

ISSUE:

Assessment of 30 potential 'gay hate' unsolved homicides by the Unsolved Homicide Team (UHT) to determine if any bias motivation existed.

BACKGROUND:

On 26 and 27 July 2013 a series of articles written by journalist Rick Feneley appeared in the Sydney Morning Herald/Sunday Herald concerning alleged 'gay hate' homicides that were allegedly committed in Sydney in the 1980's and 1990's some of which were investigated under Strike Force *Taradale* and the subject of a coronial inquest before former Deputy State Coroner Jacqueline Milledge in 2005. The articles quoted a number of persons including former NSW Police Force Gay and Lesbian liaison officer Sue Thompson who claims that up to 30 matters could be unsolved homicides.

On 26 July 2013 I contacted Sue Thompson and requested that she provide the UHT with any information she had relating to the alleged 'gay-hate' homicides mentioned in the articles. As a result, Ms Thompson forwarded me a list of 80 cases titled; '*Likely NSW Gay Hate Murders from Late 70's To Late 90's*', 30 of which she claims remain unsolved.

Since that time I have conducted an assessment of the 30 'unsolved' cases listed by Ms Thompson to determine the veracity of her information. In doing so, I have researched the records of this command, wider archived records of the NSWPF and the Coroner's Office. This research was done in conjunction with a project being conducted by the Bias Crimes Coordinator (Sergeant Geoff Steer) and the Gay, Lesbian, Bisexual, Transgender and Intersex (GLIBTI) project officer (Senior Sergeant Jo Kenworthy), to assess the prevalence of 'gay hate' bias murders. Of particular note, part of their project involves an assessment of deaths at the Manly and North Head locations to ascertain any correlation or links between these deaths and the death of Scott Johnson, currently being investigated by the UHT under the reference of Strike Force *Macnamir*.

COMMENT:

The following is a summary of the assessment done on each of the 30 'gay-hate' related unsolved homicide cases from Ms Thompson's list: Some of the dates of death on this list are incorrect.

1. Death of Mark Spanswick on 11.5.1977. Enquiries revealed the actual date of death was 11.5.1976. The Deceased was 18 years old at the time of death. He was found on the rocks at Fairy Bower near Manly having suffered multiple injuries having apparently fallen from the cliff top above. The area where he was believed to have fallen from was dense bushland described as having small rocky tracks with no guard railing. The deceased did not live with his family having left home to join the New Zealand Navy in 1972 after which he apparently deserted in 1974. In letters to his family he indicated he was 'disenchanted with

his life'. The deceased booked into the Chevron Hotel Sydney from 9-11 May 1976. At the Coronial Inquest in July 1976 the deceased's father gave evidence that the deceased had loved walking and climbing and was familiar with the Fairy Bower area as the family had holidayed there. An open finding was given with the Coroner stating, "*I am satisfied there are no circumstances giving rise to suspicion of foul play but whether or not the fall which caused the death was accidental or intended by the deceased, I am not able to determine on the evidence*". There is no indication the deceased was gay and nothing located in the case file that this matter was a 'gay hate' motivated crime.

2. Death of Paul Rath on 14.6.77. Enquiries revealed the actual date of death was 15/16 June 1977. The deceased, 27 old, was located on the rocks at Fairy Bower near Manly having sustained multiple injuries apparently as a result of a fall from the cliff top above. At the time he was dressed in a suit. The deceased lived at home with his family and was receiving a disability pension. At the Coronial Inquest at Glebe CC in July 1977 evidence was given that there was no sign of a struggle from the area where he was believed to have fallen from. The deceased was being treated for a 'nervous' condition for which he was receiving a daily prescription of moderate tranquillisers. Dr Reichard gave evidence there was no indication of suicidal tendencies by the deceased. The deceased's father gave evidence that the deceased was deeply religious, loved to walk at Fairy Bower often sitting on the cliff top to relax, but was a clumsy person which wasn't assisted by the medication he was taking. An Inquest was held at Glebe Coroners Court when on 16.9.77 Coroner Henry found the deceased "*died of the effects of multiple injuries...when he fell accidentally onto rocks at the foot of a cliff*". There is no indication the deceased was gay and nothing located in the case file that this matter was a 'gay hate' motivated crime.

