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Abstract

CAPITAL Q 26 Nov 1993 Iss 64, p.5 A NSW Supreme Court jury has acquitted a 22-year-old man of brutally murdering a 46-year-old gay man, despite hearing evidence that he admitted he had "rolled a fag" to friends. Christopher Paul McKinnon, who pleaded not guilty, was acquitted at the Darlinghurst courts on Tuesday of assaulting and ramming Maurice McCarty's head against the wall of his Newtown home on 7 April 1991. A postmortem examination revealed he had died of severe head injuries.

I PANICKED AND HIT HIM WITH A BRICK¹

Dean Kiley

CAPITAL Q **26 Nov 1993 Iss 64, p.5**

A NSW Supreme Court jury has acquitted a 22-year-old man of brutally murdering a 46-year-old gay man, despite hearing evidence that he admitted he had "rolled a fag" to friends. Christopher Paul McKinnon, who pleaded not guilty, was acquitted at the Darlinghurst courts on Tuesday of assaulting and ramming Maurice McCarty's head against the wall of his Newtown home on 7 April 1991. A post-mortem examination revealed he had died of severe head injuries.

Crown prosecutor, Bill Dawe QC, alleged that McKinnon smashed a wine bottle over McCarty before punching him and ramming his head against a wall repeatedly and then driving away. McCarty died in hospital seven hours later. The Crown alleged that on the night of the attack, McKinnon deliberately set

out to "pick up a homosexual to rob" and met McCarty near Eros cinema in Goulburn St.

McKinnon claimed that the two went back to McCarty's home, drank some wine and smoked some cannabis. But a toxicology report tendered to the court found no trace of alcohol or illicit drugs in McCarty's bloodstream. McKinnon claimed McCarty made unwanted sexual advances towards him, and when he tried to get away, McCarty was injured in a scuffle that ensued. He said he later returned to steal some money and personal possessions as revenge for his advances.

In giving evidence, McKinnon's friends reluctantly conceded that McKinnon had discussed the killing with them and admitted he had "rolled a fag". Despite this "the jury was satisfied that he was acting in self-defence and they acquitted him," Dawe said.

¹ Eve Kosofsky Sedgwick, *one of the High Queens of Queer Theory*, sums up whole decades and departments by positing an epistemological incoherence between three competing contradictory commonsensical models for homosexuality:

[1] 'not-men' inversion (women in men's corporeal clothing, trapped)

[2] 'not-men-nor-women' subversion (the third gender, inbetween)

[3] 'not women' perversion (man-identifying/loving men, narcissistic).

But there is another, circulating within the (queer-inflected/justified) New

Dear Pope

The unidle rich learn gentlemanly graces
In quiet, gentling, genteel places,
But the world's too much with them of late
Since undesirables infiltrate
Even unto nextdoor if permitted.
The unmortgaged masses have filleted
The hearts of our Australian cities
With subcultures and ethnicities,
With untidiness, nightlife, crime and flats,
With single mothers and laundromats,
Till Nicer Suburbs obsessively fret
That their very front lawns are under threat

CAPITAL Q

22 July 1994 Iss 96, p.3

A Brisbane man has claimed self-defence and pleaded not guilty to stabbing a gay man to death who made a pass at him. Russell John Leach, 29, told police he met the dead man, Graham Turpin, at the Shatson Hotel on 28 August last year and went back to his Tarragindi home to get dressed for a dinner. Leach told police he fell

asleep and awoke to find Turpin touching him. "I freaked out because he was touching me and he's got no clothes on," he said in a statement to police. Leach allegedly pulled a knife and stabbed Turpin in panic. "It was self-defence in my eyes," Leach told police. "I didn't want a part of this." The prosecution said it could present witnesses who would testify that Leach and Turpin were kissing and cuddling at the hotel beforehand, the *Courier-Mail* reports.

Masculinity, not 'not men' nor 'not women' or even 'not-men-nor-women' but, precisely,

[4] 'fucking REAL MEN' reversion (menth, recursive).

