

## Meeting between ACON and NSW Police to discuss Operation Parrabell Cases

- This report presents information relating to known homicide cases that occurred during the 1970s, 1980s and 1990s that are alleged to have been motivated by gay or trans hate.
- As part of Operation Parrabell, NSW Police conducted a review of identified homicide cases to determine the extent of bias and provided ACON with a spreadsheet grouping their rulings into the following four categories:

Indicators	Number	Percentage
No evidence of bias crime	33	38%
Insufficient Information	25	28%
Evidence of bias crime	8	9%
Suspected bias crime	16	18%

- In particular, this report contains a summary of those cases where ACON holds a different view and seeks to clarify the position of the NSW Police. ACON provides their assessment as to the extent of bias along with specific questions for each case.

## No Evidence of Bias Crime

NAME	DATE OF DEATH	SITE	SOLVED?	POLICE RULING	ACON POSITION – QUESTIONS FOR POLICE
Paul Edward RATH	14-06-1977	Fairy Bower Cliff	No records	No evidence of Bias Crime	<p><b>ACON: possible Bias Murder.</b> Suspicious circumstances – site was a beat with history of violence, victims pants were down around his legs, [REDACTED] [REDACTED] police questioned family about Rath’s sexuality. Rath’s father stated “it was not uncommon for [Rath] to sit on the clifftop”.<sup>1</sup> Despite this it was posited that Rath may have lost his footing at the ledge of the cliff and fell to his death.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Is there a theory as to why Rath’s pants were down?</li> <li>• Was the fact Rath was found at a well-known beat taken into consideration?</li> <li>• Family and church factors explain why Rath possibly never came out publicly. Was the fact Rath was not an out gay man a reason for not considering this a hate crime?</li> </ul>
Richard SLATER	19-12-1980	Newcastle	No (no bill)	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b> Married man, assaulted at a known beat, regularly visited parks, which, according to family was due to a prostate condition.<sup>2</sup> Police received information but due to lack of evidence no charges could be laid. However, according to SBS, police maintain it was probably a gay hate attack.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>• <b>Are you aware of the SBS source that claims police thought “it was probably a gay hate attack”?</b></li> <li>• Could Slater have been mistaken as a gay man and attacked on this basis?</li> <li>• Is there any autopsy or other evidence that Slater had engaged in sex prior to being murdered?</li> <li>• Were any friends interviewed to ascertain more details about Slater’s lifestyle?</li> </ul>
Peter PARKES + Constantine GIANNARIS + Gerald CUTHBERT	20-10-1981	Potts Point	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b> Police saw a link to the following three cases involving gay men who lived in close proximity:</p> <ul style="list-style-type: none"> <li>• <u>Peter Parkes</u> was a well know gay activist and school teacher; his residence was in a well-known gay area.</li> <li>• <u>Constantine GIANNARIS</u> was the Greek Consul General to Australia. He was not married and lived alone in his residence in Darling Point. Giannaris was “described as a gentle, reserved man by members of the Greek community, a man who kept his private life to himself”.</li> <li>• <u>Gerald Cuthbert</u> was a well-known gay man who moved to Australia from New Zealand and</li> </ul>

<sup>1</sup> Coroner’s Inquest Reports for Paul Rath (case no: 947/77), 20 (‘Statement of Elwyn Water Rath’)

<sup>2</sup> ‘The story behind the 30 cases’, SBS, viewed 16 November 2016 <<http://www.sbs.com.au/gayhatedecades/>>

