

NSW POLICE FORCE

STRIKE FORCE

PARRABELL

Bias Crimes Indicators Review Form

Investigation No:	63
Victim/Deceased:	Mervyn Thomas 'Tom' ARGEAT
Date of death:	29 October, 1993
Investigation Status:	Solved
Offender/s:	Steven Craig BONNER
Investigative Unit:	
Description:	Mervyn 'Tom' ARGEAT was a 38 year old homosexual male who was open about his sexuality. He was employed as a process worker. ARGEAT was murdered at [REDACTED] Marrickville Road, Dulwich Hill, the home of Steven BONNER, by BONNER. BONNER was a 24 year old heterosexual male who was friends with ARGEAT. ARGEAT was found with a stab wound inflicted by BONNER after BONNER raised neighbours to contact emergency services. BONNER was charged with murder and acquitted by the Jury at trial for self defence.

1. Differences	
Prompts	Comment
<ul style="list-style-type: none"> • <i>Immutable characteristic differences between victim and POI's sexual orientation</i> 	<p>Mervyn Thomas ARGAET was a homosexual male who was open about his homosexuality however did not much speak publicly about any personal details such as partners, to others. He was often referred to by his middle name 'Tom'. In a statement from ARGAET'S close friend of three years [1103] she stated, "During conversations we have had in the past Tom told me he was homosexual" (OD-588). Steven Craig BONNER is a heterosexual male whom had always had female partners. During the magistrate's summation, his testimony was read to the Jury. He stated, "At the time (of ARGAET'S death) I was going out with a girl called [1104] I want to make it clear, I am not homosexual. I never have been homosexual and never had any homosexual experience of any kind. I have always had girlfriends. I hold no prejudices against homosexuals. I have friends who are gay. I treat them the same as anybody else because they are the same as anybody else" (OD-585).</p>
<ul style="list-style-type: none"> • <i>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</i> 	<p>Prior to the incident, ARGAET and BONNER were drinking at the Gladstone Hotel with their mutual friends [1105] [1106] and [1105]'s male cousin, [1107] [1106] and [1105] were partners and there is no suggestion to the sexuality of [1107]. All these persons were friends with both BONNER and ARGAET. All these persons went from the hotel to BONNER'S address nearby and continued to drink prior to leaving BONNER and ARGAET alone at the residence where the incident occurred sometime later. There is no suggestion of ill will between the parties.</p>
<ul style="list-style-type: none"> • <i>Victim was engaged in activities promoting his/her group</i> 	<p>There is no evidence to suggest ARGAET was engaged in activities promoting his group at the time of his death.</p>
<ul style="list-style-type: none"> • <i>Incident coincided with a holiday or date of particular significance to the victim or POI's group</i> 	<p>Both BONNER and ARGAET were regular drinkers at the Gladstone Hotel, located very close to BONNER'S address. On the night before the incident, both BONNER and ARGAET were drinking at this hotel as usual, however all persons present were drinking more than average as they were celebrating their friend [1106]'S birthday. Other than this, there is no evidence to suggest that this date held any significance to ARGAET or BONNER (OD-588).</p>

