

**Ettinger, Ben**

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**From:** Moss, Melanie  
**Sent:** Friday, 21 February 2014 12:39 PM  
**To:** Mason, Tim  
**Cc:** Smith, Jacinta; SVC\_DPP\_Cases; Ettinger, Ben; sandt.clo[REDACTED]  
**Subject:** R v [CDA] SCC2011/407 - 201114022 - Pre Trial Hearing

Dear Mr Mason,

I am counsel in the above trial and Ben Ettinger is the instructing solicitor.

At trial next week the following evidence will need to be played from the pre trial hearing:

**1. Evidence of** [CDE]

- Examination in chief:
  - There are some initial questions which should have been recorded by court. This should be in the court's possession and will need to be played on the court system.
  - The Crown tendered a disc of the evidence in chief interview with the police at the pre trial hearing on 15 April 2013. Orders were made by Higgins CJ in relation to the editing of this interview. These edits were made in accordance with his orders and an edited version of the evidence in chief interview with the police was tendered at trial on 17 April 2013. This disc was marked Exhibit 1. As you know, Ben Ettinger uplifted two discs from the court file yesterday afternoon. I have checked these discs and they are both the un-edited disc. I would be most grateful if we could confirm that Exhibit 1 – the edited disc is on the court file. I would seek to uplift this disc as soon as possible so that I can check that I can play it on my laptop.
- Cross examination and re-examination recorded by the court. This should be in the court's possession and will need to be played on the court system.

**2. Evidence of** [CDC]

- Examination in chief and cross examination recorded by the court. This should be in the court's possession and will need to be played on the court system.

I understand that you are in court all day today but I would be most grateful if we could uplift Exhibit 1 as soon as possible.

I have included Jacinta Smith in this email as I understand that she has been assisting with some of these issues for the upcoming Pilot Listing Period trials.

Yours faithfully,



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