphy began to wonder what had happened to the Deceased. She had expected to hear from him as he had planned to see the children.
35. During the evening, Ms T. Murphy saw the handgun in Mr Russell's jacket pocket. She also saw him get some disposable rubber gloves from a kitchen cupboard. She noticed a man hole had been moved in her roof and the smoke alarm had been pulled out. Ms T. Murphy became frightened that Mr Russell was planning to kill her and suspected that he might have done something to the Deceased. She phoned the police seven times during a two hour period requesting their assistance.
36. In response and believing there might be a siege, Alice Springs police cordoned off the area around the Fuchsia Road house.
37. Mr Russell and Mr X left the house in Ms T. Murphy's white Hyundai Excel. Mr Russell had the gun in his pocket and the disposable gloves. Police saw the vehicle leaving the area. They attempted to follow it, and intended to stop it, but for reasons not examined in the inquest they were directed to terminate the pursuit.

38. Mr Russell and Mr X returned to the house about an hour later. Mr Russell was angry that Police had tried to apprehend them. Mr X left a short time later in his own vehicle.
39. In the early hours of Monday 18 August 2008 police executed a search warrant on Ms T. Murphy's house. The handgun was not located but police did find the balaclava and the disposable gloves inside the white Hyundai Excel.
40. The following day Ms T. Murphy moved her family from the Fuchsia Road home. Apart from collecting belongings they did not return. Mr Moore gave evidence that Ms T. Murphy spoke to Mr Russell at his place of work privately for about an hour that day. Ms T. Murphy gave evidence that she could not recall what that conversation was about. Her answers on this topic were evasive and I do not believe she was telling me the truth. I find it odd that a person who claimed to be in mortal fear of Mr Russell chose to have a private conversation with him. I am suspicious that Ms T. Murphy knew more about the Deceased's disappearance than she disclosed. I am informed that her Hyundai Excel became the property of Mr Russell shortly after these events. Police are suspicious that it was transferred as some form of payment, however, there is no evidence of this. Apart from noting these suspicions, I make no findings adverse of Ms T. Murphy.

A missing person and the first investigation

41. On Tuesday 19 August 2008, Ms T. Murphy reported to police that she had not been in contact with the Deceased since Sunday the 17 August 2008 and that this was out of character for him. Ms T. Murphy rang the Deceased's family and told them that the Deceased was 'no longer on this earth'. Ms T. Murphy admitted that at that time she believed the Deceased might have been killed by Mr Russell.

42. An investigation into the disappearance of the Deceased was commenced. However, no body was found and investigating police were unable to confirm whether the Deceased was dead or alive. In particular it appears that police were confounded by a number of witnesses who thought they had seen the Deceased after midday on 17 August 2008. Concerning the evidence of ‘sightings’ I note the following:
- One witness thought she had given the Deceased a lift into Cooper Pedy, however, there were no other reported sightings of the Deceased in this area. Furthermore, Mr Brewster spoke to this witness and realised that her description (which included a bald spot) did not match the Deceased.
 - One witness thought he saw the Deceased at the Alice Springs Airport, however, a review of CCTV footage and aeroplane manifests failed to identify the Deceased.
 - An Alice Springs taxi driver thought the Deceased might have been one of his fares on the night of 17 August 2008 but agreed in evidence before me that he might easily have been mistaken.
 - A witness thought he might have seen the Deceased walking around the Alice Springs CBD in the days following his disappearance. Again, this sighting could not be substantiated.
43. None of these sightings provided any compelling evidence that the Deceased was still alive after 17 August 2008, and on all of the evidence I am satisfied that these sightings were false. However, at the time, police continued to operate under the misapprehension that the Deceased might still be alive.
44. At the same time, Mr Russell was considered a key suspect in the Deceased’s disappearance. However police did not formally speak to Mr

Russell as he either declined to be interviewed or failed to show at scheduled appointments.

45. Mr X provided a statement to police in September 2008. Mr X said that on 17 August 2008 he was working as a tiler at the 'Target Project' from about 10 am until around 5.30 or 6 pm. Accordingly, Mr X gave himself an alibi for the afternoon the Deceased went missing. His 'alibi statement' was accepted on face value and not investigated further at that time.