<ul style="list-style-type: none"> • <i>Victim, although not a member of the targeted group is a member a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group</i> 	<p>There is no evidence to suggest that any other persons within ARGAET'S friend circle identified as homosexual.</p>
<ul style="list-style-type: none"> • <i>Historical animosity exists between the victim's group and the POI's group</i> 	<p>ARGAET and BONNER had an argument "two or three" weeks before the incident where, according to BONNER, "After a while we are just talking, he started subtly to bend the conversation around to the possibility of having sex. I told him that I was not gay. He seemed to get upset and very cranky. He got up, grabbed his beers and stormed out" (OD-585). Although bringing up this conversation again is said to have started the argument between ARGAET and BONNER, there is no suggestion to any physical animosity between the pair.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	<p>No</p>
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	<p>No</p>
<p>Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.</p>	<p>Yes</p>
<p>Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.</p>	<p>No</p>
GENERAL COMMENT	
<p>Mervyn Thomas ARGAET was a homosexual male who was open about his homosexuality however did not much speak publicly about any personal details such as partners to others. He was often referred to by his middle name as Tom. In a statement from ARGAET'S close friend of three years [REDACTED] 1103 she stated, "During conversations we have had in the past Tom told me he was homosexual." Steven Craig BONNER is a straight male whom has always had female partners. During the magistrate's summation, his testimony was read again to the Jury. In his version, he stated, "At the time (of ARGAET'S death) I was going out with a girl called [REDACTED] 1104. I want to make it clear, I am not homosexual. I never have been homosexual and never had any homosexual experience of any kind. I have always had girlfriends. I hold no prejudices against homosexuals. I have friends who are gay. I treat them the same as anybody else because they are the same as anybody else." Prior to the incident, ARGAET and BONNER were drinking at the Gladstone Hotel with their mutual friends [REDACTED] 1105, [REDACTED] 1106 and Ena's male cousin, [REDACTED] 1107, [REDACTED] 1108 and [REDACTED] 1109 are partners and</p>	

there is no suggestion to the sexuality of [107]. All these persons were friends with both BONNER and ARGÆT. All these persons went from the hotel to BONNER'S address nearby and continued to drink prior to leaving BONNER and ARGÆT alone at the residence where the incident occurred sometime later. There is no suggestion of ill will between the parties. ARGÆT and BONNER had an argument 'two or three' weeks before the incident where, according to BONNER, "After a while we are just talking, he started subtly to bend the conversation around to the possibility of having sex. I told him that I was not gay. He seemed to get upset and very cranky. He got up, grabbed his beers and stormed out." Although bringing up this conversation again is said to have started the argument between ARGÆT and BONNER, there is no suggestion to any physical animosity between the pair.

2. Comments, Written Statements, Gestures

Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related comments, written statements or gestures were made by the POI</i> 	<p>[108] lived above BONNER and was the first person BONNER spoke to after in the incident with ARGÆT. [108] gave evidence at Coroners Court where she recounted what BONNER said to her directly after the assault when BONNER had asked her to call an Ambulance for ARGÆT. "He thanked me and then he said that he'd had an argument with the guy and said he was gay and that he'd tried this on him before and he'd told him not to" (OD-587).</p>
<ul style="list-style-type: none"> <i>Comments and gestures can occur before, during and after the incident</i> 	<p>No direct witnesses were identified or believed to have been at the scene at the time ARGÆT and BONNER fought. There is no evidence to suggest any bias related comments were made from BONNER toward ARGÆT. BONNER gave a false version to investigators the day of the incident, and changed his version during Court where he made admissions however stated that his actions were a result of self defence from an attempted sexual assault by ARGÆT. During these versions, no bias related comments or gestures were stated by BONNER.</p>
<ul style="list-style-type: none"> <i>Victims may not be aware of the significance of gestures made</i> 	<p>There is no evidence to suggest any bias related comments were made from BONNER toward ARGÆT.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	<p>No</p>

Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

No direct witnesses were identified or believed to have been at the scene at the time ARGÆT and BONNER fought. There is no evidence to suggest any bias related comments were made from BONNER toward ARGÆT. [1108] lived above BONNER and was the first person BONNER spoke to after in the incident with ARGÆT. [1108] gave evidence at Coroners Court where she recounts what BONNER said to her directly after the assault when BONNER had asked her to call an Ambulance for ARGÆT. "He thanked me and then he said that he'd had an argument with the guy and said he was gay and that he'd tried this on him before and he'd told him not to."

