

# 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 Gerald CUTHBERT**  
 DOB: **27 July 1954**

### Background

- [1] I have provided a report at your request. I understand that the death of Mr Cuthbert 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: [REDACTED]  
 ABN: [REDACTED]



- 
- [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] Mr Cuthbert was found dead on 18 October 1981 by the residents of an apartment in Paddington. It was noted that Mr Cuthbert was conflicted between his homosexuality and Christian faith.
- [6] The autopsy report suggested that the death occurred in preceding 24 hours. The cause of death was a large number of stab wounds and his throat had been cut, with no defensive wounds. The wounds were in his back, left side of the chest, left side of the neck and the left shoulder, with a knife that had one sharp edge. The murder weapon was not located.
- [7] Anal swabs tested positive for sperm suggesting he had had sex shortly before death.
- [8] Crime scene photographs were noted. The circumstances of the crime scene suggest that Mr Cuthbert had engaged in a sexual liaison and that subsequently the other person killed him by repeated stabbing and may have stolen money.
- [9] I understand that his known sexual partners were excluded "substantially (but not conclusively)" by alibi evidence.
- [10] Information from the resident in the flat, [REDACTED] 1212, noted that he had been away in Nowra with his partner. It appeared that Mr Cuthbert was residing at the YMCA but attended Mr [REDACTED] 1212 flat on a nightly basis. Mr [REDACTED] 1212 and Mr Cuthbert had previously been in a relationship together.
- [11] The statement of [REDACTED] 1214 suggested that Mr Cuthbert may have picked up strangers at 'The Wall' in Darlinghurst Street.

### **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")*

- [12] The nature and extent of injuries significantly exceed what is necessary to kill a person, and are consistent with an attack occurring in a frenzy, panic, or overkill. There is evidence suggesting recent receptive anal sexual intercourse with a male partner.

*The possible motivation/s of the unidentified perpetrator of Mr Cuthbert's injuries, to the extent that this can be discerned from the available evidence. In answering this question, please 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*

- [13] Possible motivations include anger, or distress if the unknown protagonist was conflicted about their sexual orientation. This is speculative and relies upon inference from the excessive violence in Mr Cuthbert's death, and the context of apparent recent sexual intercourse with an unknown male partner.
- [14] There is no indication from the materials of any other potential motive which may be discerned from the available evidence, and your information suggests that robbery was of limited apparent relevance to the offence.

---

*Aspects of victimology that may be relevant to Mr Cuthbert's death;*

- [15] Mr Cuthbert's conflict between his sexuality and his Christian faith may have been relevant to the offence if his ambivalence was manifest and led to conflict with his partner. This however is speculative.
- [16] There are no indications on the limited materials that Mr Cuthbert had mental health or substance use problems.

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

- [17] I have no suggestions.

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

- [18] There are no other matters I wish to raise.

- [19] I hope this report has been of assistance to the Inquiry.

Yours sincerely



**Dr Danny Sullivan**  
Consultant Forensic Psychiatrist