IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: 2005 / 1489

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)
Section 67 of the ***Coroners Act 2008***

Inquest into the Death of: LINDA JANE STILWELL

Delivered On:	30th October 2014
Delivered At:	Coroners Court of Victoria 65 Kavanagh Street, Southbank
Hearing Dates:	8, 9 10 & 11 December 2009 20 July 2013
Findings of:	Iain West, Deputy State Coroner
Representation:	Mr S Gillespie- Jones Ms E. McKinnon appeared on behalf of the family Mr P. Higham with Mr C. Fairfield appeared on behalf of Mr D. Percy
Counsel Assisting the Coroner	Mr M. Tinney SC Mr K. Gilligan Mr R. Lewis of OPP

I, IAIN WEST, Deputy State Coroner, having investigated the death of LINDA JANE STILWELL

AND having held an inquest in relation to this death on 8, 9, 10 and 11 December 2009 and 20 July 2013

at Melbourne

find that the identity of the deceased was LINDA JANE STILWELL

born on 22 August 1960

and the death occurred on or about 10 August 1968

at an unknown place

from an unknown cause

in the following circumstances:

The Stilwell Family

1. Linda Jane Stilwell was seven years of age when she disappeared on 10 August 1968 whilst playing in the vicinity of Little Luna Park, on the St Kilda foreshore. Linda is remembered by her mother, Jean Priest (formerly Jean Stilwell) as a "very friendly and affectionate child" with her demeanour being the same towards everyone, including "strangers, whether adult or child, male or female."

2. Linda resided with her mother and two older siblings, Karen aged eleven years and Gary aged ten years, at rented premises on Beaconsfield Parade, Middle Park. Her life centred on her family and school. They had lived there for a short time and since moving to the area, Linda's mother allowed the children to attend the St Kilda foreshore area unsupervised. Linda's parents had separated and approximately a month before her disappearance, her father, Brian Stilwell and younger sister, Louise, moved to New Zealand.

Events of 10 August 1968 : Subsequent Enquiries and Searches

3. On Saturday 10 August 1968, Linda's mother left their flat at about 9.00 am to do the household shopping and told the children not to leave the premises in her absence. She returned around midday to find Karen and Gary had gone out. After dressing Linda in a pair of dark blue jeans, a mustard coloured jumper and black shoes, her mother sent her to find her siblings and to bring them home for lunch. This occurred at about 1.00 pm. At approximately 3.00 pm, Karen arrived home and told her mother that Gary and Linda were fishing at St Kilda Pier.

4. Later in the afternoon Gary, three boys and Linda went to Little Luna Park near the ice skating rink. Whilst there Gary asked Linda to return home with him and she refused. After momentarily being occupied with one of the side-show exhibits, Gary then lost sight of Linda and the boys. At about 4.00 pm Gary arrived home and said that Linda had refused his request to come home and that she was with three boys at Little Luna Park.

5. At approximately 5.00 pm Linda still had not returned so her mother sent Gary to get her, however, he returned thirty minutes later, stating that she may have gone to St Kilda Police Station with some boys to retrieve their fishing rods. At about 7.00 pm and there still being no sign of Linda, her mother rang the police station to ascertain if they had seen her. On being told that two boys alone attended for the fishing equipment, Linda

was reported as a missing person. First Constable John Simon subsequently attended the home address and a Missing Persons report and Code Sheet was completed

6. An immediate and extensive search was conducted of the surrounding area of Little Luna Park, Lower Esplanade, St Kilda Pier and the beachfront. The search was assisted by the Police Motorised Boat Squad and continued throughout the night. Media outlets were notified of Linda's details to publicize her disappearance and international and local points of departure, including train and bus terminals, were alerted. The Search and Rescue Squad subsequently became involved. The boys she had been with, aged 14, 10 and 9, were spoken to and stated that they had last seen her in the vicinity of Little Luna Park. With the cooperation of New Zealand police, the whereabouts of her father at the time of her disappearance was established and he was eliminated from further enquiries.

7. Over the following days enquiries and searches continued and included all hospitals in greater Melbourne being checked for admissions of unidentified girls. A coordinated search was conducted of the beach from Elwood, through St Kilda and on to Middle Park and the ships docked in the Port of Melbourne were searched together with all yachts at the local yacht club. In addition, Albert Park Lake was searched together with both South Melbourne and St Kilda football grounds.