3. Drawings, Markings, Symbols, Tattoos, Graffiti

Prompts	Comment
<ul style="list-style-type: none"> <i>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</i> 	Five colour photographs were available of the crime scene and knife used to cause the injuries towards ARGÆT (PH-114) (PH-115) (PH-116) (PH-117) (PH-118). None of these photographs show any bias related drawings, markings, symbols or graffiti.
<ul style="list-style-type: none"> <i>Before discounting symbols, ensure that you understand the meaning of the symbol</i> 	No symbols were identified at throughout the investigation.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No

Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
Five colour photographs were available of the crime scene and knife used to cause the injuries towards ARGAET. None of these photographs show any bias related drawings, markings, symbols or graffiti. No symbols were identified throughout the investigation.	
4. Organised Hate Groups (OHG)	
Prompts	Comment
<ul style="list-style-type: none"> <i>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</i> 	ARGAET was stabbed and died at the home unit of BONNER, located at [REDACTED] Marrickville Road, Dulwich Hill. No objects or items representing an OHG were located at the scene by investigating officers.
<ul style="list-style-type: none"> <i>An OHG claimed responsibility</i> 	BONNER admitted to stabbing ARGAET and claimed self defence. There is no evidence to suggest a second offender nor was that BONNER part of an OHG.
<ul style="list-style-type: none"> <i>There are indications that an OHG was involved or active in the area</i> 	There is no evidence to suggest an OHG was actively involved in the area.
<ul style="list-style-type: none"> <i>MO is similar to known MO of an OHG</i> 	ARGAET was stabbed a single time to his throat. This is not a known or common MO for OHG'S.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No

Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

ARGAET was stabbed and died at the home unit of BONNER, located at [REDACTED] Marrickville Road, Dulwich Hill. No objects or items representing an OHG were located at the scene by investigating officers. BONNER admitted to stabbing ARGAEET and claimed self defence. There is no evidence to suggest a second offender nor was that BONNER part of an OHG nor were any OHG'S identified in the area.

5. Previous existence of Bias Crime Incidents

Prompts	Comment
<ul style="list-style-type: none"> <i>Victim was visiting a location where previous bias crimes had been committed against members of the victim's group</i> 	The location ARGAEET died was at the home address of BONNER, unit [REDACTED] Marrickville Road, Dulwich Hill. There are no recorded incidents of bias related crime having occurred at this location prior to the death of ARGAEET.
<ul style="list-style-type: none"> <i>Several incidents occurred in the same area and the victims were members of the same group</i> 	No previous incidents of bias related crime or homicide are recorded against the location. There is no evidence to suggest BONNER was a member of any specific groups. It appears whilst BONNER was a heterosexual male; ARGAEET was a homosexual male.
<ul style="list-style-type: none"> <i>Victim has received previous harassing mail, email, social media posts or phone calls or has been the victim of verbal abuse (anti-gay) based on his/her affiliation with a targeted group</i> 	There is no evidence or previous reported incidents that suggest ARGAEET had been receiving harassing mail, email or phone calls because of his sexuality.
<ul style="list-style-type: none"> <i>Recent bias incidents or crimes may have sparked retaliatory bias crime</i> 	BONNER was not known to have been victim to or engaged in any recent bias incidents or crimes that may have sparked retaliatory bias crimes. He is not known to have been involved in other bias related crimes or incidents that may have caused him to assault ARGAEET causing his death.

Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	No
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	Yes
GENERAL COMMENT	
<p>The incident occurred at BONNER'S home address at unit [REDACTED] Marrickville Road, Dulwich Hill. There are no recorded incidents of bias crime having occurred at this location. There is no evidence or previous reported incidents that suggest ARGAET had been receiving harassing mail, email or phone calls because of his sexuality. BONNER was not known to have been victim to or engaged in any recent bias incidents or crimes that may have sparked retaliatory bias crimes.</p>	
6. Victim/Witness Perception	
Prompts	Comment
<ul style="list-style-type: none"> <i>Witnesses (actual) perceive that the incident was motivated by bias</i> 	<p>There were no direct witnesses to the fight between BONNER and ARGAET that led to ARGAET'S death. Shortly after the incident, BONNER spoke to his neighbour [REDACTED] 1108 asking her to call an Ambulance whilst he attended to ARGAET. During this conversation, he spoke of how ARGAET had attempted to have sex with him against his wishes. [REDACTED] 1108 gave evidence in Coroners Court and during this; she did not portray BONNER in a homophobic light (OD-587).</p>

Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

There were no direct witnesses to the fight between BONNER and ARGÆT that led to ARGÆT'S death. Shortly after the incident, BONNER spoke to his neighbour [redacted] asking her to call an Ambulance whilst he attended to ARGÆT. During this conversation, he spoke of how ARGÆT had attempted to have sex with him against his wishes. [redacted] gave evidence in Coroners Court and during this; she did not portray BONNER in a homophobic light.