					<p>was staying at the Paddington YMCA in the last few months prior to his death. Police described Cuthbert as “quiet and well liked”.</p> <p>Detective Superintendent Noel Morley stated that “there are similarities between Constantine Giannaris, Peter Parkes and Gerald Cuthbert”, “all three men were found bound and gagged, and appeared to have engaged in sex shortly before their murders”. Caldwell and a companion were arrested as they were found to be linked with the stolen belongings of Giannaris and a witness had the pair driving in the stolen vehicle. Caldwell was a “19-year-old male prostitute who frequented the King Cross nightlight district”. The evidence was not strong enough to convict Caldwell.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>• Did police investigation reveal a pre-existing relationship between Caldwell and any of the three victims?</li> <li>• Is it possible to draw a link between the murders of Peter Parkes, Constantine Giannaris and Gerald Cuthbert who were murdered within months of each other and all three men were found bound and gagged and appeared to have engaged in sex shortly before their murders.</li> </ul> <p>A 15 year old girl was charged in Children’s Court for wilfully concealing the knowledge of the murder of Parkes. The girl lived in a de-facto relationship with Michael Karl Caldwell who was charged with another youth of the murder of Parkes.</p> <ul style="list-style-type: none"> <li>• <b>Was there evidence in this case linking Caldwell to the murder of Parkes?</b></li> </ul>
Constantine GIANNARIS	14-11-1981	Darling Point	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b></p> <p>“Police appealed to the Greek and gay communities in Sydney” during the investigation, and “there [was] no sign that the killer made a forcible entry to the house”, which indicated “that the consul-general knew the person who called”.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Is it possible to draw a link between the murders of Parkes, Giannaris and Cuthbert who were murdered within months of each other and all three men were found bound and gagged and appeared to have engaged in sex shortly before their murders.</li> <li>• Do police records provide details of this charge and link Caldwell to the scene?</li> </ul>
Mark JOHNSON	30-11-1987	??	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b></p> <p>It is alleged that Johnson was sexually harassing his work colleagues and after harassing Muscat for a few days Muscat threatened to kill Johnson. According to the SMH “Muscat allegedly told police “He’s been fiddling me on the a...e, and touching my p...k. I don’t have to put up with tat so I shot the poofter.”</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>• Was the sexual harassment investigated and confirmed or denied?</li> <li>• Did Muscat have any prior convictions?</li> <li>• Did court proceedings indicate provocation?</li> </ul>

Michael SWACZAK	01-01-1990	Karuah / Islington	No (No bill)	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b> SWACZAK was seen leaving a well-known gay New Year's Eve Party attended by 400-500 gay men in Islington the night of his death. He was found 300 meters off the Pacific Highway at Karuah, 50 kilometres from Islington. He was found naked and his clothes and other belongings were not found except wrist watch on his arm. Case is unsolved and no information relating to murder or bias. Autopsy did not reveal drugs in his system or give indication of cause of death. Mother denies her son, SWACZAK, was gay.</p> <p><b>Question:</b></p> <ul style="list-style-type: none"> <li>• How did Parrabell get to the view that there is no evidence of a bias crime?</li> <li>• Has the investigation continued or has any other information relating to the cause of death been reported?</li> </ul>
William O'SHEA	17-09-1990	??	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b> O'Shea was brutally murdered in response to startling two young men who claim to have been at the factory to smoke marijuana and get out of the cold. A statement provided by the juvenile indicates O'Shea threatened to fuck [NP29] and that [NP29] was known to O'Shea.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Did police investigation or court proceedings reveal information relating to the nature of the pre-existing relationship between Clements and O'Shea?</li> </ul>
Michael Kenneth MARTIN	08-12-1990	Blacktown	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation. Possible Bias Crime</b> Martin was brutally murdered in response to making a sexual advance toward Richards, "the cause of death was due to the use of "a long serrated kitchen knife to at least twice slice the throat of [Martin]" with such severity and force that it cut to the back of the neck."<sup>3</sup> The lack of contrition,<sup>4</sup> frenzied nature of the attack described by Justice Finlay as "horrendous",<sup>5</sup> and the alleged sexual proposition of the deceased are all possible indicators of a gay hate-related homicide.</p> <p><b>Question:</b></p> <ul style="list-style-type: none"> <li>• How did Parrabell get to the view that there is no evidence of a bias crime?</li> <li>• Do police records reveal details about Martin's sexuality or the nature of the relationship between Martin and Richards?</li> </ul>
Noel WALSH	04-05-1991	??	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b> Sensitive case involving alleged sex abuse perpetrated by deceased. Walsh was viciously beaten to death when [REDACTED] Sometime before or after the attack, Jacky asked Walsh if he had AIDS. However, Walsh could</p>

<sup>3</sup> R v Jason Ray John Richards (Unreported judgment, NSWSC, 15 April 1992), 17

<sup>4</sup> R v Jason Ray John Richards (Unreported judgment, NSWSC, 15 April 1992), 17