8. On the 12 August, as a result of the media attention, Mrs Edith Jamieson contacted police and informed them that on Saturday she had been with her children to the St Moritz ice skating rink in St Kilda. She further stated that she was positive she had seen a young girl fitting Linda's description playing in the vicinity of the Lower Esplanade, rolling down a grassy slope at approximately 4.45 pm. She also observed a male sitting on a park bench near Linda at the time and gave a description to police, which included him being thin with sharp features and having deep olive skin. (Some time after the incident Mrs Jamieson saw a photograph on the front page of the 'Herald' newspaper and recognised it 'like a thunderbolt' as the same person she had seen sitting on the bench. She said that she spoke to an unidentified detective about it. Mrs Jamieson again saw the same photograph, which had been taken in 1969, when it was republished in the Herald Sun newspaper in February 2005).

9. Investigators formed the opinion that had Linda drowned or had an accident, her body would have been located soon after her disappearance. On the 19 August 1968, the State Government and Chief Commissioner of Police offered a five thousand dollar reward for information regarding Linda's disappearance. In the following weeks and months approximately eighty persons of interest were questioned, with these including persons nominated by the public, and known offenders with prior convictions against children. There were approximately five hundred information reports and other related material compiled that was relevant to the investigation. After 10th August there were no confirmed sightings of Linda, with all enquiries being exhausted and proving unproductive in identifying what happened to her and who, if anyone, was responsible.

Cold Case Review

10. In 2004, then Detective Senior Constable Wayne Newman (now Detective Senior Sergeant) of the Homicide Squad, was tasked to review and investigate Linda's disappearance. From her file, Det. Snr Sgt Newman identified a suspect being Derek Percy, who, in 2004, was an inmate at HM Prison Ararat. He was being held at the Governor's Pleasure for the murder of twelve year old Yvonne Tuohy on the 20 July 1969. In April 1970, Derek Percy was found not guilty of the murder of Yvonne as he was assessed as insane.

Derek Ernest Percy

11. Derek Percy was born in Strathfield, New South Wales, on the 15th September, 1948 and was the eldest of four boys, one of whom died from diphtheria aged ten months. In the late 1950's the family moved to Victoria due to his father's work commitments and over time, to a number of towns within the State.

12. Derek Percy spent several years at school in Mt Beauty and was found to be an intelligent student who achieved good results with very little study or effort. Nevertheless he failed year eleven and subsequently his schooling was continued in Corryong, when his father obtained a position with the Snowy Mountains Authority.

13. On 25 November 1967, Derek Percy joined the Royal Australian Navy as an ordinary seaman. Coinciding with joining the Navy he purchased a small cream coloured Datsun estate car. His initial training was undertaken at HMAS Cerberus and it concluded in February 1968, with him graduating top of his class. A number of postings and stations followed including time spent on HMAS Melbourne, HMAS Sydney and HMAS Queenborough before he was transferred back to HMAS Cerberus in April 1969.

14. Whilst there was nothing of particular relevance in Derek Percy's early childhood, there were episodes of deviant sexual behaviour exhibited by him in his teenage years. Initial fantasies escalated from an incident of indecent assault on a six year old girl in 1966 to his admitted abduction, killing and mutilation of Yvonne Tuohy in 1969.

New Evidence

15. During the course of the cold case review, Mr Leigh Dix made contact with police after seeing a newspaper article regarding Linda, and made a statement to Det. Snr Sgt Newman. He stated that he spent a lot of time at Coney Island (Little Luna Park) and got to know a girl of similar age who said her name was Linda. They 'hung around' together and he also got to know Linda's older sister and brother.

16. Mr Dix has a clear recollection of the last time he saw Linda and although he could not recall the day, it was around 5.00 to 5.30 pm. He was with Linda for a minute watching some rides when a man came up to Linda and stood beside her. He had not seen the man before and heard him say 'There you are', after which he took her hand and further stated "You have to come home for tea.' He could see that Linda didn't know the man from the look on her face and as they started to walk towards Beach Road, Mr Dix called out, "Hey mister, who are you?' The man looked back and responded, 'I'm her uncle. She has to come home for tea.'

