



R v Gregory Joseph Sutton

BACKGROUND

Between 1984 and 1985 Mr Sutton was a year 5 teacher at St Thomas Moore School Campbelltown, from there he moved to St Carthages School Lismore where he stayed until early 1987. He was asked to stop teaching, as a result of the lay teachers at St Carthages, discovering that he had been alone with a pupil outside school hours and off school premises. Mr Sutton had no further teaching position with the Marist brothers in NSW after this.

Two former pupils, ADM [redacted] and ADQ [redacted] of the Campbelltown school made complaints to police about Mr Sutton on 10 August 1989. Statements were obtained, but Mr Sutton left Australia for Canada, on 18 August 1989, before he could be interviewed. No further action was taken by the police on these matters at this time.

In December 1991, ACU [redacted] a former pupil of Mr Sutton's at Lismore, made a statement to the police. Further investigations revealed three other former pupils had similar allegations. First Instance Warrants were obtained, and Extradition Proceedings commenced in 1995. As a result of media reports in relation to the extradition, ADQ [redacted] contacted the police at Campbelltown and application was made to the United States to extend the extradition proceedings to the Campbelltown offences.

media reports re extradition

The accused was extradited from the United States on 29 April 1996.

On his return to Australia Mr Sutton participated in a record of interview with the police, in that interview he admitted the offences.

Mr Sutton entered pleas of guilty at Central Local court on 2 August 1996, to the following charges:-

Sexual intercourse without consent with a child under 16 years by a person in authority, s61D(1A) x 7 (maximum penalty 12 years penal servitude).

Sexual intercourse without consent with a child under 16, s61D(1), (maximum penalty 10 years penal servitude) x 4

Indecent assault of a child under 16 by person in authority, s61E(1A) x 7 (maximum penalty 6 years penal servitude)

Indecent assault of a child under 16 s61E(1) x 7 (maximum penalty 6 years penal servitude).

Act of indecency s61E (2) x 4 (maximum penalty 2 years imprisonment).

FACTS

St Thomas Moore School Campbelltown

ADM [REDACTED] and ADQ [REDACTED] were in 5th class, in 1984, Mr Sutton was their teacher. Mr Sutton assaulted these girls separately and in each other's presence. The charges in relation to each of these complainants relate to the following particular circumstances:-

In the classroom one day during the year Mr Sutton called ADQ [REDACTED] and ADM [REDACTED] to the front of the class, and got them to sit on his knees. While Mr Sutton was talking to them about their school work, he simultaneously assaulted both girls by inserting his fingers into their vaginas. (s61D(1) x 2, ADM [REDACTED] Par 11, ADQ [REDACTED] par 14, charges 68752/56 & 53) Each girl alleges similar assaults occurred while sitting on his knee, on a number of occasions.

One morning before school, ADM [REDACTED] went to sit on Mr Sutton's lap and he told that he would take her and some other girls to Luna park, on this occasion he inserted his finger into her vagina. After he did this he told her to get off and he stood up. ADM [REDACTED] saw that he had an erection under his robe, he asked her to touch his penis. After she touched his penis he she saw a wet patch, and asked why it was wet?. Mr Sutton responded " You get wet too. It's just what happens". (s61D(1) s61E(2), ADM [REDACTED] par 12 & 14, charge nos 68752/55 & 51)

In the last part of the year, ADM [REDACTED] recalls watching program called Behind the News in the theatre at the back of the school. Afterwards Mr Sutton told her to stay. Mr Sutton told her to take her pants off, and rubbed her on the outside of her vagina. He then told her to go back to the class room and tell ADQ [REDACTED] to come to him. (s61E(1), ADM [REDACTED] par 15, charge no 68752/45).

One day before school ADM [REDACTED] went to the storeroom with Mr Sutton, Mr Sutton asked her to kiss him. She did he then told her ADQ [REDACTED] is a better kisser, but you are better at the other stuff." He then took off his shirt and undid his trousers so his erect penis was visible, he then guided ADM [REDACTED] hand up and down his penis until he ejaculated. (s61E(1) ADM [REDACTED] par 16, charge no 68752/46).

One day before school Mr Sutton showed ADM [REDACTED] his train set. He told her to take off her pants, and knelt down in front of her and kissed her on the vagina. (s61E(1), ADM [REDACTED] par 18, charge no 68752/48).

ADQ [REDACTED] says on day she was in the playground, Mr Sutton was standing near her and invited her to put her hand in his pocket. She did so and touched his penis. (s61E(2), ADQ [REDACTED] par 12, charge no 68752/50).

ADQ [REDACTED] recalls a time during the school fete, Mr Sutton told her to come and visit him in the classroom. After talking for some time he inserted his finger into her vagina. He then started to kiss her on the mouth, inserting his tongue while doing so. He told her this was called french kissing. He then got her to masturbate him . (s61D(1), s61E(2) ADQ [REDACTED] par 21& 22, charge no 68752/52 & 49).

St Carthages School Lismore

ACT [REDACTED] ([REDACTED]) and ADB [REDACTED] ([REDACTED]) were in year 5 in

1985, Mr Sutton was their teacher.