<sup>5</sup> R v Jason Ray John Richards (Unreported judgment, NSWSC, 15 April 1992), 16

					<p>neither hear nor reply to Jacky, but instead smiled or smirked, which he tended to do when spoken to.<sup>6</sup></p> <p><b>Question:</b></p> <ul style="list-style-type: none"> <li>• Is there any evidence to validate Jacky’s story that he took a sleep on the side of the road? Is it possible there was more to the interaction between Walsh and Jacky?</li> <li>• At this time in history AIDS was strongly linked to homosexuals and as such a trigger for homophobia. There is confusion about the timing of when Jacky asked about AIDS – are you able to confirm the details around this?</li> </ul>
Felipe FLORES	02-09-1991	Lincoln Crescent, Woolloomooloo	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b></p> <p>In the retrial Armstrong attributed his rage to Felipe’s HIV status – Armstrong beat Felipe so severely that his liver was split and his face bore the impression of a shoe and his groin was beaten black and blue.<sup>7</sup> This reaction is not proportionate to HIV disclosure. At this time in the history of HIV in Australia, homosexuality was inextricably linked to HIV and Andrew’s reaction is potentially indicative of either homophobia or internalised homophobia.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Is it possible that Armstrong presented a gay lifestyle as a decoy to the trial? Was Armstrong known to be a gay man? Were any of his friends or family interviewed and did they confirm his identity?</li> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> </ul>
Simon MCHUGH	02-06-1992	Lake Macquarie	Yes	No evidence of Bias Crime	<p><b>ACON: unlikely to be a bias crime</b></p> <p>Area where found could have been a beat. Hart and Boland bashed McHugh unconscious “before throwing his broken frame off the Barnsley weir to drown”.<sup>8</sup> It was reported that “after taking McHugh from the Bellevue to the dam, where they dumped him after sustaining truly horrific injuries, the pair drove to a nearby car wash and started scrubbing”.<sup>9</sup> The police patrolling the area approached the pair at 4.30am and found that the car they were driving was not registered and a pair of wet shoes that did not fit both men and a copper bar in the trunk.<sup>10</sup> McHugh’s body was found 2 hours after the police conversation with the pair.<sup>11</sup></p> <p><b>Question:</b></p> <ul style="list-style-type: none"> <li>• Is there any evidence of McHugh’s sexual orientation?</li> </ul>
Brian Wayne SCHMIDT/	23-07-1992	Merrylands	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b></p> <p>Psychiatric assessment and other evidence clearly indicates Hokin had strong issues with homosexuals and had publicly stated that he would kill a homosexual to teach a lesson or if they</p>

<sup>6</sup> *Regina v Leeton James Jacky* (Unreported judgment, NSWSC, 10 June 1993), 3

<sup>7</sup> Kontominas, B (2009), “DNA Nets Suspect 17 Years After Murder”, *Sydney Morning Herald*, 21 February 1985.

<sup>8</sup> Stephen Ryan and Dan Proudman, ‘Mates long on cunning, short on brainwaves’, *Newcastle Herald* (online), 26 April 2013

<sup>9</sup> Stephen Ryan and Dan Proudman, ‘Mates long on cunning, short on brainwaves’, *Newcastle Herald* (online), 26 April 2013

<sup>10</sup> Stephen Ryan and Dan Proudman, ‘Mates long on cunning, short on brainwaves’, *Newcastle Herald* (online), 26 April 2013

<sup>11</sup> Stephen Ryan and Dan Proudman, ‘Mates long on cunning, short on brainwaves’, *Newcastle Herald* (online), 26 April 2013