This is a model about which (radical) (lesbian)(separatist)(academic) feminists have been haranguing us since at least the early seventies: homosexual where the sexual (sex and sexuality) is supplement/complement/testament to the homme. This is the gay man as Übermensch, superman because Ultraman, reflexively

So our upper/middle classes –
 Talking that American which passes
 For analysis in this capitalist
 Home-castle fundamentalist
 Property-valued myth-take culture –
 Excommunicate the non-kosher,
 Secede, retreat, cauterise, anneal,
 And by tupperware logic vacuum-seal
 Themselves together and off and in
 Until (surprise surprise) they begin
 To ape the Land of Hype and Tory
 By renovating the same old story:
 The welfare state builds a house of cards,
 The poor get poorer and the rich get guards
 And dogs and alarms, intercoms and bars,
 Cameras, check-points and shiny patrol cars.
 Fixated with fixing, they love above all
 The fence, the gate and the dividing wall
 They draw borders round their private parts –
 Like pentagrams and charts, moats and ramparts,
 Chastity belts, strap-ons, cockrings, crotch-guards
 Gilt frames, look-outs, house-rules and Hansards,
 Gussetry, foot-binding, diet citadels,
 Hospital-bed curtains and peep-show cells –
 And these fences chain-link, tighten their grip,
 Stem the traffic, splint citizenship
 Till they've tourniqueted all access roads
 And 'secured' (closed off) whole postcodes:
Gated communities, they're called,
 Self-sufficient, -identified and -walled.
 But allegory, metaphor and conceit
 Are dangerously incomplete
 So let's make pedagogically plain
 My alibi for all this legerdemain –
 Heterosexuality
 And homosociality
 Are gated communities, each gate
 With a lock of tensile homohate:
 The mock-heroic fantasias from the dock
 Are supplements to *The Rape of the Lock*.

SYDNEY STAR OBSERVER
12 Nov 1993 No 222, p. 4

In another case alleging gay sex advance as an excuse for violence, a man has died after his throat was slashed. Steven Bonner, 24, of Marrickville, has been charged

with murdering Tom Argæet, 36, who died in Royal Prince Alfred Hospital on October 31 from injuries after he allegedly made unwanted homosexual advances. Bonner was granted bail after the case as adjourned to Glebe Coroners Court on December 9.

A Brief Guide for the Perplexed Juror

panic > self-defence <=> acquittal

=

rage < provocation <=> mitigation

apostasy blasphemy heresy

sing it with me come on

doin the revivalist shuffle

sodomy fellatio anilingus pederasty

Father, why do these words sound so nasty?

brotherrrrrs and sisterrrrrs

lemmehearyasay FAG

lemmehearyasay QUEER

lemmehearyasay Genesis and Leviticus

Legion and Contagion

Eternal Damnation

love the sinner, hate the sin you said

weeping crocodile tears by the Nile

an abomination a perversion

a sin against divine nature you said

holding out an Apple Isle

but your rhetoric tastes of pre-cum

we're your worst nightmare and your wet dream

from one and the same pulpit

in one and the same words

you say we are atrophy weak and viral potent

we are nowhere and everywhere

we're that which dare not speak its name

but you chatter about us incessantly

we're rotten poisoned fruit

but a constant incitement to eat

we are sick and old and lonely and dying

but all your youth's under threat of joining us

In a [n unidentified] cafe on [an unidentified] street in a fashionable part of the [unidentifiable] city, two [unidentified people] sit talking in a vague way about a [hypothetical] case in which an [unnamed barrister] [of unspecified gender] defended [an un-nameable person] charged with murdering a gay man, in which the homophobic panic defence was used with some verve and much success, that person being acquitted by a jury. Now, the defamation lawyers say I can't say all that the two unidentified people say, so here's what they say I can say they say:

and let's further suppose that this unnamed barrister, defending someone accused of a gay-bashing murder, were in fact, or at least in newspapers, a high-profile and influential member of the gay and lesbian community? With a long and valued history of fund-raising and PR and activism of the kind one does in one's spare time with a dais, a microphone and a small but stylish wardrobe of populist rhetoric. Now that would be unpoetic justice wouldn't it? Note, please, that I am in no way imputing or implying any particular sexuality, nor a determinate sexual identity or preference or orientation to our unnamed barrister: a Rorschach blot of issues spreads even without such considerations . . . issues of membership, loyalty, obligation, betrayal, co-option and so on.

