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**NSW POLICE FORCE** 

# STRIKE FORCE PARRABELL

# **Bias Crimes Indicators Review Form**

Investigation No:	51
Date of Review:	16 May, 2016
Victim/Deceased:	Robert MALCOLM
Date of death:	11 January, 1991
Investigation Status:	Solved
Offender/s:	Kirk PHILLIPS, Anthony HOOKEY and John GREEN
Investigative Unit:	Redfern Detectives
Description:	Assaulted with blunt object (House brick/wooden plank)
Case File Items:	1992/5
e@gle.i reference:	Nil
Name of Reviewer:	Detective Senior Constable Cameron BIGNELL
Signature:	E

Indicator 1 – 9 taken from the 'Responding to hate Crime – A multidisciplinary Curriculum for Law Enforcement & Victim Assistance Professionals. National Centre for Hate Crime Prevention, United States Department of Justice Office for Victims of Crime, 2000. Indicator 10 developed by NSWPF Bias Crimes based on research and cases.

1. Differences	
Prompts	Comment
<ul> <li>Immutable characteristic differences between victim and POI's sexual orientation</li> </ul>	Robert MALCOLM, aged 41 years, resided at home with his elderly parents in the Jannali area. MALCOLM was described as a heavy drinker by Richard TEAKEN. "During the time that I knew Bob, I saw that he drank a lot more than usual. Socially he would drink to excess on a regular basis and would continually stay behind and drink when everyone else had left the bar" (ST-182). TEAKEN was a close friend and drinking buddy of MALCOLM'S, as well as being MALCOLM'S, as well as being MALCOLM'S, direct manager at Australia Post. TEAKEN stated, "During the whole time that I knew Bob I never suspected him of being homosexual. I never knew of any regular girlfriends although he had female acquaintances" (ST-182). MALCOLM was last seen alive, about 9.00pm on Friday 10 January 1992, walking down Eveleigh Street, Redfern with Anthony HOOKEY, aged 20 years. HOOKEY'S sexuality is undetermined but he is most likely heterosexual as he mentions being in company with his 'ex-girlfriend Dianne' at the Subway Hotel (TR-38). No comment is made whatsoever in relation to the sexuality of Kirk PHILLIPS. A witness Sharon MURPHY stated, "As they walked past me I sang out to Beather, "Beather, can I get a dollar off you." He said 'yes sis". He calls me sis. He said to the man, "Give her a dollar off you." He said to the man opened his black wallet and I seen a lot of money in \$100 and \$20 notes in his wallet. (ST-274)". MALCOLM was discovered a short time later in a battered unconscious state in a derelict house. MALCOLM later died in hospital.
<ul> <li>Victim is a member of a group which is outnumbered by members of another group in the area where the incident occurred</li> </ul>	MALCOLM attended Eveleigh Street, Redfern of his own free will, in company with Anthony HOOKEY. It is believed that HOOKEY met MALCOLM at the Subway Hotel in Kings Cross and lured MALCOLM to Redfern, with the intention of robbing him.
<ul> <li>Victim was engaged in activities promoting his/her group</li> </ul>	MALCOLM was heavily intoxicated and had been drinking all afternoon at a retirement function for a co-worker. MALCOLM was not thought to be engaged in any activities promoting any group. MALCOLM did not discuss his sexuality.
<ul> <li>Incident coincided with a holiday or date of particular significance to the victim or POI's group</li> </ul>	The date appears to be of no relevance or significance to either MALCOLM or HOOKEY and PHILIPS.

