

Instruction sheet for 1st Mention in the District Court

Accused	CDM	ABC COSTED: No
CASES No	201016539 (201015523 & 201106861 merged)	Bail: Yes - Conditional
Court No		Trial Estimate: 5-7 days
Committed from	Downing Centre Local Court on 14 June 2011	
Committed to	Sydney DC on 24 June 2011	
Charges before the District Court (including committal charges and any back up/related charges)	H42393314 (CEW) Sequence 3 – Aggravated indecent assault– s61M(2) Sequence 4 – Aggravated indecent assault– s61M(2) H42967548 (CEY) Sequence 2 – Aggravated indecent assault– s61M(2) H145081797 (CDO) Sequence 1 – Aggravated indecent assault– s61M(2)	
Defence Details	Mark Klees	
	Tel: REDACTED	Fax:

Co-accused	Are there any co-accused? No.
Completeness of the brief	Is the brief complete? There are outstanding requisitions; however the matter can proceed to trial as they are not crucial to the case.
Complexity of the matter	Is it your recommendation that the matter be screened by a Pre Trial Crown Prosecutor before being listed for trial? Yes. Issues re: tendency and coincidence evidence. The Crown will want all three matters (three complainants) tried together.
Plea negotiations	Have there been any plea discussions with defence and/or has an offer been received from defence? Yes. On 9 March 2011 ODPP made offer to defence re: two counts of aggravated indecent assault (s61M(2)) as per facts as drafted and attached to offer. On 17 March 2011 the defence rejected the offer. They further informed me there was no prospect of <i>any</i> plea, so further negotiation would be futile. It is to be noted that these negotiations took place prior to the third complainant coming forward.
No bill applications	Has a no bill application been received? No.
Unavailable dates for trial	Have unavailable dates been requested from the OIC? ODPP solicitor contacted the complainant's families. <ul style="list-style-type: none"> • CEY family (CEY) is one of the complainants, mother and father also witnesses) are unavailable 19 September 2011 to 25 October 2011. The family have booked and paid for a holiday to the UK.

- OIC has another trial in the first two weeks of May.

Case Management

Do you consider this case requires case management orders?
No.

Do you anticipate defence making an application for case management orders?

No.

**Additional
Information/Comments**

Please provide any additional information here

This is a CSA matter. CCTV will be required. The complainants are currently aged 4 to 5.

There are three complainants in this matter. The Crown will run the matter as one trial, and seek to have each complainant's evidence admitted as tendency and coincidence evidence to support the other two complainant's counts.