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Analysing literary journalism: De(composing) narrative: writing true crime in Death at the Darlo Bar

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Abstract

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De(composing) narrative: writing true crime in *Death at the Darlo Bar*

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Death at the Darlo Bar: a true crime story

I was thinking about murder when I ran into a friend on the grimy escalators coming out of Kings Cross station. We chatted about local crimes as we walked down Darlinghurst Road towards Potts Point, navigating around the stream of commuters returning to their designer flats, the wide-eyed tourists, the dazed girls and the pimps pacing their square metres as the strip geared up for the evening. Someone had been shot the week before in Kellett Street, a backpacker was still in a coma after being bashed in Springfield Plaza, and more recently a man had been knifed outside one of the girlie clubs we were walking past. My friend pointed out that Kings Cross is not all about organized crime, nightclubs and sex joints. He mentioned an incident involving a chess club and a homeless guy a few years back at the Darlo Bar. My friend was adamant there was more to this story. I vaguely recalled hearing about this incident, although it hadn't provoked the media frenzy that accompanies other more recent cases of alcohol-fueled violence in Kings Cross. I decided to find out more.

On February 6th, a warm but otherwise quiet Monday evening, a flurry of phone calls came through to the Kings Cross police station on the emergency 000 number. In one call, later played back in the NSW Coroner's Court, a man shouts that someone had "gone psycho" at a bar on the Darlinghurst side of Kings Cross, and that it was taking six men to restrain him. Other panicked calls from bar staff and customers requested urgent police assistance, reporting over loud music and raised voices that there was a fight and that the place was being "ransacked".

Sergeant Mario Ginestra was the first responding police officer, sent over from the Kings Cross station at around 10.50pm. Ginestra had only been posted to the area for a few weeks, but even he was surprised to be called to the Darlo Bar, or 'The Darlo' as it is known locally. Despite its close proximity to Kings Cross, this hotel is off the NSW Police Crime Statistics map of licensed premise hotspots that are known to flare up in episodes of violence. When he arrived at the Darlo Bar - an elegant deco hotel that sits like a slice of brown brick pie on tiny block triangulated by the intersections of Darlinghurst Road, Liverpool and Hardie Streets - Ginestra saw immediately that the place was in disarray. A small crowd greeted him in relief as they backed away from overturned chairs and a heaving pile of men banked up against a wall at the back of the downstairs bar.

"Do you know what a rugby scrum looks like? Well, it looked like that", Ginestra said when I asked him to recall his first impressions of the scene. Someone was buried underneath the mass of bodies - there were more than six, more like ten people pushed into a corner, Ginestra said. He doesn't recall hearing anything except the men calling out for him to handcuff their captive. They shifted and he saw part of a broad back half covered by a sweaty t-shirt - a man was pressed belly first against the wall. Ginestra managed to find and catch hold of first one wrist, and then the other, to handcuff him. The other men untangled themselves and moved away, breathless and self-congratulatory, as the man they had held slumped to the ground.

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It was at this point that Sergeant Ginestra noticed that he was not moving. Brett Adam Sparks, an overweight thirty-two year old, was dead or dying.

Stories about alcohol-fuelled violence in and around bars are not uncommon to Kings Cross. This compact area of crooked street blocks has the highest density of licensed premises in Australia, with over 257 bars, pubs, restaurants and nightclubs in an area of just 3 square km. The mild exhortation to *Enjoy Coca Cola Coke* pulsing out from the iconic glowing red sign at the heart of the precinct is usually ignored in favour of harder liquor and drugs.

Kings Cross is a pivotal location in Australia's cultural imaginary. Authors including Patrick White, Rosaleen Norton, Dulcie Deamer, Kate Granville, Barry Humphries, Louis Nowra and Mandy Sayers have written about its seething hotbed of violence, danger, prostitution and crime since the early twentieth century. As Kenneth Slessor wrote in the 1930s, "whatever happens to its landscape, Kings Cross will always be a tract apart from the rest of Sydney, still contemptuous of the rules, still defiantly unlike any other part of any other city in Australia."

More recently, the Australian public imagination has been caught by a series of true crime accounts of organized crime and murder in Kings Cross, from John Dale's *Huckstepp* and Peter Rees' *Killing Juanita*, to Clive Small and Tom Gilling's *Smack Express* and *Blood Money*, which inspired the popular channel nine *Underbelly* television series. Anne Summers, a long-term resident, comments that "The Cross will never inspire writing that is light or trite. The romance of the place is that it embodies the tougher, edgier side of life. It is a place of risks, full of gamblers who seldom win much and who often lose everything, including their lives."

These true crime accounts document, investigate, and sometimes even celebrate the organized criminal activities of Kings Cross. They are largely devoured by the type of cashed-up professionals who are gradually gentrifying the area. Curiously, popular television shows and books often gloss over another large stratum of people who live and grimly drift through the area: the homeless, the small time criminals, the drug addicts and the hard-core drunks. David Hollier, a volunteer at the Wayside Chapel, points out that these people "have half a novel actually happening to them every third day". He says that he often thinks about this when he is working at the Wayside, "that there are all these middle class writers living here and looking around for a story, but their eyes just slide right past."

