



**STATE CORONER'S COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the death of Tyrone Lee Slemnik
<b>Hearing dates:</b>	19 November 2015
<b>Date of findings:</b>	19 November 2015
<b>Place of findings:</b>	State Coroners Court, Glebe
<b>Findings of:</b>	Magistrate Michael Barnes, NSW State Coroner
<b>Catchwords:</b>	CORONIAL LAW – manner and cause of death, outlaw motorcycle gangs
<b>File number:</b>	2013/207516
<b>Representation:</b>	Sgt E Mulligan, Police Advocate Assisting the Coroner

<b>Findings:</b>	<p><b><i>The identity of the deceased</i></b>  <i>The person who died was Tyrone Lee Slemnik.</i></p> <p><b><i>Date of death</i></b>  <i>Mr Slemnik died on 8 July 2013.</i></p> <p><b><i>Place of death</i></b>  <i>Mr Slemnik died outside premises situated at 45 George Street, Eastlakes, New South Wales.</i></p> <p><b><i>Cause of death</i></b>  <i>Mr Slemnik died from loss of blood due to a gunshot wound to his abdomen.</i></p> <p><b><i>Manner of death</i></b>  <i>He died as a result of being deliberately shot by an unidentified person who was likely to have been motivated by disputation between rival outlaw motorcycle gangs and who intentionally shot Mr Slemnik intending to do him harm while recklessly indifferent to whether he caused death.</i></p>
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*The Coroners Act in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death. These are the findings of an inquest into the death of **Tyrone Lee Slemnik***

## **Introduction**

At about 9.54pm on 8 July 2013, Mr Slemnik and an associate, Brendan Fish were shot as they stood outside a unit block in Eastlakes. The shooter fired from a slow moving car that rapidly left the area. Mr Fish suffered only minor injuries but Mr Slemnik died at the scene as a result of the injuries he sustained. Both victims were associated with an outlaw motorcycle gang and it is apparent their shooting was gang related.

## **The evidence**

### ***Background***

Shortly before the fatal incident, police intelligence had reported increased tension between the Hells Angels Outlaw Motorcycle Gang (OMCG) Sydney chapter and the Comanchero OMCG East chapter, in particular there was reported tension between the presidents of the gangs, Suart Sarimsaklio and Mark Buddle respectively. For example, on 30 June 2013, police had located a pistol in a car occupied by Brendan Fish and Tyrone Slemnik. At about the same time, a member of the Comancheroes and reportedly produced a firearm and demanded protection money from a business associated with the Hell's Angels.

As a result, Mr Sarimsaklio had taken the precaution of having gang associates stand guard outside his residence in Universal Street. This is what Mr Slemnik was thought to have been doing when he was shot.

After the shooting, residents of nearby premises were canvassed. They reported that over the previous couple of months the incident location was frequented by apparent OMCG members who had been loitering around the drive way where the shooting occurred.

### ***The incident premises***

The building at 49 – 51 Universal Street, Eastlakes is a four story block of residential units. It fronts Universal Street but vehicular access to the parking area behind and underneath the building is from behind it off George St. For this reason it is also referred to as 45 George Street. An aluminium fence about 1.5 metres high runs across the rear property line separating a garden bed from the footpath. Facing the premises from George Street, there is a drive way on the right hand or eastern side of the property.

### ***The fatal incident***

No independent person witnessed the actual shooting, nor was it captured on CCTV. Witnesses in adjoining premises said they saw a grey coloured car with European styling drive slowly along George Street. They heard two gun shots and then a short pause before five or six further shots were heard. They then heard a vehicle accelerate away from the scene before a second car described as a black sedan

with “bonnet nostrils” and a loud engine left the drive way of number 45 George St and travelled in the same direction as the car involved in the shooting.

Mr Fish said he did not see the shooting as he had his back turned to the road and was urinating when it occurred. He said that he, Mr Slemnik and Glenn Russell were the only people present on the footpath when the shooting took place. Understandably, the investigators doubted his candour and accordingly various covert strategies were deployed to attempt to obtain a more frank account.