Astonished by this naturalistic, unedited, personal, passionate outburst, the second interlocutor takes up the macramé of the argument thusly:

Far-fetched, and hard to imagine happening in real life, but suggestive. And what if, just playing Lawyers' Advocate here for a moment, the accumulated evidence - circumstantial, direct, police statement and witness testimony - was so extensive and water-tight that the only resort was the last one: the unsworn statement relying on the homosexual panic defence?

So let's recap: we'd then have a prominent member of the gay and lesbian community advising a customer to talk through a loop-hole, or glory-hole, in legal procedure directly to a jury so as to appeal to their prejudices and

constructed. Male-ness is raised from gender-transitivity/subjectivity/identity to a teleology, patriarchy raised to religion, a sexuality and sex-life and life and world where everything is, or is compared to, or is a second-rate substitute for, the phallic.

In the academy this Ultraman model becomes discourse, strategy and topic, in queer sites it becomes community/sexual identity politics, romanticised (ideologically-innocented) PR machine and damage-controllable representational contest.

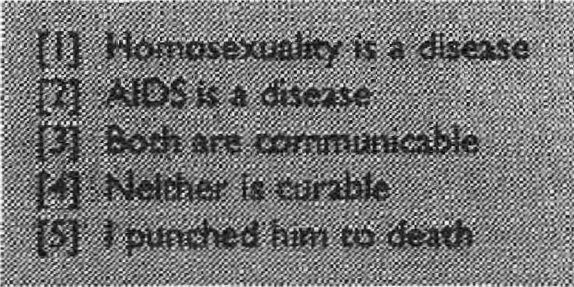
fears about gay men and homosexuality and anal sex. With tactics aforethought. With professional, perhaps even personal, knowledge of the power of such an appeal and the extra-legal un-logical responses it would elicit.

Yes indeed. And imagine the reaction of that community, which is also a constituency and a market, not to mention audience, to the acquittal of the accused. And then the out-of-court defence settlement, the famous fag'n'dyke show lurching into automatic-sprinkler-system mode, the editorialising panic, the industrial-ethics-force-me-to-take-on-all-comers defence. This despite the fact that the brief was chosen, not assigned, and the barrister concerned wombed in a not un-lucrative livelihood.

The usual. Special pleading in ethical drag would come out and do its little routine: "we can't pick and choose", "innocent till proven", standard tactics, procedures complied with, the hermetically sealed unideological nature of the legal system, the professional is apolitical.

Meanwhile a man is dead and all the old old homophobic myths are brought back from the dead so the deceased can be gaybashed all over again in the safety and privacy of the courtroom.

Sounds like a clear and winnable case of gay vilification to me.

- 
- [1] Homosexuality is a disease
 - [2] AIDS is a disease
 - [3] Both are communicable
 - [4] Neither is curable
 - [5] I punched him to death

But in the mainstream (however defined), out there, in the real world, it becomes un-. It's effaced, sub-ed, fairy-storied under the rest of the hugely over-developed architectonics of homo-. It's too apocalyptic and frightening. Enough to make one panic, even. Hence its Frankenstein in the "homosexual panic defence": the queers are revolting! Rape! Hysterical non-crimes of passionate fear and loathing. Any (even slightly) gay &/vs. queer theorist will tell you (over and over) about the intrinsic, constitutive danger of homosociality becoming homosexuality: men who work or play or fight or live together eventually forgetting, lapsing, unlearning into loving or fucking together. History, literature, medicine, religion, law and

They (and since that word's just standing there all by itself looking so innocent, naturally it means white middle-class straight men) always (used to?) say about lesbians that of course all they really need is a good fuck. Lesbians are ... Schrodinger's Cat. Either [1] they're in the box, in which case they can be safely left there (Criminal Code), or let out and domesticated (Elizabeth Jolley) OR [2] they're not there at all (Queen Victoria). Gay men are Chaos. They threaten the very fabric of the universe (family) (society). If not a fuck, then what, I wonder, do they really need?

