



NSW POLICE FORCE

P190B

STATEMENT OF POLICE

In the matter of: Special Commission of Inquiry (SCOI) – LGBTIQ (Hate Crimes) Deaths
Response to Letter – Death of Gerald Leslie CUTHBERT.

Place: Homicide Squad - State Crime Command

Date: 18 January 2023

Name: Neil SHELDON

Tel. No: [REDACTED]

Rank: Detective Sergeant

Station/Unit: Homicide Squad

STATES:

1. This statement made by me accurately sets out the evidence that I would be prepared, if necessary, to give in court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I will be liable to prosecution if I have wilfully stated in it anything that I know to be false, or do not believe to be true.
2. I am 37 years of age.
3. I am a Detective Sergeant in the Homicide Squad of the New South Wales Police Force (NSWPF). I am currently a Team Leader within the Unsolved Homicide Team (UHT).
4. As part of my role, I am assisting the NSWPF in responding to requests issued by the Special Commission of Inquiry into LGBTIQ Hate Crimes (Inquiry). I make this statement on the basis of information known to me and information provided to me by colleagues in the NSWPF and believe that information to be true at the time of making this statement.

DEATH OF GERALD LESLIE CUTHBERT

5. The death of Gerald Leslie CUTHBERT (CUTHBERT), date of birth, 27 July 1954 on/about 18 October 1981 in Paddington, NSW has been subject to the following requests and summonses by the Inquiry.

Witness:

Amanda CARY
Detective Acting Sergeant
Homicide Squad
18 January 202

Signature:

Neil SHELDON
Detective Sergeant
Homicide Squad
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SUMMONS NSWPF01 – SEARCHES & ENQUIRIES UNDERTAKEN.

6. On 18 May 2022, the Inquiry issued Summons NSWPF01 relating to the production of investigation records in relation to 23 persons, one of the persons named was CUTHBERT. In response to the Summons, on 02 June 2022, the following archive boxes were provided to the Inquiry;

B/2001/70 - Major Crime Squad South (MCSS) - Homicide Squad - Case Files - 1981 - 1989

B/2003/17536 – Investigations – IIC – Murder Files – 1981

B/2010/6543 – Forensic Services Group (FSG) Sydney Crime Scene Section – Box 31

B/2016/7670 - MAJOR CRIME SQUAD - HOMICIDE UNIT - 1978 to 1987 & 1991 -1995

LETTER OF REQUEST (23 SEPTEMBER 2022) – SEARCHES & ENQUIRIES UNDERTAKEN.

7. On 23 September 2022, the Inquiry wrote a Letter of Request relating to the death of Gerald Leslie CUTHBERT requesting the assistance of the NSWPF to undertake enquiries to identify and locate specific forensic exhibits and fingerprint records (Documents) associated with the investigation of the death CUTHBERT.
8. On/about 26 September 2022, in response to the Letter of Request, search of the NSWPF exhibit management system called Exhibits Forensic Information and Miscellaneous Property System (EFIMS). No Documents were located as a result of this search.
9. Furthermore, All NSWPF investigative holdings – WebCOPS, Historical COPS Data, Pre-COPS data, E@glei and KODA ('Google' Style Search Engine across NSWPF systems) were reviewed. No Documents were located as a result of these searches.
10. On 28 September 2022, investigators attended Surry Hills Exhibit Centre and reviewed exhibit book entries between October 1981 until the end of 1984. No entries were located in relation to CUTHBERT. No exhibit books from Paddington Police Station were located. It is believed at the time of CUTHBERT'S death officers attached to Paddington Police Station could also

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record exhibits at what was referred to as 'Central Exhibits'. No exhibit entries relating to CUTHBERT were located. Exhibit entries were also reviewed in exhibit books used by the then Criminal Investigation Branch (CIB) - Homicide Squad. No entries related to CUTHBERT were located.