3. Death of David Williams 1979. Records were unable to be located regarding this case.

4. Death of Walter Bedser on 2.12.1980. This matter is an unsolved homicide on file at the UHT. It is not subject to a current investigation at this time. The deceased was stabbed to death in his antiques shop at Parramatta by one male offender in what appears to have been a targeted attack. The motive for the murder is unknown [REDACTED]

[REDACTED] There was no pattern of similar offences in the area at that time. There is no evidence of this offence being a random type of 'gay hate' related killing.

5. Death of Richard Slater, 19.12.1980. Investigation records for this matter were recovered from the Police Archives Repository. The deceased was a 69 year old male, married with children and grandchildren. He was found in a semi conscious state in a toilet block at Birdwood Park, Newcastle West suffering a number of head injuries after having been assaulted. A wallet he was known to carry with about \$30 in cash was missing. The deceased had attended the area to go shopping and purchase lottery tickets and his family report that it was his usual practise to use public toilets to urinate when he was out as he suffered from a prostate condition that caused him to urinate frequently. The deceased was not known to be involved in homosexual activities however a number of factors tend to contradict this: The location was a known 'gay beat'; [REDACTED]

[REDACTED] The deceased was treated at hospital but died from his injuries on 22.12.1980. A coronial inquest was held at Newcastle before Coroner Meehan

on 18.6.1981 resulting in an 'open' finding. In 1982 police received information that led to the arrest and charging of Jeffrey Miller d.o.b 19.11.1960, for murder however the charge was later 'no billed'. Witnesses associated with Miller at the time gave evidence that Miller entered the toilet block with the intention of 'cracking it with a poofter' meaning to have sex with another male. They also gave evidence about Miller's homosexual activities along with him having a penchant for bashing homosexuals and assaulting and robbing people in general. This case remains as an unsolved homicide involving probable 'gay hate' motivation.

6. Death of Gerald Cuthbert on 17.10.1981. This matter is an unsolved homicide on file at the UHT. It is not subject to a current investigation at this time. The deceased was stabbed to death at a friend's home and it appears he may have had sex with his killer prior to the murder. It appears as though a small amount of cash may have been stolen and there were are no strong suspects. [REDACTED]

[REDACTED] There is no evidence of this being a 'gay hate' motivated crime. The offender may well have been an opportunistic 'thrill' or psychopathic serial killer who fled overseas.

7. Death of Peter Shiel 1983. Records were unable to be located regarding this case.

8. Death of Wayne (Wendy) Brennan on 31.4.1985. This matter is an unsolved homicide on file at the UHT not subject to a current investigation at this time. The deceased was a transvestite prostitute who lived a 'high risk' lifestyle. He was possibly murdered by a 'client', the cause of death being a single gunshot wound to the head. [REDACTED]

[REDACTED] There is no evidence that this is a 'gay hate' motivated murder.

9. Death of Giles Mattaini on 5.9.1985. This matter is a suspected unsolved homicide on file at the UHT not subject to a current investigation at this time. The deceased, a gay male, left his home at Tamarama on 5.9.1985 and was possibly sighted walking on the pathway at the South Bondi cliff tops and was never seen again. An Inquest was held at Glebe CC before Deputy Coroner Milledge in 2005 who was unable to determine the manner and cause of death due to a lack of evidence. This matter has previously been investigated by Strike Force *Taradale* in conjunction with the suspected murders of Ross Warren and John Russell in 1989 where the victims were targeted by gangs of marauding youth intent on killing or causing serious harm to homosexual men. It should be noted though that the Mattaini case occurred 4 years before Warren and Russell. It is believed that Mattaini is a possible victim of 'gay hate' motivated crime.