WALKER					made an advance. Hokin confessed in his trial that he thought Schmidt had made a sexual advance. <b>Question:</b> <ul style="list-style-type: none"> <li>• Did police investigations reveal any evidence of McHugh's sexual orientation?</li> <li>• Did Parrabell consider that Hokin invented the self-defence plea?</li> </ul>
Mervyn Thomas ARGAET	30-10-1993	Dulwich Hill	Yes	No evidence of Bias Crime	<b>ACON: requires further investigation.</b> Bonner and Argaet had an argument which came about because Argaet wanted to go to bed with him. Bonner grabbed a knife from the kitchen in the course of the argument suggesting it was a prolonged argument and that Bonner was intent on killing Argaet. <b>Questions:</b> <ul style="list-style-type: none"> <li>- <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>- Did police investigation reveal details of the fight and Bonner's intent to kill Argaet?</li> <li>- Did police investigation reveal information about the extent of Bonner and Argaet's relationship prior to the event?</li> <li>- Did police investigation reveal information about Argaet's sexuality?</li> </ul>
Gordon MILLS <sup>12</sup>	15-03-1994	West Ryde	Yes	No evidence of Bias Crime	<b>ACON: requires further investigation.</b> Details as to the motive are murky; jealousy, poverty, drugs and other factors are entangled however, there is information indicating Richards murdered Mills in response to being told Mills had sexually interfered with him. <b>Questions:</b> <ul style="list-style-type: none"> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>• Mills' body was found with a "blousen-type jacket" wrapped around his head and a saucepan on the floor "streaked with blood".<sup>13</sup> Was further investigation conducted on the jacket or saucepan found near Mills's body.</li> <li>• The provocation defence brought by Richards was based on hearsay evidence of Woodley; was there an investigation as to whether the alleged sexual interference had occurred?</li> </ul>
James William MEEK	07-03-1995	Surry Hills	Yes	No evidence of Bias Crime	<b>ACON: requires further investigation. Prejudice may have impacted investigation.</b> Meek was a high profile gay activist living in Surry Hills. Police reports show prejudicial language disparaging Meek as a homosexual/paedophile who led a "promiscuous sexual lifestyle". After the family's concerns about the initial police investigation, the post mortem examination ascertained that the cause of death was due to "blunt force injuries" and also opined that "the pattern of injuries [was] consistent with an assault". <sup>14</sup> Items also went missing from the victim's home and foreign fingerprints found. <b>Questions:</b> <ul style="list-style-type: none"> <li>• Given lack of information would this case not be better placed in Insufficient Information category?</li> </ul>

<sup>12</sup> Detective Chief Inspector Craig Middleton advised that this matter is on the SF Parrabell list

<sup>13</sup> *Regina v Kenneth Stephen Richards* (Unreported judgment, NSWSC, 30 August 1996), 8-9

<sup>14</sup> Post Mortem Report (James William Meek), (1 June 1995), 8

Barry Walter COULTER	01-11-1997	??	Yes	No evidence of Bias Crime	<p><b>ACON: requires further investigation.</b></p> <p>Possible revenge murder. NP30 claimed that Coulter “had raped him two years previously”.<sup>15</sup> “Police looking into Mr Coulter’s past had found he had been before the courts in Sydney several times on charges ranging from indecent assault and buggery to carnal knowledge<sup>16</sup> in the 1980s and 1990s, but had always been acquitted.”<sup>17</sup></p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Was NP30 rape claims verified?</li> </ul>
----------------------------	------------	----	-----	---------------------------------	--

<sup>15</sup> Jef Sewell, “I just bashed somebody up. Don’t worry about it Mum, he’s only a poof: The “Homosexual Advance Defence” and Discursive Constructions of the “Gay” Victim’ (2001) 5 Southern Cross University Law Review 47, 81

<sup>16</sup> Carnal knowledge is an archaic or legal euphemism for sexual intercourse

<sup>17</sup> Gay, Lesbian, Transgender, HIV Hate Crimes, ‘Chapter 3 – 1991 to 2000’ <<http://www.josken.net/hateaus3.htm>>