7. Motive of Offender/s

Prompts	Comment
<ul style="list-style-type: none"> <i>POI was previously involved in similar incident or is a member/associates with members of an OHG</i> 	BONNER was originally from New Zealand and had only been in Australia for a few years prior to this incident. In his time in Australia, he had no adverse dealings with Police. From his own admissions in Court, BONNER stated that he had previous convictions when he was younger in New Zealand being at a bar when he was a minor; a wilful damage charge and for stealing a motor vehicle. There is no evidence to suggest these crimes were targeted against any particular group (OD-585).
<ul style="list-style-type: none"> <i>The victim was in company of a member of the targeted group</i> 	There is no evidence to suggest any other persons were present other than BONNER and ARGÆT during the fight between them that caused ARGÆT'S death.

<ul style="list-style-type: none"> <i>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</i> 	<p>ARGAET was a 38 year old male who lived at unit [REDACTED] Wardell Road, Dulwich Hill. According to his sister, he was employed as a process worker for an unknown company (ST-686). He was a regular and heavy drinker at the Gladstone Hotel along with BONNER. Other details of his personal life are not known.</p>
<ul style="list-style-type: none"> <i>The POI has a history of previous crimes with similar MO and involving other victims of the same group</i> 	<p>BONNER has a minor criminal history but of which, none are assault related and none with a similar MO.</p>
Indicators	(y/n)
<p>Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.</p>	<p>No</p>
<p>Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.</p>	<p>No</p>
<p>Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.</p>	<p>Yes</p>
<p>Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.</p>	<p>No</p>
GENERAL COMMENT	
<p>BONNER was originally from New Zealand and had only been in Australia for a few years prior to this incident. In his time in Australia, he had no adverse dealings with Police. From his own admissions in Court, BONNER stated that he had previous convictions when he was younger in New Zealand being at a bar when he was a minor; a wilful damage charge and for stealing a motor vehicle. There is no evidence to suggest these crimes were targeted against any particular group.</p>	

8. Location of Incident	
Prompts	Comment
<ul style="list-style-type: none"> <i>The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat</i> 	<p>The incident occurred at BONNER'S address in Dulwich Hill. There is no evidence to suggest that homosexual males attended this address on a frequent basis. Although BONNER appears to have no aversion against homosexual people, he does not appear to have any sexual preference for males. "At the time (of ARGAET'S death) I was going out with a girl called [REDACTED] 1104 I want to make it clear, I am not homosexual. I never have been homosexual and never had any homosexual experience of any kind. I have always had girlfriends. I hold no prejudices against homosexuals. I have friends who are gay. I treat them the same as anybody else because they are the same as anybody else" (OD-585).</p>
<ul style="list-style-type: none"> <i>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</i> 	<p>The location was the home address of BONNER. ARGAET suggested to the group of friends that they go there to drink more alcohol after the Gladstone Hotel shut. This was a regular occurrence and BONNER'S address was usually chosen as it was very close to the Gladstone Hotel. ARGAET had been at BONNER'S address on previous occasions.</p>
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

The incident occurred at BONNER'S address in Dulwich Hill. There is no evidence to suggest that homosexual males attended this address on a frequent basis. Although BONNER appeared to have no aversion against homosexual people, he does not appear to have any sexual preference for males. "At the time (of ARGÆT'S death) I was going out with a girl called [redacted] 104 [redacted]. I want to make it clear, I am not homosexual. I never have been homosexual and never had any homosexual experience of any kind. I have always had girlfriends. I hold no prejudices against homosexuals. I have friends who are gay. I treat them the same as anybody else because they are the same as anybody else." The location was the home address of BONNER. ARGÆT suggested to the group of friends that they go there to drink more alcohol after the Gladstone Hotel shut. This was a regular occurrence and BONNER'S address was usually chosen as it is very close to the Gladstone Hotel. ARGÆT had been at BONNER'S address on previous occasions.

