



Special Commission of Inquiry into LGBTIQ hate crimes

19 May 2023

Clint Cochrane
Laboratory Manager, Forensic Biology/DNA
Forensic and Analytical Science Service
[REDACTED] Weeroona Road
LIDCOMBE NSW 2141

By email [REDACTED]

Dear Mr Cochrane,

Special Commission of Inquiry into LGBTIQ hate crimes

I refer to the above Inquiry, and to the conference between staff of the Inquiry and the Forensic and Analytical Science Service ("FASS") on 3 May 2023 regarding the death of James Meek.

Death of James Meek

James Meek died on 7 March 1995 at his apartment at the Northcott Flats, B-Block, on Belvoir Street, Surry Hills. Mr Meek died as a result of blunt force head injuries, consistent with an assault.

Michael Heatley was charged with Mr Meek's murder. He was committed for trial, but a directed acquittal was ordered after the close of the prosecution case.

Forensic Testing

Records held by the Inquiry indicate that forensic testing was undertaken on a number of exhibits by FASS as part of the initial NSW Police Force ("NSWPF") investigation into Mr Meek's death (FS 95/225). These exhibits were:

- a) Blood samples – Meek;
- b) Fingernail scrapings – L hand;
- c) Fingernail scrapings – R hand;
- d) Oral swab and smear;
- e) Rectal swab and smear; and
- f) Swab collected from kitchen floor.

Records held by the Inquiry also indicate that a number of exhibits were collected by NSWPF, but were not forensically tested as part of the initial investigation. These exhibits were:

- g) T-shirt;

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- h) Pair of shorts;
- i) Pair of blue underpants;
- j) Black wallet and contents;
- k) Broken brown ceramic bowl;
- l) Plastic water ampule; and
- m) Newspaper.

The NSWPF have advised that none of the exhibits set out at (a)-(c) and (f)-(m) above are now able to be located. It is noted that semen was not detected on the oral or rectal swabs and smears (referred to at (d) and (e) above).

Further, records reviewed by the Inquiry indicate that a used condom observed at the crime scene was not collected as an exhibit. The condom was seen on top of the chest of drawers in Mr Meek's bedroom, along with a number of pornographic magazines and other items. The only description of the condom is that it was "used". No observation was made as to whether any semen was visible in the condom.

Request for statement

The Inquiry seeks a statement from an appropriate officer at FASS regarding the nature of the forensic analysis that could now be performed on the exhibits had they been retained, and which also sets out the available testing that could have been performed had the used condom been taken into evidence.

It would be of assistance to the Inquiry if the statement could please address the following topics:

1. Whether FASS hold any of the exhibits listed at (a) – (f) above.
2. The further forensic analysis, if any, that could now have been performed on the exhibits set out at (a)-(c) and (f) above, had they been retained, that was not available at the time of the initial testing in 1995.
3. The forensic analysis, if any, that could now be performed on the exhibits set out at (g)-(m), had those exhibits been retained.
4. The forensic analysis that could have been performed on the used condom, both as at 1995 and presently, had the condom been collected as an exhibit.

In addressing this question, please comment on:

- i. Whether forensic analysis could have identified how recently the condom had been used and, if so, with what degree of precision.
- ii. Whether forensic analysis could have been done in relation to both the interior and exterior of the condom. That is, could testing have identified the wearer of the condom and that person's sexual partner, assuming the condom was used during sexual activity with another person?

Please comment on whether the presence of semen in the condom would impact your answers to (i) and (ii) above.

5. Whether Michael Heatley (DOB: [REDACTED]) and NP220 (DOB: [REDACTED]) can be excluded as contributors to any of the DNA profiles obtained from the original forensic analysis conducted.
6. Any other comments you wish to make regarding forensic analysis in this matter of relevance to the Inquiry.

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Timeframe

It would be of assistance to the Inquiry if the statement could be provided by **12pm on Monday, 29 May 2023**. In the event that you anticipate any difficulty with this timeframe, please let me know as soon as possible.

Thank you for your ongoing assistance to the Inquiry.

Please do not hesitate to contact Kate Lockery on [REDACTED] if you have any queries in relation to this matter.

Yours faithfully,



Kate Lockery
Principal Solicitor
Solicitor Assisting the Inquiry