## Insufficient Information

NAME	DATE OF DEATH	SITE	SOLVED?	POLICE RULING	ACON POSITION – QUESTIONS FOR POLICE
Gerald CUTHBERT	17-10-1981	Paddington	No	Insufficient Information	<p><b>ACON: Requires further investigation.</b> Known gay man, evidence of sex prior to the murder, frenzied attack, evidence of police bias, according to Detective John McGregor, “there was no sign of forced entry at the premises”, which insinuates that Cuthbert may have known the offender.<sup>18</sup> Attacker not known but the offence occurred in the apartment of a friend.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Did police investigation reveal information relating to the owner of the apartment (the friend of Cuthbert) - did he know the attacker?</li> </ul>
Peter John SHEIL	??-04-1983	Gordon’s Bay cliff, Coogee	No records	Insufficient Information	<p><b>ACON: Requires further investigation.</b> Sheil was on his way from Coogee Bay Hotel to his residence in Clovelly, which passed known gay beats. Sheil’s body was found without trousers and had suffered multiple injuries at the base of a small cliff at Gordons Bay, north of Coogee. No coroner records. Police did not contact family to verify details. Misadventure put on death certificate at will of father. Family didn’t support suicide theory.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• How did Parrabell get to the view that there is no evidence of a bias crime?</li> <li>• How did NSW police address the fact that the location of death was close to a beat?</li> </ul>
Wayne/ Wendy BRENNAN	31-04-1985	Kings Cross	No	Insufficient Information	<p><b>ACON: Requires further investigation.</b> Wendy was a prominent member of the lgbti community and particularly visible because she was trans. Police were ‘mystified’ at the execution-style murder.<sup>19</sup> Murder weapon, a .45 calibre revolver or pistol, rare ‘even by Sydney’s underworld standards’ and difficult to conceal and use.<sup>20</sup> [REDACTED] It is still very common today for predominantly ‘heterosexual’ men to seek sex with trans women, particularly pre-operative trans women, as the nearest way to have gay sex which is a possible indicator of internalised homophobia.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• How did Parrabell get to the view that there is no evidence of a bias crime?</li> <li>• Is there any record of foul play?</li> <li>• How extensive was this investigation?</li> </ul>
William RUDNEY	01-02-1986	Wollongong beat	No records	Insufficient Information	<p><b>ACON: Requires further investigation.</b> Police blunder has been recognised – misspelling of Rooney’s name. As a result questions</p>

<sup>18</sup> Mark Coultan, ‘New murder: police fear homosexual killer on loose’, *Sydney Morning Herald* (print), 21 October 1981

<sup>19</sup> ‘Drag queen’s death riddle’. *The Daily Mirror*, 1 May 1985.

<sup>20</sup> Darmody, J (1985). ‘A death no one wanted to know about’. *The Daily Mirror*, 13 June 1985.



ROONEY <sup>21</sup>					<p>surround quality of investigation. ACON was not able to access Coronial records or other details. Bill Rooney's boyfriend, Wayne Davis, always said he was murdered because he was gay.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>- What has been resolved about the William Rooney case in Wollongong?</li> <li>- <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>- What do coronial records say regarding motive and cause of death?</li> </ul>
Leo Leslie PRESS	12-02-1988	Harbord (Freshwater)	Yes	Insufficient Information	<p><b>ACON: Potential prejudice during police investigation. Requires further investigation.</b></p> <p>Press was presented by the defence as a sexual predator, despite the lack of evidence of sexual behaviour of any kind.<sup>22</sup> Crucial evidence was lost and re-found. Hodge's intention to kill, the frenzied nature of the attack and the alleged sexual proposition of the deceased are all possible indicators of a gay hate-related homicide. Hodge said Press chased him so he used self-defence but evidence suggests Hodge hit Press on the back of the head indicating he was chased.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>• How did NSW Police deal with prejudicial comments and assumptions made in the police statements?</li> <li>• Did police investigation reveal information relating to Press' sexual behaviour or preference? Was Press's brother interviewed?</li> </ul>
Maurice John MCCARTY	07-04-1991	Newtown	Yes	Insufficient Information	<p><b>ACON: Possible Bias Murder</b></p> <p>The accused was constructed as the 'innocent victim' which was accepted by the jury. Maurice was constructed as a sexual predator who liked to 'seduce' and 'hunt' men. McKinnon was in the homosexual section of the sex shop and strip club. Provocation was accepted, even though some evidence supports that McKinnon was not experiencing a 'loss of reasoning' as he went back inside the house to get his wallet and stole Maurice's personal effects.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>• Will NSW police continue investigating this case and what they have found?</li> </ul>
William DUTFIELD	19-11-1991	Mosman	No (Case closed, suspect deceased)	Insufficient Information	<p><b>ACON: Requires further investigation.</b></p> <p>There are correlations between Dutfield's and Wayne Tonks' murder whereby both were: "murdered by someone they 'picked-up', robbed of cash, North Shore residents, bludgeoned with 'makeshift' murder weapons found in their flats and they each shared a drink with their attacker in the loungeroom before being killed". The matter that Dutfield was assaulted previously by a</p>

<sup>21</sup> NSW Police Force has made a mistake as deceased's name was not Rudney. It was Rooney – and there are indeed coronial records for a William Rooney.

