

REVIEW OF AN UNSOLVED HOMICIDE CASE SCREENING FORM

You have been selected to undertake a review of an unsolved homicide. The review should be conducted in accordance with this 'Case Screening Form'. Once completed, the Case Screening Form will be forwarded to the Coordinator, Unsolved Homicide Review Team, Homicide Squad, State Crime Command. Your assessment of the available evidence and recommendation is necessary to assist in determining opportunities for re-investigation

1. Location of Brief of Evidence.

The original investigation documents must be located. The current location of these documents may depend upon the date of the murder you are reviewing and who conducted the inquiry. If the investigation is relatively recent, it may still be stored at the Local Area Command, which had carriage of the matter. Inquiries which were conducted by the former Major Crime Squads and investigations that are considerably more historical, will most likely be located at the Corporate Archives Records Repository, Bridge St, Stanmore, Ph: [REDACTED].

A manual inspection of the investigation records must be conducted as experience has shown that in older cases, exhibits are sometimes stored in the boxes along with the documents.

Many investigations will be voluminous and the transport of the entire investigation to an LAC office may not be viable. Facilities exist at the Archives for the documents to be inspected and an inventory conducted. Depending on the type of investigation management used during the inquiry, the investigation may be reviewed electronically. All former TIMS inquiries located by the Investigative Systems Support Unit have been converted into E@gle.i investigations. Secondary investigations into the same murder may also be recorded on E@gle.i. To obtain 'read only' access to the investigation contact should be made with the SSU on E/N [REDACTED].

Victim:

Name:	Gerald Leslie CUTHBERT		
Gender	Male	D.OB	27/7/1954 (27 old)
Relative contact (if known)	Gavin Cuthbert		

Homicide Details:

Time & Date	Early hours of Sunday 18 October 1981 (approx 2am)		
Location:	Bedroom of [REDACTED] Stephen Street, Paddington		
COPS Event/P40 No.	1874128	Attached	Yes

Previous Investigation Name: (Strike Force/Task Force/Operation)	N/A
Command in charge:	Homicide Squad

2. Cause of death

If the Post Mortem results are not contained within the investigation documents, contact may be made with the relevant Coroner's Court. A request in writing with NSW Police letterhead must be forwarded to the Registrar of the court, outlining the information required.

Post Mortem Results:	Yes		
Exhibits Retained:	Not known	Location:	Reference 81/2184
Further Examination:	No		
<p>Comment: Died of cut throat and multiple incised penetrating wounds to the chest. In all there were 62 stab wounds – 48 to back, 6 to left side of chest and 8 to left side of neck and shoulder region. Additionally the throat had been cut; severing the jugular vein causing huge blood loss but not under pressure (as would be the case if the carotid artery was cut). It is likely that the deceased was still alive when the throat was cut but the examining pathologist, Dr William Harold BRIGHTON, would not give an estimation of the sequence of the wounds.</p>			

3. Investigation Records

Investigation Records relate not only to the statements taken from witnesses etc; but to all documents generated during the investigation. For investigations conducted prior to 1990 the investigation will be recorded by way of running sheets typed on occurrence pad forms. From about 1990 onwards, the TIMS system of investigation management was used. In 1999 the conversion to E@gle.i began.

Investigation Records Located:	Yes
<p>Comment: Repo/B/2001/70 (one box only) and murder file 1981/65.</p>	

During the 1960's, 1970's and early 1980's, 'Investigation Resumes' were formerly completed by the Officer in charge of a homicide investigation that was not solved. It was a summary of the investigation, highlighting suspects, significant inquiries and evidence and was forwarded to the Superintendent of the Criminal Investigation Branch.

Investigation Resume:	No
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Progress Reports have been used by the former Crime Agencies since 1997 and the State Crime Command since 2002. They are a monthly report submitted by the officer in charge of an investigation, detailing the progress of the inquiry and significant events. Copies are maintained by Operations Co-ordination, State Crime Command.

Progress Reports:	No
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Post Operational Assessments are the current replacement for an Investigation Resume. They are submitted by the Officer in Charge of the investigation to Operations Co-ordination, State Crime Command, at the completion of an investigation.

