

Dr Danny Sullivan

MBBS MBioeth MHLthMedLaw MMgmt AFRACMA FRCPsych FRANZCP
 Consultant Forensic Psychiatrist

24 October 2022

PSYCHIATRIC REPORT *In confidence*

Kate Lockery
 Principal Solicitor
 For Crown Solicitor
 Special Commission of Inquiry in LGBTIQ hate crimes
 GPO Box 5341
 Sydney 2001

Dear Ms Lockery

Re: **The death of John HUGHES**
 DOB: **10 April 1944**

Background

- [1] I have provided a report at your request. I understand that the death of Mr Hughes is a subject of inquiry under the Special Commission of Inquiry in LGBTIQ hate crimes ('the Inquiry'). You have sought an opinion on issues of potential relevance to the Inquiry from the perspective of a forensic psychiatrist. Your letter of instruction dated 30 September 2022 sets out the assumed facts and the materials provided to me.
- [2] I work as a Consultant Forensic Psychiatrist. My medical degree is from the University of Melbourne. I hold three Masters degrees, in Medical Law (Melbourne), Bioethics (Monash), and Management (McGill). I am a Fellow of the Royal Australian and New Zealand College of Psychiatrists, Fellow of the Royal College of Psychiatrists (UK) and Associate Fellow in the Royal Australasian College of Medical Administrators. I am an Accredited Member of the Faculties of Adult and Forensic Psychiatry of the RANZCP. I am Executive Director of Clinical Services at the Victorian Institute of Forensic Mental Health (Forensicare), where I have worked since 2004. I have clinical experience in forensic community, prison and hospital settings, with particular experience in the assessment and management of sexual offending. I hold honorary academic positions at the University of Melbourne, and Swinburne University: I am active in research, teaching and publishing academic articles, and remain engaged in clinical practice and the administration and management of mental health services. I have previously provided expert evidence to the Coroner's Court of NSW in several cases. I have been a member of the Victoria Police Road Safety Fatality Review Panel since 2009 and the Human Research Ethics Committee of the Victorian Institute of Forensic Medicine (VIFM) since 2011. My full curriculum vitae is available on request.
- [3] This report is prepared in my private capacity and does not reflect the opinion of any organisation by which I am employed or with which I am affiliated. I have no conflict of interest in this matter, and no affiliation with any party in this matter.

PO Box 1060
 Nth Melbourne
 VIC 3051
 Australia

E: [REDACTED]
 Ph: [REDACTED]
 DX: 212119
 ABN: 566 898 67 184



FRANZCP
 • Fellow •
 The Royal Australian
 & New Zealand
 College of Psychiatrists

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- [4] I, Dr Danny Sullivan, acknowledge for the purpose of Rule 31.23 of the *Uniform Civil Procedure Rules 2005* that I have read the *Expert Witness Code of Conduct* in Schedule 7 to the said rules, and agree to be bound by it.

