

ANNEXURE "B"

"This is the Annexure marked "B" referred to in the Affidavit of Sashi Shukla Sworn before me on 29 August 2014"

INDICTMENT**TRIAL #1**

5 complainants (16 counts) – 1961 to 1967

CFN [REDACTED] (1), CFK [REDACTED] (5), Peter HENRY (8)
 CHE [REDACTED] (1) & CFQ [REDACTED] (1)

Marist Brothers Maitland HS & Marist Brothers Pagewood HS (St Gabriel's)

REDACTED

NEW SOUTH WALES

On [REDACTED], the Director of Public Prosecutions on behalf of
 Her Majesty charges that

FRANCIS WILLIAM CABLE

1. Between 1 October 1961 and 31 December 1961, at Maitland, in the State of New South Wales, did assault [REDACTED] a male, and commit an act of indecency on him.
- **11 or 12 years (DOB [REDACTED] 1949)**
 - **Year 6, Marist Brothers Maitland Primary School**
 - In later half of 1961 at Maitland City Baths which were open from October [12].
 - Was playing in the baths with another boy [14] when the accused came over and suggested playing piggy in the middle – putting cloth down pants for other person to get [19] The accused put hand inside [REDACTED] s swimmers and moved hand around genitals grabbing penis and testicles when he pulled the cloth out [24]
- Other acts
- Accused put cloth in his own swimmers. Shoved the boy's hand across the accused's erect penis [26] After the pool in the showers the accused approached him grabbed towel started to dry him grabbing the boy's penis through the towel [30 – 31]

*Section s.81 Crimes Act 1900**Law Part Code: 381***AND the Director of Public Prosecutions FURTHER CHARGES that****FRANCIS WILLIAM CABLE**

2. Between 1 January 1962 and 24 December 1962, at Maitland, in the State of New South Wales, did assault [REDACTED] a male, and commit an act of indecency on him.
- **13 or 14 years old (DOB [REDACTED] 1948)**
 - **2nd Form (year 8) Marist Brothers Maitland High School**
 - Kept after class, told to stand in front of accused and bend down. Accused put his hand inside underpants fondled boy's penis. Accused smacked boy's head down and told him not to look. Took boy's hand and put onto his erect penis. Accused ejaculated [10 – 11]

*Section s.81 Crimes Act 1900**Law Part Code: 381*

3. Between 1 January 1962 and 24 December 1962, at Maitland, in the State of New South Wales, did assault ^{CFK} [redacted], a male, and commit an act of indecency on him.
- About the 4th time. Told to stay after class. Made to bend down, accused put cassock over his shoulder and told him to play with the accused's erect penis. Accused told him to "lick it, put it in your mouth" and pushed his penis into the boy's mouth [13-15]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

4. Between 1 January 1962 and 24 December 1962, at Maitland, in the State of New South Wales, did commit an act of buggery with ^{CFK} [redacted]
- Same time count 2. Accused then told him to turn around and pull his pants down, which he did. Accused picked him up with one hand and pushed erect penis against backside and said "I won't hurt you". Accused slowly pushed his penis into the boy's anus patting him on head saying "it's alright" and "it won't hurt". Was screaming looking at the door hoping someone would come in and pain would stop [15]

Section s.79 Crimes Act 1900

Law Part Code: 374

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

5. Between 1 January 1962 and 24 December 1962, at Maitland, in the State of New South Wales, did assault ^{CFK} [redacted] a male, and commit an act of indecency on him.
- About 3 weeks later. Accused made him play with the accused's penis and perform oral sex saying "lick it" or "put it in your mouth" [18]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

6. Between 1 January 1962 and 24 December 1962, at Maitland, in the State of New South Wales, did commit an act of buggery with ^{CFK} [redacted]
- Same time count 4. The Accused then told him to turn around. Accused picked him up with one had and put his penis into the boy's anus. He was screaming at the accused to stop [18]

Section s.79 Crimes Act 1900

Law Part Code: 374

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

7. Between 1 February 1965 and 28 February 1965, at La Perouse, in the State of New South Wales, did assault Peter HENRY, a male, and commit an act of indecency on him.
- 12 or 13 years (DOB REDACTED 52)
 - 2nd Form (year 8) Marist Brothers High School Pagewood
 - In February 1965 during excursion to Little Congwong Beach, La Perouse. Saw accused grab a boy and rubbed his erect penis against him. Was then called over by Accused who grabbed him and rubbed him and down his body. He felt the accused's erection pushing into his body from his groin to his chest for about 20 seconds [10-12]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

8. Between 1 February 1965 and 28 February 1965, at La Perouse, in the State of New South Wales, did assault Peter HENRY, a male, and commit an act of indecency on him.
- About a week later at same beach, accused took him behind rocks and exposed his erect penis. Told him to open his mouth and pushed him into his knees. Accused forced his penis into the boy's mouth saying "don't you dare bite" and "suck on it". Accused said "don't you tell anyone or you will be locked up, they won't believe you, you have the mark of the devil in you and I need to get the devil out of you and that's how I have to do it". Boy cried. Complained to mother and father – was not believed. [14-16]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