Post Operational Assessment:	No
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4. Coroner's Inquest

Details of Coroner's Inquests, including Coroner's Findings, may be obtained from the Registrar of the relevant Coroner's Court by submitting a request in writing with NSW Police letterhead.

Coroner's Inquest Held:	Yes	Date: approx 1984
Court: Not checked	Coroner: Not checked	
Inquest Brief Located	Yes	
Findings: Not checked. No significant suspects so the coronial file is not likely to add anything to this review.		

5. Original Case Officer

Attempts should be made to locate and interview the original Case Officer even if they are no longer employed by the NSW Police Department. In the event that they are not located, another senior investigator from the inquiry should be approached. A list of investigators significantly involved in the investigation should be compiled.

OIC Name:	DSgt Michael HAGAN (retired Detective Superintendent)	Interviewed:	Yes
Serving Member:	No	Location: Retired. Telephone [REDACTED]	

Comment: Remembers the case well. No suspects. Reluctance of homosexual community to identify themselves as homosexual because it was still illegal back then. Belief was that offender could have been an American sailor but the 4 ships in port left before inquiries could be properly established. Mr Hagan was of the belief that the offender took part in a homosexual act and may have been overcome with revulsion afterwards, perhaps not fully accepting that he is homosexual.

Other Investigators:

Name:	Current Location:
DSC Mervyn HUNTER	Not checked
D/Sgt Roger JOHNSON (Scientific)	Not checked

6. Weapons

The Ballistics Unit, Sydney Police Centre has a large store of firearms, ballistic material and exhibits with ballistic damage held in their office from historical murders. For other weapons see point 7.

Type:	Knife	
Recovered:	No	Location: Not recovered
Further Examination	Not available	
Action:		
<p>Comment: Knife with one sharp edge. Maximum width of the wounds at the skin surface was 2cm and this was about the average dimension for the majority of the wounds.</p>		

7. Exhibits

The original Exhibit Book is obviously the best place to begin to track the movement and location of exhibits. Many homicide exhibits however were never entered into Station exhibit books as they were recovered from crime scenes by Crime Scene Officers and entered into Registers at the particular office at which the Officer was attached. From there, many were forwarded to DAL and other experts. Inquiries have revealed that there is still a large store of exhibits held at the CSU Satellite Offices. DAL is in possession of thousands of samples taken from exhibits for the period 1986 –1997. These samples were not analysed and a DNA sample placed on the data-base. From 1997, all DNA profiles obtained from samples were placed on the database.

Attempts should be made to locate all exhibits and determine what examinations have already taken place. The table below should be completed.

Exhibits located

Exhibit	Location (exhibit No.)	Previous Examinations	Status
To date inquires have been made with Paddington Police Station exhibits – not located. Request for crime scene brief submitted to D/S/Sgt Horn of Forensic Services and request submitted to Carl Cameron to search DAL records. Inquiries with SPC exhibits have <u>not</u> yet been made.			
Blood sample taken from Gerald Cuthbert		FS81/407	
2x Anal swabs taken from Gerald Cuthbert		FS81/407	
2x Anal smears taken from Gerald Cuthbert		FS81/407	
Pubic hairs from Gerald Cuthbert		FS81/407	
Head hairs from Gerald Cuthbert		FS81/407	
2 cigarette butts from lounge room of crime scene		FS81/407	
Handkerchief from crime scene		FS81/407	
Pair of men's socks, blood stained, from crime scene		FS81/407	

8. Fingerprints

There was no electronic fingerprint database in existence prior to 1986 when N.A.F.I.S. (National Automated Fingerprint Identification System) was established. All fingerprints were categorised and searched manually. When N.A.F.I.S. was established this enabled the capability of searching fingerprints electronically rather than by manual means. Palm prints for serious crime were back-captured on N.A.F.I.S. Fingerprints retrieved from homicide crime scenes were collected and filed in unsolved homicide files at the Fingerprint Latent Unit – Major Crime. All historical Fingerprint Major Crime Files are held with the Records Unit on Level 1, Tower B of Police Headquarters. (A list of these case files are in possession of the Commander, Latent Print Section, Fingerprint Operations, Criminal Identification Specialist Branch (C.I.S.B.)). Contact can be made with staff at the Major Crime Response Section on 27388. For cases occurring after 1986 results can be viewed through FCSR. In May 2001 N.A.F.I.S. was upgraded (N.A.F.I.S. 2) which allowed the capability of searching palm print impressions. It would appear that there are no archived records dating back to prior to 1971.