10. Death of William Rudney on 1.2.1986. Records were unable to be located regarding this case.

11. Death of Raymond Keam on 13.1.1987. This matter is a suspected unsolved homicide on file at the UHT not subject to a current investigation at this time.

12. Death of Scott Johnson on 9.12.1988. This matter is currently being investigated by the UHT under the reference of Strike Force *Macnamir*. The deceased, a gay male, was found on rocks at Bluefish Point, North Head with his clothes and belongings located at the cliff top above. He had sustained massive injuries. An Inquest was held in 1990 with the Coroner returning a finding of 'suicide' however a second Inquest was held in 2012 when Deputy State Coroner Forbes found that the original finding of 'suicide' could not be sustained and gave an 'open finding'. Strike Force *Macnamir* is nearing finality and a comprehensive report will be submitted by Detective Chief Inspector Young when it is completed however, at this late stage of the investigation there is no indication that the deceased was subjected to 'gay hate' motivated violence causing his death or in any case, that he was murdered.

13. Death of William Allen – assaulted on 28.12.1988. This matter is a suspected unsolved homicide on file at the UHT not subject to a current investigation at this time. The deceased was a gay male who was assaulted during the evening of 28.12.1988. At the time he told a witness that he had been 'bashed and robbed' whilst attending the toilet block to urinate. The deceased died at his home as a result of the injuries he sustained from the assault. Alexandria Park was known as a dangerous location particularly at night. It was also known as a 'gay beat'. An Inquest was held at Glebe CC in July 1989 before Coroner Waller. A witness gave evidence that the deceased was not interested in casual sex because of the AIDS scare. No suspects were identified. This may have been an opportunistic crime with robbery as the main motive however it is also possible that it was 'gay hate' motivated. In 1990, Richard Johnson, a gay male, was bashed to death in Alexandria Park by a gang of 'gay hate' motivated youth of which a number were charged and convicted of murder and manslaughter.

14. Death of Russell Payne on 3.2.1989. Records were unable to be located regarding this case.

15. Death of Samantha Raye about 20.3.1989. The deceased was a 30 year old hermaphrodite who had recently undergone a sex change operation to become female. She suffered numerous health problems including Asthma and Diabetes. The deceased was found in a cave near the water's edge at the lighthouse at South Head. This area was accessible to fisherman and walkers. There were no injuries on the body consistent with a fall or caused from violence. An empty vile of insulin, a needle and syringe were found next to the body along with a blister pack of valium tablets with 2 tablets missing. The deceased had a book of love poems on her person and there were 'love messages' written on the cave walls in charcoal or chalk. A note was found in the deceased's home that read, "*At lighthouse, will be back?*" A brief of evidence was prepared which included a statement by Dr Grieve who stated that the deceased "*...was very unstable psychologically. I have no*

doubt that Samantha Raye would take her own life". On 30.6.89 Coroner Waller dispensed with holding an inquest. There is no evidence to suggest that this death was 'gay hate' related but rather, this was suicide by drug overdose.

16. Death of John Gordon Hughes on 4.5.1989. The deceased was actually murdered between 5 and 6 May 1989. He was found in his unit at Potts Point having been bashed and strangled. The deceased was believed to be homosexual and possibly a paedophile. He was also believed to have sold drugs from his home. Ian Stuart Jones d.o.b. [REDACTED] was charged with his murder but later acquitted at trial. Jones was an associate of the deceased whom he had previously lived with (not in a homosexual relationship). Jones was also a drug addict and was involved in the supply of drugs with the deceased and was thought to be in a dispute with him over monies owed for drugs. After the murder, Jones was found in possession of a bank book belonging to the deceased. This case remains as an unsolved homicide. There is no evidence to indicate this was a 'gay hate' motivated crime.