<<http://www.sbs.com.au/news/thefeed/article/2016/08/31/police-admit-blunders-gay-hate-murder-hunt>>

<sup>22</sup> Jef Sewell, "I just bashed somebody up. Don't worry about it Mum, he's only a poof": The "Homosexual Advance Defence" and Discursive Constructions of the "Gay" Victim' (2001) 5 Southern Cross University Law Review 47, p 59

					<p>man that he had picked up cannot be discounted. Dutfield may have been considered as a target for robbery as \$900.00 was stolen.<sup>23</sup></p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Has any of the evidence that you revisited shed light on motive?</li> </ul>
Robert Anthony KNOX	31-01-1992	Bellbird	Yes	Insufficient Information	<p><b>ACON: Evidence of bias crime.</b></p> <p>Knox made a sexual advance which McGregor fought off then left but returned and stabbed Knox to death (cause of death). McGregor's intention to kill, the frenzied nature of the attack and the alleged sexual proposition of the deceased are all possible indicators of a gay hate-related homicide.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>• Would a sexual proposition and the fact McGregor returned to the scene possible indication of Bias? Is there other evidence to suggest otherwise?</li> <li>• Why is this not in the "Evidence of Bias Crime" category?</li> </ul>
Cyril OLSEN	22-08-1992	Rushcutters Bay	No	Insufficient Information	<p><b>ACON: Requires further investigation.</b></p> <p>Olsen was a known gay man, found at known beat in the early hours of the morning floating in the water. Olsen had sustained serious injuries however, there is no explanation as to how he suffered the injuries in the Post Mortem Report No. 92/1664. Nonetheless, the coroner ruled that Olsen had drowned. But for these extensive injuries, it does not seem like that Olsen would have fallen off the jetty and drowned. Constable Byrnes opined that Olsen had been "the victim of a gay bashing and or robbery which resulted in the injuries"<sup>24</sup></p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• What evidence did NSW Police use to consider this matter?</li> <li>• Do police records confirm that Olsen had sustained injuries as per Constable Byrnes' statements?</li> </ul>
Sidney HOARE	11-09-1992	??	Yes	Insufficient Information	<p><b>ACON: Possible bias crime. Lack of thorough investigation.</b></p> <p>Hoare was known to the defendants to be homosexual. Sexual advances were made; GD got the tyre lever, followed Hoare into the kitchen and hit him.<sup>25</sup></p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>How did Parrabell get to the view that there is no evidence of a bias crime?</b></li> <li>• What evidence did NSW Police use to consider this matter?</li> </ul>
Crispin DYE	25-12-1993	Darlinghurst	No	Insufficient Information	<p><b>ACON: Requires further investigation.</b></p> <p>Manager of a popular rock band that had a male dominated following. Dye appeared to be unsure of his sexuality but was known to attend gay bars, was found dead, beaten, at early hours in the</p>

<sup>23</sup> Coroner's Court Records File no. 2426/91, 13

<sup>24</sup> Coroner's Inquest Reports for Cyril Olsen (case no: 1738/92), ('Statement of Constable Bradley John Byrnes', p 16)

<sup>25</sup> Police interview with GD, 14/9/92, p. 9; extracted from Stephen Tomsen, 'Hatred, Murder and Male Honour: Anti-homosexual Homocides in New South Wales, 1980-2000' (2002) Research and Public Policy Series No. 43, 65