Fingerprints Available:	Yes
Fingerprint Case Number:	Major Crime case no. 113
Major Crime Reference Number:	Fingerprint exhibit no. 1981/8344.

Person Identified:	
<p>Comment: Unidentified fingerprints were found on the [REDACTED] [REDACTED] Other fingerprints were located on the hand cream tube beside the bed (identified as belonging to the deceased) and on the exit door. The photographs of the prints were allocated fingerprint exhibit no. 1981/8344.</p> <p>Fingerprints were detailed to conduct a review of the fingerprint case as a part of this review.</p>	

9. Witnesses

UNDER NO CIRCUMSTANCES ARE WITNESSES TO BE CONTACTED AS PART OF THE REVIEW PROCESS

Witnesses are not to be contacted during this process, as the relationship between witnesses and suspects is not always known. The relationship between them may have changed over time and there is the possibility that the suspect may be alerted to a renewed investigation.

Also, it will not be desirable to raise the hopes of relatives, secondary victim's etc; that their matter will be re-investigated when it may be the case that nothing further can be done.

Witness lists must be extensive however inquiries will only need to relate to witnesses who provide significant evidence. Inquiries regarding witnesses should be confined to COPS, Intelligence Reports, RTA, Electoral Roll, Registry of Births Deaths & Marriages etc.

Witness:	Location:	How Located:	Relevance
[REDACTED] I212	Bondi	COPS	[REDACTED] where murder occurred - finds body
Simon [REDACTED] CANT,	Lennox Head	COPS	Flatmate of I212 - finds body.
Other witnesses not checked because they offer no solid information.			

10. Suspect/s

UNDER NO CIRCUMSTANCES ARE SUSPECTS TO BE CONTACTED AS PART OF THE REVIEW PROCESS

Inquiries regarding the location and status of suspects should be confined to those listed above. Of particular importance to the Review is the fact whether suspects have been charged with other offences since the original investigation (particularly sexually related offences). If suspects are identified, a current profile is to be completed listing address, phone number, intelligence reports, marital status, associates, employment and any other relevant information. Checks should be confined to COPS, Intelligence Reports, RTA, Electoral Roll, Registry of Births Deaths & Marriages etc.

Suspect Identified:	NO.	Profile attached:	Y/N:
Name:	DOB:	CNI:	Status:
Comment:			

11. Synopsis:

A synopsis of your review should be completed detailing the circumstances of the murder, lines of inquiry and any known suspects.

The deceased was a homosexual male of Fijian origin. He grew up in New Zealand. He was 158cm in height and weighed 53kg. He arrived in Australia about 5 years previous.

He lived at room [REDACTED] of the YMCA, Pitt Street, Sydney. [REDACTED] [REDACTED] I212, who lived at [REDACTED] Stephen St, Paddington, where the murder occurred. The deceased and [REDACTED] I212 remained friends after their relationship ended and the deceased retained a key to the premises. It was not uncommon for him to use the premises when [REDACTED] I212 was not around. On the weekend of the murder he was aware that [REDACTED] I212 and his flatmate, Simon CANT, would be away from the premises on the Saturday night (17/10/1981). He had previously had dinner with [REDACTED] I212 and CANT on Thursday, 15/10/1981.

About 6.15pm on Sunday, 18/10/1981, CANT and [REDACTED] I212 arrived home after spending the Saturday night at Nowra with a church group, and found the deceased, naked and laying on his right side in a pool of blood on the bed in [REDACTED] I212's bedroom.

There were a number of blood splashes on the bed and bed head. A men's handkerchief was collected from the floor on the left side of the bed (semen was recovered from this item). A tube of hand cream, minus the lid, was found on the bedside table. The deceased's clothes were found in a pile on top of other clothes against a wall near the bedroom door, and his underpants were on the floor near the foot of the bed. A brief case and some other items were found on the bed next to the deceased.

