



JUDGMENT SUMMARY

R v Dubois: Pre-trial rulings on admissibility

In mid-2016 the defendant, Garry Reginald Dubois, applied for the exclusion of certain evidence at his pending trial. He faced charges of the deprivation of liberty of Mrs Barbara McCulkin and her two daughters, the murder of Mrs McCulkin, the rape of one daughter, aiding his co-accused, Vincent O'Dempsey, to rape the other daughter, and aiding O'Dempsey to murder the daughters.

The applicant sought to exclude evidence of police officers to whom statements were allegedly made in the 1970's and 1980, and the evidence of a variety of other witnesses.

In hearing various applications Justice Applegarth made a number of oral rulings, and also delivered a number of written rulings. Subject to qualifications in respect of certain evidence and the need to give directions and warnings to a jury about some aspects of the evidence, the applications were dismissed. An application to stay the proceedings also was dismissed.

Communication of the reasons to the general public at the time they were given risked prejudicing the pending trial of Dubois, and the pending separate trial of O'Dempsey. The reasons are now available to the general public. To better understand the decisions, the reasons may be found here:

Retrospective operation of the *PPRA*: [R v Dubois & O'Dempsey \[2016\] QSC 318](#)

Evidence of White and Swindells: [R v Dubois \(No 1\) \[2016\] QSC 319](#)

Evidence of Munro and Attwood: [R v Dubois \(No 2\) \[2016\] QSC 320](#)

Evidence of Paul Dubois: [R v Dubois \(No 3\) \[2016\] QSC 321](#)

Evidence of McGrath: [R v Dubois \(No 4\) \[2016\] QSC 322](#)

Evidence of Gayton, Nisbet and Campbell: [R v Dubois \(No 5\) \[2016\] QSC 323](#)

Evidence of Douglas Meredith: [R v Dubois \(No 6\) \[2016\] QSC 324](#)

Evidence of Robert McCulkin: [R v Dubois \(No 7\) \[2016\] QSC 325](#)

Evidence of Peter Hall: [R v Dubois \(No 8\) \[2016\] QSC 326](#)

Application for a permanent stay: [R v Dubois \(No 9\) \[2016\] QSC 327](#)

NOTE: a number of the rulings on admissibility are the subject of a pending appeal by Mr Dubois.

NOTE: This summary is necessarily incomplete. It is not intended as a substitute for the Court's reasons or to be used in any later consideration of the Court's reasons. The only authoritative pronouncement of the Court's reasons and conclusions is that contained in the published reasons for judgment.