

# De Gruchy stays in jail after appeal dismissed

By JODIE DUFFY

Senior Crown prosecutor Paul Conlon always knew Matthew De Gruchy was a cold-blooded killer and yesterday the High Court of Australia confirmed it.

From day one Mr Conlon had no doubt that the then 18-year-old was guilty of the frenzied slayings of his mother, brother and sister in the family's Albion Park Rail home on March 13, 1996.

"I've never seen a case so clear cut," Mr Conlon said from his Sydney office yesterday.

The police brief, which was entirely circumstantial was overwhelmingly stacked against De Gruchy and yesterday five High Court justices were unanimous in their decision to dismiss his appeal.

"There could have been no other decision, honestly I never thought there would be any other result," Mr Conlon said. "Frankly the grounds of appeal was a nonsense, anyone who has ever taken the time to look at all the evidence can form only one view."

Indeed Justice Ian Callinan (as did the other judges) scrutinised the evidence in determining whether the jury had got it right.

Despite considering all the matters in De Gruchy's favour, he said: "I find myself unable to say that the verdict was unreasonable. There are too many improbabilities in (De Gruchy's) account."

He said there were matters strongly pointing to his guilt, providing a foundation for the jury's findings.

All three victims met with extremely violent deaths after De Gruchy, now 24, struck them repeatedly with a heavy object, probably a jack handle or wheel brace.

The attack on his mother Jennifer, 44, was so vicious that her face was disfigured beyond recognition.

She had been asleep in bed when De Gruchy rained down the first blow.

Sarah, 13, was also murdered in her bed, while 15-year-old Adrian's body was found lying in a pool of blood in the garage, his skin severely blistered and smelling strongly of petrol.

All three had been so badly bashed an expert said it appeared they had been killed in a plane crash.

"The circumstances of these crimes were horrific," Justice Callinan said in his findings. "The mind recoils from the idea that an apparently quite, gentle young man of good character and with no known animus or reason for an animus against his family, should brutally slay his mother and young sister and brother."

During the 1998 trial De Gruchy's defence relied heavily on a missing part of the jigsaw - a lack of motive. But while there was no evidence of any reason for the killings, the High Court found that the defence had not properly established an "absence of motive".

The defence counsel had told the High Court that Mr Conlon's remark to the jury - that the acts of the murderer had been the product of a "disturbed mind" - was said without evidence and was an attempt to provide the missing motive.

It was further put that the trial judge, Justice Michael Grove, had misdirected the jury when



**APPEAL DISMISSED:** Matthew De Gruchy in prison. His appeal has been dismissed by the High Court.



**TRAGIC FAMILY:** The De Gruchy family (from left) Wayne, Jennifer, Adrian, Matthew and Sarah.

addressing the "disturbed mind" issue. But the High Court found that was not the case.

"His Honour firmly told the jury that there was no evidence of a mental infirmity of mind on the part of appellant," Justice Michael Kirby said.

But while finding that there was no material misdirection in the circumstances, Justice Kirby did express "a sense of unease concerning the balance of the judge's instruction on motive".

Justice Callinan said he would not regard it as an unreasonable submission for Mr Conlon to put to the jury, "that the tragic events which occurred at the De Gruchy household were the product of the a disturbed mind, meaning thereby an extraordinarily violent mind at the time of the killings, particularly as the victims were entirely innocent children and their mother."

But he added that the absence of motive had been a compelling factor in De Gruchy's favour.

"It is only natural to look for a motive because to find it is

comforting," he said. "Naturally the jury would ask of themselves the question, how it might be that such a person might murder close members of his own family."

The High Court decision, which included the judgments of Justices Mary Gaudron, Michael McHugh and Ken Hayne, found that after examining the entirety of the case the jury could find no reasonable hypothesis consistent with De Gruchy's innocence.

Justice Kirby added that "the prosecution case established too many affirmative links between (De Gruchy) and the murders and demonstrated too many objective flaws in the explanations of his conduct," he said. "The real possibility of (his) innocence is excluded."

De Gruchy will remain behind bars for the remainder of his minimum 21-year sentence, which was imposed on him in 1998. He will be 39 when he will be eligible for release in 2017, but will have to serve a further seven-year parole period.

## WHAT THE EVIDENCE REVEALED

**Some of the evidence against Matthew De Gruchy**

❑ Items from the De Gruchy household had been found in a Woonona Dam, where Matthew De Gruchy used to play when he was young.

❑ Among the items were his mother's purse and a plastic ziplock bag in which was found a check list for murder.

❑ De Gruchy admitted it was his handwriting on the note, but said he could not remember it. As an explanation he said he might have written it when organising his 18th birthday party.

❑ DNA tests on blood found on a wall and in the hallway showed that the stains could have come from him.

❑ A doorknob to the vanity unit in the bathroom bore his left palm print and tested positive for blood (but DNA testing was unsuccessful).

❑ The petrol container found near Adrian's body had one of his finger prints.

❑ That night he had told his girlfriend that his mother had received threatening telephone calls, but he did not tell police of the calls when being interviewed after the murder.

**Some of the evidence in favour of De Gruchy**

❑ De Gruchy was a gentle young man of good character.

❑ There was no apparent motive for the killings.

❑ There was no known animosity against his family.

❑ His demeanour on the night of the murders was normal.

❑ He showed extreme emotion after discovering the bodies.

❑ The absence of any injury to him.

❑ He had bled from time to time in the house.

❑ Strands of hair found in Adrian's hand could not have come from De Gruchy.