The clothes were long-sleeved white striped shirt, khaki jeans with wide brown belt, brown patterned socks, blue denim jacket and green and white patterned underpants. The deceased's boots were located in the lounge room. The clothing was collected and held at the Scientific Investigation Section.

What appeared to be footprints in blood (possible wearing socks) led from the bed down the hallway into the bathroom and a pair of blood stained black socks were located in the hall way. A wet and blood stained towel was found lying on the floor at the entrance to the lounge room. Two Marlborough brand cigarette butts were located in the ashtray on the coffee table. Neither the deceased nor the occupants of the flat were cigarette smokers. The room and premises did not appear to have been ransacked.

Dr William BRIGHTON, the GMO, attended the scene at 8.30pm. From lividity and body temperature he estimated that the deceased had died between 12 and 18 hours earlier (2am to 6am, Sunday, 18/10/1981).

A post mortem established that the deceased died of a cut throat and multiple incised penetrating wounds to the chest. In all there were 62 stab wounds – 48 to back, 6 to left side

of chest and 8 to left side of neck and shoulder region. Additionally the throat had been cut severing the jugular vein causing huge blood loss but not under pressure (as would be the case if the carotid artery was cut). It is likely that the deceased was still alive when the throat was cut but Dr BRIGHTON, would not give an estimation of the sequence of the wounds. The lack of internal bleeding suggested a fast death occurred due to loss of blood.

I212 (RS5/10) later claimed that \$48 in cash in a blue envelope had been stolen from a brief case found on the bed next to the deceased.

Exhibit Analysis – DAL case no. FS81/407

Blood of analysis of the deceased determined that he was a group O, PGM 2+1+, Hp 2-2 individual who secretes blood group substance H in his body fluids (deceased was an O secretor).

Semen was present on the handkerchief located beside the bed and on the anal swabs and smears, although the concentration of semen on the swabs and smears was insufficient for conclusive grouping results. Grouping tests on semen on the handkerchief indicated the presence of blood group substance H, consistent with semen having originated from an O secretor (ie, consistent with having come from the deceased). PGM grouping tests were unsuccessful.

Blood was present on the handkerchief (although insufficient for grouping) and on the sock. The blood on the sock was consistent with having come from the deceased. Both socks were examined by Mr LIDDY at DAL and one was retained there. A number of threads (I assume foreign to the sock) were removed and kept for possible identification.

The socks themselves were believed to have been made by Class Hosiery but this was not positively identified or followed up on. The last record (RS4/5) indicates that one sock was in possession of DAL and the other at the Department of Forensic Medicine, Glebe.

A substantial amount of saliva was present on the two cigarette butts, however, no blood group substances were detected. The results suggested that the butts may have been smoked by a non-secretor.

Fingerprints

Unidentified fingerprints were found on the [REDACTED] Other fingerprints were located on the hand cream tube beside the bed (identified as belonging to the deceased) and on the exit door. The photographs of the prints were allocated fingerprint exhibit no. 1981/8344.

Fingerprints were detailed to conduct a review of the fingerprint case as a part of this review.

The deceased's movements

On Friday, 16/10/81 the deceased arrived at the home of his uncle, Patrick Henry Wentworth McGREADY and his brother Trevor George CUTHBERT, at [REDACTED] Albert St, Petersham. He arrived with Anthony Sidney ROBBINS, who was moving into those premises. The deceased stayed overnight and left on Saturday, 17/10/81, sometime between 11.30am and 12.30pm. He made arrangements to meet his uncle and brother about 6pm to go to the movies.

The deceased then visited another brother, Gavin David CUTHBERT, at [REDACTED] Alice St, Newtown. This brother had only arrived in Australia in July 1981 and they had not seen each other for years prior to this. The deceased left the premises about 2pm after a brotherly argument over some money Gavin CUTHBERT owed I212.