9. Lack of Motive

Prompts	Comment
<ul style="list-style-type: none"> <i>No clear economic or other motive for the incident exists</i> 	ARGÆT was invited back to BONNER'S residence along with three other friends to consume further beers after the Gladstone Hotel closed for the night. According to BONNER, after asking ARGÆT to leave as he was getting tired, ARGÆT "got to his feet and started screaming. He was almost hysterical, and he said, 'If I want to fuck you I'll fuck you'." After this comment, BONNER claimed ARGÆT grabbed him and they started to wrestle where he believed ARGÆT was about to sexually assault him therefore stabbing him with a knife to the throat (OD-585). There is no evidence to suggest there was an economic reason or motive in the attack against ARGÆT.
Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes

Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No
GENERAL COMMENT	
<p>ARGAET was invited back to BONNER'S residence along with three other friends to consume further beers after the Gladstone Hotel closed for the night. According to BONNER, after asking ARGAEET to leave as he was getting tired, ARGAEET "got to his feet and started screaming. He was almost hysterical, and he said, 'If I want to fuck you I'll fuck you'." After this comment, BONNER claims ARGAEET grabbed him and they started to wrestle where he believed ARGAEET was about to sexually assault him therefore stabbing him with a knife to the throat. There is no evidence to suggest there was an economic reason or motive in the attack against ARGAEET.</p>	
10. Level of Violence	
Prompts	Comment
<ul style="list-style-type: none"> <i>The level of violence and injuries sustained by the victim/s is greater than would be expected for a crime of that type</i> 	<p>During the struggle that ultimately led to the death of ARGAEET, BONNER used a 32 centimetre knife from his kitchen block and stabbed him once towards the throat causing the fatal injuries. According to BONNER'S version of events, "I grabbed that (knife) and pushed at him with the knife to get him away from me. I was desperate not to end up on the ground because at that stage I believed he was trying to rape me or hurt me. Also because of the stairway right beside us, I didn't want to fall down that and end up cracking my head" (OD-585). In Justice DOWD'S summation in the Supreme Court to the Jury, he instructed them to consider if the accused [BONNER] actions were proportionate to the threat he felt from ARGAEET. The Jury returned a verdict of not guilty to both murder and manslaughter for BONNER.</p>
<ul style="list-style-type: none"> <i>Weapons of opportunity are used in the incident</i> 	<p>BONNER used a knife from his knife block to stab ARGAEET which was within his reach at the time he was being held by ARGAEET. This knife was a weapon of opportunity and accessible whilst he was attempting to defend himself, not a pre-meditated weapon.</p>
<ul style="list-style-type: none"> <i>The number of POI's is greater than the number of victims and all POI's take an active role in the assault</i> 	<p>There is no evidence to suggest that there were more than BONNER and ARGAEET present during the confrontation that claimed ARGAEET'S life.</p>

Indicators	(y/n)
Bias Crime – sufficient evidence/information exists to prove beyond a reasonable doubt that the incident was either wholly or partially motivated by bias towards one of the protected categories and constitutes a criminal offence.	No
Suspected Bias Crime – evidence/information exists that the incident may have been motivated by bias but the incident cannot be proven beyond a reasonable doubt that it was either wholly or partially motivated by bias and constitutes a criminal offence.	No
Not Bias Crime – the incident has been determined as either not being motivated by bias towards a protected group or although bias motivation is in evidence it does not relate to a protected group.	Yes
Insufficient Information – insufficient information has been recorded to make a determination in regards to bias motivation. This may be due to a lack of detail recorded by police or a lack of information supplied by victim's and/or witnesses.	No

GENERAL COMMENT

During the struggle that ultimately led to the death of ARGÆT, BONNER used a 32 centimetre knife from his kitchen block and stabbed him once towards the throat causing the fatal injuries. According to BONNER'S version of events, "I grabbed that (knife) and pushed at him with the knife to get him away from me. I was desperate not to end up on the ground because at that stage I believed he was trying to rape me or hurt me. Also because of the stairway right beside us, I didn't want to fall down that and end up cracking my head." In Justice DOWD'S summation in the Supreme Court to the Jury, he instructed them to consider if the accused [BONNER] actions were proportionate to the threat he felt from ARGÆT. The Jury returned a verdict of not guilty to both murder and manslaughter for BONNER. The knife used appears to have been a weapon of opportunity which BONNER used as self defence against ARGÆT.