Information from materials

- [5] I understand that Mr Hughes was found dead in his apartment in Potts Point on the morning of 6 May 1989. He had last been seen alive the preceding day, and efforts to visit him in his apartment that evening and the following morning had been unsuccessful.
- [6] He was found lying face down on the bed with his hands and feet bound, and a bloodstained pink pillowslip on his head. There was a white electrical cord and a leather belt wrapped around his neck, with kitchen tongs apparently having been used to tighten these bindings. Pieces of broken pottery were scattered around his head and there was a lightbulb next to his right arm, personal papers scattered on the bed and a kitchen knife atop the papers. His wallet and credit card were not located and there was no money found in the flat. The cause of death was considered to be ligature strangulation and a blunt object injury to the head.
- [7] The statement of Constable First Class Sandra Langsford was noted and referred to the crime scene. She described that Mr Hughes' body was clothed. It was also noted that there was a fan forced heater set up to dry two pairs of running shoes, and dining settings for three people had been washed and stacked in the kitchen sink. There was a bloodstained T-shirt behind the coffee table and evidence of cannabis and tobacco smoking.
- [8] It was noted that Mr Hughes was openly gay, had involvement in the sale of drugs including opiates; and was on a methadone program.
- [9] Ian Jones was man who had at one point lived with Mr Hughes in the apartment, but with no evidence of a preceding intimate relationship. It was noted that their relationship deteriorated in 1989, with Mr Hughes believing that Mr Jones had stolen drugs, cash and electronics from him. Mr Jones was eventually charged with murder, tried, but acquitted by a jury.
- [10] The statement of Ian Jones noted that "to my knowledge Hughes was an active homosexual, who was a user of heroin, although at the time of his death, he was on the methadone programme". He reported that after he had been stabbed in February 1989, he moved in with John Hughes and noted that also there was a person "named [151] .. I assume a young homosexual, who I understand to be John boyfriend. [151] did use heroin...". He noted another acquaintance whose "name I can't remember... also a homosexual and used to be accompanied by various boys when he came to visit... did tell me that he used to score heroin from John when he was dealing". He reported that subsequently he moved to Bathurst and only travelled once on a train to Sydney in mid-April, returning that afternoon by train and bus.
- [11] Collateral information noted that Mr Jones drove off from his residence on the morning of 5 May while suffering heroin withdrawal, and returned on 6 May 1989, when the witness noted that he had "obviously obtained and recently used heroin". The witness, Kerrie Stanton, provided police with a jacket belonging to Ian Jones, which she had kept after they parted company following the death of Mr Hughes. Within its torn lining was located a Building Society passbook in the name of Mr Hughes with the last entry on 21 April 1989. Another acquaintance, Gavin Scobie, identified having seen the bankbook on 3 May 1989 while visiting Mr Hughes.
- [12] The statement of Mark Locke described Mr Hughes' social life, noting that he was "an active homosexual, who likes young boys and [151] was about 17 or 18 old then... moved in as John's 'bum boy' and [151] would give John sexual favours in return for heroin and a place to stay". He also noted that [151] was working as a prostitute. He noted that when Mr Jones left Mr Hughes' accommodation earlier in 1989, "he took with him John's drugs and some cash... over \$2000.00. He also took some electrical equipment: A police scanner, a video and a television... took some of John's clothes".

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- [13] Mr Locke stated that he encountered Jones, who made threats to kill Mr Hughes and was "really furious". He described Jones seeking information about when the deceased person would pick up heroin, so that he could be bashed and the heroin stolen soon after. He reported subsequently hearing that "John was murdered and that a guy, a bisexual I only know as Aaron was in jail over this". Mr Locke stated that he did not attend the police due to outstanding warrants for him and "fears for my safety as I believe the person JONES would injure me or kill me if he was aware that I had spoken to police".
- [14] Following further investigations, Mr Jones was arrested on 30 April 1990 and when taken into custody was searched and "a syringe was located in his underpants." He acknowledged being on methadone. The investigating officer confronted Mr Jones with the jacket which contained the bankbook with a stamped entry from date later than the date on which Mr Jones claimed he had last seen Mr Hughes. He was then charged.
- [15] A document entitled *facts relevant to the matter of Ian Stewart Jones, charged with the murder of John Gordon Hughes* noted that investigations revealed that Jones had been off sick from work from 5 to 8 May 1989, and had commented to Mark Locke of Mr Hughes that he would "kill the little cunt."
- [16] In a subsequent statement provided on 30 April 1990, Mr Jones stood by his previous statement but to say that he also noted that Mr Hughes had "occasionally" used heroin, once or twice per week. He acknowledged owing him \$200 to buy heroin. He acknowledged having travelled to Sydney a couple of other times that he had not previously acknowledged, once to visit Kerrie Stanton and once to buy drugs. "There may have been an occasion when I went to Sydney to obtain drugs". He denied recollection of when this might have been. He refuted allegations that he had stolen money, drugs and electrical equipment from Mr Hughes. At question 243 when asked why he moved out of the Mr Hughes' flat in March 1989 he said "I was just fed up with the place, it was full of drugs and poofers".
- [17] Witness Janice Dowsley reported "Jonesy said, 'don't worry, he was a fucking faggot dog anyway and he deserved to die and he deserved everything that he got'".
- [18] Dr R Seidler prescribed methadone to Mr Hughes over the 18 months prior to his death, and saw him weekly. He did not mention mental health diagnoses.