During a conversation lawfully recorded while Mr Fish was in hospital, an associate, Andrew Sparks, nominated a former Hells Angels member who had then recently defected to the Comanchero OMCG as being responsible for the shooting, although that seems based on something other than seeing that person at the scene. Based on intelligence, police believe that person to be Sione Tafokitau. Mr Sparks was also heard in the recorded conversation to admit to having been present when the shooting occurred and to have returned fire.

When interviewed about the incident, Mr Sparks denied he was present but claimed to have heard the person referred to above was the shooter and an Andrew McKenzie was the driver.

Mr Russell said he arrived at the incident address at about 9.00pm and met Mr Fish and Mr Slemnik there. He was driving a car belonging to Mr Sparks that matches the description of the car seen by witnesses leaving after the shooting – black with bonnet air vents and a loud V8 engine. They went to a local service station and when they returned to George Street, he parked the black commodore in the driveway.

A short time later he saw a gold Audi wagon driving slowly down George Street in an easterly direction. At this stage, Mr Fish was on the footpath as was Mr Slemnik although the later was nearer the gutter. The gold car slowed and its lights were turned off. He then heard two “pops” and saw what he believes were muzzle flashes from the rear left hand side window.

Mr Slemnik and Mr Fish fell to the ground. As he was falling, Mr Slemnik stumbled forward and hit his head on the boot of a parked car before slumping onto the road way. At this point Mr Russell came out of the driveway and two shots were fired at him. The car drove off and he saw it turn right into St Helena Parade. Mr Russell said he did not see the occupants of the car. He then went to Mr Slemnik’s aid. He called 000. This call is recorded as being made at 9.54pm.

All of those present have continued to maintain this version of events and have denied that anyone returned fire or chased after the car from which the shots were fired.

### ***Post death events***

Soon after police arrived, a black Mercedes 4 wheel drive carrying six members of the Sydney chapter of the Hells Angels OMCG, including Suat Sarimsakio, a resident of the incident premises, also arrived at the scene.

The area was sealed off and a detailed and comprehensive investigation was commenced. Homicide detectives attended as did officers from the Forensic Services Group, the Forensic Ballistics Unit and the Forensic Imaging Unit.

### ***Crime scene examination***

Seven fired cartridge cases were located on the roadway adjacent to the driveway of the incident premises: two were Geco 9mm Luger bullets and five were S&B 9x19. The different types of bullets had been fired from different guns.

### ***Autopsy results***

On 9 July, an autopsy on Mr Slemnik's body was undertaken by an experienced forensic pathologist. She found a single gun-shot wound to the left side of the abdomen. The bullet had passed through the small intestine and spine before coming to rest in Mr Slemnik's right buttock. The left common iliac artery and the inferior vena carva were both ruptured. Two and a half litres of blood was found in the abdominal cavity.

### ***Related proceedings***

In October 2013 Mr Sparks was charged with shooting at those who shot Mr Slemnik – discharge a firearm in a public place. He was convicted and sentenced to 3 years imprisonment. Messrs Russell and Fish were charged with concealing a serious offence, namely the discharging of the weapon by Mr Sparks. They were each convicted.

### ***Murder weapon***

On 14 September 2013 a fisherman snagged a plastic bag when fishing in the Cooks River at Kyeemagh near the Endeavour Bridge. It contained a firearm and was handed to police. Ballistics officers identified it as a Norrinco NP22 9mm pistol. Comparisons between it and the fired cartridges found on George Street led to the conclusion that it had been used to fire the bullet that killed Mr Slemnik. The provenance of the firearm could not be established because its serial number had been deliberately obliterated.

### ***The getaway car***

On 29 July 2013 Gladesville police responded to a report of a vehicle on fire in Hunters Hill. The vehicle was a Audi RSS6 Avante. Inquiries established it had been stolen in December 2011. Examination found damage to its tailgate consistent with a it being struck by a bullet. Police *suspect* it was the vehicle used by the person who shot Mr Slemnik to flee the scene.

