

Dr Danny Sullivan

MBBS MBioeth MHIthMedLaw MMgmt FRCPsych FRANZCP

Consultant Forensic Psychiatrist

15 May 2023

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 Samantha ROSE (born David)**
DOB: **27 February 1932**

Background

- [1] I have provided a report at your request. I understand that the death of Ms Rose 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 28 April 2023 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, and Fellow of the Royal College of Psychiatrists (UK). 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. 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.
- [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.

[REDACTED]
Australia

E: [REDACTED]
Ph: [REDACTED]
DX: [REDACTED]
ABN: [REDACTED]



Information from materials

- [5] A **report of death to the coroner dated 22 December 1997** noted that the time of death was between 10 am on 20 December and 11:15 am on 22 December 1997 and the death occurred in an apartment in Kensington. Ms Rose was found lying on her back, with markings to the face and blood around her nose and on her shirt. There were signs of struggle or disruption to property. The phone was off the hook.
- [6] The **autopsy conducted by Dr CH Lawrence on 22 December 1997** gave the cause of death as a head injury, noting blunt force trauma to the face and head "strongly suggestive of an assault". There were also injuries to the right shoulder. Ms Rose was of slight stature (58.5 kg, 1.55 m height). There were no rectal or injuries and there was no comment on the penis. The body was clad in a T-shirt, skirt, lace underpants and a lace bra, with shaved legs, bracelets and bangles, nail polish and a necklace. There was a bruise on the right arm "consistent with a hand gripping his arm". No drugs or alcohol were detected.
- [7] The **statement of Detective Senior Constable of Police PM Thornton dated 23 October 1998**, reported that her parents were concerned for the welfare of Ms Rose, as they had not been able to contact him. The police rescue squad attended and used an extension ladder to provide access to the unit through a fully opened window and observed that Ms Rose was dead. Further noted was that a television was lying screen down, an ironing board tipped on its side, part of a smashed plate on the kitchen floor and the remainder in the fridge, the balcony door was open and the balcony screen door was closed but unlocked. The front door was closed and locked with two security locks and could not be opened from the inside without a key. An external front screen security door was closed but unlocked and a Christmas wrapped package and handwritten note were between the screen door and the security door.
- [8] It was noted that Ms Rose was lying supine, arms spread out and there was an unopened tin of plums between her knees, which was flattened or dented on one side. Plastic breast inserts were on the floor. Investigations identified that Ms Rose was well known to dress as a woman, was described as a quiet person and always left the balcony door and windows open. A neighbour heard a dish breaking around midday on Sunday 21 December 1997, which was not consistent with other information and was not understood.
- [9] The investigating police noted some discussion of whether this was "a homosexual hate crime"; however, it was considered that there was no evidence to suggest that the deceased frequented gay or transgender establishments; the deceased had never been sexually active throughout his life (although she may have had one sexual liaison in the past).
- [10] Investigating police considered that Ms Rose knew the assailant and allowed them into the unit, that the killing was not premeditated and there was no known reason why the deceased was murdered.
- [11] **Ms Rose's brother Ian** noted that she did not drink alcohol or take drugs. Ms Rose was born in Auckland, New Zealand and moved to Australia in childhood with her parents and younger brother. He completed secondary school and a tertiary degree in electrical engineering and subsequently was employed as a computer analyst for 18 years with a bank. She had lived in the unit since 1991 in Kensington. It appeared that she was financially stable. She did voluntary work on radio and had done for around 12 years. It was noted that she appeared frugal and was conscious of security.
- [12] It was established or suggested that Ms Rose had two sets of keys but only one set was recovered and the other's location was unknown. A palm print from one of the plastic breast inserts had not been identified. A murder weapon had not been identified and no physical evidence was obtained from the can of plums to support that it was the weapon; no other possible weapon was located.