11. After completing these enquiries – later on 28 September 2022, investigators attended the long-term exhibit repository – Metropolitan Exhibit and Property Centre (MEPC) and conducted searches in relation to the Documents listed however no exhibits were located.

12. On 27 September 2022, officers made enquiries with Doctor David BRUCE, Senior Forensic Biologist for the NSW Forensic and Analytical Science Service (FASS) confirmed no items or samples relating to CUTHBERT were stored at FASS. Dr BRUCE provided to the following documents:

- a. A copy of a Forensic Biology Laboratory Index;

Attached to this statement and marked "A"

- b. DAL Exhibits Register that references the Documents;

Attached to this statement and marked "B"

- c. A copy of a P377 NSW Police Specimen/Exhibit Examination Form concerning the Documents;

Attached to this statement and marked "C"

- d. A copy of a Report prepared by Forensic Biologist Annette HENRY dated 23 February 1982 concerning the Documents.

Attached to this statement and marked "D"

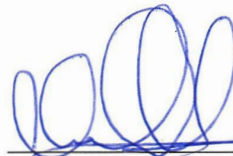
13. A copy of the email communication with Dr BRUCE is attached to this statement and marked "E".

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14. Item (b) detailed above showed on 4 March 1982 the Documents listed as part of the Letter of Request were dispatched to D.G. Kane of NSW Coroners' Court on 4 March 1982.
15. On 27 September 2022, enquiries were made with Forensic Evidence & Technical Services (FETS) who located fingerprint file number 1981/8344 which related to the murder of CUTHBERT. However, the file did not make reference to any of the Documents detailed in the Letter of Request. FETS conducted further checks to identify further links to exhibits relating to the murder of Gerald CUTHBERT however these checks were unsuccessful. A copy of the email communication with FETS is attached to this statement and marked "F".
16. On 29 September 2022, officers of NSWPF had a conversation with the Department of Forensic Medicine (Formally NSW Coroners' Court). Robert CLOONEY, Mortuary Manager advised all physical exhibits should have been returned to Police at their respective Police Stations. Any exhibits held at Glebe Coroners' Court in 1996 which had not been returned to Police were destroyed.
17. On 4 October 2022, officers attended Paddington and Waverley Police Stations and conducted searches in relation to exhibit books. No exhibit books located for the timeframe of 1981.
18. On/about 6 October 2022, The Office of General Counsel (OGC) acting on behalf of the NSWPF replied to the Inquiry, setting out the further searches it had undertaken and confirming that those searches were not fruitful.

LETTER OF REQUEST (25 NOVEMBER 2022) – SEARCHES & ENQUIRIES UNDERTAKEN.

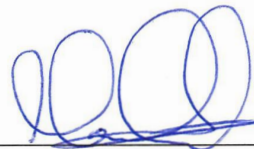
19. On 25 November 2022, the Inquiry wrote a further Letter of Request in relation to the death of CUTHBERT urging the NSWPF to redouble their efforts to locate the items listed as per the Inquiry's letter on 23 September 2022.
20. On/about 28 November 2022, officers conducted secondary searches of the EFIMS system, as well as NSWPF investigative holdings – WebCOPS, Historical COPS Data, Pre-COPS data, E@glei and KODA however no Documents were located.

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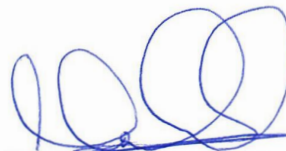
21. On/about 30 December 2022, officers once again made enquiries with Metropolitan Exhibit and Property Centre (MEPC) and the Department of Forensic Medicine. No further items with — located.
22. On/about 1 December 2022, The Office of General Counsel (OGC) acting on behalf of the NSWPF replied to the Inquiry, advising NSWPF had redoubled their efforts however no Documents were located.
23. Aside from the Documents detailed in *Paragraph 13*, no other Documents were located. I consider the above searches and enquiries to be an exhaustive search of the Documents and no further avenues of enquiry are available to locate the Documents.

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