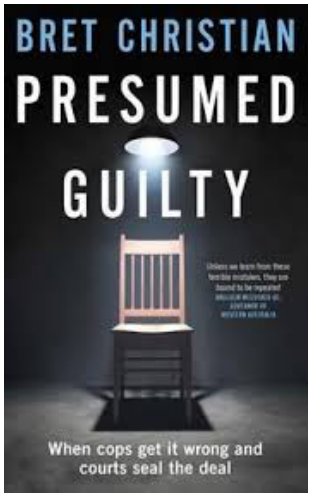

Christian, B. (2013). *Presumed guilty: when cops get it wrong and courts seal the deal.* Richmond, Victoria: Hardie Grant Books.

did.

In fact, Owen Leitch had confronted the real murderer just four weeks after Jillian Brewer had been killed, accusing him point blank of her murder.

Six more men and women were to die at this murderer's cool and loveless hand. Dozens more were to be terrorised in their beds, on the streets, and have their lives shattered.

Three years later, this mass murderer, the real one, would ascend the few steps in that stone prison shed, purpose-built with trapdoors, beam and a noose, to face his hangman.

Despite this man's obvious guilt, Darryl Beamish and his family would have to continue to live with one of this stranger's crimes. Two other families were to find themselves in exactly the same position.

Back to page 72

CHAPTER 3

DEAF SENTENCE

Darryl Beamish came into the world on 12 April 1941, as the Allies faced the darkest days of World War II. By Christmas that year, Perth and Fremantle would be swarming with American servicemen occupying every available building, installing guns on the high points, frantically building workshops to service their submarines and flying boats, breaking the hearts of the local young women during leave.

Darryl's hometown was on high alert for a Japanese invasion, while enduring an American one.

As war raged around the world, it was Frances Beamish, then seventeen, whose world was most changed by her lively new brother. She was smitten.

'I said, "Ooh, a baby!" And I just loved him,' she says. 'I couldn't get enough of him and then, of course, I couldn't move without him. I'd feed him, spoil him, walk him and play with him.'

When Frances married and had her own daughter, Gail, she took Gail and Darryl wherever she went. Many people assumed Darryl was her son.

'I was carting Darryl everywhere, down to Claremont shopping, Gail in the pram and Darryl walking alongside,' Frances says. 'We just formed that bond that went on – a special bond.'

24 pages left in this chapter

It strengthened when it began to dawn on the Beamish family in his first year that Darryl could not hear. 'You'd call him and … nothing,' Frances recalls. 'We'd think he was being naughty or something, but then we'd start to make noises behind his back. My parents took him to the doctor and of course he was totally deaf.

'We would blow on his hand and try to get him to feel the words, but you have to be able to hear to be able to learn to speak.

'He made noises and grunts; there was nothing wrong with his voice. If you have even a smidgen of hearing you can get a hearing aid and learn to speak. But Darryl had nothing.'

His hearing had suffered a double blow. His mother, Frances Merle, had contracted rubella, or German measles, while pregnant with Darryl. The virus is especially dangerous during the first trimester. It crosses the placenta, causing a random variety of conditions in the child that can include deafness. Then, when he was three months old, Darryl became extremely ill with meningitis, a brain infection, and the main cause of postnatal deafness.

'It killed the nerves to his ears and the doctors said he would be totally deaf for the rest of his life,' his sister said.

According to Frances, as he grew in his silent world, there was one aural pleasure open to young, profoundly deaf Darryl: he loved to walk from the Loch Street house to the Ashton Avenue railway bridge as the steam trains puffed busily into Claremont station, sounding their high-pitched steam whistles as a warning. Darryl could just hear the piercing whistle if he stood above the train's funnel as it roared inches beneath him, or at least feel its vibration through the rails and the wooden bridge.

Growing up deaf in those unenlightened days was not easy for a bright, active boy. Many families felt a sense of shame at having 'abnormal' children. The deaf were almost universally assumed to be stupid. Deaf and dumb. Even Darryl's father, George, had to be told repeatedly by his wife and other children not to raise his voice to his son.

'But he'd get louder and louder and then do his block because he couldn't make Darryl understand … he'd learn a couple of signs but then he'd get them wrong … he didn't really make the effort.'

There was no education available for Darryl until he was seven, and then only at an institution, the Mosman Park School for the Deaf in Cottesloe. With its uninviting Victorian facade, it was built in 1899 as the West Australian Deaf and Dumb Institution, but looks more like an old mental asylum than a place of learning and enlightenment.[1] Students had to leave their families and live in dormitories on the top floors, as did their teachers.

There was no shortage of deaf children then. The rubella epidemic that had touched Merle Beamish in the 1940s led to the discovery of the link between the disease in mothers during pregnancy and deafness and other handicaps in children, but that breakthrough came too late for Darryl and his many schoolmates.[2]

Transition was traumatic for the seven-year-old boy, out of his caring, loving family and into the forbidding world of strangers where no-one could explain to him what was happening. Ignorance reigned.

'They were not allowed to sign at deaf school, only fingerspelling, which was extremely difficult,' says Frances. 'Teachers thought that, if the children learned to sign, they would form relationships only with other deaf people.