Gerard PETRE, supervisor of the YMCA, on duty between 9am and 11pm that Saturday, saw the deceased about 4.30pm to 5.30pm and the deceased told him of the arrangement to go to the movies with his uncle and brother. PETRE saw the deceased come back into the

YMCA between about 7pm to 7.15pm, after apparently waiting outside, and he appeared annoyed. His uncle and brother later told police that they did not keep their arrangement to go to the movies, having met up with some other Fijians and gone to the Palace Hotel instead.

The deceased told PETRE that his uncle and brother had not arrived and he was sick of waiting and was going for a drink. He then saw the deceased return to the YMCA again between about 7.45pm and 8pm. A short time later he saw the deceased at the reception after apparently going to his room to get changed. He was wearing a denim jacket and jeans. The deceased told PETRE that if anyone asked for him he was going to his flat. That was the last time PETRE saw him.

Inquiries were made with hotels in the vicinity of the YMCA and at the Marble Bar of the Hilton Hotel and Windsor Tavern in Pitt St (places frequented by the deceased) but the deceased's movements for this short period of time were not discovered. His movements after leaving the YMCA and before arriving at the Stephen Street address were not conclusively identified.

All persons in the deceased's address book were interviewed without any significant information being obtained. The deceased had mentioned to at least one person (RS6/37) about one month prior to his death he had met two American sailors and they were his favourite, describing them as the best he had ever met.

One witness, Peter BENNETT, a part time doorman at the Midnight Shift, a gay nightclub at [REDACTED] Oxford St, Darlinghurst, told police that about 1.30am on Sunday, 18/10/81, he saw a male person fitting the description of the deceased (described as about 25-30 old, medium build [the deceased was thin] dark hair that was not too long, Islander appearance, wearing a dark coloured jacket, possibly denim, that was very wet), who came to the door of the club and asked if there were any American sailors inside. BENNETT told this person there was not and suggested he go to Kings Cross. The person left. BENNETT had seen a photograph of the deceased in a newspaper and recognised it as being the same person who came to the door. He was also shown a colour photograph of the deceased and he said he was sure it was the same person who came to the door on the Saturday night/Sunday morning.

Inquiries with the Naval Police ascertained that 4 US Navy ships ('Alamo', 'Okinawa', 'Denver' and 'Schenectady') with loads of seamen on board were in port. No record was kept of sailors on shore leave. Inquiries re sailors who returned to the ships with blood stained clothes met a negative result.

Despite some (very doubtful) sightings of the deceased, it was never ascertained where he went after leaving the YMCA

Friends and associates of the deceased

[REDACTED] I212 [REDACTED] due to the deceased's conversion to Christianity and wanting to get away from his homosexual lifestyle. They remained good friends. [REDACTED] I212 himself later became a Christian and claimed to talk to the deceased about Christianity and being strong, staying away from homosexuality. [REDACTED] I212 claimed that the deceased continued to have problems with his homosexuality and was asked to leave the house that he had moved into with five Christian males at Pennant Hills after ending the relationship with [REDACTED] I212. He then moved to the YMCA and would come to [REDACTED] I212's house regularly for meals and showers and occasionally stay overnight. He told police that the deceased was in the habit of frequenting places where homosexuals gathered and would often solicit other males. [REDACTED] I212 described the deceased, in relation to his sexual activity, as a 'receiver' rather than a 'giver'.

Simon CANT, the other occupant of the Stephen Street address said that he had only met the deceased twice (he had only lived at the address for just over two weeks). He said of the relationship between [REDACTED] I212 and the deceased, "They seemed to me to be quite good

friends, in fact very good friends having both been involved previously in a homosexual scene, both being Christians, but the deceased having slipped away from his 'Christian walk', causing distress to my flatmate". He had met [I212] through Christian fellowship.

The deceased shared a room at the YMCA with Anthony FARRELL, who came to Australia from South Africa in June 1981. They did not mix socially but had been out together on one occasion to a Fijian Independence Celebration at Mascot. He was unable to assist the inquiry having last seen the deceased on 16/10/81.