What happened at the Darlo Bar stands out from the other stories of alcohol-fuelled brawls in a number of ways. First, it was a Monday night. The NSW Crime Statistics reports indicate there are very few call outs in Kings Cross as a whole on Mondays as things quieten down after the frantic activity of the weekend.

A second oddity was that it happened in this particular bar, which is patronized by an eclectic mix of well-heeled professionals, fashionably disheveled creative types and working locals, rather than the weekend post-adolescent or hard core partying crowd that flood The Cross. Mandy Sayers is sometimes spotted drinking a beer at the Darlo Bar in the early evening,

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although she wasn't there that night. The high prices of the small selection of wines in the bottle shop normally deter the winos who drift around the corner from the Rough Edges community center or up from the wasteland that is William Street.

That night there was no security, although the bar was relatively full of regulars, some of whom were jostling in friendly competition for the pool table, which still stands amongst the retro vinyl sofas and dimly lit seventies lamps. One table was taken up by the chess club, made up a group of middle-aged professional men who met regularly over drinks. As the hotel management and bar staff emphasized at the inquest into Sparks' death, the people present that night were mostly locals who treated the Darlo Bar "as their lounge room".

Even the two page summary of the incident in the 2008 report by the NSW Coroner into *Deaths in Custody/Police Operations* emphasized the point that Sparks stood out from this crowd, although he wasn't quite the 'homeless' guy that my friend had described to me. According to the report, after buying a beer Sparks went to the pool table to lay down some money, a common enough signal to indicate interest in playing the next game. The report notes that "not being a local" he was unaware that a pool competition between regular clientele was already in progress. Sparks "had words" with a patron who apparently told him that he wasn't welcome to play, then several others patrons rallied around, some drinks were thrown, and he was asked to leave. After a few minutes, he rushed back into the bar to continue the confrontation with the first patron, who had retreated to the ladies' toilets. At this point, the report notes, Sparks managed to "knock over an old gentleman" as he made his way through the bar to continue the confrontation, before others intervened and restrained him. He collapsed, but the police couldn't locate key first aid equipment and the ambulance officers found him beyond resuscitation.

The inquest determined that Sparks had traces of drugs in his system, as well as "alcohol addiction and mental health issues". He may not have been a regular patron of The Darlo, but he was certainly representative of the peripatetic people who inhabit the fringes of Darlinghurst and Kings Cross, drawn to the area's easy access to drink and drugs.

In the autopsy report, Dr Paul Morrow noted concerns about the presence of broken capillary blood vessels in Sparks' face and the whites of his eyes. These petechiae, or small skin haemorrhages, can be an indication that strangulation or suffocating trauma has been part of an attack. The ambulance officers also noted significant bruising or redness on Sparks' body, including what looked like ligature marks around his wrists. Dr Morrow could not be more specific than to identify the cause of death as cardio respiratory arrest, following cocaine and alcohol consumption, that was "associated with a struggle including asphyxial components".

Did Sparks die because six men piled on top of him? Or did the drugs and alcohol in his system, along with his weak heart and the stress of the confrontation, mean that he was already a dead man walking? When exactly did Sparks die – before or after he was handcuffed by Sergeant Ginestra - and was anyone to blame?

The *Death in Custody/Police Operations* report makes it seem that this sudden death stemmed from an unhappy sequence of events that were largely instigated by Sparks himself, whose primary fault was not being a 'local' enough. Or perhaps - more disquietingly - not the right kind of local.

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Coroner's Courts are given very broad powers of inquiry. Although it is not the role of the coroner to attribute fault or make findings, coronial law expert Ray Watterson says that "there is no other organization in Australian society that is responsible and has the powers to investigate an avoidable death ... to call people to account, to get witness statements, to get documents, to get reports, to get into the truth of the matter". Coroners also filter out cases that won't go on to a criminal trial, if they can't determine that anybody in particular could have been at fault.

The witnesses called up for the inquest at the Glebe Coroner's Court in 2008 would have been aware that the inquiry could escalate into a homicide investigation, and that some of them were potentially at risk of facing trial for assault, manslaughter, or in their worst case scenario, murder. The hotel management was also concerned that they might be found at fault because of their inadequate security, which left patrons and bar staff to manage a violent incident. A police death-in-custody investigation into Sergeant Ginestra had automatically been triggered when he handcuffed the dead or dying Sparks, and also because he had trouble finding and using resuscitation equipment before the paramedics arrived.

Deputy Coroner Malcolm McPherson subpoenaed or invited a number of witnesses to the inquest: members of the chess club, the pool table group, other patrons, the bar staff, the hotel security and management, the police, ambulance paramedics, and Sparks' mother. These groups all had their own independent legal representation at the Coroner's Court. In the two years between the death and the inquest they all would have had access to legal advice about how to present their version of how and why Sparks died.