'They tried to make the profoundly deaf talk orally. They had to wear great heavy hearing aids with battery packs on their chests. These were helpful to children who had some hearing, but useless to the profoundly deaf, who threw them away.'

Lip-reading was not an option for Darryl, as he had no understanding of spoken English by which to recognise words.

At the deaf school, Darryl met a boy very much like himself, Alan Ellis. They were to become firm friends in and out of school, but disaster was to strike them both. They learnt the rudiments of reading and writing, and to laboriously finger-spell, but the policy forbidding the use of signing – to

form symbols such as a thumbs-up for agreement – was strictly enforced. Frances explained that, for many families in those times, finger-spelling and signing were public admissions that they had 'defective' children or siblings, a sign of low intelligence.[3]

'Having a kid sign was public advertising of shame in the family,' the brother of one of Darryl's deaf school friends said. 'You did not want to draw attention to it.'[4] This man's desperate parents took their son to a quack pseudo-healer in the wheatbelt town of Northam, who diagnosed him as having blocked ears. The quack screwed in a metal reamer to unblock both.

'I remember him coming back from Northam in tears with blood pouring out of both ears,' the man's brother said. 'Of course it did much more harm than good.'

Darryl was far from stupid – he was intelligent, resourceful and inventive, with a mischievous streak.

'Even when he was young, he was helping people and inventing things,' says Frances. 'Very inquisitive, lively and warmed to other people. That's why I always wanted to fight for him.'

Physical punishment of both boys and girls was routine at Darryl's school, and one teacher was notorious for poking students' tongues with a pencil during speech lessons.[5]

Darryl appointed himself protector of a twelve-year-old girl who was being continually bullied and belted by a teacher at the school.

'I'm looking after her,' he told Frances.

Frances, fiercely defensive of her brother, says: 'Everyone had the wrong impression of Darryl. They thought he was a criminal no-hoper. His life was a tragedy – a cheerful and optimistic man who would have had a totally different life had he been able to speak and read.'[6]

Children with partial hearing were paraded as public triumphs by the school administration. When an official government delegation inspected the school's progress, all profoundly deaf students like Darryl, who could only squeak and grunt, were hidden in back rooms while, at the front, teachers and inspectors listened appreciatively and congratulated each other as the partially deaf students, lugging massive hearing aids, began to form words.[7]

Later, other boys and girls displayed remarkably bad behaviour, but the reason did not emerge publicly for thirty years. In sentencing a former Mosman Park School for the Deaf supervisor to six years' jail, Judge Kevin Hammond said the supervisor had used four deaf boys in his care as sexual playthings.

The judge said James Patrick Berry, aged sixty-six at the time of his sentencing, had humiliated and ridiculed deaf boarders during years of sexual abuse. The court was told he was a cruel and hard man who had taunted the children under his care. He admitted sodomising and masturbating the boys, aged between nine and fourteen. The judge said these boys had been at an extreme disadvantage, extremely vulnerable and extremely susceptible to the abuse. The file was the saddest he had seen, he said.[8]

James Berry took and kept photographs, one showing a male victim dressed in girls' clothing. Some students with no sex education acted out this confusing sexual input among themselves.[9]

The crimes for which Berry was convicted occurred after Darryl had left the school, but following Berry's conviction other deaf men and women who had been abused at the House on the Hill by a variety of hostel supervisors told their stories. One said he had been sexually abused from the age of five. One day when his parents visited, they had been told they could not see him because he was vomiting and had diarrhoea. The truth was that he was bleeding so badly from his mouth and anus from a bout of sexual abuse that staff kept him hidden.[10]

Another student later wrote that the children's biggest problem was that few could communicate with their parents, even if they had the courage to complain, or knew that what was happening was wrong. When this student took some of the younger children's complaints about sexual abuse to other

teachers, they did not believe him. He took the only revenge possible – he took the abusive teacher's bicycle to pieces.[11]

The School for Deaf Children was not alone in being blighted by unspeakably cruel sexual abuse. Later inquiries showed it had been rife in government and religious institutions in Western Australia and the rest of the country right through the sexually repressed century.

When Darryl was later asked in court which school he had attended, he puzzled everyone in the courtroom when his reply was translated as 'naughty school'. Nobody followed this up during the trial.[12]

Darryl was able to go home for the weekends, unlike the country students, but he hated being away from his family, Frances said, and he hated the mistreatment meted out by one cruel teacher to some of the younger children in particular.

But, his sister said, he found these thoughts very difficult to convey. Problems the deaf face in daily life are almost incomprehensible to those of us who take hearing and speaking for granted. Scribbled notes in fractured English, signing and using interpreters can take the deaf only a short distance. Any faintly abstract concept presents a giant hurdle. It's simple enough for a deaf person to point at a table and write down or finger-spell 'table', but 'Why I intend to move this table into the next room tomorrow' is an almost impossible concept for a deaf person to communicate to someone who does not sign. Tests showed that by the time he was twenty Darryl could not distinguish between the terms 'why', 'ask' and 'tell'.[13]

Confusion reigned. Darryl became unnecessarily angry whenever he saw a Salvation Army member in uniform shaking a tin on a street corner, asking for donations for charitable work.