17. Death of Ross Warren on 22.7.1989. This is an unsolved homicide on file at the UHT. It is not subject of a current investigation at this time. This case was previously investigated under the reference of SF *Taradale* along with the John Russell and Giles Mattaini cases. The deceased is believed to have met the same fate as John Russell, that is, targeted by a gang of young persons intent on causing harm to gay males, assaulted and thrown to his death from the cliff tops at South Bondi. His body was never recovered. This case is probably a 'gay hate' motivated crime.

18. Death of Graham Paynter on 14.10.1989. The actual date of death is 13.10.1989. The deceased was a 36 year old male living in Tathra on the NSW South Coast. The deceased's body was found on rocks at the southern end of Tathra beach below a 50 metre high cliff. Lacerations were observed on the deceased back and head. His pants and underpants were down around his knees and his jumper was pulled over his head with arms still in the sleeves. The deceased had been drinking heavily with a friend, Russell Longmore on the day and evening before his body was discovered and in fact had been arrested at 7.45pm on 12.10.1989 for stealing a bottle of rum from a Bega liquor store. At that stage he was reported to be well under the influence of alcohol. Later, the deceased and Longmore were drinking at the Tathra Hotel. Longmore left about 10.30pm however the deceased continued until the early hours of 13.10.1989. Hotel staff reported that he was 'totally affected' by alcohol when he left the hotel. The details of this death are brief, recovered from police occurrence records. No other details appear available from the Coroner's office. The occurrence entry does not mention suspicious circumstances or any indication of foul play. There is no indication that the deceased was assaulted, murdered or the victim of 'gay hate' related violence.

19. Death of John Russell on 24.11.1989. This is an unsolved homicide case on file at the UHT. It is not subject to a current investigation at this time. It is the third case previously investigated by SF *Taradale* along with the deaths of Warren and Mattaini. Unlike those cases, the body of Russell was discovered below the cliff tops at South Bondi having suffered a number of injuries consistent with having been assaulted then thrown from the cliff. This investigation along with that of Warren's death was the subject of severe criticism at the coronial inquest by Deputy State Coroner Milledge in 2005, particularly as important physical evidence in the Russell case appears to have been lost. It is believed that Russell

was the victim of a gang of marauding youth intent on assaulting and/or killing gay male persons. There are a number of suspects in a case that is probably 'gay hate' motivated.

20. Death of Andrew Currie on 15.12.1989. The correct date of death is 13.12.1988. The deceased, a 29 year male, was found in Nolans Reserve at Manly. A coronial brief of evidence was prepared by the OIC, Constable Greenhalgh of Manly Police. One of the main witnesses was a friend of the deceased – Geoff Blyton who located the body. The deceased was a drug user who admitted to Blyton that he had taken [REDACTED] tablets the night before. The post mortem examination /toxicology report confirmed the presence of drugs in the body. Signs of violence were not detected by the investigating police or the pathologist. It would appear that the cause of death was drug overdose. No mention is made in the brief of evidence that the deceased was gay. There is no evidence of this case being a homicide or 'gay hate' related crime. A coronial Inquest was dispensed with on 23.2.1989.

21. Death of Michael Swaczak on 1.1.1990. This case is listed by Ms Thompson as 'solved' however it is actually an unsolved homicide on file at the UHT but not subject of a current investigation at this time. The deceased was a 16 year old male who attended a party at the Islington Bowling Club on 31.12.1989 and was last alive in the company of two male persons during the early hours of 1.1.1990. On 15.1.1990 his decomposing remains were found next to the Old Pacific Highway at Twelve Mile Creek. 2 persons were charged with his murder but the charges were later 'no billed' by the DPP. [REDACTED]

[REDACTED] This is not a case of 'gay hate' motivated violence.