17. Mr Dix ran out to Beach Road and while standing on the footpath observed a small light coloured car drive past towards Elwood, with Linda seated in the front seat and the man pushing at her. Mr Dix recalled the man being of Australian appearance, 22-23 years of age and about 5'10", with short mousy brown hair, pale face and blue eyes. He particularly remembered the eyes.

18. A further approach to police was made by Ms Angela Dyer after recently viewing a missing persons website which featured Linda Stilwell. From her photograph, she realised it was the same girl she saw at Coney Island the day Linda disappeared. Ms Dyer was twelve at the time and saw Linda in company with an older male of Australian appearance and about eighteen years of age. She only saw them for a short time and when she attended the area again the next day, she was approached by a policeman and told him what she had seen. No follow up contact, however, took place. On seeing a

photograph of Derek Percy in a newspaper a few years later, she believed he looked like an older version of the man she saw with the girl.

19. In April 2005 a number of documents relating to Derek Percy were retrieved from the Homicide Squad archive storage that included a diary of his hand written notes detailing sexual abuse and mutilation of children, drawings of naked children and a number of Shell road maps. Of the four maps, two were of Victoria, including Melbourne; one was of New South Wales, including Sydney and one of the Australian Capital Territory. Both Victorian maps had the area along the St Kilda foreshore, and in particular the Esplanade St Kilda, marked with a pen.

20. On the 3 July 2007, Det. Snr Sgt Newman obtained a search warrant relating to a storage facility rented and paid for by Derek Percy. Thirty five boxes were located with one containing a BP Rigby Australian Touring Atlas. On page 38 of the Atlas a pencilled line was found to be drawn through St Kilda Pier and to continue onto adjoining pages.

Further Inquiries

21. The review of the Yvonne Tuohy file, led Det. Snr Sgt. Newman to ex Victoria Police member, Mr Ronald Anderson, who had been contacted by investigators at the time of Derek Percy's arrest, as they had been close friends when they were at school. Constable Anderson was requested to speak to Derek Percy in the cells at the City Watch House. Det. Snr Sgt Newman made contact with Mr Anderson, who alleged that during the course of the conversation with Derek Percy, he made comments about the disappearance of Linda, the Beaumont children in Adelaide and the murder of Simon Brook in Glebe, Sydney.

22. Mr Anderson made notes of the conversation and reported the details to the then Homicide Squad investigators. He told Det. Snr Sgt Newman that he still had a very clear recollection of what was said, with the conversation in so far as it related to Linda being:

    I said, "*Well look Derek, I'll ask you about some of the ones that I know about. You don't have to say anything. If you remember I will jot it down and it could be used in court. I'll try and get it heard all at the same time*".

    He said, "*I simply cannot remember.*"

    I said, "*What about Linda Stilwell, she went missing in St Kilda?*"

    He said, "*Yes I drove through St Kilda that day. I had been at Cerberus in the afternoon and was driving along the Esplanade on the way to the White Ensign Club for some drinks.*"

    I said, "*Did you kill Linda Stilwell?*"

    He said, "*Possibly, I don't remember a thing about it.*"

    (Derek Percy denied giving these responses when he gave evidence on the 20 July 2013, during a bedside sitting of the Court at St Vincent's Hospital, four days before he died from natural causes.)

23. Mr Anderson further alleged that he was told by Derek Percy that he was near a beach in Adelaide at the time the Beaumont children disappeared and that he drove near the railway cutting in the vicinity of where Simon Brook's body was found in Glebe, the day he was killed. He alleges he was also told by Derek Percy that he might have killed the Beaumont children and Simon, but couldn't remember.

24. Det. Snr Sgt Newman's review of the circumstances surrounding Linda's death, was widened to an examination of these and other deaths involving interstate minors over a four year period. This was achieved through multi-jurisdictional cooperation involving police members in New South Wales, South Australia, Australian Capital Territory and Victoria. A review of these unsolved cases was conducted by their respective jurisdictions. Following a comparison of each case, investigators identified numerous circumstances and similar facts between each case and the writings of Derek Percy.