'They are always begging for money,' he told his sister, Frances. 'They must get a job and work for their money like us.'

A common trait of the deaf is that they try to anticipate what is wanted of them, reluctant to admit they do not comprehend, often pretending to understand what is being communicated, according to Frances.

'You can see how easy it is to mix deaf people up when you are questioning them,' she says. 'They try to anticipate what you are asking, often answer the question before you are finished, without understanding the true question. If you are not careful, they will agree with you so as not to appear stupid. You have to be careful to phrase questions very simply. Always remember: they do not understand an abstract.'

After Darryl's arrest, the vast gulf between what was being asked of him and his answers became starkly apparent. His courtroom evidence through two interpreters sometimes descended into an obvious farce of miscues, misunderstandings and his inability to understand simple words and concepts. The judge tried to be helpful and speed up proceedings by translating what he assumed to be Darryl's thoughts into cogent English for the jury. It's not hard to imagine Darryl's frustration after passages like this in his evidence from the witness box:

Mr Gibson: How many times did Leitch take you down to the flat at Cottesloe that Friday?
Answer: Five.
Wolff, CJ [the judge]: See if he understands the question.
Mrs McQuade [interpreter]: I'll ask him again, the question.
Wolff, CJ: Well, just a moment. If he says how many times in all he's been to the flat. How many times in all he's been to the flat?
Mr Beamish: Five.
Mrs Kelly [extra interpreter recruited to check the work of the other]: Five people, I think.
Mrs McQuade: Five times.
Mrs Kelly: I think he means five people – three times but five people.
Mrs McQuade: Oh, that's right, three times the first, with five people.
Mr Gibson: On the Friday, how many times did Leitch take you to the Cottesloe flat?

Mr Beamish: Three.

The correct answer was two. Not only were Darryl's first and last answers wrong, but two interpreters, who professionally finger-spelled and signed for the deaf, had also disagreed about what Darryl was talking about. It was not a trivial matter: had the court accepted his first answer, it could have been taken as confirmation of the erroneous theory that Darryl was a frequent prowler and peeping Tom at Jillian Brewer's flat before he allegedly murdered her. Though untrue, this proposition was repeated by the prosecutor in his final address to the jury, the judge having to warn the jury that no evidence for this prowling existed.[14]

Just how the jurors gelled Darryl's constantly confusing mish-mash of evidence with Leitch's evidence that Darryl had understood his quite complex questions and had replied with a series of fluent, cogent, self-incriminating answers would always have remained a mystery, except that other forces came into play.

Frequently, during police questioning through an interpreter, Darryl would nod vigorously before the question was finished. Was he signalling his understanding of the question, or agreement with its assumptions? Experts say it would be impossible to tell without laborious follow-up questions. There was no evidence that this happened.

Darryl's understanding of English was shocking, considering his nine years at school. When he left, at sixteen, he was unable to understand much of what he attempted to read in the newspaper, but pretended to read and understand, copying the mannerisms and timing of readers who did. Barely able to communicate, his faithful sister Frances set about trying to find him a job. She recognised his quick and inventive mind was suited to practical work, especially if he could use the love of things mechanical he had picked up by helping his father repair cars.

Frances drove him from factory to factory, explaining Darryl's attributes and his communication problems. Employer after employer said he could not let a deaf man near machinery for safety reasons. Frances found Darryl a job at Skinners, a company in Subiaco that made wire gates. But after two and a half months, he became bored with the repetitive labour. He moved across the railway line to pipe-makers Humes, where he held out for six months in the hot, open, dusty pipe yards, arriving home one day to announce that he was quitting.

'Look at me, how dirty,' he said in disgust. Then it was on to the Colonial Sugar Refinery, followed by plasterboard maker H.B. Brady, and finally plumbing supplier Bouchers, in Scarborough. Before he could drive he caught the train in Swanbourne for the five stops to Subiaco, but later work at other widely separated factories meant he required his own transport.[15]

After Darryl reached puberty, his poor communication skills were to have tragic consequences.

In the 1950s and '60s, Victorian-era sexual repression still lingered long and strong in Australia, though the stern old queen, whose name had become synonymous with sexual reserve, had died fifty years earlier. Sex education for children was regarded as so embarrassing for adults that, often, it simply did not happen. Sex, reproduction and its mechanics were for most families stuck in a morass of shame, sin and ignorance. Many young people had no sex education at all, their information gleaned from playground jokes and gossip, mostly distorted. The results of their fumbling experimentation were predictable and horrific. Young people were also blamed for any undesirable outcomes of their ignorance.

Even if George Beamish could have signed, there was no way he would have talked to his son about the facts of life. Just too embarrassing. There was certainly no nudity on show in the family home, and sex was a taboo subject, according to Frances.

