

Babb, Lloyd

From: Lind, Stephanie
Sent: Thursday, 15 May 2014 5:29 PM
To: Babb, Lloyd
Cc: cases
Subject: Confirmation of Oral Direction R v Haman 201314510

Confirmation of Oral Direction**R v Daniel HAYMAN CASES (CASES: 201314510)**

I confirm that the above matter was listed for summary hearing on 12 May 2014.

On 12 May 2014, an application was made by Philip Boulten SC for verdicts of acquittal to be entered on **H53047876/1 and H53047876/2** (two charges laid pursuant to s 78Q *Crimes Act 1900*) on the basis of the principles set out in *Saraswati v R* (1991) 54 A Crim R 183. I confirm that on 14 May 2014, the accused offered to plead guilty to one count pursuant to section 61E(1A) *Crimes Act 1900* on the basis that the count involving **REDACTED** (pursuant to s 78Q) was withdrawn.

I confirm that I contacted you via telephone on 14 May 2014 and you gave an oral direction as follows:

1. To accept a plea of guilty to s 61E(1A) *Crimes Act 1900* (complainant **AVB**)
2. To withdraw the remaining two charges laid pursuant to s 78Q *Crimes Act 1900* on the basis of that there were no reasonable prospects of success (due to the difficulty in proving the charge on the basis of the principles as set out in *Saraswati v R* (1991) 54 A Crim R 183)
3. To contact the complainant **REDACTED** to advise him of the legal difficulties faced by the prosecution and that the charge involving him would be withdrawn.

In accordance with your directions, I confirm that:

1. I contacted **REDACTED** via telephone and advised him of the difficulties in proving the charge and that it would be withdrawn. I stated that the accused would be pleading guilty to one count pursuant to s 61E(1) *Crimes Act 1900* involving the complainant **AVB**. **REDACTED** expressed the view that he completely understood and that he was happy the accused was being convicted on something.
2. Leave was granted by His Honour to lay a new charge **H53047876/4** pursuant to s 61E(1A) *Crimes Act 1900* (complainant **AVB**)
3. The accused pleaded guilty to **H53047876/4** (s 61E(1A) *Crimes Act 1900*)
4. On that basis, I sought to withdraw **H53047876/1 and H53047876/2** (s 78Q *Crimes Act 1900*)
5. Counts **H53047876/1 and H53047876/2** pursuant to s 78Q *Crimes Act 1900* were withdrawn and dismissed.

Regards,
Stephanie Lind
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I confirm my
 oral direction

L. Babb