



**CORONERS COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the death of Wayne Schneider
<b>Hearing dates:</b>	7 December 2017
<b>Date of findings:</b>	7 December 2017
<b>Place of findings:</b>	State Coroner's Court Glebe
<b>Findings of:</b>	<b>Magistrate Teresa O'Sullivan, A/State Coroner</b>
<b>Catchwords:</b>	CORONIAL LAW –homicide s.78 Coroners Act 2009 Indictable offence outside New South Wales
<b>File number:</b>	2015/362592
<b>Representation:</b>	Coronial Advocate, Sergeant Durand Welsh Ms Chayana Miers on behalf of [REDACTED]

<b>Findings:</b>	<p><b>Identity of deceased:</b> The deceased person Wayne Schneider</p> <p><b>Date of death:</b> Mr Schneider died between 30 November 2015 and 1 December 2015</p> <p><b>Place of death:</b> He died at 345/3 Phra Tamnak Soi, Banglamung Municipality, Chonbury Province, Thailand</p> <p><b>Manner of death:</b> Homicide</p> <p><b>Cause of death:</b> Blunt force injury to the head</p>
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*The Coroners Act 2009 (NSW) 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 Wayne Schneider*

## Reasons

### Introduction

This is an inquest into the death of Wayne Schneider who died in Thailand as a result of a homicide sometime between 30 November and 1 December 2015. Mr Schneider's body was returned to Australia shortly after his death. Due to police concerns regarding identity, the NSW State Coroner assumed jurisdiction. The body was transferred to Glebe Morgue under the jurisdiction of the NSW State Coroner. And the office in charge, Detective Sergeant Roe, arranged for FSG Fingerprints Major Crime to attend the Glebe Morgue. FSG subsequently confirmed via Expert Certificate that the right palm print impression taken from the deceased was that of Wayne Rodney Schneider.

### The inquest

Under s. 27(1) of the Coroners Act 2009 (the Act), an inquest is mandatory if it appears to the coroner that the person as died or might have died as a result of homicide. Ordinarily, an inquest would be suspended under s.78 of the Act once a person has been charged with an indictable offence that raises the issue of whether the person caused the death. In the *Inquest into the Death of Brian Raymond Peters*<sup>1</sup> the coroner held that a reference to an "indictable offence in s.78 should be construed as an indictable offence against the laws of New South Wales pursuant to s.12 of the Interpretation Act 1987."<sup>2</sup> In this case, the "indictable offence" was not against the laws of New South Wales. This is the reason why an inquest was held in this matter.

### Evidence

The evidence relied on in this inquest came in the form of the coronial brief that was tendered and from Detective Sergeant Roe, the officer in charge, who was the sole witness at the inquest. The contents of the coronial brief were based largely on the evidence relied upon by the prosecution in Thailand, in particular, the statements of police and eye witnesses.

### **Background:**

Wayne Rodney Schneider was born on 20 September 1978 at Blacktown Hospital. He was the eldest of two children. Investigating police confirmed that he was a fully

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<sup>1</sup> Deputy State Coroner Pinch, 16 November 2007, unreported.

<sup>2</sup> Waller's Coronial Law and Practice in New South Wales, Fourth edition.

patched member of the Hell's Angels. He was considered to be a high ranking member within that organisation. He was well known to police, and he had been the subject of numerous investigations by the NSW and Australian Crime Commission and state and Federal police into organised crime, particularly the production and importation of prohibited drugs.

In April 2011 Mr Schneider was summoned to appear before the Australian Crime Commission (ACC), but he refused the examination and was subsequently charged with Obstruct/Hinder Examiner in Performance of Functions.

On 15 July 2011 Mr Schneider was convicted in the Sydney District Court of Supply Prohibited Drug and placed on a section 9 bond for 18 months.

On 14 February 2012 investigators from the Camden Local Area Command executed search warrants at 249 Camden Valley Way, Narellan, and 735 Camden Valley Way, Catherine Fields, where two clandestine laboratories were located. These labs had the ability to manufacture large commercial scale quantities of methyl amphetamine. Schneider's DNA profile was located on several items at the laboratories.

