



Special Commission of Inquiry into LGBTIQ hate crimes

23 September 2022

Patrick Hodgetts
 Senior Lawyer
 Office of the General Counsel, NSW Police Force
 Locked Bag 5102
 PARRAMATTA NSW 2124

By email: [REDACTED]

Dear Mr Hodgetts

Special Commission of Inquiry into LGBTIQ hate crimes: exhibits relating to death of Gerald Leslie Cuthbert

As you are aware, the Special Commission of Inquiry into LGBTIQ hate crimes (“the Inquiry”) is inquiring into the death of Gerald Leslie Cuthbert (born 27 July 1954) on or about 18 October 1981.

In order to determine the investigative steps to be taken by the Inquiry in relation to Mr Cuthbert’s death, including possible further forensic testing and analysis, I would be grateful for the assistance of the NSW Police Force, and in particular the Unsolved Homicide Team (“UHT”), in undertaking enquiries to identify and locate the physical exhibits in this matter.

I provide the following background information by way of assistance:

- In relation to the forensic exhibits:
 - The exhibits included at least the following items:
 - Blood sample taken from Gerald Cuthbert;
 - 2 x anal swabs taken from Gerald Cuthbert;
 - 2 x anal smears taken from Gerald Cuthbert;
 - Pubic hairs from Gerald Cuthbert;
 - Head hairs from Gerald Cuthbert;
 - 2 cigarette butts from lounge room of crime scene;
 - Handkerchief from crime scene; and
 - Pair of men’s socks, blood stained, from crime scene.
 - A forensic analysis was undertaken at the time of the initial investigation by Annette Louise Henry of the Division of Forensic Medicine, Glebe. The reference number associated with

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that analysis is FS 81/407. I **enclose** a copy of the resulting report, dated 23 February 1982, for reference.

- The “precis folder number” 81.2976 appears on a Scientific Investigation Section Record of Exhibits provided to the Inquiry, which lists some (but not all) of the exhibits in this matter, and further suggests that several other clothing items were also retained as exhibits. I **enclose** a copy of that document for reference.
- A review undertaken by the UHT, completed 11 October 2005, was at that time unable to locate any forensic exhibits. The reference number “81/2184” is noted in relation to the exhibits. The review noted the following enquiries had been undertaken or considered:
 - Paddington Police Station exhibits – not located;
 - Forensic Services (via D/D/Sgt Horn) – pending at that time;
 - DAL Records (via Carl Cameron) – pending at that time; and
 - SPC Exhibits – not yet made at that time.

The review also notes that, of the two socks collected as exhibits, the last record, being a running sheet entry dated 2 October 1981 (designated RS4/5), indicated that one sock was in the possession of Analytical Laboratories, Lidcombe and the other at the Department of Forensic Medicine, Glebe.

- In relation to the fingerprint file:
 - The fingerprint file number is 1981/8344. At the time of the UHT review undertaken in 2005 referred to above, the fingerprint file had been “requested through #FMPC”.

If the UHT is unable to locate the above exhibits, please confirm whether the relevant exhibit books have been retained. If the exhibit books have been retained, please provide copies of the relevant entries to the Inquiry.

Timeframe for response

I would be grateful if the above information as to the location of the exhibits and fingerprint file and/or (if necessary) the exhibit books could be provided to the Inquiry by no later than **30 September 2022**. Please let me know as soon as possible if you anticipate any difficulties with this timeframe.

I confirm that separate enquiries will be made with the Forensic and Analytical Science Service of NSW in relation to the location of the forensic exhibits.

Please do not hesitate to contact Emily Burston on [REDACTED], or by email at [REDACTED] if you have any queries in relation to this matter.



Emily Burston
Senior Solicitor
for Crown Solicitor

Encl. (2)