At the start of the inquest, Chris Hoy, counsel assisting the Coroner's Court, said "I anticipate the evidence will necessarily focus on the degree of restraint imposed by those seeking to contain Mr Sparks and his reactions to it". The inquest needed to determine not just when Sparks died but whether the level of restraint was appropriate. If he died *after* he was handcuffed by the police, then it automatically became a death in custody. But if Sparks died *while* he was being held down, before Sergeant Mario Ginestra intervened, or if the level of force was considered excessive, then the chess club group could potentially be held responsible.

It is not a new concept that a person can die from suffocating pressure, sometimes known as "burking". This was a technique used by nineteenth century murderers-for-profit Burke and Hare, who killed their victims by sitting on their chests. Deaths from asphyxia when people are knocked down and pinned by the weight of people on top of them during crowd stampedes and "human pile" situations are well reported. Just a year or so ago, bouncers at the Crown Casino in Melbourne were charged with either manslaughter or common assault of Anthony Dunning, who was pinned down for five minutes before dying.

To have a good defense against a charge of manslaughter or murder, if the case was sent on to a criminal trial, the people restraining Sparks would need to establish that they were in considerable fear, and that their response was appropriate to the threat. "Excessive defense" has been available as a legal defense for homicide in NSW since 2002.

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In their police statements and the inquest testimony, witnesses give markedly different versions of what happened. The bar staff who served Sparks as he arrived said he was pleasant and “friendly” when ordering a glass of beer and paying for some bottles to take away later. CCTV footage shows him sitting quietly and watching the pool game, before indicating his interest in playing. The pool players, responded aggressively. Counsel Chris Hoy, narrating the video footage at the Coroner’s Court, notes that they are “certainly not exchanging pleasantries”. As the conversation between heated up, two women got involved. One, got into a karate pose and offered to fight Sparks. The other tried to intervene physically between the protagonists. Sparks threw the contents of a nearby jug of beer towards them, one of the women threw her glass of wine, Sparks threw the empty jug back.

In their police statements, these three key witnesses and a number of other nearby patrons said that at this point they were in considerable fear and that Sparks was dangerously angry. One witness said that Sparks was “screaming and yelling loud”, and that he hit a woman “with a punch to the face” so that she flew several feet backwards before he grabbed a table so that it “ripped from the wall”. This is not borne out by the CCTV footage. When the diminutive bar manager Ingrid Townson intervened, after the jug was thrown, she said that Sparks was frustrated and excited but not aggressive. In her assessment, he wasn’t noticeably intoxicated or drugged up when he told her “I just wanted to play pool.” She cut two of the pool players off from alcohol but only asked Sparks to leave, as he wasn’t a regular, although she thought that one of the pool players should be kicked out too. Sparks accepted this, and was overheard saying “I’m only leaving because she is so nice”. He went to the bar to pick up the takeaway bottles of beer that he had already paid for, and which were being kept in a fridge. As he left, he threw a fake punch at the window as a parting shot to the watching crowd.

After this, most of the witnesses claimed that the chess and pool games were quietly resumed; they were relieved that peace had been restored. However bar staff reported that patrons heckled Sparks as he left. Scott Hegarty, the night manager, recalled “a tirade of abuse” directed at Sparks through the open window near the chess club, taunting him as he walked some distance down the street. One patron was paying sufficient attention to Sparks’ movements that he yelled to warn the bar that Sparks was returning. His two chief protagonists retreated towards the toilets.

Sparks was angry now. He charged through the bar after them and did a lap of the pool table, inadvertently knocking over the elderly “Reggie” Mills, after whom the pool competition was named. The CCTV cameras did not cover the area of the bar between the toilets and the pokies, so what happened next had to be pieced together from witness statements and recollections at the inquest.

As Sparks followed the two to the women’s toilets, one of the pool players held shut the toilet door against him while her excited companion pushed on her other side, trying to get back out to continue the fight. A number of male patrons converged on Sparks, including some members of the chess club. This group gave evidence of how frightened they were during the first altercation and how that fear returned when Sparks came back. One said that that they were responding to Sparks attacking a woman in what seemed like a domestic violence dispute, another that they were concerned he had knocked over an old man. “Whatever their

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motivations”, the solicitor representing Sparks’ mother insisted, “the patrons actions substantially contributed to his death”.

In her police statement, the karate-chop girl, said “I saw all of the chess guys grab at the guy and they in a collective manner pulled him back out the bathroom doorway. All the guys were holding him and the group moved to a position toward the pokies. It took all of them to keep him down.”