At 3 a.m. on 15 February 2012, following the execution of these search warrants, Mr Schneider attended Kingsford Smith International Airport, Sydney, and boarded Emirates flight EK419 to Dubai. He did not return to Australia again, but police obtained information that he had based himself in Thailand and would regularly travel to Dubai to visit his de-facto wife [REDACTED] and their two children.

In relation to the drug laboratories at Narellan and Catherine Fields, Detective Sergeant Anthony Agnew filed a Court Attendance Notice against Mr Schneider for the offence of Manufacture or Produce a Prohibited Drug at the Kogarah Local Court on the 14 February 2012. A first instance warrant was subsequently issued for Mr Schneider in relation to this offence.

On 7 February 2013 Mr Schneider failed to appear before the Downing Centre Local Court to answer the Australian Crime Commission charge of Obstruct/Hinder Examiner in Performance of Functions. A first instance warrant was subsequently issued.

On 11 February 2013, the District Court of NSW (Downing Centre) issued a first instance warrant for Mr Schneider in relation to a Breach of Bond entered into on the 15 July 2011. Mr Schneider was never arrested on the warrants and never appeared in an Australian court again.

### ***Discovery of Mr Schneider's body:***

At about 11:00 p.m. on 1 December 2015, the Royal Thai Police advised the Australian Federal Police that they had located the remains of a person believed to be Wayne Schneider. The remains had been located in a roadside grave approximately 30 minutes south of Pattaya, in Thailand..

### ***Identification:***

The Australian Embassy in Bangkok did not advise Australian Federal or State authorities that Mr Schneider's body had been repatriated to Australia, and the New South Wales Gangs Intelligence Unit became aware on Thursday 10 December 2015 that Schneider's funeral was to be held on Friday 11 December 2015 at Pinegrove Cemetary, Minchinbury.

Investigating police attended Guardian Funerals at Pinegrove Cemetary on 10 December 2015 but were unable to confirm the identity of Mr Schneider through visual identification due to the state of decomposition. Detective Sergeant Roe made inquiries as to the methods employed by the Royal Thai Police in identifying Mr Schneider's body. They had relied on photographic identification by known associates, a method that New South Wales Police investigators did not deem adequate in establishing identity.

The body was transferred to Glebe Morgue under the jurisdiction of the NSW State Coroner. Detective Sergeant Roe arranged for FSG Fingerprints Major Crime to attend the Glebe Morgue. FSG subsequently confirmed via Expert Certificate that the right palm print impression taken from the deceased was that of Wayne Rodney Schneider, DOB 20 September 1978.

### ***Post Mortem and Toxicology:***

Whilst the body was at Glebe Morgue, a post-mortem examination was conducted by pathologist Dr Rianie Van Vuuren. Dr Van Vuuren states that the body was received in an embalmed state and showed changes consistent with the embalming procedure. Decomposition changes were also evident. The body also showed signs that a previous post-mortem examination had been performed. In particular, the brain and sections of the neck structure were absent.

Toxicological analysis detected Methylamphetamine, amphetamine, cocaine, benzoylecgonine, levamisole and chlorpheniramine. Multiple bruises, abrasions and lacerations were evident on the body. There were three tramline lesions, one on the right lower rib cage, and two on the left lower leg. There were patterned abrasions on the right lower thoracic cage and the left frontal aspect of the head. The left tibia and fibula showed recent fractures.

Dr Van Vuuren was unable to come to a reliable conclusion about the injuries or the cause of death. She went on to say that post-mortem and embalming changes had altered the appearance of the body and although some of the injuries appear as bruises, and were referred to by her as bruises, it was impossible to formulate a precise description of the injuries or if any of the injuries were made during the previous post-mortem examination.

A translation of the Thai death certificate shows the cause of death to be recorded as the following:

*Assumed the injury at the head due to being attacked with a blunt object.*

The date of death is given as 1 December 2015 at 21:30.

### ***The Abduction of Wayne Schneider:***

At the time of his death Wayne Schneider was residing at a residential village in the Banglamunch Municipality, Chonburi Province, Thailand. In the early hours of 30 November 2015, Mr Suphan Phithakwong was working as a security guard at the aforementioned residential complex. At about 3:40 a.m. he heard shouting and went to investigate the disturbance. In the vicinity of Mr Schneider's residence, he observed a male being assaulted by five other males. Four of the males committing the assault wore what are described as silk balaclavas; however, the fifth male did not wear any facial covering.