- [1] All gay men are perverts.
- [2] All perverts are sexual predators.
- [3] All sexual predators are rapists-in-waiting.
- [4] I slashed his throat.

SYDNEY STAR OBSERVER
22 Dec 1993 No 225, p.4

A Bellambi youth accused of the bashing murder of a man dressed in women's clothing told friends he had "bashed a gay person", a committal hearing at Wollongong Local Court has heard. Thomas Albert Dunn, 19, has been charged with murdering Gordon Bryan Tuckey at

the Woonona cycleway on July 3 this year. Dunn told police he killed the 22 year-old man after Tuckey had made sexual advances. The dead man suffered heavy blows to his head, extensive bruising and abrasions to his scalp, eyes, lip, chin, jaw and nose. According to medical evidence, a black strip of nylon had been wrapped ten times around Tuckey's penis.

Hollywood (etc etc) are enactments and containments of this danger. Now imagine how much of a real and present danger this would be if homosexuality is figured as a distillation and saturation and alchemical magnification of every nexus in power-praxis of objectifying, infantilising free-sexual-access-guaranteed patriarchy. The Ultraman model makes sexuality into sex. We're all walking pressure-paks of testosterone, just waiting for fissures in the facade of heterosexuality, cracks in the dam of every other man's normality. Whereupon we'll stick our dick in the dyke whether wanted or not.

And we have said unto you:

*The only way to deal with temptation
is to give in to it*
that was Father Oscar
(and we've been turning you folks
into bull's-eyes and bystanders
for William Tell one-liners ever since)

Send us out those edible angels!
that was our Forefathers in Sodom
(and lots of salt and wives
and fire and brimstone
have been given up ever since)

And now I say to you:

Lock up your sons!
Put them away in purdah
cover them with plaid and denim
with pinstripes and paisley
To look upon normal men is to covet
to fantasise to scheme to possess

This is our faith our religion
our nirvana karma chakra mecca and jihad
but ours is a sexed god
ripped from the Virgin womb
breachbirth down and out through the arse
our god's not an American multinational
or an army or a nationalism
or a State or a revolution
or even an ageing accident-prone Polish drag queen
no our god's the
last temptation of Jonathan

Hear and heed
we're proselytising professionals
the Jesuits were amateurs
we've been missionaries for the lower colon
all our long long history
we'll flay you and nail your hide to the church doors
if we have to
we'll take your sunburnt rugged rangy mountain drovers
and your Uncle Toby's lifesavers
and your holy trinity of footballing heroes
lift their shirts
and send em to buggery
your ANZAC breeding program will be set at nought

SYDNEY STAR OBSERVER**14 Jan 1994 No 226, p.4**

A 19 year-old youth will stand trial later this month for the murder of a man whose semi-naked body was found on a cycleway north of Wollongong.

Thomas Albert Dunn of Bellambi is accused of bashing Gordon Bryan Tuckey, leaving him to die in a pool of blood.

In a police interview, Dunn said he got into a fight with the victim after Tuckey made sexual advances.

A committal hearing at Wollongong Local Court has been told Dunn

admitted to friends he repeatedly kicked and punched Tuckey, slamming his face into a concrete path.

After another friend asked him why he had attacked Tuckey, the accused man is alleged to have replied "He was a fucking rock spider [prison slang for a child molester], he deserved it".

Mr Tuckey, 23, of Bulli, was found with a nylon stocking wrapped around his penis. Items of women's clothing were found close to his body.

Dunn will stand trial at the Wollongong Supreme Court on January 31.