Sparks resisted and the group ended up in a corner between the toilets and the pokie machines, with Sparks facing the wall. All participants agreed that the initial surge of pressure was intense. One witness recounted that he thought his own arm was being crushed against a fire extinguisher. Another was pushed off his balance from the press of bodies behind him but held on tight. A third also said he felt squashed. He had grabbed Sparks around the head and said that when the initial surge of pressure from the group was relaxed after less than a minute, Sparks thrashed from side to side, so everyone tightened their hold and leaned in harder. One of the others said that he “pushed him hard” until he was “satisfied that he was immobilized.” This second surge of pressure was maintained for up to nine minutes.

When asked why the pressure was maintained for so long by the group, one witness said in his police statement that Sparks “continued to get up and tried to kick us up and then he just went, he went quiet. We were all just hanging onto him. We were reluctant to let go in case he was just pretending and just, you know, was gunna burst out.” None of them spoke to Sparks or recalled him saying anything during the long period of restraint. Everyone agreed that at some point Sparks stopped struggling. One of the men stated that Sparks went “kind of limp” and recalled saying to the others that “I think he might be, you know, out.” At the inquest, however, most of the other witnesses insisted that Sparks was responsive throughout the lengthy restraint, saying that they “had a feeling” that Sparks was still alive and recalled continued resistance in his arms, a pulse, or even heavy breathing. Other said they heard nothing at all. One of the men said that he saw that Sparks “was half blue in the face” with his eyes rolled back. He recalls, “I thought he was gone at that point”. But another said that “the entire time I thought he was faking it” and insisted that he felt a strong pulse in the wrist he held.

Bar staff had frantically called the police and hotel security, which they shared with The Green Park Hotel a block away on Victoria Street. They didn’t respond immediately, so Ingrid Townson ran down the street to collect the bouncer Ivan Mandic. When Mandic arrived, he found the heaving pile of bodies but didn’t intervene, saying he couldn’t work out who was being held down and in any case he thought the group had the situation under control. Instead Mandic stood by and watched them for about five more minutes, until Sergeant Ginestra arrived.

Accounts also differ as to what happened when the police turned up. Sergeant Ginestra said that he initially had trouble identifying who was being held down and who he needed to handcuff. One of the witnesses agrees, recalling in his police statement that Ginestra “couldn’t even see where the guy was. He’s going which guy, is it that guy? No no no. Is it that guy? No no no, he’s underneath, you can’t see him”.

Ginestra insisted that the group maintained their hold on Sparks while he handcuffed him. However, one witness said that they all immediately released Sparks and stepped back the

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moment they saw the police arrive so they were no longer supporting him. One witness said it was his impression that when Sparks was released by the men, he was physically “eased down by them”. He didn’t see Sparks make any independent movement, but also denied seeing the moment of handcuffing. Others said that Sparks slowly slumped down the wall as the group let him go: Sparks “fell over on his side facing the wall” as he was released. Another witness did recall a slumping but doesn’t know whether the handcuffs were already on or not. Another chess club member said he thought that Sparks was laid down on his stomach by the group, but that he saw in the corner of his eye a flopping hand movement that indicated to him that Sparks was resisting Ginestra’s handcuffing. Mandic, the security guard, said that Ginestra put the second handcuff on Sparks even though he was collapsed on the ground.

Despite these conflicting views, the Deputy Coroner Malcolm Macpherson determined that “the preponderance of evidence indicates that Brett was more likely than not alive when released by the group and upon the arrival of Sergeant Ginestra” He said that “it is in my view that on the balance of probabilities Brett died while in police custody.” Recommendations were made about updating the training of police officers in the use of resuscitation equipment. But nobody would be charged with murder, manslaughter, or even assault.

To reach this conclusion, Macpherson had to discount the remarkable testimony of a member of the group who had held Sparks down. He was a portly and excitable businessman, who was meeting with a client. Neither were familiar with the Darlo Bar but the businessman had elected to meet there because he thought that it was “a gay bar for ladies so we won’t be interfered with”. He had added his 100 kilo girth to the initial group push, but then darted away to make a number of emergency calls to the police, one of which was replayed at the Coroner’s Court. He was on the street to flag down the first police car to arrive. At the inquest, Chris Hoys questioned Du Puy about the point when Sparks last showed signs of life:

Witness: Once it was decided we were going to pin him in the corner, I actually was yelling to people, ‘don’t whatever you do, don’t let him go’.

Hoys: Did you see him struggling when he was held?

Witness:: Yes.

Hoys: For how long?

Witness:: It may have been for five or six minutes that he was struggling, solidly struggling, and then suddenly he wasn’t struggling.

Hoys: And how long was that for?

Witness:: Not long. Thirty forty seconds and he collapsed to the floor. I saw him give up [...]

Hoys: Then the police arrived?

Witness:: Which was a long time later.

Hoys: Right, was Brett still struggling?

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Witness: No, Brett in my view was already dead... I think I even said loud and clear 'I think this man has just died'.