25. In February 2005, Derek Percy underwent a video recorded interview at the offices of the Homicide Squad after Det. Snr Sgt Newman successfully applied to the Melbourne Magistrates Court with an application pursuant to Section 464 B of the Crimes Act 1958. He was questioned extensively in relation to Linda's disappearance and the interstate deaths, however he made no admissions and the interview did not progress any investigation.

26. The identified similar facts in the cases reviewed included the nature of the injuries sustained by known victims, the modus operandi, geographical comparisons and face fit 'Identikit' comparisons. (Det. Sgt Adrian Patterson of the Criminal Identification Squad of Victoria Police, stated that identikit, which consisted of small clear plastic overlays of line drawn facial features, was the only facial identification system in place in the 1960s, apart from free hand drawing.)

Child Abductions / Deaths mid to late 1960s

Examination of these cases is taken into account not as an end in itself, but as a means of furthering my investigation into Linda's death.

Marianne Schmidt and Christine Sharock

27. On 12 January 1965 the mutilated bodies of two fifteen year old girls, Marianne Schmidt and Christine Sharock, were found at Wanda Beach, New South Wales. Autopsy examinations revealed both girls had suffered massive injuries, including multiple stab wounds and lacerations.

28. The previous day, the two friends, in company with Ms Schmidt's younger siblings, took the train from West Ryde station to Cronulla Beach and later in the day, decided to walk towards Wanda Beach. After the younger children complained of discomfort from wind and sand, they were told to stay put and the girls would go back and collect their belongings. Shortly after leaving, the girls were seen in the company of a teenage youth with blonde hair. One of the children believed the girls had been talking to the same teenager earlier in the day when asked them their names. He had a knife in a scabbed tied around his waist and he also carried some sort of spear. Several other witnesses also observed this youth on the beach that day. The girls did not return and after a few hours the children caught the train home, resulting in the girls being reported missing to Ryde Police.

29. Det. Snr Sgt Newman's review identified multiple similarities between the injuries inflicted and circumstances of the two girls' deaths and those relating to Yvonne Tuohy's death. At the time, Derek Percy's grandparents resided in Ryde, 2.2 kilometres from where the girls resided and 1.7 kilometres from the West Ryde train station. The Percy family would often travel to visit the grandparents with there being evidence of such a visit during the 1964-1965 school holidays. The family holidays regularly coincided with yachting regattas and during December 1964 and January 1965, a regatta was held at the Botany Bay Yacht Club, a relatively short distance from Wanda Beach. In addition,

Derek Percy was a blonde haired teenager at the time of the incident and matched the 'Identikit' image of the suspect seen on the beach.

30. When interviewed by Homicide Squad detectives in 2005, Derek Percy said that on the 11 January 1965 he was probably at home in Mount Beauty on holidays.

Jane, Arna and Grant Beaumont

31. On the 26 January 1966 at approximately 9.45 am, the three Beaumont children, Jane aged 9 years, Arna aged 7 years and Grant aged 4 years, left their Somerton Park home and caught a bus to Glenelg Beach where they planned to play during the morning. Various observations were made of them during the course of the morning, including being in company with a male person who was talking and playing with them. The description of this person was a fair haired 'surfie type' in his late twenties, thin build and about six feet tall. At approximately 11.45 am the children attended a bakery on Jetty Road and purchased food by presenting a one pound note that had not been given to them by their mother. This is the last known sighting of the Beaumont children.

32. Det. Snr Sgt Newman identified a number of similarities in the circumstances of the childrens' disappearance and known facts about Derek Percy. In addition, Derek Percy allegedly told his old school friend, Mr Ron Anderson, that he was at a beach in Adelaide the day the Beaumont children disappeared. There is evidence to suggest he had flown to Adelaide around that time.

33. When interviewed by Homicide Squad detectives as part of the cold case review into Linda's death, Derek Percy denied being in Adelaide on the 26 January, 1966.

Allen Redston

34. On the morning of 28 September 1966, the body of Allen Redston, aged six years, was located by a member of the public amongst reeds in a creek bed, in the suburb of Curtin, Australian Capital Territory. The body was approximately 330 yards from the closest residential street and was wrapped in a piece of carpet, held in position by a green and gold necktie and a piece of electrical cable. The hands and feet were tied with rope at the back of the body, with a length extending between the hands to the feet. A post mortem examination determined the cause of death was asphyxia due to strangulation by a loop of rope around the neck.