The deceased's address book was checked. Most persons listed were checked and knew the deceased through work or church. One reference, to Stephen/John [REDACTED] or [REDACTED] had the word 'fuck' written next to them. The telephone no. [REDACTED] was eliminated, however, there is no record to inquiries being made in relation to [REDACTED] other than the subscriber being Mrs KB Sharpe, [REDACTED] Cabramatta Ave, Miller. The [REDACTED] number was not connected to anyone. The deceased's address book is not located in the brief so the actual references cannot be checked

Sexual partners identified

[I213] born [REDACTED] met the deceased on either Monday 21 or 28/9/81 in the 'Saddle Tramp' bar of the Exchange Hotel. They also went to 'Patches' that evening before going to [I213]'s place at [REDACTED] Woomeerah Ave, Darlinghurst. The following Saturday they went out to the City of Sydney RSL and again back to [I213]'s. On both occasions the deceased stayed the night. [I213] said that he "screwed" the deceased on both occasions, and that the deceased wanted to "screw" him but that did not happen. He described the deceased as a quiet sort of guy when it came to making contact with other guys. [I213] made the first contact with the deceased. He had not seen the deceased for two weeks prior to the murder. His alibi for the time of the murder was being with another gay, [I215] who he met in public toilets near Rushcutters Bay. [I215] was identified and interviewed and, apart from some time discrepancies, supported the alibi.

[I214] born 16/4/52, then of [REDACTED] Darley St, Darlinghurst, also detailed how the deceased propositioned him in the toilets of the Town Hall Station. This led to a short casual sexual relationship. The last time he saw the deceased (RS33/1) was on 13/10/81. The deceased was at "the wall" in Darlinghurst Road, near the intersection of Burton St, opposite Greens Park. [I214] saw the deceased walk along Darlinghurst Road towards Kings Cross and stopped and asked if he wanted a lift back to the YMCA. The deceased said no and that he was heading to Kings Cross. [I214] had never seen the deceased near Greens Park before. He assumed the deceased was waiting to be picked up and considered that he was "not commercial".

Connection to other cases:

There is no mention of it in the running sheets, but newspaper clippings in murder file 1981/65 claim a connection to the murder of another homosexual, Peter PARKES (referred to as the gay blade killings). The only connection seems to be that they occurred in very close in time and location to each other. In the end two persons were convicted of the murder of PARKES and another homosexual male.

Although there is no forensic link at this time, the case is very similar to the murder of [REDACTED]

[REDACTED]

CUTHBERT was homosexual, found naked, stabbed 62 times (and had throat cut) apparently very soon after being the passive partner in homosexual intercourse, cigarette butts were found at the crime scene (and Cuthbert did not smoke) and the stabbing commenced in bed (where he died). In both cases there are no suspects.

12. Recommendation:

You must submit a recommendation on the potential for any further investigation, including the scope of any subsequent investigation eg; opportunity for DNA link, potential for Undercover Operative to be employed, witnesses to be reinterviewed due to change of circumstances. If you recommend that further investigation should take place, list the most appropriate contact person should be listed.

Recommendation:

Review of fingerprint case file (requested through [REDACTED]).

If fingerprints from crime scene remain unidentified request should be made for fingerprints to be forwarded overseas. Three jurisdictions should be canvassed: the USA, Fiji and New Zealand.

- the USA due to the evidence that the deceased went looking to pick up an American sailor on the night he was murdered; his previous experience with American sailors; and the fact that four US ships were in Sydney at the time of the murder.
- Fiji because the deceased was a native of Fiji and appeared to continue to associate with expatriate Fijians.
- New Zealand because the deceased grew up in New Zealand prior to moving to Australia.

If the forensic exhibits examined by DAL (particularly the anal swabs and smears and the cigarette butts) can be located they should be resubmitted for analysis with a view to obtaining a DNA profile.

REVIEWER'S CERTIFICATION

I certify that the review has been conducted thoroughly and I have accessed all available documents and exhibits.

Signature:

Name:

Rank:

Date:

CO-ORDINATOR'S CERTIFICATION

I certify that sufficient time and opportunity has been provided to the case reviewer to conduct the attached review. I am satisfied that the reviewer has accessed available documentation and agree with their recommendations.

Signature:

Name: Robert Jarrett

Rank: Detective Inspector

Position: Co-ordinator, Unsolved Homicide Team

Date: 11 October 2005