Like so many other teenagers, while his hormones were racing through his system in the usual way, Darryl would have picked up bits and pieces of gossip about sex from his deaf friends. Inevitably, this data was even longer on speculation and shorter on essential facts than the usual 'knowledge'

acquired in that way by teenagers of the time. The deaf did not understand, but were reluctant to admit it, said Frances, who was able to communicate with Darryl's circle of deaf friends, the teenagers feeling more comfortable confiding in her than in older adults.

What Darryl saw and was told about what happened after dark at the deaf school his family does not know, but it was clearly distorted. The boys' and girls' dormitories were strictly separated, but some boys used to climb across the roof to visit after 7 pm prayers. 'We used to have kisses behind the pigeon loft,' recalls Rae Gibson, a fellow student of Darryl's.[16]

Darryl and his deaf friends never enjoyed the teenage fun of sitting around chatting for hours – or chatting up the local girls, who in all probability considered the boys mentally retarded.

Darryl had an inquiring, active mind and a ton of energy, but his limited understanding of the subtleties of social interaction drew attention. At home on weekends, he and his deaf friends, especially Alan Ellis, freely roamed the neighbourhood, riding their bikes like demons.

The rotary clothes hoist in the backyard at Garden Street would sometimes teeter under the weight of three or four deaf boys dragging an old mattress to its summit to use as an ersatz tree house.[17]

Darryl made an enemy of the milkman, George Northcott, who was still delivering milk by horse and cart. George recalled his dread at the prospect of calling on the Beamish home in Garden Street.

'I didn't like Darryl,' he said. 'He used to pinch the stomach of the horse and it would rear up with the cart. I yelled at him and complained, but he wouldn't stop. He just laughed and ran away. He was deaf, you know. Then I replaced that horse with one you couldn't touch. Darryl tried his trick again. The horse turned and bit him on the shoulder. He never did that again.'[18]

After Darryl Beamish's name became infamous, other untold stories about his childhood exploits surfaced.

A popular meeting place for youngsters on the Swan River was the Claremont Baths, its wooden jetty leading to an enclosed area where children learnt to swim, where diving and swimming competitions were held, and where in summer the local kids flocked to meet, swim, dive, buy lollies at the kiosk and socialise. It was there that Darryl came to the attention of the police.

One of his contemporaries, local boy Nicholas Hasluck, recalled in his memoir, *Offcuts of a Legal Life*:

> It is January 1953 or thereabouts and I am swimming at Claremont Baths, a boy of about eleven. On the afternoon in question two policemen come to the baths … they sit down in a far corner of the baths and seem to be interviewing a boy about my own age.
>
> I know that boy sitting between them in his wet bathers, shivering. He is skinny and has a hawk-like face. He is the leader of a gang, and at the Windsor Picture Theatre on Saturday afternoons when the lights go down, he and his mates sometimes clamber over several rows of seats to reach the girls. He acts strangely and he sometimes rushes at the girls without any preliminaries … something like that has probably happened at the Claremont Baths on the afternoon I am speaking of. But the policemen won't get anything out of the boy. He is deaf and dumb. His name is Darryl Beamish.[19]

No record of an offence over this incident is evident on Darryl's police file.

Darryl was easily caught. His niece, Gail, Frances' daughter, recalls a game she devised, making Darryl the fall guy whenever there was mischief among the cousins. She counted the number of attempts it took to induce Darryl to admit to another child's pranks. He never needed more than three tries. He was a pushover, Gail says.[20]

When these action men became old enough to graduate from bicycles to motor scooters, it brought them freedom to roam further afield. They would tear around the local streets and footpaths on their Vespas and Lambrettas at breakneck speeds, terrorising pedestrians and drawing complaints from neighbours. The street verge outside the Beamish home in Garden Street became a meeting place and repair workshop for deaf teens and their transport – bicycles, motor scooters, then cars, Frances and neighbour Clem Edwards said when I interviewed them.

Alan Ellis, Darryl's best mate from deaf school through those years, was tall, friendly and, like Darryl, a gentle and kind youth, but the friends were always in search of adventure, and by the standards of the day they were tearaways. Together they embarked on a daylight crime spree – stealing pennies from four coin-in-the-slot gas meters installed in the communal laundries at blocks of flats.

They had been shown how to open the coin boxes and take whatever minuscule amount of cash they held. Somebody saw them and called the police. The friends were said to have stolen a total of seven shillings and sixpence, which converts to about seventy-five cents. It was the beginning of the end for both of them. They were nineteen years old.

Two detectives arrived at Garden Street to find Darryl fixing his car in the street. Presuming he could hear them, they took his father, George, on to his back verandah, where the three were seen having an animated chat. They were making inquiries about some burglaries.[21]

Other members of the family were horrified to see George and Darryl get into the back of the unmarked Holden police car and drive away. Merle and Frances, who could communicate with Darryl, had not been consulted.

'In those times the husband/father was regarded as head of the household, so it was Father who accompanied them and Darryl in the car,' Frances said. 'As Father had difficulty communicating with Darryl, he took the police at their word about the burglaries.'