35. At approximately 3.30 pm the previous day Allen left his home in McAlister Street, Curtin, to go to a local shop for an ice cream. When he failed to return later in the afternoon, his father reported him missing and a search of the immediate area was initiated and continued throughout the night. After discovering the body the police focus was on attempting to identify a blonde haired teenage male. This followed reports of assaults earlier in the area involving a teenager trying to tie-up boys and to asphyxiate them with a plastic bag. One of these victims described his assailant's push bike, as a dark colour with handlebars turned up like rams horns.

36. Det. Snr Sgt Newman identified a number of similarities between Allen's death, the circumstances of Yvonne's death and known facts about Derek Percy. Allen was bound and gagged in a similar way to Yvonne. The green and gold neck tie found at the scene was the same colour and similar in appearance to Derek Percy's Mt Beauty High School tie and the bike he owned at the time, was red with turned up handle bars. Derek Percy was a blonde haired youth and the 'Identikit' image of the offender had a striking resemblance to him photographed aged eighteen years, in his school year book of 1966.

37. During the course of being interviewed by Homicide Squad detectives in 2005, Derek Percy admitted being in Canberra holidaying with his parents some time in 1966.

Simon Brook

38. Shortly before midday on 18 May 1968, 3 year old Simon Brook disappeared from his front yard in Alexander Road, Glebe. An immediate search failed to find Simon, however, at 7.00 am the following day his mutilated body was located at the rear of a construction site, in close proximity to his home. Located close to the body was two Gillette Brand Super Stainless razor blades, which in the opinion of investigators, were used to inflict gross injuries, including the amputation of his penis. An autopsy examination determined that death was due to strangulation, combined with asphyxiation caused by two wads of newspaper pushed down the throat.

39. Media attention resulted in a witness coming forward and telling police he observed a small boy in the distinctive clothing that Simon had been wearing, holding hands with a male as they walked toward Jubilee Park. The witness had a very clear view of the male and assisted police in compiling an Identikit image.

40. Det. Snr Sgt Newman found a number of similarities in the circumstances of Simon's death and known facts about Derek Percy. The Identikit image compiled by the witness had a striking resemblance to Derek Percy's arrest photograph taken in 1969. The type of razor blades found at the murder scene were on issue to Naval personnel and in his writings, Derek Percy described cutting off the penis of a three year old. The injuries sustained by Yvonne Touhy and Simon were very similar, with both suffering strangulation, the throat being cut and injuries to their genitals.

41. On 9 March 1968 Derek Percy was stationed on the aircraft carrier HMAS Melbourne which was at Cockatoo dry dock for refit and sea trials. During this period he was billeted at HMAS Kuttabul at the Garden Island Naval Depot and commuted through the suburb of Glebe to the dock, to undertake his duty as fire sentry on board his ship. In addition, the area was previously know to Derek Percy as he would visit his father there in 1967 when he was undertaking a training course at the Shell Training Facility in Glebe, preparatory to operating a Shell Service Station.

42. In his conversation with Mr Anderson, Derek Percy allegedly stated that he drove through Glebe twice on the day of the murder, each time turning off at the railway cutting where the body was found. Simon's house was near a railway crossing. Derek Percy subsequently told investigators when he was interviewed in regards to Yvonne's death, that he could have killed Simon but could not remember.

43. When interviewed by Homicide Squad detectives in 2005, Derek Percy stated that at the time of Simon's death he was travelling home to Newcastle for the weekend. On further questioning he conceded that he could have killed him, but could not remember doing so.

44. On the 12 December 2005, an inquest into Simon's death was commenced by the New South Wales State Coroner, His Honour, Mr. John Abernethy. Derek Percy appeared at the inquest and was represented by legal counsel. After hearing four witnesses and examining the brief of evidence, His Honour terminated the inquest pursuant to s19(1)(b) *Coroners Act 1980*. This section applies where the presiding Coroner is of the opinion that the evidence is capable of satisfying a jury that a known person has committed an indictable offence and there is a reasonable prospect that a jury would convict the known person of the offence. Derek Percy was nominated as a 'known person.'