A Brief Guide for the Perplexed Audience

An "unsworn statement" is made by the accused to the jury not the court. It is not evidence nor testimony under oath nor can the accused be cross-examined.

WO! Not so fast. Get back up there. Now, tell the jury again what you were doing there, at that time of night, in that particular amenity. Are you honestly telling this court, with a straight face, that you had absolutely no idea that this was what is commonly known as a "beat", an area identified and known and used as a meeting place for homosexually-inclined men who use it as a site for anonymous sexual rendezvous? No idea at all? So you didn't go there knowing, for example, that at that time the probability of you encountering homosexuals would be unusually high? And ditto for the probability that they would assume you were there for the same purpose? Well, why wouldn't they?

Remember, the truth's irrelevant. The fact that most of the cases associated with homosexual panic are in reality gaybashing in that long productive Australian tradition: that's beside the point. What we have to ask is why the defensive fictions of apocalyptic poofs work so well.

I'm reliably informed that there is a complex system of codes by which to establish if a male present at a "beat" is a potential sexual partner. Non-verbal communication can define if you are there for sexual purposes, where congress is to take place, even what specific acts are preferred. Are you saying that you found none of the facial or body gestures peculiar in any way? That you so misinterpreted the non-verbal and verbal language of the deceased that he carried on with his overtures in blissful ignorance that that was not what you meant, that was not it at all? That suddenly, in this highly-obvious sexual milieu in the early hours of the morning, you realised, like a bolt from the blue, what was happening and, terrified, you kicked and punched him until he was a bloody mess, till he was down on the ground and then you kicked him some more and then you took his head and rammed it viciously into the nearest hard surface till he had no face left? Still panicking, still killing him. And all for making "unwanted homosexual advances."

Which brings me to a major point and that is the phrase "unwanted homosexual advances". Would you like to tell the court your definition of this phrase? Well? Come on, we've heard it so many times during the progress of this case it's well on its way to becoming a legal cliché. Does it refer to certain homosexual gestures? Or phrases? The touching of your person in a certain way, and if so what way, where, how? What does it mean, since your defence rests on an unambiguous specifically sexual advance so threatening, so indistinguishable from assault, that you temporarily lost control and were forced to "defend" yourself with a level of violence no reasonable man would countenance.

This? Is this an "unwanted homosexual advance"? No? What about this? How about this then? Well what if I were to take my hand and — Sorry Your Honour, just demonstrating.

Now, tell the court again what you did with that dangerous penis of the deceased.

Could it be, perhaps, that it's because in these homosexual panic defence cases AND HERE AT LEAST LET'S CALL IT BY ITS PROPER NAME in these homophobic panic defence cases, the court forces open an impenetrable enclosure right bang in the middle of the multiplying contestatory disciplinary subjectifications — juridical, procedural, discursive, "conversational" (inquisitorial) and corporeal — in which narrative enters and performs. The unsworn statement,

I know myself me personally
I'm permanently monumentally Centrepont erect
have to strap the damn thing down
like putting a choker on a pitbull
it's forever sniffing out
the bumcracks of construction workers
snuffling round jaded husbands
running off after commuting office workers
can't help myself
heterosexuality's an aphrodisiac
seduction's transubstantiation

every denomination of every church
has its idolatry its stale leftover rituals
and you you with the wife and mates and kids
you're mine
I worship you really I do
my porn my daydreams my imaginary my lexicon
are messianic hymns to the straight man
the liturgy of clean and natural love
my gay sin city is full of straight-acting straight-looking
poofs talking in tongues transported
and if I can't be you
I can at least buy you or have you
blood and body

the time of revelations
and of judgements
and of vengeance
is at hand

I'm the love child of John Holmes and Jeffrey Dahmer
I'm your fairy god mother
look upon me fall down on your knees
confess repent recant convert
and the labial scales shall fall from your eyes
and you will be mine

CAPITAL Q
16 April 1993 Iss 32, p.6

The South Australian Attorney-General, Chris Sumner, has conceded that an Adelaide jury, which acquitted two men of gay bashing charges by pleading self-defence, may have been homophobic.