They knew that George, a public servant who worked for the Department of Civil Aviation and, like many police officers, was an active Freemason, held a great deal of respect, even awe, for police. His family knew George would be keen to impress. From her father's account after he returned, Frances pieced together what had happened in the police car and later at the police station. Detectives told George their son was a thief and that he and Alan had committed more than fifty burglaries in addition to the penny thefts.

'Father told us the police had asked him a favour to help clear their books and allow them to add some charges to Darryl's charges,' said Frances.

'These extra charges would not affect Darryl and they would really help the police, they told him. They said it did not matter how many charges they put against Darryl, the penalty would be the same. It would help police clear a lot of unsolved crimes from their books.

'The total number of charges Father agreed to was twentyfour. It was quite clear that Darryl and Alan had only committed the four gas meter thefts. But it all went on Darryl's record; it was a silly mistake but Father was very gullible and easily conned by a little flattery.'

Worse, the women in the family later learnt that a lawyer had advised George he could have had the charges dismissed because they were first offences and because of Darryl's age, disability and limited understanding of ownership concepts.

'But police advised Father not to apply to have no conviction recorded, because a conviction would teach Darryl a lesson,' Frances said.

George agreed, and Darryl did what he was told. He confessed to the gas-meter thefts and signed a whole lot of other pieces of paper.[22]

'My father consented to that; can you believe it?' says Frances. 'Because he really believed the police when they said it wouldn't make any difference to Darryl. I could have killed him … really, I could have hit him … I had to restrain myself from physically attacking him, because he was so stupid. But

you see, Dad was always stupid with Darryl in things like that … and he'd believe the police.

'These convictions followed Darryl and coloured people's opinions of him all his life.'[23]

The consequences were to be dire. When Darryl was on trial for the murder of Jillian Brewer, a quirk in the law allowed his admissions to these thefts to be revealed to the jury. The prosecutor had a field day, revealing that many of the thefts Darryl and Alan Ellis had admitted to had occurred in the early hours of the morning when Darryl's parents believed he was asleep in the next bedroom. If they did not know he was out in the dark committing those burglaries, how would they possibly know he was at home while Jillian Brewer was being killed? And many of the burglaries had involved home invasions, just as the murder of Jillian Brewer had.

The police had made the most of the opportunity. Darryl and Alan had been originally charged with fifty-six stealing offences, including taking a fur coat, a heavy safe and some big truck tyres, and a break-in at Northam, a country town an hour and a half away that Darryl had never visited. Nor did he have a clue how, or from where, the safe and the tyres had been stolen.

They also charged him with the theft of a camera from a shop in Leederville. Darryl clearly could not have done it, so the police told George Beamish they would drop the charge if he paid fifteen pounds' restitution to the camera-shop owner. George paid the money. The number of stealing charges was reduced to twenty-four after the more extreme trumped-up charges were dropped. George later told Darryl's murder trial jury that he had reached a compromise with the police.[24]

Police had a witness to one of the daylight thefts for which Darryl and Alan entered pleas of guilty, this witness describing two 'native' boys running from the scene. The descriptions police had on file in no way matched Darryl and Alan, but it went on their records regardless.[25]

Some of the added-on charges were significant for another reason. They involved home invasions and burglaries at a long strip of flats and apartments off Terrace Road, in central Perth, facing the Swan River. Most of these thefts had occurred on Tuesday and Thursday nights, and all the premises were within easy striking distance of Fairlanes Bowling Centre, the base of operations for the man later discovered to be a serial home invader, thief and murderer who was out most weekends and Tuesday and Thursday nights – the same man later found to have been the real killer of Jillian Brewer.[26]

When court day arrived, Darryl and Alan pleaded guilty to all twenty-four charges of stealing and receiving and, true to the word of the police, their sentence was a bond of fifty pounds, payable only if they reoffended, and to make restitution of the money stolen. What was said in court in mitigation is not recorded, but the word of the police prosecutor would have carried a lot of weight. The usual mantra is 'they readily admitted the offences, cooperated fully with police and expressed remorse, have been taken in hand by their parents and are unlikely to reoffend'.

The prosecutor, in all likelihood, added that they were of very limited intelligence and could be treated as if they were children.

Darryl had simply signed the piece of paper and been sent home to pick up his life as normal. There were no visible consequences to confessing.

| | | | |

Darryl's interest in girls was growing. He met a young woman called Anne, who worked in a greengrocer's shop at Cottesloe beach, and took her for dozens of rides in his car. She could sign, and they became good friends, but never kissed, according to Anne.[27] One summer afternoon, Darryl drove Anne home to get changed for the beach. Darryl waited in her flat then drove her back to the beach. She lived in flat 7, one of the eighteen apartments at Brookwood Flats on Stirling Highway.

Darryl acquired cars for transport to and from work. After a fire had destroyed his motor scooter, he replaced it with a secondhand car his father

had bought him, a Ford Anglia of pre–World War II design.[28] Later, he worked hard and saved up for his pride and joy, a much more modern FB Holden car. He and his friends spent hours tinkering with their vehicles, Darryl and two others paying an artist to paint garish flames, American hot-rod style, down their cars' sides as if their engines were spurting fire.[29]

Darryl lost contact with Anne when she moved from Brookwood Flats and changed jobs, but he held out hope that they could reconnect, he said in his defence at his trial. He could not, of course, use a phone. So he went looking for clues at Brookwood in daylight. He encountered a woman using the laundry and, with scribbled notes, asked her if she knew where to find Anne. She directed him to a flat upstairs, but he had no luck and left, returning the next evening to try again.