9. Between 1 February 1965 and 24 December 1965, at Pagewood, in the State of New South Wales, did assault Peter HENRY, a male, and commit an act of indecency on him.
- The next occasion (a week after count 7) the Accused told him to see him in the office after school. At the office, the accused told him to open his mouth. He said 'no' and tried to run. Accused grabbed him dragged him further into office and punched him in the ribs. Accused put his hands around his head and thumbs in both eyes. Accused forced his mouth open and put his penis into the boy's mouth told him to suck it. Accused ejaculated into his mouth and told him to swallow it [18-19]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

10. Between 1 February 1965 and 24 December 1965, at Pagewood, in the State of New South Wales, did assault Peter HENRY, a male, and commit an act of indecency on him.
- Was called to the office by accused after school. Accused removed the boy's clothes and put his penis into the boy's mouth. Accused ejaculated into his mouth [21]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

11. Between 1 February 1965 and 24 December 1965, at Pagewood, in the State of New South Wales, did assault Peter HENRY, a male, and commit an act of indecency on him.
- Same occasion as above (count 9), the accused then started to rub the boy's penis and tried to insert a finger into the boy's anus. He started to cry. The Accused couldn't get his finger in very far and spat on his finger and tried again to insert his finger into the boy's anus. The Accused's finger went into his anus a 'little way' [21]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

12. Between 1 February 1965 and 24 December 1965, at Pagewood, in the State of New South Wales, did assault Peter HENRY, a male, and commit an act of indecency on him.
- The next week (after count 10) was called to the office after school by the Accused. The accused told him to take off his clothes. Accused undressed. Accused put his penis into his mouth. Then poured something onto the boy's anus and inserted a finger into the boy's anus. Accused put his penis into his mouth again while finger was in his anus and ejaculated in the boy's mouth. After he went to the bathroom, wiped blood from anus [22]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that**FRANCIS WILLIAM CABLE**

13. Between 1 February 1965 and 24 December 1965, at Pagewood, in the State of New South Wales, did commit an act of buggery with **Peter HENRY**.
- The following week (after count 11) was called to the office by the Accused after school. Accused told him to remove clothing. Accused put something on his anus and said "Don't worry it won't hurt, turn around and look at the wall". The accused bent him over the desk and pushed his erect penis into his anus. Screamed in pain. Accused punched him in the back and said "Keep quiet". Accused ejaculated into his anus. Recalls bleeding from the anus [24]

Section s.79 Crimes Act 1900

Law Part Code: 374

AND the Director of Public Prosecutions FURTHER CHARGES that**FRANCIS WILLIAM CABLE**

14. Between 1 February 1965 and 24 December 1965, at Pagewood, in the State of New South Wales, did commit an act of buggery with **Peter HENRY**.
- After count 12, accused had anal sex with him weekly. On one occasion, he refused to perform fellatio the accused because his penis smelt of faeces. Accused then had anal sex with him [26]

Section s.79 Crimes Act 1900

Law Part Code: 374

AND the Director of Public Prosecutions FURTHER CHARGES that**FRANCIS WILLIAM CABLE**

15. Between 22 August 1967 and 31 October 1967, at Singleton, in the State of New South Wales, did assault ^{CHE} a male, and commit an act of indecency on him.
- 15 years old (DOB REDAC 52)
 - Year 10 Marist Brothers Pagewood High School (aka St Gabriel's)
 - On the first day of Cadets camp at Singleton Army Base, the accused made all boys get undress and put on an army coat. Accused lined the boys up in front of him and one by one inspected each boys' genitals, grabbing them and moving them around [20-32]

Section s.81 Crimes Act 1900

Law Part Code: 381

AND the Director of Public Prosecutions FURTHER CHARGES that

FRANCIS WILLIAM CABLE

16. Between 1 January 1967 and 24 December 1967, at Pagewood, in the State of New South Wales, did assault ^{CFQ} [REDACTED], a male, and commit an act of indecency on him.
- **15 or 16 years old (DOB: REDACTED 51)**
 - **Form 4 (year 10) Marist Brothers Pagewood High School (aka St Gabriel's)**
 - At Heffron Park Swimming Pool at Pagewood. Accused was swimming coach at after school swim training. Accused swam between his legs and pushed his legs apart as he came through and touched his penis briefly. Got out of pool and went to change room. Accused grabbed his hand and placed it on this accused's penis and said "Can you feel it ^{CFQ} [REDACTED]" [14-17]

Section s.81 Crimes Act 1900

Law Part Code: 381

Crown Prosecutor

On behalf of the Director of Public Prosecutions