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- [13] **Megan Brownlow** noted that Ms Rose had contacted her around November 1997 and had told her that Sandra Durward had been staying at her apartment intermittently and was "stealing money and drinking methylated spirits". She formed the impression that he had become scared of Durward.
- [14] The **statement of Ai Lun Gu** noted that she lived in the same block of flats and saw Ms Rose on the afternoon of 20 December 1997, when she collected clothes from the clothesline.
- [15] **Several statements** noted that Ms Rose had discussed having a sex change and taking female hormones.
- [16] The **statement of Carl Ellwood** discussed Sandra Durward. He noted that she drank alcohol "almost every day... have a drink to start the day".
- [17] The **statement of Gordon Sharp** noted that Ms Rose advised him "not to allow Ms Durward into his house as she had been stealing". A statement of Diedre Miles noted that she was acquainted with Sandra Durward. She noted that Ms Durward reported injuries on 22 or 23 December 1997, which she attributed to a client and to her bag.
- [18] The **statement of Helene Topp** noted that she saw Mr Becker on the afternoon of 20 December 1997, when they spoke about Ms Rose and he reported an eye injury. He also reported having attended Ms Rose's house after leaving her house on 20 December 1997 but there was no answer.
- [19] The **statement of Elina Helme**, Mr Becker's partner, noted he told her that he had been to Ms Rose's unit on 20 December 1997 "but there was no answer. He had left the present between the front door and the screen door". She noted that Mr Becker had expressed concern about the welfare of Ms Rose. She noted that he contacted her on 22 December 1997 and stated that "... the deceased had been located in his unit and that he may have taken his own life".
- [20] The **statement of Louise Clifford** noted that she knew Sandra Durward from work at a Massage Parlour and that Durward: had informed the police that she knew who had killed the deceased; told her that her fingerprints would be all over the unit; told her that she had keys to the unit when the deceased was murdered; mentioned her stepson stealing property from the deceased while he was away.
- [21] The **statement of Irene Burros**, a receptionist at Final Touch noted that Sandra Durward commenced work in early December 1997 and she noticed an injury to her eye and her elbow around 24 December 1997. She had no information about how this occurred. She noted that on 24 December, Durward "said to her, "I think I know who did it. My stepson has keys to the unit". She also mentioned about the deceased's unit door being locked and there was no sign of forced entry". Burros noted that Durward made an ambiguous statement "maybe I did kill him". She also noted that in January 1998, she described Ms Durward's mood as "in a rage" and considered that in that mood, she might have been capable of murder.
- [22] The **statement of Marisa Cracker** noted that Durward was late to arrive for work at Final Touch on 20 December 1997. She reported that she arrived at work between 1830 and 2000 and stated that she had "been in the city and had had coffee with a friend who was screwed up and she had tried to sort out his problems". On 21 December 1997, she noted that Durward had a bruised eye, which she attributed to a client kicking her. She also noted in late December or early January 1998 that Durward made an ambiguous statement of "maybe I did kill him" and also said "I've got to make a phone call, this is alibi". In an additional statement, she noted that she did not consider Durward to appear drunk or under the influence of drugs.
- [23] The **statement of Nazeem Hudson** noted that she had worked with Durward who had made statements about possibly killing "this guy... the cross dresser... my best friend... I might have killed him in my sleep... it couldn't have been me. I must have been drinking".

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- [24] The **statement of Fiona Feary**, sister of Sandra Durward, noted that Ms Rose contacted her by telephone after Sandra Durward had left her unit and wanted his keys returned. She stated that she spoke to Durward about the keys and she told her that she would organise to return them but she could not be sure that this had occurred.
- [25] The **statement of Elizabeth King** noted that she was acquainted with Sandra Durward and through her had met the deceased person. She reported that in early January 1998, Durward informed her of Ms Rose's murder, reported that the police were "hassling her... looking for.. Dave's keys... drinking again but it was under control". She described contact with Diedre Miles on 11 January 1998, telling her that she was fearful of Ms Durward".
- [26] The **statement of Clive Styling** noted that he had interacted with Ms Durward at an Alcoholics Anonymous meeting in the early afternoon of 20 December 1997, and described her as agitated, "to the degree of being emotionally distressed... so upset he could not understand what she was talking about" and told them that she may have had an argument with Ms Rose and that he had spoken to her on a number of occasions since and she was "very emotionally distressed about the death of her friend... may have thought that she had some involvement in the death of her friend... frightened and concerned regarding her friend's death, the death itself and the police investigation".
- [27] **Sandra Durward was interviewed** on 26 December 1997 and noted that she had befriended the deceased person at 2RPH, had stayed with him some months prior briefly but that he had refused to let her stay there subsequently...". She noted that he had given her a spare set of keys to use and that she had returned these to him and did not have any copies cut. She noted that acquaintances of hers had stayed there while Ms Rose was overseas and Joel Hilton had stolen property. She also expressed concern that he may have obtained a copy of the keys.
- [28] **Ms Durward's room was searched** on 26 December 1997 and found to contain a letter addressed to Geoff in which she wrote about "the distinct possibility that I was responsible, however indirectly" when referring to the death of "Dave".
- [29] **Further discussion with Fiona Feary on 16 September 1998** was noted and she recounted a theory proposed by Durward involving elements of the crime scene not known to others.
- [30] An **electronic interview with Stephen Becker took place on 22 December 1997** and it was noted that he had "an eye affliction to his left eye which appeared to be infected". He stated that he received this from a dog bite, which was confirmed by his partner.

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")

- [31] The presence of an unexplained or identified palm print on the artificial breast inserts does not clearly establish a sexual motive or interaction. There are no aspects of the offence that suggest that the death was associated with Ms Rose's transgender identity. No elements of the crime scene appear clearly associated with a hate crime.

The possible motivation/s of the unidentified perpetrator of Ms Rose'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/transphobia, medicalised stigma, perceptions of the characteristics of LGBTIQ persons, and particular psychopathologies

- [32] The placement of the can of plums between the legs of the deceased person may have had symbolic sexual meaning to the killer but this cannot be confirmed, noting that it was not demonstrated that the can was necessarily the murder weapon or used in the assault, and that there was no indication of sexual interference with the body after death or with Ms Rose before

death. There is no indication that the body was rearranged or posed after the assault or that female clothing was adjusted, removed or placed on Ms Rose by another. I do not consider that a motive for assault associated with sexuality can be gleaned from the available evidence.

Aspects of victimology that may be relevant to Ms Rose's death

[33] The personality of Ms Rose was consistently described by a range of acquaintances as quiet and asexual. Her transgender identity was longstanding and there was little indication of participation in any subculture with others. I do not consider there to be any obvious inferences to be drawn which may be relevant to her death.

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

[34] I have no further recommendations for investigations from the perspective of a psychiatrist.

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

[35] I have no suggestions.

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

Yours sincerely



Dr Danny Sullivan
Consultant Forensic Psychiatrist