22. Death of Blair Wark on 10.1.1990. The actual date of death is 11.1.1990. The deceased was a gay male of 28 years of age. His body was found in Sydney Harbour with no apparent external injuries wearing jeans, shoes and socks. The rest of his clothing and property were found [REDACTED] at the cliff tops at the Gap. This included a shirt, wallet containing cash and identification. The property was found by a local person and handed into Vacluse Police Station. His treating doctor, Dr Matyuk stated, "*He suffered from depression mainly due to the termination of an 8 year old homosexual relationship*". Further evidence was given by Dr Sleep who stated that the deceased had a long history of depressive illness and was on the anti depressant medication 'Prothiaden' at the time of his death. The deceased's father wrote to the Coroner with concerns that included: The clothing found at the Gap was not consistent with clothing the deceased normally wore and; that prior to his death he had stated that '*someone was trying to kill him*'. Despite this, an Inquest was dispensed with on 30.7.1990. This is a likely case of suicide and not a 'gay hate' motivated crime.

23. Death of William Duffield on 19.11.1991. This case was investigated by the UHT under the reference of SF *Hamish*. The deceased was a gay man found murdered in his home unit on 20.11.1991 by a long time friend and owner of the unit, Arthur Ashworth, 76 old. Cause of death was blunt force trauma to the head. A number of suspects were considered including: A person nominated by Ms Sue Thompson, known to be involved in assaulting gay males under the pretext of 'picking them up' and taking them to their home for sex; a male prostitute whom the deceased had been a client to and; a person who had

broken into the deceased's unit about two weeks prior to the murder. However, the evidence gathered during the investigation by SF *Hamish* indicates the main suspect is Ashworth (now deceased). This investigation is now closed. There is no evidence indicating this was a 'gay hate' motivated crime.

24. Death of Cyril Olsen on 22.8.1992. This is an unsolved homicide on file at the UHT not subject to a current investigation at this time. The deceased was a gay male who had been drinking at a number of bars in the Kings Cross area shortly before his death. He was highly intoxicated and was seen walking along a wharf at Rushcutters Bay with blood on his face. A member of the public enquired with the deceased as to his welfare however the deceased declined assistance. The deceased was then found floating in the water not wearing pants or shoes. His pants were later recovered in the water. The cause of death was given as drowning but there is evidence that he may have been assaulted and robbed shortly before his death. The OIC, Constable Byrnes of Rose Bay Police gave an opinion that the deceased was "*the victim of a gay bashing...and due to his injuries and level of intoxication, was disoriented resulting in him falling from the wharf and drowning*". There are suspects in this case, one of which was interviewed however no person was charged and the case remains unsolved. At a coronial inquest on 22.8.1994 Coroner Glass found, "*That the deceased on the 22.8.1992 in Rushcutters Bay, Sydney, drowned after accidentally falling from a marina into Rushcutters Bay*". This case is probably linked to a 'gay hate' motivated crime of violence.

25. Death of Crispin Dye on 25.12.1993. This is an unsolved homicide on file at the UHT not subject to a current investigation at this time. The deceased was found in a lane at Surry Hills in the early hours on 23.12.1993 after having been assaulted and robbed. He died in hospital two days later. Some witnesses had reported seeing a number of male persons [REDACTED] standing over the deceased before fleeing the scene. Property from the deceased's wallet was later recovered [REDACTED]. A number of suspects were identified, in particular persons who were believed to be involved in similar assaults in the same area. [REDACTED] it is possible that 'gay hate' bias was a motivating factor in this murder.

26. Death of Kenneth Brennan on 13.6.1995. This is an unsolved homicide on file at the UHT not subject to a current investigation at this time. The deceased was a gay male stabbed to death in his home unit. There is evidence that he was involved in a sexual encounter shortly before or at the time he was killed. [REDACTED] There is no evidence that 'gay hate' bias was a motivating factor.

