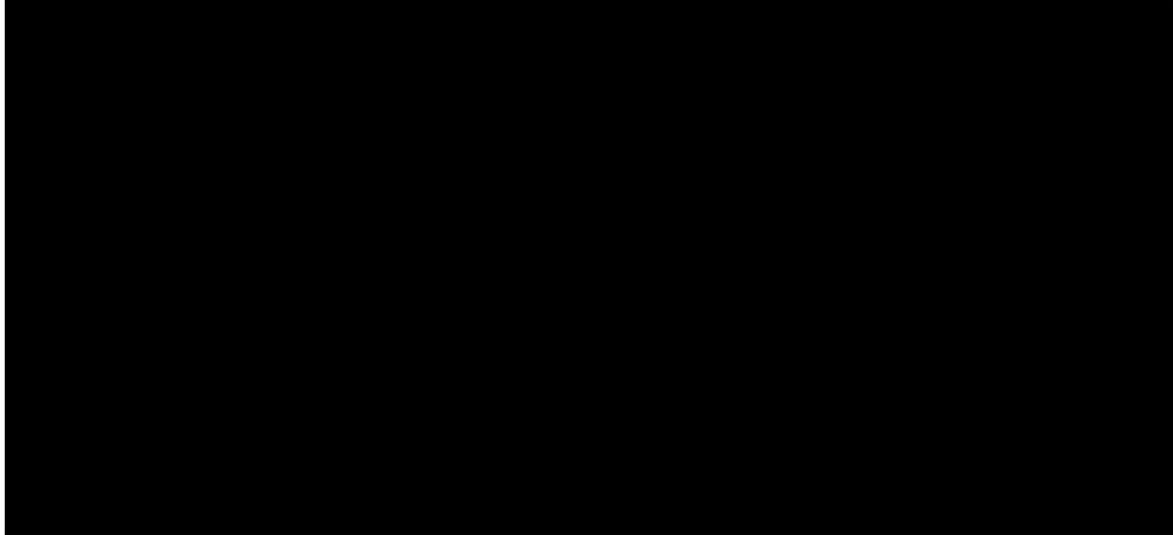


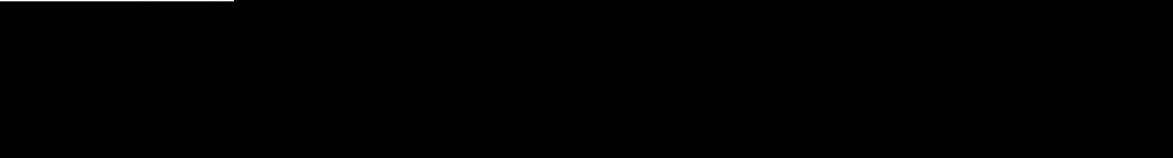
From: Craig_N_Middleton [redacted] /Staff/NSWPolice
To: [Anthony_Crandell \[redacted\] /Staff/NSWPolice%NSWPolice](#); [Anthony_Crandell \[redacted\] /Staff/NSWPolice%NSWPolice](#)
Subject: Re: Parrabell questions [DLM=Sensitive:Legal]
Date: Monday, 19 February 2018 14:17:49

Hi Boss

Sorry boss I can't agree with you regarding Walsh - I stand by the coding with the 5 reasons explained.



The 88 cases are littered with extreme acts of violence being inflicted on the victims, for a variety of reasons. As you appreciate, the level of violence is an indicator, but not the definitive reasoning behind motivation. From examining all the evidence available it was Parrabell's view that the version given by Jacky (and ultimately accepted by the judiciary) - indicated that Jacky was defending himself against [redacted] Walsh, but the level of violence associated with the self defence was considered unreasonable and disproportionate (due to traditional cultural beliefs of shame), hence the judge's acceptance of a plea to manslaughter and the reduced sentencing imposed. Otherwise he would have been acquitted. Apart from the violence inflicted by Jacky there was no other indicators of gay bias or motivation by Jacky.



In the end its your call, I am always wary of the 'dead men cant talk scenario' - but in this matter there was supportive evidence not only from the crime scene examination but also in the historical background of Walsh that gave weight to Jacky's version of self defence [redacted] albeit excessively so. I suppose the quandary is in Jacky's trigger or motivation behind the 'excessive violence'.

Thats the best I can do.

Cheers

Middo



Craig Middleton | Detective Chief Inspector
Crime Manager | Surry Hills Police Area Command



▼ Anthony Crandell---19/02/2018 13:00:55---Anthony Crandell---18/02/2018 18:44:35---Middo I have been reviewing Parrabell and need to ask you some questions: From: Anthon

From: Anthony Crandell [REDACTED]/Staff/NSWPolice
To: Craig N Middleton/[REDACTED]/Staff/NSWPolice@NSWPolice
Date: 19/02/2018 13:00
Subject: Re: Parrabell questions [DLM=Sensitive:Legal]

Thanks Middo,

Are you agreeing with me regarding Walsh? It seems inescapable that the killed a person because of a homosexual act and I will need to have reasons for going against that detail.

I also need to recalibrate the statistical findings given Parrabell's review of further cases and after you complete the last one. I want to include that detail in my final report, which I am close to finishing.

Sorry for the extra work.