					<p>morning in gay area, having been at gay bars. Was drunk at the time.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>What evidence did NSW Police use to consider this matter?</b></li> </ul>
David John O'HEARN	12-06-1998	Wollongong	Yes	Insufficient Information	<p><b>ACON: Possible Bias Murder</b></p> <p>Frenzied attack - head was decapitated and found in the kitchen sink, left hand was severed and found on the sofa in the lounge room, deep incisions from above the sternum to the abdomen, the shaft of a hammer inserted through the anus, the penis mutilated, sections of the intestine in the kitchen.<sup>26</sup> The word 'Satan' was written in blood on the mirror and the wall with a pentagram.<sup>27</sup> Dr Cala opined that head injuries caused death.<sup>28</sup> Prior sex and sexual advances made at which time Valera hit him on the head.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Did NSW Police consider this matter in conjunction with the case of Francis Arkell?</li> <li>• How did NSW Police treat the frenzied nature of the attack?</li> <li>• How did NSW Police treat the conflicting evidence (ie. refer to 5. queries raised/significant) and the credibility of Valera's testimony?</li> </ul>

<sup>26</sup> *R v Valera* [2000] NSWSC 1220, [6]

<sup>27</sup> *R v Valera* [2000] NSWSC 1220, [7]

<sup>28</sup> *R v Valera* [2000] NSWSC 1220, [11]

## Evidence of Bias Crime

NAME	DATE OF DEATH	SITE	SOLVED ?	POLICE RULING	ACON POSITION – QUESTIONS FOR POLICE
Ian BRIDGE	02-02-1982	Penrith	Yes	Evidence of Bias Crime	<p><b>ACON: Suspected Bias Crime</b></p> <p>Bridge parked his car near the Nepean Rowing Club in Penrith. This was a beat during that period.<sup>29</sup> The two offenders, who were brothers saw Bridge in his car and were outraged to see that he was in his parked car near the Club. As such, they returned to their house to obtain a shotgun and returned to the park.<sup>30</sup> Several witnesses saw the two offenders chase Bridge along the riverbank “as he begged for his life” before shooting him in the back several times.<sup>31</sup></p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• <b>Why doesn't Parrabell consider this to be a Suspected Bias Crime?</b></li> <li>• What circumstances permitted reduced manslaughter charge?</li> </ul>
Richard Norman JOHNSON	15-01-1990	Alexandria Park	Yes	Evidence of Bias Crime	<p><b>ACON: Bias Crime</b></p> <p>Johnson had left his phone number on the wall of toilet/beat. A gang of teens called Johnson and lured him to the bathroom and jumped on him. While Justice Badgery-Parker acknowledged the gravity and seriousness of the case gay hate was not mentioned. The lack of contrition showed by some of the defendants calls for a declaration that this “sport” must be condemned in light of the gravity of the offences explicated by Justice Badgery-Parker.<sup>32</sup></p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• Is there evidence to cause doubt that this is not a bias crime?</li> <li>• <b>Why doesn't Parrabell consider this to be a Suspected Bias Crime?</b></li> </ul>
Kritchikorn RATTANAJ URATHAPO M /-ORN	22-07-1990	Marks Park	Yes	Evidence of Bias Crime	<p><b>ACON: Bias Crime</b></p> <p>There is an abundance of evidence denoting the homophobic nature of the attacks. First, <span style="border: 1px dashed black; padding: 2px;">NP24</span> stated in his police interview that the assailants had agreed to go “do a gaf” in Bondi because “there was always poofs there”.<sup>33</sup> It was raised in the committal hearing that a witness was told by one of the assailants that beating up “some Chinaman faggot”.<sup>34</sup> Further, the court heard that one of the assailants had written to his former girlfriend stating that “he was going ‘faggot bashing’ that weekend”.<sup>35</sup> This report finds that possible indicators of a gay hate-related homicide is based on the</p>

<sup>29</sup> Stephen Tomsen, ‘Gay killings in New South Wales: victimisation and the legal response’, (1996) Report to Australian Criminology Research Council, p 20-1

<sup>30</sup> Stephen Tomsen, ‘Gay killings in New South Wales: victimisation and the legal response’, (1996) Report to Australian Criminology Research Council, p 21

<sup>31</sup> Stephen Tomsen, ‘Gay killings in New South Wales: victimisation and the legal response’, (1996) Report to Australian Criminology Research Council, p 21

<sup>32</sup> Rick Feneley, ‘Up to 80 men murdered, 30 cases unsolved’, *Sydney Morning Herald* (online), 27 July 2013, <<http://www.smh.com.au/lifestyle/up-to-80-men-murdered-30-cases-unsolved-20130721-2qda7.html>>