• Victim, although not a member of the targeted group is a member a member of an advocacy group that supports the victim, or the victim was in company of a member of the targeted group	MALCOLM was described as a being a 'socialist' by co-worker Francis LOUGHLAND and a supporter of the 'downtrodden'. LOUGHLAND also stated, "He [MALCOLM] may have been involved in Aboriginal matters because of his views and feelings for the downtrodden. But I am not sure of this. (ST-183)". It does not appear that MALCOLM was a member of any targeted group or advocacy group. MALCOLM wasn't in company with any members of a targeted group; he was seen in company with Anthony	
<ul> <li>Historical animosity exists between the victim's group and the POI's group</li> </ul>	HOOKEY immediately prior to his death. It does not appear that MALCOLM knew either Anthony HOOKEY or Kirk PHILLIPS prior to the night of his murder. No known historical animosity existed between the parties.	
Indicators	(y/n)	
There is evidence that sexuality or other bias was involved in the death	No	
It appears likely that sexuality or other bias was involved in the death	No	
It appears unlikely that sexuality or other bias was involved in the death	No	
There is no evidence that sexuality or other bias was involved in the death	Yes	
GENERAL COMMENT		
Robert MALCOLM, aged 41 years resided at home with his elderly parents in the Jannali area. MALCOLM was described as a heavy drinker by friend and co-worker Richard TEAKEN. TEAKEN was a close friend and drinking buddy of MALCOLM'S, as well as being MALCOLM'S direct manager at Australia Post. TEAKEN stated, "During the whole time that I knew Bob I never suspected him of being homosexual. I never knew of any regular girlfriends although he had female acquaintances." MALCOLM was last seen alive, about 9.00pm on Friday 10 January 1992, walking down Eveleigh Street, Redfern with offender Anthony HOOKEY, aged 20 years. HOOKEY'S sexuality is undetermined but he is most likely heterosexual as he mentions being in company with his 'ex-girlfriend Dianne' at the Subway Hotel. No comment is made whatsoever in relation to the sexuality of Kirk PHILLIPS. MALCOLM was described as a being a 'socialist' by co-worker Francis LOUGHLAND and a supporter of the 'downtrodden.'		

2. Comments, Written Statements, Gestures	
Prompts	Comment
<ul> <li>Bias related comments, written statements or gestures were made by the POI</li> </ul>	
<ul> <li>Comments and gestures can occur before, during and after the incident</li> </ul>	The above comment by GREEN was made in his second statement to Police which was taken in June 1992, five (5) months after the murder of MALCOLM.
<ul> <li>Victims may not be aware of the significance of gestures made</li> </ul>	MALCOLM would not have been aware of any comments or gestures made at the time, due to being heavily intoxicated. Fellow worker Richard TEAKEN recalled seeing MALCOLM at 5.15pm on the 10 January 1992 describing MALCOLM as being "well affected by alcohol" (ST-182).
Indicators	(y/n)
There is evidence that sexuality or other bias was involved in the death	No
It appears likely that sexuality or other bias was involved in the death	No
It appears unlikely that sexuality or other bias was involved in the death	Yes
There is no evidence that sexuality or other bias was involved in the death	No
GENERAL COMMENT	
The above comment by GREEN was made in his second statement to Police which was taken in June 1992, five (5) months after the murder of MALCOLM. MALCOLM is most likely a target for robbery due to his high level of intoxication and no persons involved in the incident make any comments which could even be remotely interpreted as bias related, until months later.	

3. Drawings, Markings, Symbols, Tattoos, Graffiti		
Prompts	Comment	
<ul> <li>Bias related drawings, markings, symbols or graffiti were left at the scene or were seen on the POI</li> </ul>	Crime Scene Officer Constable Lyle VAN LEEUWEN attended 6 Holden Street, Redfern and examined the crime scene where MALCOLM was located. In the statement prepared by Constable VAN LEEUWEN following the examination, there is no mention of any drawings, markings, symbols or graffiti of a bias related nature being observed at the scene (ST-153). HOOKEY had letters which appear to be initials tattooed on one or both of his shoulders, including ' and ' '. It is not clear when HOOKEY obtained the listed tattoos. PHILLIP'S has no recorded tattoos.	
<ul> <li>Before discounting symbols, ensure that you understand the meaning of the symbol</li> </ul>	No symbols were identified at the crime scene.	
Indicators	(y/n)	
There is evidence that sexuality or other bias was involved in the death	No	
It appears likely that sexuality or other bias was involved in the death	No	
It appears unlikely that sexuality or other bias was involved in the death	Yes	
There is no evidence that sexuality or other bias was involved in the death	No	
GENERAL COMMENT		
Crime Scene Officer Constable Lyle VAN LEEUWEN attended 6 Holder scene where MALCOLM was located. In the statement prepared by Co examination, there is no mention of any drawings, markings, symbols o observed at the scene. HOOKEY had letters which appear to be initials including ' and ' ' ' ' It is not clear when HOOKEY obta recorded tattoos.	nstable VAN LEEUWEN following the r graffiti of a bias related nature being	