The second investigation

46. In October 2009 the Major Crime Unit conducted a thorough and detailed review of the investigation. Police followed up all witnesses, took further statements, and commenced fresh lines of inquiry.
47. The second investigation identified a number of matters which, circumstantially at least, indicated to police that they were investigating a death rather than a missing person. Of significance was the following:
 - Missing person enquiries conducted in all State and Territory jurisdictions revealed no record of the Deceased since 17 August 2008.
 - The Deceased did not have a bank account recorded in his name and had no identified access to funds.
 - The Deceased's children, siblings, parents, ex-partners and close friends had not heard from the Deceased since 17 August 2008.
 - The last phone call made or received by the Deceased's mobile phone was to the Elkira Motel at approximately 12.20 pm on Sunday 17 August 2008 and no other SIM cards were cycled through the Deceased's handset since that last call.

48. Furthermore, the second investigation discovered that Mr Russell and Mr X were both 'off-line' between approximately 12.25 pm and 3.30 pm on 17 August 2008 (going off-line at about the same time as the Deceased's last call). In conjunction with the confession, this evidence became significant because mobile coverage ceases shortly after leaving the outskirts of Alice Springs. It supports the confession in that it suggests that both Mr Russell and Mr X were outside the city limits (and possibly together) when the Deceased was killed. In particular I note:
- Between 12.25 pm and 3.39 pm on 17 August 2008 Mr Russell's mobile phone was either switched off or out of mobile service range.
 - At 3.29 pm Mr Russell checked his messages and returned calls.
 - Between 12.02 pm and 3.14 pm on 17 August 2008 Mr X did not receive or make any phone calls.
 - At 3.14 pm Mr X rang Mr Steve Williams, one of the people he was supposedly working with, according to his alibi statement.
49. Police investigated Mr X's alibi statement. Mr X's employer, Mr Steve Williams, and another employee, Mr Rodney Moseley, both told police that Mr X actually finished work between 12 and 1 pm and not 6 pm on the Sunday the Deceased went missing.
50. Mr X's work alibi was subjected to further scrutiny at the inquest.
- I heard evidence from a Security Guard, Mr Kevin Hucks, that the tiling team started work at 8 am and were gone sometime before 2 pm when he next did his rounds.
 - I heard evidence from Mr Williams that he had no independent records of the times worked that Sunday but had received an invoice from another employee, Mr Rodney Moseley, for 10 hours work that Sunday.

However, in his statement to police, in a phone call to Mr X recorded by police on 9 February 2010 (call no. 427), and in evidence before me, Mr Williams agreed that it was his recollection that the team started work at 8 or 9 am and finished about lunch time.

- Mr Rodney Moseley gave evidence. He recalled working from about 9 am until 1 pm. He agreed that although his invoice attributed 10 hours work to that Sunday, the invoice might have included work completed on other days. He could not account for obvious changes made to the invoice and the inaccuracy between the times claimed to have been worked and total charged. In my view the invoice, which suggested tilers had worked for 10 hours on 17 August 2008, was decidedly unreliable and I place no weight on it at all.
- On 18 February 2010 at 6.05 pm police intercepted a call from Mr X to a friend, Mr Damien Pierce, in which Mr X tried to secure another alibi for 17 August 2008.

51. Mr X was called to give evidence in the inquest. He refused to answer most questions asked of him on the basis that his answers may tend to incriminate him in the murder of the Deceased. He did give evidence that he continued working until about 5.30 or 6 pm on the afternoon of 17 August 2008.

52. However, having considered all the evidence (including the confession) I am satisfied that the whole of the tiling team did finish work at around lunch time on 17 August 2008. All members knocked off, including Mr X, as they all had to wait for the cement to dry before work could continue.

Accordingly, in spite of his evidence, I am satisfied Mr X was not at work that afternoon, and that he has deliberately fabricated an alibi.

Further witness inquiries

53. Investigators obtained further information from Mr Russell's estranged daughter, Ms Gemma Beattie. Ms Beattie told police and confirmed in evidence before me, that her father, Mr Russell, and Mr X were involved in

drug dealing together. She told me they had taken her to the Black Ulans Club House. More importantly she gave sworn evidence that Mr Russell had admitted to her that:

- He had murdered the Deceased.
- He had buried the body half way between Yuendumu and Alice Springs.
- He was a 'hit man' for outlaw motorcycle gangs.