Mr Sutton used to take [ACT] back to the monastery to play with a train set, which was set up in Mr Sutton's room. On the second occasion he went Mr Sutton touched [ACT] on the penis on the outside of his clothing. (s61E(1), [ACT] par 7, charge no 68752/57).

On his third visit to the monastery, Mr Sutton took off all his clothes , and tried to undress [ACT]. Mr Sutton said " A couple of your classmates have been here before, why not you ?". [ACT] tried to get out of the room but found the door was locked. Mr Sutton said I don't want to force you to do anything, and drove [ACT] home. (s61E(2), par 8, charge no 68752/13)

[ADB] complains that Mr Sutton used to let her sit at his desk at the front of the class, when she was there he used to frequently rub his hand up and down her leg, on to her bottom and on to the outside of her underpants. (s61E(1), [ADB] par 6, charge no/68752/58).

About a week after this she told her mother who made a complaint to one of the sisters at the school, after this Mr Sutton began to ignore her.

[ACU] [REDACTED] and [ACZ] [REDACTED] were in year 5 at St Carthages in 1986.

Around easter time, Mr Sutton called [ACU] to the front of the class, and told her he was going to teach her about life. He then ran his hand up on the outside of her underpants and in between her legs on the outside of her vagina. (s61E(1A), par 5, charge no 68752/1)

About a week later Mr Sutton took [ACU] to the monastery to see his train set. He sat her on the table near the train set, and touched her on genitals on the outside of her pants. She moved away and he said he would take her home. Instead of going straight home he took her to Woodlawn, he stopped on a track near some bushland. He pushed her back so she was lying on the seat and kissed her on the mouth. He then took her underwear off, and touched her on the vagina. (s61E(1A), s61D(1A), par 9 & 11, charges no 68752/34 & 27).

On another occasion Mr Sutton said he would take her swimming after school. He took her to the same spot at Woodlawn, and again digitally penetrated her. He then showed her his erect penis and put her hand on it and made her masturbate him until he ejaculated. Later that day [ACU] noticed blood on her underpants. (s61D(1A), par 13, charge no 68752/28).

The following week he took [ACU] to Woodlawn again. He digitally penetrated her, and made her masturbate him. This routine continued 3 or 4 times a week. (s61D(1A), par 15, charge no 68752/29)

One weekend [ACU] went to the monastery to watch videos. In Mr Sutton's room he put [ACU] on his bed, and took his and her clothing off. On this occasion her digitally

penetrated her performed cunnilingus and made ACU masturbate him. (s61D(1A) par 17, charge no 68752/31).

Towards the end of the year Mr Sutton took ACU to Byron Bay, to a house which was owned by the Brothers. They went swimming at Wategos Beach and ACU was stung by a blue bottle. Back at the house Mr Sutton put his finger into her vagina.(s61D(1A) par 22, charge no 68752/25).

At the beginning of the Christmas school holidays at the end of 1986, Mr Sutton took ACU swimming, while in the where Mr Sutton put his finger into ACU vagina and made her touch his penis on the outside of his swimming costume. (s61D(1A), par 24, charge no 68752/33)

The following year about 3 weeks after ACU had started school, Mr Sutton drove her home after school. There was no one at her home, and Mr Sutton took her inside and sat her on the kitchen bench. He kissed her on the mouth, and took her pants off and then performed cunnilingus. They then heard a car and he stopped. (s61D(1A), par 27, charge no 68752/24).

In the second half of 1986, ACZ noticed that Mr Sutton became more friendly towards him. One day ACZ was called to Mr Sutton's desk at the front of the class and, Mr Sutton, while he was talking to ACZ reached down and rubbed him on the penis on the outside of his clothing. (s61E(1A), par 6, charge no 68752/38).

About a month later, ACZ was told to go to the storeroom by Mr Sutton, in that room Mr Sutton undid ACZ trousers took his penis out and began to masturbate him. This continued until ACZ told him to stop. Mr Sutton then said do you want to give the same thing to me. ACZ said "No". Exactly the same thing happened about a week later. (s61E(1A), par 7 & 8, charge nos 68752/40 & 41).

After this, ACZ says, Mr Sutton would regularly call ACZ and ACU out to the front of the class and indecently touch both of them.

One day Mr Sutton asked ACZ to the monastery to watch a movie. Mr Sutton was at this time packing to leave, (during first term in 1987). ACZ helped him to pack, and they went to a storeroom near the garage. In there Mr Sutton rubbed his penis on the outside of his shorts and said " How about once more for old times sake ?" He then took out ACZ penis and masturbated him. ACZ told him to stop. Mr Sutton asked him if he wanted to do the same thing to him. ACZ said "no". Mr Sutton then took ACZ home. On the way home he said to ACZ " Don't be ashamed , ninety percent of boys do and the ones that don't , can't." ACZ took this to mean that boys masturbated other boys. (s61E(1A) x 2 , par 12, charge nos 68752/ 39 & 42).

Johanna Pheils
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Office of Director of Public Prosecutions
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