1 Organized Hate Gre		
4. Organised Hate Groups (OHG)		
Prompts	Comment	
<ul> <li>Objects or items that represent the work of an OHG were left at the scene, e.g. business cards, flyers, burning cross</li> </ul>	No objects or items that represent the work of an OHG were left at the scene.	
An OHG claimed responsibility	No OHG claimed responsibility for the murder of MALCOLM.	
<ul> <li>There are indications that an OHG was involved or active in the area</li> </ul>	There are no indications that an OHG was involved or active in the area at the time MALCOLM was murdered.	
MO is similar to known MO of an OHG	Physical assault with a blunt object is a common M.O. but this is not related to an OHG.	
Indicators	(y/n)	
There is evidence that sexuality or other bias was involved in the death	No	
It appears likely that sexuality or other bias was involved in the death	No	
It appears unlikely that sexuality or other bias was involved in the death	No	
There is no evidence that sexuality or other bias was involved in the death	Yes	
GENERAL COMMENT		
No objects or items that represent the work of an OHG were left at the scene. Nothing indicating the involvement of an OHG was identified by Crime Scene Officer Constable VAN LEEUWEN in his formal statement regarding the examination of the scene. No OHG claimed responsibility for the murder of MALCOLM. There are no indications that an OHG was involved or active in the area at the time MALCOLM was murdered.		
5. Previous existence of Bias Crime Incidents		
Prompts	Comment	
<ul> <li>Victim was visiting a location where previous bias crimes had been committed against members of the victim's group</li> </ul>	MALCOLM was not visiting a location where previous bias crimes are known to have been committed. The area is historically known as an area where there is a high volume of street related crime, including robbery offences. The location of the incident, 6 Holden Street, Redfern is described by Constable VAN LEEUWEN as a "derelict two (2) storey terrace house situated on the south eastern corner of the intersection of Holden Street and Eveleigh Streets, Redfern" (ST-163).	

<ul> <li>Several incidents occurred in the same area and the victims were members of the same group</li> </ul>	Due to the lack of converted data, searches are unable to be completed in relation to identifying similar incidents that occurred in the same area. No other incidents of a similar nature have been identified as having occurred within close proximity to this location, during the review process.	
<ul> <li>Victim has received previous harassing mail, email, social media posts or phone calls or has been the victim of verbal abuse (anti-gay) based on his/her affiliation with a targeted group</li> </ul>	There are no recorded incidents that suggest MALCOLM had been receiving any harassing phone calls, mail or verbal abuse for any reasons. No witnesses disclosed anything of such nature.	
<ul> <li>Recent bias incidents or crimes may have sparked retaliatory bias crime</li> </ul>	A retaliatory bias crime is not thought to be the motive in the murder of MALCOLM. The motive in this instance is considered to be robbery with no indication recent bias incidents or crimes had taken place.	
Indicators	(y/n)	
There is evidence that sexuality or other bias was involved in the death	No	
It appears likely that sexuality or other bias was involved in the death	No	
It appears unlikely that sexuality or other bias was involved in the death	No	
There is no evidence that sexuality or other bias was involved in the death	Yes	
GENERAL COMMENT		
MALCOLM was not visiting a location where previous bias crimes are known to have been committed. The area is historically known as an area where there is a high volume of street related crime, including robbery offences. The location of the incident, 6 Holden Street, Redfern is described by Constable VAN LEEUWEN as a "derelict two (2) storey terrace house situated on the south eastern corner of the intersection of Holden Street and Eveleigh Streets, Redfern." There are no recorded incidents that suggest MALCOLM had been receiving any harassing phone calls, mail or verbal abuse for any reasons. No witnesses disclosed anything of such nature. A retaliatory bias crime is not thought to be the motive in the murder of MALCOLM. The motive in this instance is considered to be robbery with no indication recent bias incidents or crimes had taken place.		