Three of the males approached Mr Phithakwong in a threatening manner, and Mr Phithakwong withdrew to seek the assistance of his work colleague Mr Wichien Kradao who was stationed nearby. The two security guards returned on Mr Kradao's motorcycle as the group of five males committing the assault were forcing the other male into a white Toyota Wego utility.

Mr Phithakwong and Mr Kradao approached to help the detained male, but the male who had not been wearing a balaclava approached them and pointed at them. Both Mr Kradao and Mr Phithakwong then withdrew. Mr Phithakwong saw the uncovered male holding the legs of the victim in order to place him within the truck. Both security guards recognised the uncovered male as Antonio Bagnato, as he had attended Mr Schneider's residence several times in the past.

The security guards called the police to report the incident.

### ***The Police Investigation:***

Thai investigating police inspected CCTV footage and tracked the white Toyota involved to the vicinity of 345/3 Phra Tamnak Soi 6 Block 10 Nong Prue Sub-district, Banglamung Municipality, Chonburi Province. They identified the location as being rented by a Thai national named Siraphat Saimat, who had a partner of UK nationality, Douglas Shoebridge. A grey-black Yamaha Nuveau motorcycle was identified outside the premises. This motorcycle was rented out to tourists by Mai Thai Limited Partnership. Tyler Gerard was identified as one of two people renting the motorcycle. Police examined CCTV footage of the shop and saw that Tyler Gerard had rented the motorcycle in the company of Antonio Bagnato and another male.

Police made inquiries concerning the ownership of the Toyota Wego utility, registration Khor Lor 8755 Chonburi. The truck was rented out by PR Car Rent to Shoebridge's partner, Siraphat Saimat. According to witness Luke Smith who knew

both Shoebridge and Bagnato, the two men were extremely close. He said: "They were always together. I always saw them with each other."

Police examined the GPS system installed in the Toyota Wego and found that after the incident at Schneider's residence, the utility was driven to the vicinity of 345/3 Phra Tamnak Soi in the Banglamung Municipality, Chonburi Province, where it was later located. However, on the 1 December, the utility had been driven to the vicinity of Wiharn Sian-Khao Chee Jan Road, Na Jomtien Sub-district, Sattaheep Municipality, Chonburi Province, where it had remained stationary for approximately two hours. Police went to the location, which was a bush grass area that showed signs of having been disturbed by a vehicle. Police followed the track and at the end discovered a plot of freshly turned earth. They commenced digging, and approximately a metre beneath the surface they uncovered the body of Wayne Schneider. Police present observed that there was a wound oozing blood from the side of his head, although the exact location of the wound is not clear on the documents.

Siraphat Saimat made a statement to the Royal Thai Police where she claimed that her partner, Douglas Shoebridge, asked her to rent an apartment for Antonio Bagnato. She had previously seen Shoebridge and Bagnato together at Tony's Fitness, a fitness establishment located at the Pattaya Sai Sam Road Junction. At the beginning of November 2015 Shoebridge gave her 100 000 baht to pay for the rent at 345/3 Phra Tamnak Soi in the Banglamung Municipality, Chonburi Province. According to Saimat, Shoebridge had already paid the deposit, but had not been issued a receipt. On 12 November Saimat went to see a Miss Nam, whom she paid 100 000 baht to rent the aforementioned property from 12 November 2015 to 11 December 2015. Saimat's national identification card was used as evidence of ID during the transaction. She states she gave the key to the residence to Shoebridge.

On 28 November Bagnato contacted her to ask if she could rent a car for him. She met with Bagnato, who provided her with the rental money but did not bring his passport. She states that she therefore travelled to the PR Car Rent without Bagnato, put down the rental money, and waited for Bagnato to attend with his passport. When he did not attend she rented the car under her name. She took the car back to her residence at Lumpini Condominium, Jomtien.