Last December Jason Londema and Robert Verco were acquitted, alleging that the gay man involved had made homosexual advances towards one of them. The gay man

was nearly beaten to death after being hit with an iron bar by the two men.

According to a letter to the Lesbian and Gay Community Action Group (LGCA) from Sumner: "The verdict in this case may reflect individual juror's attitudes towards homosexuality."

A spokesperson for LGCA, Ian Purcell, called on the Government to amend the Criminal Law Consolidation act to alter the definition of self-defence.

with no prior or subsequent examination and no other direct legal interface with the accused, substitutes personal truth-telling stories for judicial-instrumental truth-extracting mechanisms. The statement is self-present, unmediated, real. Its evidentiary guarantor is exactly the fact of its production: the voice, direct speech, presence, its here-now-me-this-ness. But it's just a story.

In homophobic defence cases, the only stories open to be told pivot upon, or are, what I will call stereotropes. These are constellations of figural language, already metaphorised and narrativised and mythologised (myth + ideology), sufficiently prefab to function like an ideogram or rebus. It's thus amenable/designed for justificatory rhetoric with a nugatory/self-evident ideological structure, proto-structuralist in its configuration and always-already part of a stereotypical hermeneutics. That's stereotype in the renovated sense put forward by Bhabha out of Said and Lacan: not as individualised labels or classificatory systems but as a signifying technics, practices of reading/writing/telling which are homologous to the wave/particle theory of light ... identity and difference; metonym and metaphor; narcissism and aggression: these are, with the stereotrope, contradictory complementarities in a relation of dynamic, vacillating (Derridean[?]) supplementarity. Not ambiguity but ambivalence, not unreadability but undecidability. Thus, every story about "unwanted homosexual advances" becomes a mediatext, read for fixation and fixing back through its disambiguating, pre-storied, pre-imaged antecedents, and forwards through future genealogies of the same/similar.

SYDNEY STAR OBSERVER
17 September No 218, p.4

A teenager alleged to have bashed a pensioner to death with a concrete door-stop has pleaded not guilty to murdering the 64 year-old man who allegedly made sexual advances towards him. Illawarra Children's Court was told the 17 year-old youth, who cannot be named, bashed Kevin Marsh to death at Port Kembla on June 30 this year after the man "placed his hands on his buttock". The youth was released on bail pending a November 16 committal hearing.

SYDNEY STAR OBSERVER
25 March 1994 No 231, p. 4

A thirty-five year-old man convicted of killing a gay man has been jailed for two years. A WA District Court judge said Gerard Antonius van der Sluis had used excessive force when he punched his 72 year-old victim, Coleman William Hynes at Marylands in W A on December 5, 1992. "Clearly the offence of manslaughter in this case falls into the less serious category," Judge Barlow said. Van der Sluis claimed he awoke when Hynes came into his room naked and lay on top of him.

Us pooves, you know, inside/under/behind the Fabergé Egg shell of vanity, down in here we're all old and prematurely ugly, limited print runs of Dorian Gray, menopausal, dirty old men. We sit back ashen in rickety wheelchairs beside the playgrounds of our psyches

lookers

touchers

gorgers

voyeurs

frotteurs

here underneath the lap-rug, palsyng uncontrollably to see and not be able to control the libidinal swings and object-relation see-saws and sandpit cathexis. We're Daddy-long-legs playing mummy with beautiful little boys, to watch and dandle and have. The word you're looking for is paedophile. Go ahead and say it with its salty velvet King Island taste. Suffer the little children. Deary me. It's what all of us want, really, if we, psycho-s and the surveys tell the whole truth. Innocence. Freshness. Vitality. Purity. Wholeness. Wholeness. Nothing like hymeneal tears. Acts of faith and betrayal.