6. Victim/Witness Perception	
Prompts	Comment
<ul> <li>Witnesses (actual) perceive that the incident was motivated by bias</li> </ul>	MALCOLM'S co-workers and associates appear uncertain in relation to the sexuality of MALCOLM. There is no indication that anyone perceived the murder to be motivated by bias. TEAKEN stated, "During the whole time that I knew Bob I never suspected him of being homosexual. I never knew of any regular girlfriends although he had female acquaintances" (ST-182).
Indicators	(y/n)
There is evidence that sexuality or other bias was involved in the death	No
It appears likely that sexuality or other bias was involved in the death	No
It appears unlikely that sexuality or other bias was involved in the death	Yes
There is no evidence that sexuality or other bias was involved in the death	No
GENERAL COMMENT	
MALCOLM'S co-workers and associates appear uncertain in relation to the sexuality of MALCOLM. There is no indication that anyone perceived the murder to be motivated by bias. It appears that the people providing statements to Police regarding MALCOLM only recently discovered that MALCOLM may have identified himself as a homosexual male but it is unclear how they discovered this information.	

7. Motive of Offender/s	
Prompts	Comment
<ul> <li>POI was previously involved in similar incident or is a member/associates with members of an OHG</li> </ul>	HOOKEY had a history of violent crime prior to the murder of MALCOLM. HOOKEY was charged as a juvenile in relation to stealing, break and enter, assault, arson and robbery offences. Co-offender PHILLIPS had prior criminal history relating to assault, assault Police, stealing and robbery offences. He was known to exhibit a high level of violence, especially when being arrested. With both offenders linked to violent crimes, particularly robbery offences, witnesses stating that MALCOLM was heavily intoxicated and in possession of a large amount of cash, it strengthens the belief that the offenders' motive in relation to this incident was robbery.
<ul> <li>The victim was in company of a member of the targeted group</li> </ul>	MALCOLM was drinking alone and met the HOOKEY at the Subway Hotel, Kings Cross. MALCOLM was not in the company of a member of a targeted group.
<ul> <li>The victim was perceived to be breaking from traditional conventions or working non-traditional employment</li> </ul>	MALCOLM was employed as a Mail Officer for Australia Post, in the sorting section at the G.P.O. Martin Place, Sydney. MALCOLM would not have been perceived to have been breaking from traditional conventions or working non-traditional employment at the time of his murder.
<ul> <li>The POI has a history of previous crimes with similar MO and involving other victims of the same group</li> </ul>	It is clear from their criminal histories that both HOOKEY and PHILLIPS had committed and were most likely involved in robbery offences prior to the murder of MALCOLM. Due to a lack of available converted data/records prior to 1994, it is unclear if the M.O. used by the offenders involved victims who identified as homosexual males.
Indicators	(y/n)
There is evidence that sexuality or other bias was involved in the death	No
It appears likely that sexuality or other bias was involved in the death	No
It appears unlikely that sexuality or other bias was involved in the death	No
There is no evidence that sexuality or other bias was involved in the death	Yes

## **GENERAL COMMENT**

HOOKEY had a history of violent crime prior to the murder of MALCOLM. HOOKEY was charged as a juvenile in relation to stealing, break and enter, assault, arson and robbery offences. Co-offender PHILLIPS had prior criminal history relating to assault, assault Police, stealing and robbery offences. He was known to exhibit a high level of violence, especially when being arrested. With both offenders linked to violent crimes, particularly robbery offences, witnesses stating that MALCOLM was heavily intoxicated and in possession of a large amount of cash, it strengthens the belief that the offenders' motive in relation to this incident was robbery. MALCOLM was drinking alone and met the HOOKEY at the Subway Hotel, Kings Cross. MALCOLM was not in the company of a member of a targeted group. It is clear that both offenders had committed robbery offences prior to the murder of MALCOLM. Due to a lack of available records prior to 1994, it is unclear if the M.O. used by the offenders involved victims who identified as homosexual males.

#### 8. Location of Incident

Prompts	Comment
<ul> <li>The victim was in or near an area or place commonly associated with or frequented by members of a particular group e.g. beat</li> </ul>	MALCOLM was not in or near any area that has been identified as a 'beat'. He was not visiting a location where previous bias crimes are known to have been committed with the location of the incident, 6 Holden Street, Redfern being described by Constable VAN LEEUWEN as a "derelict two (2) storey terrace house situated on the south eastern corner of the intersection of Holden Street and Eveleigh Streets, Redfern" (ST-163).
<ul> <li>The location of an incident has specific significance to the victim or POI group e.g. cemetery, religious building, historical landmark, etc</li> </ul>	The location does not appear to have any specific significance to MALCOLM or HOOKEY and PHILLIPS. The location is an abandoned house which HOOKEY and PHILLIPS knew of prior as they lived and frequented the area.
Indicators	(y/n)
Indicatore	())
There is evidence that sexuality or other bias was involved in the death	No
There is evidence that sexuality or other bias was	
There is evidence that sexuality or other bias was involved in the death It appears likely that sexuality or other bias was involved	No
There is evidence that sexuality or other bias was involved in the death It appears likely that sexuality or other bias was involved in the death It appears unlikely that sexuality or other bias was	No
There is evidence that sexuality or other bias was involved in the death It appears likely that sexuality or other bias was involved in the death It appears unlikely that sexuality or other bias was involved in the death There is no evidence that sexuality or other bias was	No No No Yes