Your specific questions

Whether there are any aspects of the manner of death (including the nature and extent of the injuries inflicted) and/or crime scene which may indicate that a homicide has occurred in the context of LGBTIQ hate/prejudice/bias (hereafter collectively referred to as "hate")

- [19] The crime scene depicted sexualised elements, including binding, strangulation, and hooding. The location and posing of the body on the bed may have suggested, conscious or unconscious motivation of the offender to reflect Mr Hughes' sexuality, as they perceived it.

The possible motivation/s of the perpetrator of Mr Hughes' injuries to the extent that this can be discerned from the available evidence. In answering this question, please consider the following alternate scenarios:

- 1) *Mr Jones is in fact the perpetrator. In this scenario, please assume further that the statements of Mr Locke, Ms Dowsey and Ms Stanton are accurate, and that the bank book was in fact in the lining of a jacket belonging to Mr Jones*
- 2) *Another unknown person is the perpetrator. In this scenario, please disregard earlier assumptions from letter of instruction*

Please also consider any relevant concepts including (but not limited to) notions of masculinity, male honour, internalised homophobia, medicalised stigma, conflating homophobia with paedophilia, perceptions of the characteristics of LGBTIQ persons, and particular psychopathologies

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- [20] The first hypothetical scenario is based on the assumption that Mr Jones was the perpetrator of the killing. In this case, potential motivations include:
- a) Revenge based upon Mr Jones' anger at allegations that he had stolen from Mr Hughes;
 - b) Robbery of cash and drugs;
 - c) Hatred of Mr Hughes, at least in part based upon his homosexuality.
- [21] Support for these potential motives is based upon evidence provided by associates of Mr Jones, who had variously described him with scorn, made threats, or expressed anger at Mr Hughes. He was noted to have made denigrating and disparaging comments about Mr Hughes, his acquaintances, and his lifestyle, including his homosexuality.
- [22] The potential motivation of robbery to obtain drugs and money was based upon common knowledge that Mr Hughes was engaged in trading drugs, and the locations where he stored these was known by several people.
- [23] In addition to statements made, the other supporting evidence is that Mr Jones was absent from his residence at the time of Mr Hughes' death, the finding of the bankbook, inconsistencies and mistruths in statements to police, and the evidence that he had been in heroin withdrawal, and was no longer when he returned after Mr Hughes death.
- [24] In the second proposed scenario with an unknown perpetrator, the motives remain potentially the same. These include:
- a) Revenge, related to Mr Hughes' drug transactions or sexual relationships, including the possibility of jealousy, or hatred;
 - b) Robbery of cash and drugs;
 - c) Hatred of Mr Hughes, at least in part based upon his homosexuality.
- [25] In the letter two potential motives, sexualised elements of the crime scene, including the posing of the body and the method of death, may reflect hate.

Aspects of victimology that may be relevant to Mr Hughes' death

- [26] Mr Hughes' lifestyle was clearly characterised by drug use and homosexuality. He may have supplied drugs in exchange for sexual activity, or been offered sex in exchange for drugs. As a consequence, it is possible that he made enemies.
- [27] There is no information suggesting that Mr Hughes had significant mental health difficulties.

Any recommendations for further investigations with respect to determining the manner and cause of the person's death

- [28] I have no suggestions.

Any other matters you wish to raise within your expertise that may be of assistance to the Inquiry.

- [29] There are no other matters I wish to raise.
- [30] I hope this report has been of assistance to the Inquiry.

Yours sincerely



Dr Danny Sullivan
Consultant Forensic Psychiatrist