At 4:30 p.m. that same day, Bagnato travelled to the location and collected the car and car keys from Saimat. Saimat says that she did not meet with Bagnato again. Saimat also informed police that Bagnato rented a second vehicle directly from her, a white D-Max ISUZU truck, registration 3 GorKhor 5378 Bangkok. Saimat says the agreement was for 28 000 baht to be paid monthly for the rental, but ultimately she did not receive any money from Bagnato for his use of the vehicle. The ISUZU was located by police outside Area 3 Chonburi Taxation Office, Nong Prue Sub-district, Banglamung Municipality, Chonburi Province.

Located inside the vehicle were personal possessions of Bagnato as well as a military style semi-automatic rifle, a semi-automatic pistol with laser sight, two Tasers, and ammunition including six magazines containing 5.56 mm rounds.

A Forensic examination of Toyota utility Khor Lor 8755 revealed trace evidence of Mr Schneider's blood within the vehicle. Trace evidence of grass and other debris was located on the vehicle, linking it to the roadside grave area where Schneider was discovered. Cast impressions of tyre marks at the roadside grave scene were matched to the tyres on the utility.

Forensic examination of the scene of the abduction located several items of evidence, including the following items that had traces of Schneider's DNA on them: electric cables, sections of retractable baton, a grey coloured cap, a Casio G-Shock wrist watch, duct tape, black plastic from a firearm magazine.

Traces of Mr Schneider's DNA were found on a pillow seized from a bedroom used by Tyler Gerard at 345/3 Phra Tamnak Soi.

A damaged firearm magazine was located at 345/3 Phra Tamnak Soi. This was matched to the broken pieces of a firearm magazine located outside Mr Schneider's residence.

A bath towel located at Bagnato's residence at 366/58 Block 10, Majestic Residence Village Complex was found to have Schneider's blood on it.

Mr Schneider's blood was on the white Toyota Wego utility registration number Klor Lor 8755, including the outer rim of the left side rear door, left side step of the vehicle, the inside of the right side front door and the left side back door.

The Royal Thai Police Investigation into Wayne Schneider's murder identified five suspects. Of those suspects, two were detained as they left Thailand.

Australian citizen Antonio Bagnato was detained by Cambodian authorities on 3 December 2015 in the Khlong Luek Sub-district (East Thailand) attempting to enter Kampuchea. Bagnato was extradited back to Thailand where he currently remains in custody. Antonio Bagnato is a suspect in the murder of Bradley Dillon, who was shot in an underground carpark in Flood St, Leichardt, on the 11 August 2014. On 13 August 2014 Bagnato left Australia for Thailand and has not returned.

American citizen Tyler Gerard was arrested on 2 December attempting to cross the border from Thailand into Cambodia. He provided the Royal Thai Police with substantial information about the abduction and murder of Wayne Schneider.

On 7 February 2017 Bagnato was found guilty of "Collaborating in the restraining or detaining another person or acting in whatever way causing the other person to lose physical freedom, leading to the death of the person, and collaborating in the burying, hiding, transferring or destruction of the corpse in order to conceal the cause of death." These are offences under sections 83, 199, 289 and 310 paragraph 2 of the Thailand Code of Criminal Law. Bagnato was sentenced to death.

On 29 June 2017 Bagnato lodged an appeal of his conviction and the matter has yet to be allocated a date by the Thai Appeal Court.



In October 2015 Gerard pleaded guilty to “Collaborating in the restraining or detaining another person or acting in whatever way causing the other person to lose physical freedom, leading to the death of the person, and collaborating in the burying, hiding, transferring or destruction of the corpse in order to conceal the cause of death.” These are offences under sections 83, 199, 289 and 310 paragraph 2 of the Thailand Code of Criminal Law. Due to Gerard’s assistance and plea of guilty he received a two year custodial sentence.

Gerard was due to be released on 3 December 2017, but prosecutors lodged an appeal in relation to the leniency of his sentence and are seeking the death penalty. The appeal has yet to be allocated a date by the Thai Appeal Court.