According to this man's testimony, Sparks was no longer showing signs of life well before Ginestra arrived. This was in dramatic contrast with other witnesses' testimonies, and even with his own police statement taken two days after the incident. When asked why he had given such a different account in the first place, he said that he didn't want to "incriminate anybody" but had had a change of heart. At the time, he said, "I was very concerned that whoever was in that pub - including me and my friend - were somewhat - I don't want to use the word responsible - but contributed to what happened." While he denied that there was a "cover up", he indicated that he thought the other people had come to the inquest ready to "bullshit about it".

When his original police statement was read back, it was clear that he had been 'bullshitting' himself. In this early version, Sparks is depicted as a kind of monstrous hulk, hell bent on attacking a woman: "he grabbed the bar from underneath and virtually ripped it from the wall...He just walked up to her, did not say one word, did not yell nothing, he just hit her". He said in his police statement that he assumed it was a domestic violence incident and that his protective instincts were aroused, along with "every male in the place". His statement elaborated: "Whilst all this was going on he was just screaming, I can't tell you what he was saying he was unintelligible. I believe everyone realized without talking to him that if we didn't do anything about him then he was intent on hurting that woman".

At the inquest, he agreed that this statement did not match the CCTV footage or the other witnesses' accounts. After asking "I have to tell the truth here, right?," he explained the motivations for his earlier story where he was clearly seeking to justify the long and forceful restraint of Sparks:

I was concerned and am still concerned today about complications such as did anybody contribute to him dying...I was concerned that my friend whose strength I know about, might have been too forceful. I was concerned that I have been too forceful, and I was also concerned that us males as a bunch of six or seven people trying to immobilize him, even if I had in the end very little to do with it, could have contributed to the gentleman being short of oxygen.

So why was this revised account ignored? To start with, Deputy Coroner Macpherson didn't like the man's "demeanor" in the court. "For the record", Macpherson notes in the transcripts, "the last witness was affected by alcohol. I could certainly smell it from where I was." The records also show that after his dramatic testimony he was caught in the foyer of the Coroner's Court attempting to contact the other witnesses to tell them all about it.

In his summing up, Macpherson dismissed this testimony outright, because he "gave a version of events as to the release of Sparks entirely inconsistent with all other accounts". The version Macpherson refers to here is the fantastical story from the police statement - he glosses over the redaction of this at the inquest. Macpherson said that instead he preferred "the versions given by the other witnesses generally" and in particular he singled out the testimony of the businessman's client whose story insisted that Sparks' pulse was "pumping" and that he was still resisting when Ginestra handcuffed him. Macpherson explains this somewhat curious preference:

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“I have deliberately highlighted the [this man’s] evidence... because as he was not one of the hotel’s regulars, he was not known to them and can be truly described as an independent witness”.

In one stroke, Macpherson acknowledges the businessman’s insinuation that there may have been a “cover up” by the chess club, and dismisses the need to investigate further. He bases this conclusion on the evidence of an “independent” witness, albeit one indisputably involved in the restraint. This time not being “local” and a regular patron of the Darlo Bar was an advantage.

No one was charged with the death of Brett Sparks, but many years later rumours still circulate about it. Despite its transient population and laissez-faire reputation in the media, Kings Cross is actually made up of tightly knit communities. When I visited The Darlo recently, I was surprised to run into a group of people who already knew that I was writing about it.

A heavily tattooed worker from St Vincent’s Hospital, glared at me over his beer as he perched at a table by the open window of the bar, just as the inquest described the chess club location. “I know what you want”, he said, “but this isn’t a story.” He admitted to being at the bar the night of Sparks’ death, and pointed to his position by the pokies, but refused to give any more details. Instead, he tried to convince me that “there are better stories out there, real stories. Why don’t you write about that shooting at the club in Kellett Street?” His friend interrupted to tell me that while he hadn’t been present on the night, a few days later he saw Sparks’ mother come into the bar and lay some flowers down on the floor. He looked away and then down into his beer as he said that nobody spoke to her, and she soon drifted off.

The first man I had talked to broke in to say again, “I know you want us to say that a terrible thing happened and it was wrong.” He paused and crossed his arms so that his muscles bulged. “But maybe he was asking for it.”

Another friend and fellow regular of The Darlo was happier to discuss it. I met him at a different bar in Kings Cross; he was now wary about being seen talking to me or being identified in print. He was convinced that who the participants were, not what happened, differentiated this story from others that might have been chased up in a criminal trial or by the media. This opinion came from someone who hadn’t been there that night, but who knows some of the people involved. “If it had been a group of young male thugs on another male in a nightclub,” he said. “Or if someone’s mother had chased it up. But because it was a homeless person, and because these guys were educated and wealthy and well-spoken.... Well, that dynamic alone... It should have been a no-brainer,” he said. But the corner, after hearing days of evidence, decided differently. On the balance of probabilities this wasn’t a crime.