But these mediatexts must then be effaced, since they are predicated on the Ultraman model of homosexuality: the epistemology that dare not speak its name outside the courtroom. So fictions of rampant real-fucking MEN trying Real men on for size keep getting told, with astonishing success in fact, so justice loses out to the law and the law loses out to credulous jurors.

O Come on. You can't build a higher moral ground out of euphemisms. Women have whole industries devoted to their infantilisation, to say nothing of the media, advertising and porn. We simply call things by their proper name. Truth's Beauty and v. versa (and that's all you need to know): they're one and the same and their name is Youth (also Kevin or Nathan or John or) and they have geometric faces and smooth bodies and equine penises and all, of course, poor post-lapsarian substitutes or parodies for the bright-eyed virgin boys I should've (could've but didn't). But the thing is you know me

SYDNEY STAR OBSERVER
8 April 1994 No 232, p.1

An 18 year-old youth has pleaded not guilty to a charge of murdering Wollongong pensioner Kevin William Marsh, 64, on June 30 last year.

David John Turner, 18, allegedly told police he "done it in self defence" after Marsh made an unwanted homosexual advance. Marsh died from head injuries and was stabbed 12 times. The trial is continuing in the Central Criminal Court.

I'm the Greek myths unravelled from the hieroglyphs in your cortex
I'm the incontinent old cat who lounged on your face and smothered
you while you slept
the bear, the snake, the panther from your Scout Hall
the raincoat in the closet
the suit you sat next to on the plane to Thailand or the bus to Bondi
the hawk in the chicken-coop
the spider in the rock

call me Daddy; boy, and kiss me

I'm the one you crossed the big busy road to avoid on your way
home from school, and I'll be there again tomorrow. I can wait.

If not you, your children or your children's children.

and then suddenly, shockingly, it all stoped fzzzzt, just like that. Have you ever been to one of those theme parks where they've got animatronics? You know what I mean: those installations with life-sized robotic it-even-blinks-and-the-fingers-move special-effect figures like ET, and they do musical numbers or whatever. Well, it was like, right in the middle of the show, someone had flicked the switch. All the machinery seized up at once, the geewhizzery of wig and gown, the complicated cogs of evidence and examination and procedures, the gear-crunching with verbiage and precedent and debate, all slid quietly back into their casings and in the silence, in the stillness, suddenly there was just

a man in a box talking to men in a box

telling stories, true stories, the real thing, the whole truth about what really happened, in his own time, in his own words. Theatrical magic. The hands are going, the face is corroborating everything, he's looking right at them, talking to them, the voice is saying don't you get taken in by all this artificial legal paperwork stuff: feel this, touch the raw rough grain of ordinary everyday real-world rightness in what I say, this is me, here, now us.

And what a story! From his mouth a cartoon bubble rises (barely) containing a penis the size of a Freudian phobia and it grows and grows, swells fit to fill the courtroom. The arses of the jurors pucker-purse in empathy like babies evading the bottle-teat

and that's that... Show over.

No I'm not going to make you talk if you don't want to. I'm not a psychiatrist you know. I promise I won't ask you about your mother and look: no couch. But seriously folks, sometimes it helps just to talk thing through. No cross-examination No psychobabble. Just thinking aloud really that's all. Helps you get things straight in your head. So. Howbout it? You've ah you've been having some problems with ah nightmares? is that right?

And gets, finally, a grunt. The young man's all paper-cut angles and edges, suspicious in the comfy chair in the comfortable room. Keeps picking with naughty-boy intensity at a loose thread from the armrest. A what-the-hell bravado-sigh shudders him, he looks up and just starts in.