54. Ms Beattie also gave evidence that Mr Russell had asked her and Ms Wendy Hassett to retrieve and clean a firearm and a silencer shortly after the Deceased went missing. The firearm was stored in Mr Russell's locked tool box at Mr Matthew Poe's unit in Alice Springs. Ms Beattie said that both she and Ms Hassett cleaned the items in the tool box with methylated spirits, placed them back in the tool box, and took the tool box to Ms Hassett's house at 20 Raggatt Street, Alice Springs. Mr Russell then buried the tool box in a shed in the back yard. Ms Beattie described the shed as having a concrete floor on one side and a dirt floor on the other. She said the tool box was buried in the middle of the dirt side. She believed the toolbox was dug up when Mr Russell and Ms Hassett left Alice Springs in late 2008.
55. Ms Wendy Hassett gave evidence. Ms Hassett said she commenced a relationship with Mr Russell in late 2008. Ms Hassett told me that Mr Russell was grooming Mr X to be his 'right hand man'. She confirmed Ms Beattie's account about the tool box. Ms Hassett said that she cleaned a silencer, and saw what looked like a gun wrapped in a cloth. (I note the wrapping described by Ms Hassett is similar to that described by Ms T. Murphy concerning the gun she stored for Mr Russell. It is not known whether the guns are one and the same or different. No gun has been recovered by the police.)

56. Mr Poe also gave evidence and further confirmed that in September 2008 Mr Russell had asked him to store a tool box at his house. Later the same day the tool box was collected by Ms Beattie and Ms Hassett. Mr Poe said the tool box was locked and that he did not know what was inside.
57. Ms Hassett sold her house at 20 Raggatt Street in late 2008. Both Ms Hassett and Mr Russell moved to Queensland. Police spoke to the occupants who purchased the Raggatt Street property from Ms Hassett. Although the shed had been renovated, the occupants described it as previously having a dirt floor on one side and a concrete floor on the other. They told police that a lockable tool box with a damaged side had been left in the shed and gave the tool box to police. Police dug the dirt side of the shed and located a handle that appeared to be from the damaged tool box. Mr Poe gave evidence that the tool box seized by police was similar to the one Mr Russell had stored at his house.
58. Ms Torgman's "COMFIT" in which she identified sunglasses worn by the person collecting the Deceased, was released by the police to the public in February 2010. When she saw the "COMFIT", Ms T. Murphy confirmed that the glasses seen by Ms Torgman were similar to glasses previously worn by Mr Russell. In addition, Ms Russell gave police sunglasses that Mr Russell had left at her residence in 2008 (photographed below). There is an obvious similarity between the glasses seen by Ms Torgman and the glasses that belonged to Mr Russell. This evidence provides some corroboration to the confession.



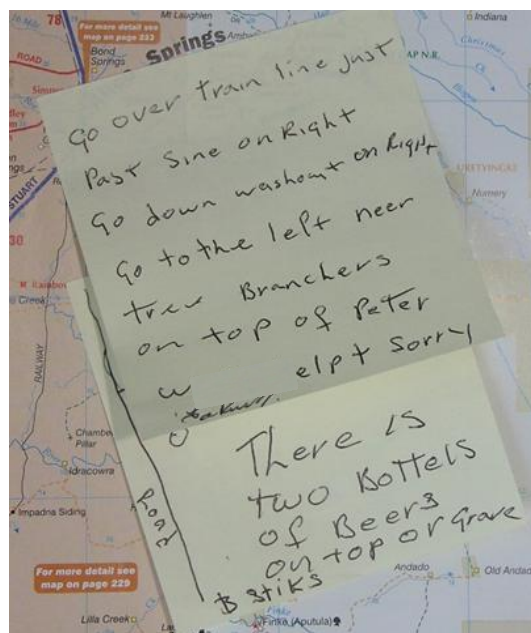
COMFIT



Mr Russell's sunglasses

Mr Russell's taped confession

59. When police commenced their second investigation they made further inquiries of Ms Hassett. They enlisted her help in securing a confession from Mr Russell.
60. On 7 May 2010 Ms Hassett contacted the Northern Territory Police having discovered that Mr Russell had shot himself that morning inside their garage at Sandstone Point, Queensland. Ms Hassett told police that earlier that morning she had recorded a confession from Mr Russell concerning the Deceased. She gave police a map that Mr Russell had drawn, showing the location where the Deceased's remains would be found.



Instructions to the grave left by Mr Russell

61. Mr Russell's taped confession was played at the inquest. I heard Mr Russell describe how he met Mr X at Ms Angela Russell's house and how they drove to the Tavern where the Deceased was drinking. After picking up the Deceased Mr Russell said that they drove to the Plenty Highway, over the train line and into the scrub. Mr Russell said he 'executed' the Deceased and Mr X dug a hole and 'threw him in it'. Mr Russell described the grave. He said it was covered in sticks and branches, and two bottles of beer were placed on top.
62. As to their motive for the murder, Mr Russell said 'it was all about drugs' and that the Deceased owed him \$100,000.00. Mr Russell said 'I told him if he didn't pay up then he was going to be executed'. Mr Russell said that Mr X was there for money. Mr Russell said 'then I went home, finished my washing'.
63. As to Mr X's attempts at an alibi Mr Russell said 'He told them lies, that he was at work'.
64. Mr Russell said that he had been mixed up with the Hells Angels and Gypsy Jokers Outlaw Motorcycle Gangs all his life and that he had 'killed other people too but I can't remember where they are'.