Anthony Crandell APM
Assistant Commissioner
Commander, Education
and Training Command

On 19 Feb 2018, at 12:10 pm, Craig N Middleton <[REDACTED]> wrote:

Hi Boss

(1) What if the question regarding bias was - is it likely that the victims sexuality contributed to his death? Would the findings be different?

Thats a tough question to answer. Arguably it could be stated that in a majority of these matters, particularly those that were coded as bias or suspected bias, the victim's sexuality did contribute to their death. In some respects it was their sexuality that invariably made them vulnerable (ie attending isolated location, seeking sexual encounter with stranger, increased risk taking etc). The issue is, of course, there are some cases where the victim was in fact heterosexual but was mistakenly believed to be homosexual by the offender (ie, victim attending toilet block to urinate but not for sexual encounter). Additionally there are others where the sexuality of the victim was never categorically determined and remains unknown. I think the simplest way to answer your question is to say that in all matters reviewed the sexuality of the victim was considered but was not a primary factor when reviewing the deaths for evidence of gay bias motivation - I think the victims sexuality is important when exploring the actions or motivation of the victim and is certainly a contributing factor when considered in the context of how the murder occurred (victim inviting a stranger home for sex, attending isolated location, increased risk taking) but I dont think that it would

necessarily change the codings. I say this because, as mentioned above, there are quite a few examples where the victim sexuality is either unknown, or to a lesser degree, where the victim's sexuality was mistaken. In these matters the cases were still reviewed for evidence of bias crime regardless of whether the sexuality was known or not. The primary indicator is always the offenders motivation for the homicide, regardless of the victims sexuality. The point is, even if the victim sexuality is heterosexual or even unknown, if the offender believes the victim is homosexual and kills him because of that belief, that would still be classified as gay bias. It would be my proposition that the victims sexuality is irrelevant when considering the animus of bias, however the victims sexuality is relevant to the circumstances of their death and yes could be determined as a contributing factor. I hope that makes sense.

(2) Can you please have another look at Case 47 Walsh- I think it should be gay hate bias related.

Case 47 is the murder of Noel Walsh by a young aboriginal male Leeton Jacky. Again this is one of these contentious borderline ones which we deliberated over. From memory there were a couple of reasons why we decided on the coding of 'No evidence of Bias Crime'. Summarily these were (1) Walsh was himself disabled (blind in one eye, mute, deaf). He identified as homosexual. However he also had prior convictions for underage homosexual sex and indecent assault making him technically a convicted paedophile. During the murder investigation it was revealed that Walsh had a lengthy and confirmed reputation of predatory sexual behaviour towards juvenile aboriginal males and sometimes females in the local Kempsey area. This information was confirmed by his mother and closest friend (Adam MAVIN) - who both stated that they knew Walsh had a well known reputation for constantly approaching young boys for homosexual activity. (2) Jacky produced evidence at his trial that he had been raised in a very traditional (Shungutti tribe) aboriginal home with 6 siblings. According to the traditional tribal beliefs homosexuality was considered shameful and Jacky would not be able to face his family or tribe. This evidence was induced as part of the HAD defence and contributed to Jackys' violent reaction. (3) Jacky's version of events was supported by both the crime scene examination and secondary witnesses who gave a background into Walsh's previous behaviour and dealings with juveniles. Jacky stated that he was homeless at the time and had meet up with Walsh and drank with him for some hours before Jacky retired to sleep on the ground at a makeshift campsite.

Additionally Walsh's wallet with contents intact was located nearby indicating that there was no other motive (eg robbery).

(4) Jacky, when arrested gave the above version of events to investigators, admitting that he had killed Walsh due to the HAD. His version did not deviant at trial.

(5) At trial, the judge accepted all this evidence and Jacky's HAD defence in accepting a alternate plea to manslaughter in lieu of murder.

(3) Could you please look at Case 69 - Brennan - I would like his age please

Kenneth Richard Brennan (DOB: 06/10/1941). Age at death: 54

(4) Could I also get sentencing details for case 70 - Thomas.

HAWES and BENNETT were both charged with the murder of THOMAS. HAWES was found not guilty by jury after a Prasad direction. ODPP did not proceed with the murder charge against BENNETT and it was withdrawn prior to trial. BENNETT pleaded guilty to Assault and a Receiving charge. He received a S558 Recog, \$1000 and 3yrs GB.

Your killing me :)

Regards

<0.1AD6.jpeg> **Craig Middleton | Detective Chief Inspector**
Crime Manager | Surry Hills Police Area Command

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Anthony Crandell---18/02/2018 18:44:35---Middo I have been reviewing Parrabell and need to ask you some questions:

From: Anthony Crandell [redacted] Staff/NSWPolice
To: Craig N Middleton/ [redacted] Staff/NSWPolice@NSWPolice
Date: 18/02/2018 18:44
Subject: Parrabell questions

Middo

I have been reviewing Parrabell and need to ask you some questions:

What if the question regarding bias was - is it likely that the victims sexuality contributed to his death? Would the findings be different?

Can you please have another look at Case 47 Walsh- I think it should be gay hate bias related.

Could you please look at Case 69 - Brennan - I would like his age please.

Could I also get sentencing details for case 70 - Thomas.

Happy to discuss.

TC

Anthony Crandell APM
Assistant Commissioner
Commander, Education
and Training Command