MALCOLM was not in or near any area that has been identified as a 'beat'. He was not visiting a location where previous bias crimes are known to have been committed with the location of the incident, 6 Holden Street, Redfern being described by Constable VAN LEEUWEN as a "...derelict two (2) storey terrace house situated on the south eastern corner of the intersection of Holden Street and Eveleigh Streets, Redfern." The location does not appear to have any specific significance to MALCOLM or HOOKEY and PHILLIPS. The location is an abandoned house which HOOKEY and PHILLIPS knew of prior as they lived and frequented the area.

9. Lack of Motive		
Prompts	Comment	
No clear economic or other motive for the incident exists	MALCOLM was last seen alive, about 9.00pm on Friday 10 January 1992, walking down Eveleigh Street, Redfern with Anthony HOOKEY. Witness Sharon MURPHY stated, "As they walked past me I sang out to Beather, "Beather, can I get a dollar off you." He said "yes sis". He calls me sis. He said to the man, "Give her a dollar please." Then the man opened his black wallet and I seen a lot of money in \$100 and \$20 notes in his wallet. He handed me a \$1 coin out of his wallet. I walked away and they kept walking the way they were going. I thought to myself, He's going to get bashed and they'll take the money off him" (ST-274). Evidence suggests that there was a clear economic motive in relation to the murder of MALCOLM. MALCOLM was in possession of a large amount of cash and was heavily intoxicated, making him an easy target for a robbery. HOOKEY was aware that MALCOLM was in possession of a large amount of cash as he accompanied him to the ATM prior to going to Redfern (TR-38). HOOKEY then lured MALCOLM away from Kings Cross to Redfern, where he bashed and robbed him.	
Indicators	(y/n)	
There is evidence that sexuality or other bias was involved in the death	No	
It appears likely that sexuality or other bias was involved in the death	No	
It appears unlikely that sexuality or other bias was involved in the death	No	
There is no evidence that sexuality or other bias was involved in the death	Yes	
GENERAL COMMENT		
MALCOLM was last seen alive, about 9.00pm on Friday 10 January 1992, walking down Eveleigh Street, Redfern with HOOKEY. Witness Sharon MURPHY stated, "As they walked past me I sang out to Beather, "Beather, can I get a dollar off you." He said "yes sis". He calls me sis. He said to the man, "Give her a dollar please." Then the man opened his black wallet and I seen a lot of money in \$100 and \$20 notes in his wallet. He handed me a \$1 coin out of his wallet. I walked away and they kept walking the way they were going. I thought to myself, He's going to get bashed and they'll take the money off him." Evidence suggests that there was a clear economic motive in relation to the murder of MALCOLM. MALCOLM was in possession of a large amount of cash and was heavily intoxicated, making him an easy target for a robbery. HOOKEY was aware that MALCOLM was in possession of a large amount of cash as he accompanied him to the ATM prior to going to Redfern. HOOKEY then lured MALCOLM away from Kings Cross to Redfern, where he bashed and robbed him.		