The woman, who confirmed the incidents to the jury, told the court that she had not felt the least alarmed or threatened, but it appears from the timing of events that on reflecting that she was living on the site of the notorious Brewer murder committed a year earlier, she later reported the visit to police at the Claremont station.[30] This incident was later to lead to the enormously sinister and damaging allegation that Darryl was known to prowl around Brookwood Flats. This coincidence was the only objective evidence ever advanced for an association between Darryl and Brookwood, even though Darryl's 'asking for Anne' visit had occurred thirteen months *after* the murder. It was a straw that Owen Leitch clutched for decades.[31] It was to become an article of faith among veteran police that Darryl Beamish was the Brookwood prowler whose reported activities littered police records, when in fact the prowler was Jillian Brewer's real murderer, who – later, by his own admission – had prowled the flats incessantly in the months before the murder.

Just three weeks after he had murdered Pnena Berkman, this killer was at the flat next door to Jillian Brewer's. Jillian's mother, Betty Johnson, who occupied flat 16, reported a prowler at 12.30 am. Police rushed to her aid but found nothing. Seven more reports were made from Brookwood residents, mostly from Mrs Johnson, in the eleven months until Jillian's death, including home invasions, thefts of money, alcohol and keys and the theft of a car, all after midnight.

Many years later I found the police's multiple written reports of these complaints, and records of radio messages to officers on patrol, including details of police visits to Jillian's flat and her mother's next door, in Darryl Beamish's police file, instead of in the file of the man who later volunteered that he was in fact the prowler. He had provided precise details that exactly matched those original reports from Brookwood residents to police. But detectives, many members of the public, judges and even Darryl's barrister, Sir Francis Burt – a fervent believer in Darryl's innocence – believed Darryl had frequently prowled Brookwood Flats before and after Jillian Brewer's murder.[32]

A lie travels halfway around the world before the truth has a chance to put its pants on, as Mark Twain remarked. This belief was not even shaken when Anne was located and gave evidence at Darryl's trial, confirming his account of their relationship and visit to her flat.[33] The woman in the laundry, Elizabeth Penny from flat 14, also confirmed in court Darryl's account of his innocent post-murder visits.[34]

Much later in life, Owen Leitch was to say that Claremont police had tipped him off about the Anne 'prowling' incident, and that led Leitch to connect Darryl directly with the Brewer murder. Leitch maintained that Beamish had been confronted while revisiting the scene of his crime and as a cover story had hastily scrawled a note about looking for a woman who lived in a totally different location.[35] In the absence of a written report, it now appears more likely that this scenario was dreamed up well after the event – that the 'asking for Anne' incident had not been reported to police until police made public, four months later, that a deaf man had been arrested for the Brewer murder at Brookwood.

The real reason Darryl came under Leitch's gaze turned up unexpectedly during research for this book, part of an astonishing, sinister trail of coinci-

dences and intrigue that sealed Darryl's fate and set him on the road to the gallows. Neither Darryl nor his lawyers ever knew the truth. It all came down to one wild week in April 1961.

In mid 1961, the world was in transition. That same April week, Soviet cosmonaut Yuri Gagarin won the space race between the USSR and the US when he was the first man to orbit the earth. New US president John F. Kennedy responded by pledging to put a man on the moon before the end of the decade, which his country achieved. Also that month, Kennedy launched his secret but disastrous invasion of Cuba at the Bay of Pigs, prompting the Cuban missile crisis, a nuclear stand-off between the USSR and the US that brought the world to the brink of nuclear war.

The contraceptive pill had recently been approved for sale, sparking a worldwide social revolution that ran parallel to a vast anti-establishment movement, while in Germany the Beatles were refining the act that was to make the band the most popular the world has ever seen. Australia was gearing up for a federal election later that year, which Robert Menzies would win again; Perth was building furiously to take centre stage as host of the British Empire and Commonwealth Games the next year; and the embargo on the export of iron ore had been lifted, a decision that would again propel 'the Cinderella state' of Western Australia to untold riches.

Back on Owen Leitch's patch, it was also the week the Shenton Park sexo riddle was resolved. Police at Subiaco station had begun to get reports that a young man, driving a Holden car fitted with deep winter-tread rear tyres, had been coaxing very young girls, aged just four or five, into his car.[36] He had encountered them while driving along the back lanes of Subiaco and Shenton Park, the suburbs next to Claremont.

In those more innocent days, many Perth houses had easy, permanent rear access via narrow tracks once used by the weekly truck whose crew replaced the full pans of outdoor toilets, built on the rear boundary of each block. Deep sewers had been constructed and the dunny-truck was a smelly memory, but the lanes remained, often strewn with junk and weeds. Residents left their back gates open to the lanes so they could drive in and out; sagging fences had fallen down or lost pickets that stayed unfixed, especially in the cash-strapped post-war years. Young children used the lanes to wander in and out of neighbours' homes, where they were welcomed, and they rode tricycles, built cubby houses, played backyard cricket and kicked footballs. These back lanes also gave the few prowlers and burglars easy access to houses.