## **Tyler Gerard’s Evidence:**

Gerard’s account to the Royal Thai Police was instrumental in piecing together the events leading to Wayne Schneider’s death. Gerard stated to police that he first met Antonio Bagnato at a restaurant in Soi Bua Khao, a coincidental meeting. The second time he met Bagnato was in February 2015 at Tony’s Gym, a training camp for Muay Thai fighters. Gerard says he returned to America for a period and then returned to Thailand in November 2015. He again met with Bagnato at Tony’s Gym. Bagnato invited him to stay at 345/3 Block 10, Nong Prue Sub-district, a house Bagnato was renting. Gerard moved into the house around the 17 or 18 November 2015.

On or about 25 November 2015, Gerard was involved in a motorcycle accident. Bagnato offered to pay his medical bills, which totalled more than 20 000 baht.

On 28 November 2015 at about 12 p.m. Antonio Bagnato informed Tyler Gerard, and three other males who were present and known to Gerard, that there was an important task that required their assistance. He required them to assault and demand the payment of a debt from another person. Bagnato provided black cotton face coverings for each male present, and four knuckle dusters. He also provided each male with a mobile phone and a sim card and 80 000 baht cash as payment for their involvement.

On 30 November 2015, around 1:00 a.m., a male known as Mr Jay woke Gerard and told him it was time. He assigned Gerard the role of driver and showed him to a white Toyota utility. Mr Jay was seated next to Gerard while a Mr To and another male were seated in the rear seat. Mr Jay informed them that he was communicating via text message with Bagnato.

Mr Jay directed Gerard to drive into Schneider’s village complex. There, Gerard and his associates put on cotton balaclava’s provided by Bagnato previously. Gerard parked the vehicle. He saw Bagnato exiting a house in the company of a male who

Gerard did not know, but who is believed to be Wayne Schneider. Gerard and his associates exited the utility truck, at which point Bagnato put Schneider in a neck lock. Mr To used what Gerard describes as a three-section steel bar (probably an

extendable baton) to hit Schneider, while the other males including Gerard assault Schneider with knuckle dusters.

Gerard and the other males jointly pushed Schneider into the back seat of the utility. He was forced to lie between the floor and the seat. Gerard sat in the front while Mr Jay drove the vehicle.

They returned to the house where Gerard and his associates were staying. Gerard claims he did not assist further due to his shoulder injury from the motorcycle accident. He went upstairs to his bedroom and listened to music. It is not completely clear what occurred to Wayne Schneider between his abduction and his burial.

## **Evidence of Detective Sergeant Roe:**

Detective Sergeant Roe, the officer in charge, was the sole witness at the inquest. He had previously attended Thailand and liaised with the Royal Thai Police to prepare the coronial brief of evidence which was tendered at inquest. He stated in evidence that after the abduction he believed Schneider was restrained in a metal chair within 345/3 Phra Tamnak Soi, Banglamung Municipality, Chonbury Province, Thailand. Schneider's DNA was located in the same room as the chair.

Detective Sergeant Roe stated that marks on Schneider's body were suggestive of him being forcibly restrained in the chair. He also heard hearsay comments while in Thailand that Schneider had been subjected to an assault at the premises and died shortly afterwards. However, due to difficulties with interpreters and the multiple sources of information, Detective Sergeant Roe was unable to substantiate this version of events or verify the source of the information.

However, given that the rental vehicle used for the abduction only left the premises at Phra Tamnak Soi on one occasion following the abduction, and this was for the purpose of disposing of Mr Schneider's body, it is likely Schneider died at 345/3 Phra Tamnak Soi, Banglamung Municipality, Chonbury Province, Thailand.

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

As a result of considering all of the documentary evidence and the oral evidence heard 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 deceased person was Wayne Schneider.

### ***Date of death***

Mr Schneider died between 30 November 2015 and 1 December 2015

### ***Place of death***

He died at 345/3 Phra Tamnak Soi, Banglamung Municipality, Chonburi Province, Thailand

### ***Cause of death***

Blunt force injury to the head

### ***Manner of death***

Homicide

I would thank the officer in charge, Detective Sergeant Roe, for compiling the coronial brief and Sergeant Durand Welsh for assisting me at inquest.

Finally, I offer my condolences to Mr Schneider's family.

I close this inquest.

**T. O'Sullivan**

A/ State Coroner

**Date 7 December 2017**