### ***Interview with suspect and associates***

Detectives attempted to interview known associates of the suspect and victim. No relevant information was forthcoming. Police also spoke to the suspect nominated above. He declined to participate in a recorded interview but in conversation with the detectives denied any knowledge of or involvement in the shooting.

## Conclusions

I conclude that Mr Slemnik was shot because of his association with the Hells Angels OMCG. It is highly likely that the person who shot him was associated with another OMCG and that the shooting was part of on-going disputation between the two gangs.

I further conclude that the shooter intended to harm those who came under fire and that he was recklessly indifferent to whether his actions caused the death of those people.

A person suspected of being the shooter has been nominated by associates of Mr Slemnik but they refuse to provide any evidence to support their suspicions. The suspect has denied any involvement and there is no objective or independently reliable evidence to connect him to it.

I considered issuing subpoenas requiring various associates of Mr Slemnik to give oral evidence at the inquest but concluded there was no likelihood that any reliable information would be forthcoming. The result is that despite the expert and exhaustive investigation by members of the NSW State Crime Command Homicide Squad nobody has been held to account for this death.

Tyrone Slemnik did not lead a blameless life – he had a shocking driving history and he served a term of imprisonment for a violent assault. However, that was over a decade before his death and I accept the evidence of his former partner, the mother of his youngest child, that he was attempting to improve himself and avoid further trouble with the law. His parents also describe a loving son who was respectful and supportive of his extended family.

Much of that changed when he began associating with the Hells Angels OMCG. There is a misapprehension that members of outlaw motorcycle gangs, or “bikies”, are relatively harmless rebels whose anti-establishment attitudes and unconventional dress and behaviour leads to their being unnecessarily targeted by police and shunned by those who unfairly judge them. The romance of the open road traversed by self-reliant bands of freedom loving hard men whitewashes the facts graphically demonstrated by this case.

Tyrone Slemnik was fatally shot in the stomach as he stood unarmed on the footpath of a suburban residential street. He was committing no crime and he posed no threat to anybody. The fatal shot was fired from a moving car by a gutless coward too frightened to show his face, cowering in the back seat of the car in which he and his accomplice fled the scene without even checking to see what injury they had caused.

The shooting was almost certainly carried out at the behest of another more senior gang member as a result of a squalid dispute over illicit drug markets and extortion rackets.

It is highly likely that a number of people know the identity of those who carried out the shooting and those who procured it. They too lack the moral integrity or courage to make the reports needed to allow justice to be served in this case.

Paradoxically, any solace for Mr Slemnik's family is likely to come from that same pathetic weakness. At some stage in the future, one of those who know what happened will be charged with a serious offence. When that person is facing a long term of imprisonment their oath of loyalty to their gang will dissolve as they offer up any information they think might get them a lesser sentence. At that stage this inquest can be re-opened, if charges are not laid.

In the meantime, I offer the parents, siblings and extended family of Mr Slemnik my sincere condolences. They are not to blame for his misdeeds but they suffer the pain his criminal associates caused.

## **Findings required by s81(1)**

As a result of considering all of the documentary evidence and the oral evidence given at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it.

### **The identity of the deceased**

The person who died was Tyrone Lee Slemnik

### **Date of death**

Mr Slemnik died on 8 July 2013

### **Place of death**

Mr Slemnik died outside premises situated at 45 George Street, Eastlakes, New South Wales.

### **Cause of death**

Mr Slemnik died from loss of blood due to a gunshot wound to his abdomen.

### **Manner of death**

He died as a result of being deliberately shot by an unidentified person who was likely to have been motivated by disputation between rival outlaw motorcycle gangs and who intentionally shot Mr Slemnik intending to do him harm while recklessly indifferent to whether he caused death.

In view of the circumstances of the death, I recommend to the New South Wales Police Force that the matter be referred to the Unsolved Homicide Team in State Crime Command.

I close this inquest.

**M A Barnes**

NSW State Coroner