10. Level of Violence	
Prompts	Comment
The level of violence and injuries sustained by the victim/s is greater than would be expected for a crime of that type	Dr Les SCHMALZBACH made a physical examination of MALCOLM when he presented at RPA Hospital in the early hours of 11 January 1992. On examination, MALCOLM was deeply unconscious with no evidence of central neurological function. He was hypotensive with a thready pulse. The following injuries were noted; - Swelling of the right side of the scalp - Damage to the right eye - Fractures of the bones of the middle 1/3 of the face - A 5cm deep laceration of the right cheek - Front upper teeth broken and/or missing - Bleeding from the nose and right ear Injuries discovered through extensive radiological investigations; - Small amount of blood throughout the brain - Complex fractures of the base of the skull, right facial bones and right orbit - Probable division of the right optic nerve - Bilateral lung opacities consistent with aspiration of vomitus. Following his death, a post mortem examination was completed which indicated that MALCOLM was struck about the face with a blunt object.
<ul> <li>Weapons of opportunity are used in the incident</li> <li>The number of POI's is greater than the number of victims and all POI's take an active role in the assault</li> </ul>	About 5:15am on Saturday 11 January 1992, Crime Scene Officer Constable VAN LEEUWEN attended 6 Holden Street, Redfern and examined the crime scene. Constable VAN LEEUWEN discovered the following; "Located on the verandah was a newspaper dated 10/01/1992 and a men's sock, 2 buttons and a blood stain. There were strands of hair in the blood stain. In the middle of the doorway was a broken brick with blood on it. In the courtyard, one step below the verandah was a white blood stained shirt and a black sock and a blood stained piece of timber" (ST-163). It was the opinion of investigating Police that MALCOLM had been bashed about the head with the house brick and the piece of timber. MALCOLM was last seen walking down Eveleigh Street, Redfern with HOOKEY. MALCOLM was discovered a short time later in a battered unconscious state in a derelict house. MALCOLM later died in hospital. HOOKEY and PHILLIPS
	(1) and both are thought to have taken an active role in the assault and robbery.

Indicators	(y/n)
There is evidence that sexuality or other bias was involved in the death	No
It appears likely that sexuality or other bias was involved in the death	No
It appears unlikely that sexuality or other bias was involved in the death	No
There is no evidence that sexuality or other bias was involved in the death	Yes

#### **GENERAL COMMENT**

Detectives believe that HOOKEY and PHILLIPS used a house brick and a wooden plank to assault MALCOLM, striking him to the head numerous times. The level of violence is not considered excessive when compared to similar crimes of this nature. HOOKEY and PHILLIPS outnumbered MALCOLM two (2) to one (1) and both are thought to have taken an active role in the assault and robbery, due to the two (2) distinct weapons located within the crime scene.

### SUMMARY OF FINDINGS

Indicator: It appears unlikely that sexuality or other bias was involved in the death

**Comment:** Robert MALCOLM, aged 41 years resided at home with his elderly parents in the Jannali area. MALCOLM was described as a heavy drinker by Richard TEAKEN. TEAKEN recalls seeing MALCOLM at 5.15pm on the 10 January 1992 and described MALCOLM as already being "well affected by alcohol." MALCOLM was last seen alive, about 9.00pm on Friday 10 January 1992, walking down Eveleigh Street, Redfern with offender Anthony HOOKEY. Witness Sharon MURPHY stated, "As they walked past me I sang out to Beather, "Beather, can I get a dollar off you." He said "yes sis". He calls me sis. He said to the man, "Give her a dollar please." Then the man opened his black wallet and I seen a lot of money in \$100 and \$20 notes in his wallet. He handed me a \$1 coin out of his wallet. I walked away and they kept walking the way they were going. I thought to myself, He's going to get bashed and they'll take the money off him." MALCOLM was discovered a short time later, in a derelict house located at 6 Holden Street, Redfern, in a battered and unconscious state. MALCOLM later died in hospital. MALCOLM was not visiting a location where previous bias crimes are known to have been committed. There are no indications that an OHG was involved or active in the area at the time MALCOLM was murdered. The area is historically known as an area where there is a high volume of street related crime, including robbery offences. The location of the incident was described by Crime Scene Officer Constable VAN LEEUWEN as a "derelict two (2) storey terrace house situated on the south eastern corner of the intersection of Holden Street and Eveleigh Streets, Redfern." MALCOLM was in possession of a large amount of cash and was heavily intoxicated, making him an easy target for a robbery. HOOKEY was aware that MALCOLM was in possession of a large amount of cash as he accompanied him to the ATM prior to going to Redfern. HOOKEY then lured MALCOLM away from Kings Cross to Redfern, where he bashed and robbed him in company with PHILLIPS. Robbery is the clear motive in the murder of MALCOLM and it appears unlikely that sexuality or other bias was involved in his death. It is highly unlikely that HOOKEY or PHILLIPS even considered MALCOLM'S sexuality at the time of the incident. MALCOLM did not appear to discuss his sexuality with no evidence to suggest he was in fact a homosexual male.