Um yeh dreams keep getting this nightmare, this one that I have over and over and you know all about the case, the details don't you? Well, the nightmare starts off like it happened in real life. I ah I've gone back to this bloke's place an I know he's a fag OK but um

Shit. This could get really boring. Let's translate. He gets to this fag's house. The fag says *Thay there, I'll be right back, jutht going to change into thomething a little leth comfortable*, minces off into the bedroom, comes out, it's Myron it's Myra it's Frank'n'furter Madonna bustier and bustier fish-net stockings knife-edge stilettos powder-puff in one hand, small fluffy dog in the other, says *Fasten your seatbelt honey, you're not in Kansas anymore*

says *Whoopth, that'th not right ith it?*

goes back in the bedroom, comes out, it's a construction worker no it's a leather-man Mishima belts studs buckles bolts screws chrome chains straps electric drill cat-o-nine-tails in one hand, unlikely dildo in the other singing the o-my-god-he's-dead bit from *Tosca*

Whoopth

goes in comes out says *Howth thith then?* huge wig like a burst Sealy Posturepedic garish make-up sick confection of a dress, microphone in one hand, Valium in the other every bad bad drag queen you've ever seen but oh absolutely fabulously divine then supermode voguing: pout flash ingenue eyes flash smouldering smile flash hump the doorjamb flash. But the Mary Kay AB+ smile bleeds away. Suddenly he knows he knows. Everything. All the lies. Why he's there. What he's planned.

Whoops

goes in, comes out a big black mother pump-up 'roid-raging steel cable corded muscle taut and tight no face a long thick Doc Marten-black double-barrelled shot gun cock rises into one hand, riding crop in the other. Comes closer closer fast hard.

Phew! Let's let him speak for himself again:
and then well then he ah

He's blanched, emptied of voice. He sits pickpicking at the loose thread, his whole hand a tic.

The counsellor nods and nods like a manic handpuppet, holding eye contact so he can scribble surreptitiously on the notepad:
fantasy gangbang Village People

The words, when they come, are windscreen-shatter brittle cracked
and then, then I wake up shaking and the sheets are soaking. And sticky.

CASE FOR THE ACCUSED [REDACTED]

The accused [REDACTED] made the following unsworn statement:

ACCUSED [REDACTED]: Members of the jury, I just want to say at the beginning that I am very sorry for what happened to this man and very very sorry that he nearly died. I want to tell you what really happened. That night, me and my mate the um co-accused, [REDACTED] we'd been out with friends to a nightclub, in the city. We'd been drinking but not too much. Not so we were drunk or anything, we weren't intoxicated and that didn't have any effect on what we did.

We were a bit tired 'cause by this time it was after midnight, but we didn't want to go home just yet, not at that stage. So we thought, why not, we'll go to the park, have a look round, see what it's like. It was pretty dark that night and the lights they have there don't do much and as we came round the path suddenly this man was there and he had his fly open. Well of course we were shocked and scared. We panicked and ran and ran all the way back to the car, [REDACTED]'s car. He keeps this iron bar, sort of like a crowbar, there for emergencies so without thinking I grabbed the pipe and we ran back and the man was still there.

I'm not too sure of the order of things after that, but I know I hit him once, just the once, with the bar, just to make him go away. I certainly didn't intend to do grievous bodily harm or anything. Then [REDACTED] grabbed the bar

this is fact

this is fiction

this is fiction

and [redacted] man with it several times. I yelled at him, tried to make him stop but he wouldn't listen and just kept hitting him. So it wasn't like we'd planned it or entered into joint intent or whatever. The man wasn't moving anymore, we we panicked again and ran back to the car. We didn't mean to leave him there, we just got scared.

And that's what happened. I just want to say too that I'm very glad he's OK and I'm very sorry for what I did.

[redacted]: I would seek to remind Mr [redacted] of two matters. I realise it is out of order.

[redacted]: I'm sorry, I forgot some things. As [redacted] and I were driving away I did say to him that maybe we should go back and see if the man was going to be OK but he said to leave him there and it didn't matter if, he said "it didn't matter if another rock-spider karked it". Also, when I go to sleep at night I see visions of the man. I have nightmares of him laying there and a close-up of his face. Thank you.

this is fact

CASE FOR THE ACCUSED [redacted] CLOSED

Gay men are dead and continue to die, at the rate of one each month, from the homophobic panic defence. They tell no tales. Christopher McKinnon, who was able to tell an effective (legal) story, is alive and free.