The four girls at the centre of the attacks were too young to give a full account of what had happened to them, but police reports said the car's driver had driven them to bush in nearby Kings Park, lifted up their dresses, pulled down their knickers, had a look, and had then driven the girls back to where they had been picked up. Medical examinations showed no signs of physical interference, sexual or otherwise, but the psychological effects on the girls are likely to have been severe.

The Holden's registration was traced to Darryl Beamish. What he had learnt and observed when he was living at the deaf school as a young child is not known. But those shocking allegations of historical sexual misconduct at the school emerged only after a government compensation scheme was publicised early this century, these in addition to cases where charges were laid by police after Darryl's time at the school.[37] Darryl's warped sex education, ignorance and intense curiosity about the female anatomy had now landed him in much more serious trouble with the police.

They picked Darryl up at Bouchers Plumbers in Scarborough, where he worked as a labourer. He readily confessed, copying out four almost identical brief admissions and signing them. They read:

> I took little girl to I drove in Kings Park. I took off she dress. I played with she I put she dressing to I drove to she's place and went home.

Each confession was on a separate page in Darryl's handwriting and was signed, dated and witnessed by a police officer. Miraculously, the exact date

of each offence was written by Darryl at the top of each confession, even though the first had occurred six months earlier. Each confession exactly accorded with details recorded at the time of the offences in summaries written by local police when the identity of the offender was still a mystery.[38]

There was no doubt Darryl had committed these serious offences. His family was distraught, horrified and rigid with helpless fear in case he was sent to jail. How would he cope? For them, it was the beginning of a long, dark period, seemingly without end, during which they cried a lot and slept little.

Darryl pleaded guilty to the assaults when he appeared in court on Monday 3 April. He was remanded in custody for a psychological assessment, to appear in court the following Friday 7 April.[39]

In court again that Friday morning, he was convicted of assaulting the little girls, and remanded to reappear that afternoon for sentencing. Above the courtrooms in the CIB office, Owen Leitch was waiting for him. Leitch never hid his contempt for Darryl and his type – sexos, police called them, a contraction of the words 'sex offender'.

As soon as he was convicted, but before he was sentenced, and unknown to his family or lawyer, Leitch showed Darryl exterior photos of Brookwood Flats. Darryl truthfully indicated that, yes, he had been there. But Leitch neglected to ask the obvious follow-up question – why? – according to the detective's evidence.[40] Leitch's interest was really aroused now: this unusual teenager with a police record lived less than a mile from Brookwood. Perhaps Leitch at last had his man, and the horrific murder that had remained unsolved for sixteen months might be cracked.

A detective drove Darryl, Leitch, Florence Myatt and another detective to Brookwood Flats, where an extraordinary charade, in the literal sense, took place.

At Jillian Brewer's apartment, flat 18, with Florence (Flo) Myatt interpreting, Leitch pointed to it from the outside and said, 'This is the flat. What do you know about it?'

Darryl said, 'Nothing.'

Leitch: 'I said, "I think you have been here before. Did you have your Holden in 1959?" He said, "No, scooter."'

Leitch: 'I said, "Have you been here at night looking through windows?" He said, "No."'[41]

Leitch, armed with the knowledge from his investigation of the crime scene and the autopsy report, walked Darryl through the grounds of the flats to the garage behind the house in Renown Avenue where Max Watson, the tomahawk's owner, had discovered it missing. Darryl, ever anxious to help, pointed to a woodheap, allegedly in answer to a question about where he had found the tomahawk sixteen months earlier. When Leitch asked him to try again he pointed to the garage floor. In fact, the owner had left his small axe hanging on a nail at the back of the toolshed.

Crucially, Leitch then took Darryl back to Brookwood and pointed to the back door of Jillian Brewer's flat. There, Leitch was solemnly to tell the trial jury later that year, he had asked Darryl how he had entered the flat, which Leitch had found locked from the inside on the morning of the murder.[42]

Darryl Beamish had solved the mystery for Leitch, the detective indicated. The back door had a hinged flap at the bottom for milk delivery. Leitch gave evidence that Darryl told him that, on the night of the murder, he had poked a length of wire through the old-fashioned keyhole and pushed out the key. He had given Leitch a demonstration, this time using a stick, and when the key fell to the floor, Darryl had stuck his hand through the milk flap, retrieved it and unlocked the door.[43] Brilliant. This criminal mastermind certainly impressed the prosecutor, who drove home the point to the jury:

> The police could not say how access was gained to the flat; they just couldn't discover it; it was a mystery. It's remarkable how this backward youth could solve a problem that the police couldn't. The police

couldn't tell you how to get in – how access was gained – but the accused could.[44]

Asked what he had done with the wire, Leitch told the jury that Darryl said he had thrown it away. There was no record of any wire being found near the crime scene by investigating police.[45]

Darryl's defence in court was that Leitch had demonstrated to him how to get inside, with Leitch himself using a stick. The key had fallen too far to reach through the flap, so Leitch had found a piece of wood to lengthen his reach, retrieved the key and used it to unlock the door. The evidence of the respected detective was in direct conflict with that of the 'deaf and dumb' youth with a criminal record. The jury's verdict shows which one the jurors believed.