Linda Read (attempted abduction)

45. In 1969, Linda Read was a twelve year who resided with her family in Bittern on the Mornington Peninsula. Bittern is approximately 4 kms from HMAS Cerberus and is the closest town to the training establishment. About Easter, Linda was riding her pushbike home from visiting a school friend, when she became aware of being followed by a cream coloured car. The car pulled up beside her and attempts were made to knock her off her bike. The driver said he was lost and was trying to lure her into the car stating he was wanting her to show him the way home. Linda went into a nearby house to seek help and was taken inside. She subsequently described the driver as skinny with a lean face and fair complexion of Australian or English background. She believed he may have been in the Navy as he had short hair and a number of Navy stickers on his car, including a battleship with the word Navy in it and another with "Go" something on it.

46. At the time of this incident Derek Percy was stationed at HMAS Cerberus and drove a cream coloured car with stickers on the rear window depicting a battleship and the word Navy and another sticker with the words "Go Well Go Shell." The incident was reported to Naval Police by her father, however, she heard no more about it. In approximately May 2004, Linda Read saw a Herald Sun newspaper and immediately recognised the photograph on the front page of Derek Percy, as the driver of the car. She subsequently made a statement to police.

Linda Stilwell

47. As stated, Linda was abducted from the St Kilda foreshore on 10 August 1968. At this time Derek Percy was on leave from the Navy for a period of eighteen days. During the course of being interviewed by Homicide Squad detectives in February 2005, Derek Percy stated that on the 10 August 1968 he was on leave at his parents' home in Newcastle.

Yvonne Touhy

48. Eleven months after Linda's disappearance, Derek Percy admitted killing Yvonne Tuohy in the following circumstances. Yvonne and her friend Shane Spillar, both aged 12 years, went for a walk along Ski Beach, Warneet and were observed by Derek Percy, who was seated nearby in his cream coloured Datsun car. Once satisfied they were alone, he alighted and tied a knife in a sheath around his waist. On approaching the children he took hold of Yvonne around her neck and placed the knife at her throat. Shane then raised a tomahawk he was carrying to scare their attacker off, however Derek Percy demanded Shane disarm himself and come with him. Shane then ran off and alerted his parents who contacted police.

49. Derek Percy forced Yvonne into his car and drove to a secluded area were he sexually assaulted her and then subjected her to perverse and degrading acts before forcing material down her throat to gag her. He then attempted to strangle Yvonne and on failing to do so, used his knife to cut her throat. Further massive injuries were inflicted before the body was dragged a short distance and concealed in scrub.

50. Admirably, Shane kept his wits about him and was able to give police a detailed description of Derek Percy's car and in particular, the Navy stickers he had seen on it. Police immediately attended HMAS Cerberus as it was the closest Naval base to Warneet. After Shane identified the car in the car-park, police were directed to Derek Percy's barracks and found him washing his clothes. A subsequent search of his car and barracks located a bloodied knife, drawings of naked children and hand written notes spanning the preceding four years leading up to his arrest. These writings detailed in

bizarre form, the abduction, torture, sexual assault and murder of children of varying ages. (Following his incarceration material of a similar nature was found in Derek Percy's cell at HM Prison Pentridge when prison officers conducted a search on 28 September 1971).

51. Initially Derek Percy denied any involvement in Yvonne's abduction, sexual assault and death. After his participation in an identification parade and learning he had been positively identified, his story changed to, "I can't remember" and later to, "I was at Warneet but I have no memory of anything else." After further questioning, Derek Percy admitted his involvement and took investigators to where he had concealed Yvonne's body. Following being found not guilty on the grounds of insanity, Derek Percy remained incarcerated for forty-three years until his death from natural causes on 24 July, 2013.