On one hand, this story keeps alive the shared belief that Kings Cross is imbued with hostility, crime and violence. On the other, it doesn’t follow the stereotypical trajectory of a Kings Cross crime story - it happened on a quiet night in a surprising location, with the key protagonists including an eclectic group of chess players, actors, musicians and businessmen. But the story drew on another familiar narrative: that of fear of the homeless, the mentally disturbed,

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the street people who drift through the area but don't fit with the increasingly gentrified neighbourhood. It was this narrative that won out at the inquest. The counter story was glossed over and only persists in the rumours and speculation that continue to haunt the Darlo Bar. In this version, Sparks' death was triggered by the fear and disgust of the patrons towards a stranger amongst them, who persisted in taunting and heckling him until he lashed out.

In many ways, this story is a small ceremony of mourning. It grieves for the fading myth that Kings Cross retains its accepting bohemian ethos, where a mixed demographic of people happily live and work in close proximity. Tucked away in the files at the Coroner's Court is Sparks' mother's statement. She wrote:

I cannot get the image of Brett on that floor out of my mind. The men who pushed into and up against Brett for eight minutes or more, either didn't care to ask if he was ok, or didn't care to get an answer. There was not even an 'are you ok mate?' If only he'd been able to speak.

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At cross purposes: *Death at the Darlo Bar* and writing true crime in Kings Cross

I wrote *Death at the Darlo Bar*, the story that that accompanies this essay, in response to a challenge to write ‘locally’ for a non-fiction writing course. While crime stories abound in literature and media coverage of Kings Cross, I decided to follow up a story that I had only previously half-heard in rumours that circulated around one of my local bars. These rumours regarded the death of a homeless man at the hands of a group of regular patrons of the bar. I went on to reconstruct the death in 2006 of Brett Adam Sparks through hearsay and rumor; interviews with participants who still live and work in the area; the slight newspaper coverage at the time of the death (Gee 2006) and of the inquest two years later (Arlington 2008; Christian 2008; Coopes 2008); as well as of the archive of inquest reports, police statements and witness testimonies held at the local Coroner’s Court. As the opening paragraph of *Death at the Darlo Bar* establishes, my story ended up as much about writing a true crime narrative as it was about investigating and uncovering the ‘truth’ about the death.

Unlike many true crime stories, where an omniscient third person narrator is used to give authority, I am an authorial presence within the narrative of *Death at the Darlo Bar*, particularly in the opening and closing sequences where I describe my decision to pursue the story and then later reflect on the implications of what I unearthed. Before writing this story, I had admired the work of Janet Malcolm and Helen Garner, who are strong presences as investigative journalists and authors in their own non-fiction books. For instance, in *Iphigina in Forest Hills* (2011), Malcolm puts herself in the foreground for the reader as she describes her own reaction to the courthouse, meeting the family of the accused, and wrestling with her conscience as she records and reports conversations with her informants. Garner makes a point of including her own reactions to what she uncovers in her true crime investigations, most notably in the recent *This House of Grief: The Story of a Murder Trial* (2014), where she presents herself as gossiping grandmotherly commentator and experienced trial attendee amongst other Melbourne crime reporters.

While it could be argued that longer true crime books give more scope for authorial commentary, I was also impressed by Mandy Sayers’ shorter feature story in *The Monthly*, “The Wild Frontier: The child gangs of Tweed Heads” (2010), where Sayers’ reactions to the locale and meeting the boys as they attack her taxi are crucial to both the build-up of suspense and to an understanding of the subject matter. I find that the inclusion of these authors’ perspectives, even as they report their own unease or uncertainty in the face of the messiness of the crime they are investigating, adds more credibility to the narration. However, it is worth noting that Malcolm, Garner and Sayers were all “outsiders” in their true crime accounts and therefore had an inbuilt objectivity to their investigations, even as they described their own personal reactions. On the other hand, I was in many ways writing from the position of an insider, as I am local to Kings Cross, was a regular patron of the Darlo Bar, and drew on personal networks and friendships to pursue the story. It was important for me to be present in the story at various

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points, not least because the core topic was about being “local”, about belonging or not belonging in Kings Cross.

Towards the end of the story, I describe how one of the regular patrons of the Darlo Bar confronted me about why I was writing about the incident after nearly a decade, when no criminal proceedings had been instigated, where nobody had been tried, and where nobody was found guilty of a crime. The informant, who works at the nearby St Vincent’s Hospital, met me over a drink at the pleasantly gentrified Darlo Bar. By this stage I had read through the police statements, medical reports and the transcripts of the inquest and was seeking some clarification about discrepancies in the witness testimonies, which I felt that the Coroner had overlooked. As we perched on orange vinyl chairs around a battered retro coffee table, he let me know that he had been there the night that Sparks died and knew more details than had previously been divulged. He was understandably (if frustratingly) reticent about elaborating, given that the risks of being charged with manslaughter or even murder for the group of six or seven men that held Sparks down until he died of the suffocating pressure, after their carefully worded testimony at the inquest had avoided a criminal investigation. In my story, I quote him as saying “I know what you want, I know you want us to say that a terrible thing happened and it was wrong” before attempting to redirect me to “better stories out there, real stories”. My first impression was that the discomfort of this moment was not that he knew more than he would say and was even potentially himself somehow implicated in the events that lead to the death of Sparks, but that I was being unseemly in my pursuit of this particular story. As Laura Miller (2014) has recently pointed out in a defense of her passion for true crime books, the genre labours under the stigma of voyeurism, or worse. She notes that “the very thing that makes true crime compelling - this really happened - also makes it distasteful: the use of human agony for the purposes of entertainment”.