Leitch not only already knew the key trick; he had personally tried it successfully on that very door.

Trawling through a trove of police documents forty years later, the hairs on the back of my neck stood up as I read and reread something Leitch had written well before he had ever heard of Darryl Beamish.

It was 2.30 in the morning and I had lost track of time, riveted to a pile of photocopies of previously secret police documents. No outsider had ever before clapped eyes on them. There, signed by Leitch and filed at CIB headquarters, were these words:

I have actually done this since at this flat.

It is an easy matter to push out the key of the door with a piece of wire or wood and then put your arm through the square hole described and reach the key which can be used to open the door.

'He was going to be hanged!' I heard myself shouting to the sleeping household.

Leitch had written this memo to the head of the CIB, Inspector Cec Lamb, as part of his summary of his unsuccessful investigation into solving the Brewer murder. The memo is signed by Leitch and dated *one year before* he took Darryl Beamish down to Jillian Brewer's flat that Friday afternoon.[46]

Leitch later swore in court that Darryl had mentioned the very same alternative tools of wire or wood while spontaneously writing answers in response to Leitch's written questions.[47]

Leitch told the court the crime scene had been found with the back door locked, the key in the lock on the inside of the door. In what seems to be an investigative oversight, Darryl was not asked why he apparently removed the key from the outside, replaced it inside and locked off his path for a quick escape while the murder was in progress.[48]

To add to the mystery, Leitch swore to the jury that at the Friday walk-around of Brookwood, when he had asked Darryl how he had exited the flat, Darryl had allegedly replied 'run out back door'.[49] Darryl could not have run out the back door and then left it locked from the inside.

Inside the murder flat on that Friday afternoon the charade had continued, as Leitch lay on the bed in Jillian Brewer's former bedroom, his legs wide apart, and made chopping motions with his hands to different parts of his body, in places where he knew from the autopsy report that Jillian Brewer had been hit with the tomahawk and stabbed with the scissors. Darryl apparently nodded or agreed with Leitch, through Mrs Myatt. Leitch told the jury he took the nodding to mean Darryl was incriminating himself by agreeing with Leitch about the method of attack and placement of blows on Jillian Brewer.[50] In court, Leitch's account of how Darryl had demonstrated the method of murder was articulate, unchallenged and damning.[51]

Returning outside, Leitch stood in the backyard and asked Darryl where he had thrown the tomahawk. Darryl pointed the wrong way, so Leitch told him to 'think'. Wrong again, but third time lucky.[52] The tomahawk had, in fact, been dropped between the fence and a wooden shed. Had it been

thrown, as the written confession said, it would have left a mark on the wood, where it hit the shed wall before falling down. There was no mark.

All these 'conversations' were committed to Leitch's prodigious memory, retrieved in court and recited to a transfixed jury.

Leitch then took Darryl back to Central Police Station. On the way, according to Leitch's evidence, Darryl broke down, started crying, and confessed to the axe murder, after Leitch had pointed to the police building and told him detectives had a lot of scientific aids and that his boss wanted the truth. Darryl reported at his trial that at this point 'Flo' had become very upset and told him to admit to the murder, telling him what to say to Leitch.[53] Florence Myatt and Owen Leitch later gave evidence that Darryl's distress appeared to be connected with his guilt about the murder. How they distinguished that from being upset about being falsely accused of murder is unclear.

'I was crying and saying to Flo, "Tell them I'm a good boy." She would not say it.'[54]

Mrs Myatt, variously described as a welfare officer, public relations officer and interpreter for the deaf, was a woman Darryl knew but disliked. He had told his sister Frances that Flo gossiped about the private affairs she handled for the deaf, including their banking details.[55]

| | | | |

Owen Leitch, having obtained these remarkable admissions to the one crime that had consumed his city, would, going on normal police practice, have been expected to stitch them into a signed statement and charge the suspect with wilful murder while the murderer's relief at having unburdened himself was still fresh. There was a grave danger that any delay would give the crook time to think things over in his cell, communicate with other, more savvy prisoners while shut in the police court lockup – or even chance on some legal advice. Yet Leitch waited until the next day before putting the admissions on paper, then another two months before charging Darryl with Jillian Brewer's murder. He had his plan, and the plan worked, he said later.[56]

It certainly did.

The next day, Saturday morning, with Darryl safely behind bars, but with no murder charge against him, Leitch had other fish to fry, despite the importance of a vital Beamish confession he had yet to extract in written form. His tasks included a bogus identification parade he wished to conduct, one that apparently had nothing to do with Darryl Beamish. But, it has now become clear all these years later, it had everything to do with bricking in Darryl for a murder he did not commit.