Expert Opinions

52. In reviewing these deaths I am assisted by opinions Det. Snr Sgt Newman obtained from:

    a. Dr David Ranson, Forensic Pathologist and Deputy Director of the Victorian Institute of Forensic Medicine. Dr Ranson identified similarities in the location and nature of the injuries inflicted and that the majority of victims were asphyxiated, with Simon Brook and Yvonne Tuohy suffering asphyxia by suffocation.

    b. Dr Jenny Mouzos, Criminologist and Senior Research Analyst, Australian Institute of Criminology. Dr Mouzos opined that child mutilation is an infrequent occurrence in Australia and that mutilation involving the actual severing of body parts, is even rarer.

    c. Professor James Ogloff, Forensic Psychologist and Director of Psychological Services, Victorian Institute of Forensic Mental Health. Professor Ogloff had an ongoing professional relationship with Derek Percy as he was involved in a number of reviews regarding his mental impairment and unfitness to be tried. He agreed with previous psychiatric assessments of Derek Percy suffering a very rare and serious form of sadistic paraphilia. From his writings he believed that Derek Percy had the propensity for committing acts of torture, sexual assault and killing of young children, from approximately 1965 or 1966 until his arrest in 1969. He further opined that it would be highly unusual as a first serious attempt for someone to carry out and complete a set of acts as complex as those performed against Yvonne Tuohy.

    d. Detective Senior Sergeant Debra Bennett, Officer-in-Charge, Behavioural Analysis Unit, Homicide Squad. Det. Snr Sgt Bennett categorized Derek Percy as a 'lust murderer' who was orientated towards deviant and sexually sadistic post mortem mutilation. She opined, based on the rarity of lust murders, the similarity in victimology and other police evidence, that in all likelihood the person who killed Simon Brook was the same person who killed Yvonne Tuohy.

    e. Detective Sergeant Adam Barwick, Officer-in-Charge of the investigation into the death of Simon Brook. Det. Sgt Barwick stated: "The similarities between the murders of Yvonne Tuohy and Simon Brook are striking. Both children were abducted near water, both had injuries indicating attempts to strangle them, both had their throats cut, both had material inserted down their throat and both suffered post mortem genital mutilation. The cause of death for both children was asphyxiation. Both bodies were concealed amongst bushes. The number and manner of similarities between the two child murders is so striking that they

indicate that one perpetrator, with a 'tendency' to commit this type of crime, was responsible for both."

Comments

Pursuant to section 67(3) of the *Coroners Act 2008*, I make the following comments connected to the death:

53. Section 67(1) *Coroners Act 2008* requires me to ascertain 'if possible' who was responsible for Linda's death. As my investigation into her death is inquisitorial in nature, it is incumbent upon me to take an expansive and inclusive approach when assessing the oral evidence and the material comprising the inquest brief.

54. The evidence implicating Derek Percy in Linda's death is circumstantial.

55. Of the experts' statements that form part of the brief, the statement of Professor Ogloff is particularly helpful when considered in conjunction with evidence bearing on Derek Percy's abduction of Yvonne Tuohy. Her abduction and killing demonstrated Derek Percy's capacity to commit a heinous act, as did his writings demonstrate an intent in torturing, killing and mutilating children. His condition was described as being rare and dangerous, with Professor Ogloff expressing the view that the killing of Yvonne was unlikely to be the first attack. Yvonne's death occurred eleven months after Linda's disappearance.

56. I accept the evidence of Mr Anderson regarding the conversation held in the police cell, with Derek Percy telling him that he was in St Kilda the day Linda disappeared. I prefer Mr Anderson's evidence for the reason that Derek Percy had the capacity to make false denials, as was demonstrated in the Yvonne Tuohy case. In addition, support for his presence in the vicinity of where Linda was last seen is found in the evidence given by a number of witnesses. I am satisfied the description given of the male observed loitering near her, or in her company, is consistent with Derek Percy's appearance at that time. As well, the description of the vehicle in which she was driven away is consistent with the vehicle owned by Derek Percy.

57. It is highly unlikely that another child molester was in the vicinity when Linda disappeared. Further, I am satisfied it is more probable that Derek Percy would have taken advantage of an opportunity presenting itself, than anyone in the vicinity not so afflicted by such a rare and dangerous condition.

Findings

58. I formally find that Linda Stilwell is deceased, having met her death by foul play.

59. I find that Derek Percy was at St Kilda when Linda was abducted on the afternoon of 10 August 1968.

60. I find that Derek Percy caused the death of Linda Jane Stilwell.

I direct that a copy of this finding be provided to the following:

Family of Linda Stilwell

Det. Snr Sgt Wayne Newman

Signature:

IAIN WEST
Deputy State Coroner
Date: 30 October 2014