On further reflection, however, I realized that my informant’s response to my questions was less because he found them distasteful or voyeuristic, and more because he thought the incident itself was not appropriate for a true crime story. He thought that I should be focusing on the stories about Kings Cross that followed more conventional narratives of gang violence or drug and alcohol related crimes on the main strip, rather than in the quiet environs of the local bar where we were talking. For him, what happened at the Darlo Bar was somehow less “real” than the more familiar crime stories about Kings Cross, where the lines between guilt and innocence have been more clearly drawn in a host of literary, film, television and popular cultural texts. In my story, I list some of these fiction and non-fiction narratives as the contextual backdrop to the local understanding of what at the Darlo Bar – not least in the representations of a homeless man as either hapless victim and/or monstrous “other”.

As Mark Seltzer has noted, true crime often looks like crime fiction but it “maps that vague and shifting region between real and fictional reality where mass belief resides. Thus, the known world of true crime – the world as the scene of the crime – is bound up through and through with the reality of the mass media” (2008 p11). The Australian media has cemented Kings Cross in the popular cultural imaginary as a hotbed of sex and violence, populated by pleasure seekers, criminal gangs, drug addicts and the homeless. The initial police statements, inquest testimonies and recollections of the participants in Sparks’ death at the Darlo Bar drew on these familiar

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narratives about Kings Cross to describe what happened during what was otherwise a ‘normal’ and pleasant Monday night for local patrons of socialising around the pool table and board games. Sparks, who had entered the bar by happenstance, didn’t observe the unspoken rules of behaviour that governed the regular clientele. Instead, by all accounts a disquieting presence, he was already shrouded with the dangers that the media represents as attendant to Kings Cross: the desperation of the socially insecure outsider and the potential for uncontrollable violence fuelled by drugs and alcohol.

The stories that circulate in the neighbourhood about the events at the Darlo Bar draw on familiar discourses of sensation, normalized by popular media accounts of Kings Cross, despite the Coroner’s findings for an accidental death. In her study of the ideological function of narrative in the genre of true crime, Sara Knox argues that “narrative authority has greater power than fact, even where that fact is at issue in law” (2001, p.1). This understanding of the power of narrative is borne out in a more practical context by the criminologist David M. Kennedy, who offers advice for harnessing stories that circulate about crime in troubled neighborhoods. He explains the significance of intertwining “norms and narratives” for crime prevention:

A norm is a rule or a standard held by an individual, group or community: for example, that one should obey the law, or that men get respect for going to prison. A narrative is an explanation used by an individual, group or community to understand and explain why something has happened, is true or false, is justified or unjustified: for example, that poor neighborhoods are flooded with drugs as a plot by law enforcement to do them harm, or that communities do not take strong public stands against drug dealing because everybody is living off drug money. The norms and narratives held by offenders, potential offenders, communities and law enforcement have tremendous impact on crime and crime prevention, how each party views the others and their actions, and their willingness to work together. (Kennedy 2010 p2)

As I investigated the death of Sparks, I had to juggle many competing norms and narratives about Kings Cross and the death itself. Unlike the typical true crime story, where an individual perpetrates extreme violence on ordinary people and disrupts a community, *Death at the Darlo Bar* tells the story of a group of otherwise unremarkable people unleashing violence against a single individual. The explanation and later defense for this violence by the participants called, reflexively, on the narratives familiar to Kings Cross about the potential danger of homeless and drug addicted. For instance, in the story I recount the statement given to the police by one of the patrons who had initially said that Sparks had interrupted a pleasant night at the bar by suddenly hulking-out: “he grabbed the bar from underneath and virtually ripped it from the wall” before assaulting a woman as “he just walked up to her, did not say one word, did not yell nothing, he just hit her”. This witness later recanted his statement at the Inquest, confessing that he had been fearful of the consequences following the death of Sparks and so, like many of his fellow participants, had ‘bullshitted’ to protect himself and his friends. In other words, he had called on a narrative common to both true crime and crime fiction, of the potential for an act of extreme violence by an outsider perpetrated on ordinary individuals, in order to defend and

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rationalize the real act of violence by a group on a stranger amongst them. However, it was up to the Coroner to decide which version was true and he concluded in favour of the more familiar narrative of the violent outsider.