<sup>33</sup> Record of interview between Detective Sergeant McCann and NP24 at Minda Detention Centre on Wednesday, 29 August, 1990, pp 4-5

<sup>34</sup> ‘Teenagers for trial over ‘gay’ killing’, *Telemirror* (print), 30 April 1991

<sup>35</sup> Jennie Curtin, ‘Court told of “faggot bashing”’, *Sydney Morning Herald* (print), 16 January 1991; Stephen Tomsen, ‘Hatred, Murder and Male Honour: Anti-homosexual Homocides in New South Wales, 1980-2000’, (2002) Australian Institute of Criminology Research and Public Policy Series No. 43, 39

					<p>lack of contrition and remorse, which is only exacerbated by the proud recounts of various attacks including the current one, and the frenzied nature of the bashing.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>• What doubt exists that this is not a bias crime?</li> </ul>
Kevin William MARSH	30-06-1993	Wollongong	Yes	Evidence of Bias Crime	<p><b>ACON: Bias Crime</b></p> <p>Frenzied attack in response to sexual advance. [NP31] (17 year old) confessed to the murder but claimed self-defence because Marsh grabbed his buttock. Sentence reduced to manslaughter. Marsh was already dead after [NP31] beat him over the head with a blunt object but proceeded to stab him in the chest. Police interviews and trial placed significant importance on the bodily contact between the victim and the offender.<sup>36</sup></p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>- What doubt exists that this is not a bias crime?</li> <li>- What evidence was given to reduce this case to manslaughter</li> </ul>
Gordon TUCKEY	03-07-1993	Wollongong	Yes	Evidence of Bias Crime	<p><b>ACON: Suspected Bias Crime</b></p> <p>The defendant claimed his motive for attacking Tuckey was due to being assaulted so he retaliated however it is believed (Police Prosecutor Beverley) that "Gordon Tuckey's public appearance in female clothing was found to have comprised an important element of his killer's provocation to extreme violence". Once the attackers finished they went back to their houses then returned to the scene and further beat Tuckey who was still alive. Dunn is on the record as saying "[Tuckey] was a fucking rock spider, he deserved it". Hence, along with the above and Dunn's return to the scene to further assault Tuckey are all possible indicators of a gay hate-related homicide.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>- What doubt exists that this is not a bias crime?</li> <li>- What evidence was given to reduce this case to manslaughter</li> </ul>
John MILICEVIC	15-08-1993	Rushcutters Bay	Yes	Evidence of Bias Crime	<p><b>ACON: Suspected Bias Crime</b></p> <p>Three youths (aged 16 to 17) spotted Milicevic at a park beat at Rushcutters Bay. One of the three offenders went out with a knife to "roll someone".<sup>37</sup> The offender claimed that Milicevic had "licked his lips like a faggot" and looked as though Milicevic "wanted to kiss [him]".<sup>38</sup> As a result, the offender, armed with the knife, fatally stabbed Milicevic in the chest and face, then stole his wallet.<sup>39</sup> The fact that Milicevic was killed within a proximity to a beat and that he had not known the offenders prior to the attack are both possible indicators of a gay hate-related homicide.</p> <p><b>Questions:</b></p> <ul style="list-style-type: none"> <li>- What doubt exists that this is not a bias crime?</li> </ul>

<sup>36</sup> For further information see, Connell, R W (1983) 'Men's Bodies' in *Which Way is Up?: Essays on Sex, Class and Culture*, Allen & Unwin, Sydney; Tomsen, Stephen and Allen George (1997), 'The Criminal Justice Response to Gay Killings' *Current Issues in Criminal Justice* (July).

<sup>37</sup> Stephen Tomsen and Allen George, 'The Criminal Justice Response to Gay Killings: Research Findings' (1997) 9(1) *Current Issues In Criminal Justice* 56, 64

<sup>38</sup> Stephen Tomsen and Allen George, 'The Criminal Justice Response to Gay Killings: Research Findings' (1997) 9(1) *Current Issues In Criminal Justice* 56, 64

<sup>39</sup> Stephen Tomsen and Allen George, 'The Criminal Justice Response to Gay Killings: Research Findings' (1997) 9(1) *Current Issues In Criminal Justice* 56, 64

					- What evidence was given to reduce the sentence?
--	--	--	--	--	---