27. Death of Scott Miller on 2.3.1997. This is an unsolved homicide on file at the UHT not subject to a current investigation at this time. The victim's body was found at the base of a cliff at Millers Point having suffered a number of injuries. The coroner found that these injuries were inflicted by an unknown person. On the evening before his body was found, the deceased had been watching the Gay Mardi Gras with friends after which he was drinking at the Orient Hotel in The Rocks. He was apparently very intoxicated when he became separated from friends. At this time it appears that he may have been targeted for the purpose of robbery. There is no evidence to suggest this was a 'gay hate' motivated crime.

28. Death of Carl Stockton on 11.11.1996. The deceased was apparently assaulted in a street in Surry Hills on 5.11.1996 after drinking at a local hotel. He was taken to a shelter then became ill and was admitted to hospital but died 6 days later. Police were able to question him prior to his death and he denied that he had been assaulted. His head injuries included a fractured skull. Motive was difficult to establish and it does not appear that he was robbed. A lack of witnesses made the case difficult. There is no mention in the coronial brief of evidence of the deceased being gay. An inquest was held before Coroner Abernathy who commented on the thoroughness of the investigation. Medical evidence was given with opinions given that his injuries could have been sustained from either: Assault; falling over a number of times due to his high level of intoxication or; from being hit by a vehicle however, the Coroner found that it was more likely that the deceased was assaulted. An open finding was delivered on 1.12.1998. There is no evidence that the crime was 'gay hate' motivated.

29. Death of David Rose on 20.12.1997. This is an unsolved homicide on file at the UHT not subject to a current investigation at this time. The deceased was a cross dresser found bashed to death in his home. No motive was established [REDACTED]

There is no evidence that the homicide was 'gay hate' motivated.

30. 31. Deaths of Jamie Creighton and Ali Mokdad on 22.6.1999. This case is in fact solved. The circumstances are: Both victims were gay, living in an open de-facto relationship at their home at 924 Bourke Street Zetland. About 8.20pm on 22.6.1999, Gordon Scurr, 28 old, was allowed entry into the victim's home to talk to Mokdad about a debt owed. He then produced a handgun and commenced firing numerous times resulting in Creighton and Mokdad being hit, killing them. The following day, Scurr handed himself in at Katoomba Police Station and surrendered the firearm. He was charged and convicted of the crimes. 'Gay hate' bias was not a motivating factor in these crimes.

Summary:

From the list of 30 'Likely NSW Gay Hate Murders' as provided by Ms Thompson the following can be gleaned:

- 27 cases from the list were reviewed.
- 2 cases were in fact found to be solved
- 1 case was reviewed in addition after being identified as 'unsolved' (Swaczak) despite not appearing on the original list of 30 unsolved cases.
- 4 cases (Williams, Shiel, Rudney and Payne) could not be found after searches of police archived records and the records from the Coroner's Court Registry. This would suggest that those cases were probably not homicides or suspicious deaths. Consultation will be made with Ms Thompson to ascertain the origin of her information about these cases.
- 7 cases were found not to be homicides but rather, the probable cause of death was suicide or misadventure or unknown.
- 12 cases were homicides without evidence of 'gay hate' bias but rather, other motives existed for example, robbery or domestic type murders.

- Only 8 cases from 30 were probable or possible 'gay hate' motivated murders and these are on file at the Unsolved Homicide Team with consideration for future investigation.

There is no doubt that anti gay hostility, particularly in the 1980's and 1990's resulted in a number of murders and serious crime of violence in NSW. In my opinion, the suggestion of 30 'gay hate' related unsolved murders is a gross exaggeration. Certainly there was no consultation with this command prior to the Sydney Morning / Sunday Herald articles which I suggest is poor, irresponsible journalism bordering on sensationalism.

As I have indicated, this command continues to work with the GLIBTI Project Team in their project to identify instances and trends in 'gay hate' motivated crime.

RECOMMENDATION:

Forwarded for information.

John Lehmann
Detective Chief Inspector
Unsolved Homicide Team
25 September 2013

1. Commander, Homicide Squad
2. Director, Serious Crimes Directorate
3. Commander, State Crime Command
4. Deputy Commissioner, Field