The Deceased's grave

65. Police searched for the Deceased's grave according to the map and instructions left by Mr Russell. A grave site was located on 2 June 2010 in the area described by Mr Russell. Three beer bottles were located close to the grave. Tree branches were on top. The location and description of the grave site corroborated Mr Russell's confession in every important particular. This corroboration renders the confession compelling.



Grave site 120 km north from Alice Springs off the Plenty Highway

66. The grave was forensically exhumed and the skeletal remains were identified as human. Clothing and personal effects were recovered including rings, a smoking pipe, a SIM card, a cigarette lighter and a small amount of money.
67. The remains were transported to the Alice Springs mortuary and an autopsy was conducted by forensic pathologist, Dr Terence Sinton. The autopsy revealed evidence of two bullet holes to the left side of the skull, the first causing a non-displaced linear fracture to the skull vault. There was further evidence of a fractured cheek caused by blunt force trauma (not by gunshot). Dr Sinton found the cause of death was gunshot wounds to the head.
68. Two projectiles were recovered from the skull. A ballistics expert determined they were bullets were from a .22 calibre firearm. However, no matching firearm has been located.
69. Bone samples were subjected to DNA analysis. The human remains were identified as the Deceased, Mr Peter Wayne Murphy.

70. The SIM card recovered from the grave was the SIM card used by the Deceased on 17 August 2008 to make his last phone call.
71. The clothing worn by the Deceased matched the clothing he can be seen wearing in the Town and Country Tavern CCTV footage.

Committal proceedings

72. On 11 May 2010 Mr X was arrested in Bundaberg, Queensland, for the murder of Mr Peter Murphy, and extradited to the Northern Territory. Mr X declined to be interviewed.
73. On 14 October 2010, at the conclusion of committal proceedings, Magistrate Borchers, declined to commit Mr X on the count of murder. I note that Magistrate Borchers was confined by the rules of evidence and did not have before him Mr Russell's recorded confession. Under the current rules of evidence in the Northern Territory, following Mr Russell's death, his confession became inadmissible in criminal proceedings against Mr X. However, Mr Russell's confession might well be admissible as evidence against Mr X in jurisdictions which have adopted the Uniform Evidence Act (or versions of it).
74. I am not bound by the rules of evidence that apply in criminal proceedings. The recorded confession was admitted in my inquest. I found the recorded confession compelling. When coupled with the corroboration found at the grave site, the evidence in my view becomes startling and overwhelming. I can appreciate the frustration of the investigating police, that in spite of the evidence, Mr X has not been brought to trial.

Conclusions

75. On the evidence produced in this inquest I have no difficulty finding that Mr Peter Wayne Murphy was murdered between 12.30 and 3.30 pm on 17 August 2008. He was shot in the head. He died at or near the grave site

where his body was found on 2 June 2010, approximately 120 kilometres north of Alice Springs off the Plenty Highway.

76. I find that Mr Greg Russell (now deceased) and Mr X were present when Mr Peter Murphy was murdered.
77. I find that in all the circumstances a crime has been committed and refer the matter to the Commissioner of Police and the Director of Public Prosecutions.

Formal Findings

78. Pursuant to section 34 of the Coroners Act (“the Act”), I find, as a result of evidence adduced at the public inquest, as follows:
 - (i) “The identity of the deceased person was Peter Wayne Murphy born on 25 June 1962. The Deceased resided at the Elkira Hotel, Alice Springs, in the Northern Territory of Australia.
 - (ii) The time and place of death was between 12.30 and 3.30 pm on 17 August 2008 120 kilometres north of Alice Springs off the Plenty Highway.
 - (iii) The cause of death was gunshot wounds to the head.”
 - (iv) Particulars required to register the death:
 - (1) The Deceased was Peter Wayne Murphy.
 - (2) The death was reported to the coroner.
 - (3) The cause of death was confirmed by post mortem examination carried out by Dr Terence Sinton.
 - (4) The Deceased’s parents are Valerie Denise and Reginald Hugh Murphy.

Dated this 6th day of July 2011.

GREG CAVANAGH
TERRITORY CORONER