The outsider figure at the heart of my story *Death at the Darlo Bar*, the deceased Brett Adam Sparks, is only a very vague presence as he is given very little physical description or background contextualisation. I now regret this, particularly in light of the letter from his mother that I quote at the end the story as she laments the way that nobody in the group of men that held him down as he died attempted to communicate with him: “if only he’d been able to speak”. However, throughout my research, Sparks had remained an elusive figure, with little to no online presence beyond the one or two short paragraph crime reports that appeared in newspapers about his death and the inquest. While he was first described to me as homeless I found that he did have an address in the neighbourhood and had at one point had even trademarked a line of t-shirts (under the name ‘Lewd’). Although I had his mother’s address, found with her letter, I was uncomfortable about interrupting her in her grief for the purposes of a story. In many ways, I had fallen into the trap that Mark Seltzer has dismissed as particularly common to “academic true crime [that] reads like bad fiction” (2004 p578) where I have concentrated on situating the case in its social and cultural context at the expense of impressions of Sparks’ individual identity. I confess that I flinched when I read the way that Seltzer summarises the work of another academic writer trying their hand at the true crime genre: “because the murder was and remains unsolved, there is no end, in this version of archive fever, to evidentiary contextualization. Or as Freud has noted in a different context: ‘now we know everything – except why the murder was committed’” (2004 p579).

A physical description of Sparks, much less an impression of his individual personality, is just as elusive in my story as it was in the range of testimonies about the incident that I uncovered during my research: accounts of Sparks ranged from frightening and violent figure, in others he was mild and unremarkable until provoked by taunts by some of the regular patrons at the Darlo Bar. The medical reports quoted at the inquest reduced him to body abnormalities: a tricky heart and poor health, traces of drugs and alcohol, broken capillaries in his eyes and skin trauma indicating violent suffocation. All that the first attending police officer could recall when I interviewed him some years later was the disembodied arm that he pulled out and handcuffed from under the heaving pile of men. In the story that first caught my attention to the incident, he was simply described as ‘homeless’, a condition which, although unsubstantiated, succinctly evoked his position as an outsider, an unwelcome reminder of social inequities, a haunting figure that evokes dread as he wanders in from the road and into the insecure imagination.

The figure of the homeless man has been a key feature of true crime writing since Truman Capote’s *In Cold Blood*, the first true crime novel about a brutal homicide of a respectable middle-class family committed by two drifters. This novel has had a profound impact on the social imaginary, and arguably reinforced class-based definitions of the abnormality of the vagrant, the drifter, the homeless. As Travis Linnemann has recently argued, a study of the drifter in both crime reporting and true crime narratives offers “unique context and insight into the production of suspect identities and the social insecurities that underpin everyday life” (2014 p1). The homeless mark the boundaries between ‘us’ and ‘them’ in social communities as they

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resist integration into the dominant social order and have become the nightmare figures of modern society. Linnemann goes on to describe the vagrant as a spectral, incorporeal figure “inhabiting the barely visible borderlands of everyday life, perhaps victim of some past violence or tragedy—still moving in and out of time and human relations” (p6). The homeless man is an uncanny figure that disturbs the familiar sense of normality – in my story as represented by the homely comfort of a local bar.

Sparks at once belonged (as a representative figure of the drug and alcohol affected drifter endemic to Kings Cross) and didn't belong (as different to the patrons of the Darlo Bar who saw in him the potentiality for random and uncontrollable violence). The patrons' defense of their actions drew on their fear of the homeless, underpinned by a raft of negative media and cultural narratives. As ‘other’, as marked by difference, Sparks manifested the *unheimlich* return of the repressed that disturbed their secure sense of normality, of the familiar. Of course, for me the real horror of the story of Sparks' death is the twist on the true crime narrative, as the familiar is turned inside out and the locals forcible and definitively repress the unwelcome outsider .

Of course, what I have presented in *Death at the Darlo Bar* is an inevitably fragmented and biased version of events, influenced by my personal interactions with interviewers and my selective reading through time pressure of the many boxes of files held at the Coroner's Court. Rosalind Smith has addressed some of the methodological problems attached to the true crime genre's simultaneous reliance upon “a rhetoric of truth claims and the activation of myth, superstition, gossip and story as its narrative strategies” (2008 p18), which are the strategies of researching and writing that I relied on for this story. Smith points out that the desire to present a definitive answer to a true crime story is often frustrated by the way it can only be partially retrieved through the unreliable medium of memory and a subjective textual interpretation of documentary evidence (p22). She goes on to argue that a true crime text constructs one of a number of competing versions of an event that can't really claim to be closer to an objective reality than any other version, although it might claim to present “the facts”.

My own story reconstructs one of a number of competing versions of the same event. But it can't really claim to be closer to an objective reality than any other account, let alone the Coroner's preferred version, even though it relies on the same facts as presented in the archival documents and witness testimonies. I started out by looking for a true crime story, but the findings from the inquest meant that Sparks' death is not actually considered a “crime”. Any other claims that it was a homicide, and that people got away with it, therefore can't be “true”.

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