SUMMARY OF FINDINGS

Indicator: Not a bias crime (NBC)

Comment: Mervyn Thomas ARGÆT was a homosexual male who was open about his homosexuality however did not much speak publicly about any personal details such as partners to others. He was often referred to by his middle name as Tom. In a statement from ARGÆT'S close friend of three years [1103] [1103] she stated, "During conversations we have had in the past Tom told me he was homosexual." Steven Craig BONNER is a straight male whom has always had female partners. During the magistrate's summation, his testimony was read again to the Jury. In his version, he stated, "At the time (of ARGÆT'S death) I was going out with a girl called [1104]. I want to make it clear, I am not homosexual. I never have been homosexual and never had any homosexual experience of any kind. I have always had girlfriends. I hold no prejudices against homosexuals. I have friends who are gay. I treat them the same as anybody else because they are the same as anybody else." Prior to the incident, ARGÆT and BONNER were drinking at the Gladstone Hotel with their mutual friends [1105] [1106] and [1105]'s male cousin, [1107]. All these persons went from the

hotel to BONNER'S address nearby and continued to drink prior to leaving BONNER and ARGÆT alone at the residence where the incident occurred sometime later. There is no evidence to suggest any bias related comments were made from BONNER toward ARGÆT. [REDACTED] 1108 lived above BONNER and was the first person BONNER spoke to after in the incident with ARGÆT. [REDACTED] 1108 gave evidence at Coroners Court where she recounts what BONNER said to her directly after the assault when BONNER had asked her to call an Ambulance for ARGÆT. "He thanked me and then he said that he'd had an argument with the guy and said he was gay and that he'd tried this on him before and he'd told him not to."

The incident occurred at BONNER'S home address at unit [REDACTED] Marrickville Road, Dulwich Hill. There are no recorded incidents of bias crime having occurred at this location. There is no evidence or previous reported incidents that suggest ARGÆT had been receiving harassing mail, email or phone calls because of his sexuality. BONNER was originally from New Zealand and had only been in Australia for a few years prior to this incident. In his time in Australia, he had no adverse dealings with Police. From his own admissions in Court, BONNER stated that he had previous convictions when he was younger in New Zealand being at a bar when he was a minor; a wilful damage charge and for stealing a motor vehicle. There is no evidence to suggest these crimes were targeted against any particular group.

ARGÆT was invited back to BONNER'S residence along with three other friends to consume further beers after the Gladstone Hotel closed for the night. According to BONNER, after asking ARGÆT to leave as he was getting tired, ARGÆT "got to his feet and started screaming. He was almost hysterical, and he said, 'If I want to fuck you I'll fuck you.'" After this comment, BONNER claims ARGÆT grabbed him and they started to wrestle where he believed ARGÆT was about to sexually assault him therefore stabbing him with a knife to the throat. There is no evidence to suggest there was an economic reason or motive in the attack against ARGÆT. During the struggle that ultimately led to the death of ARGÆT, BONNER used a 32 centimetre knife from his kitchen block and stabbed him once towards the throat causing the fatal injuries. According to BONNER'S version of events, "I grabbed that (knife) and pushed at him with the knife to get him away from me. I was desperate not to end up on the ground because at that stage I believed he was trying to rape me or hurt me. Also because of the stairway right beside us, I didn't want to fall down that and end up cracking my head." In Justice DOWD'S summation in the Supreme Court to the Jury, he instructed them to consider if the accused [BONNER] actions were proportionate to the threat he felt from ARGÆT. The Jury returned a verdict of not guilty to both murder and manslaughter for BONNER. The knife used appears to have been a weapon of opportunity which BONNER used as self defence against ARGÆT.