

R v Cable

Report to A. Alder

Deputy Director

From: Richard Herps

Trial crown

Re-: R v Cable

Historical child sex assault matters

Date: 20th of March, 2015.

The matter of R v Cable was listed for trial at Sydney district Court on Monday, 9 March, 2015. It had been set down for eight weeks and was to consist of at least three back-to-back trials, depending on the success of the Tendency argument. There were 23 complainants in total.

The Crown's application before Whitford SC D CJ was to have five complainants in the first trial. After argument His Honour determined that there was a significant difference in the charges – buggery versus indecent assault, so he split the first trial into two.

Because the counts of buggery involved two complainants, ^{CFK} and Henry, the trial judge allowed us to call the tendency witnesses in that trial but not the reverse. In his view the prejudice flowed only one way.

On Tuesday that 17th of March, 2015 the jury convicted the accused of all 13 counts on the indictment.

The defence then indicated that they were prepared to talk about the remaining matters and ultimately made an offer on Wednesday, 18 March 2015.

That offer (attached herewith) offered: –

= a further 12 counts of act of indecency on indictment

= 11 matters on a form one, but

= it also required two counts to be No Billed concerning the complainants ^{CHE} and **REDACTED**

REDACTED

I discussed the offer that afternoon with Detective Senior Constable Simon Grob. He was agreeable. That meant that the offender would be sentenced on: –

= 25 counts on indictment

= 11 on a form one

= with only two counts to be No Billed.

I spoke with ^{CHE} on Wednesday afternoon and explained the offer and the proposal. He was agreeable to it. He had been one of the tendency witnesses in the first trial.

Detective Grob unsuccessfully attempted to contact ^{REDACTED} that afternoon.

Believing the offer to be acceptable I then approached Mr Alder, DDPP on the proposal and obtained consent in principle, providing that the No Bill applications were raised with the two parties concerned. Detective Grob agreed to speak to all the people on the form one during his return journey to Newcastle.

On Thursday morning 19 March my instructing solicitor began the process of ringing the complainants herself. When I went to her office at 11:45 AM she was on the phone to [REDACTED] [REDACTED]. Because of that I spoke to him myself concerning the plea offer and explained why his count would have to be No Billed – his date of 1959 was wrong. The accused was not at the relevant school until 1961. He was fine with the explanation and indicated he would like to attend the sentencing proceedings.

At 3 PM on Thursday, 19 March I presented

- = a new indictment containing 12 counts of indecent assault to which Mr Cable entered pleas of guilty.
- = Five form one documents covering a total of 11 matters signed by myself and Mr Cable.
- = An agreed set of facts, and
- = a certificate under section 35A of the Crimes Sentencing Procedure Act.

I enclose and attach copies of all those documents.

The OIC, Belinda Morris, was present for the occasion. In fact we spoke outside the court prior to the pleas being entered. She was happy with the pleas and had herself been speaking with the victims that morning.

The matter has been stood over for sentence on 12 June, 2015 before Whitford DCJ. The offender has been remanded in custody.

The non-publication order granted on 9 March, 2015 has been varied. On that day I had asked that the existing non publication order be extended to include both the accused and the relevant schools, as well as the complainants because at that stage the Crown was going to be running a series of back-to-back trials and I didn't want the circumstances published for fear that the adverse publicity would result in the postponement of further trials because of a defence application about adverse publicity.

After Mr Cable entered his plea my application to the trial judge was that the non-publication order be now varied such that only the complainants and their spouses were to be the subject of the order. His Honour made that variation.

Apart from sentencing this matter has now concluded.

Please indicate if you require further documentation or particulars.

[REDACTED]

Richard Herps

level XVIII.

I confirm there be N.F.P
in relation to the complainants
and [REDACTED]

CHE

I note the P.G and facts on the
remaining complainants. There is more
than adequate sentencing scope on the
indictments.
Keith Alder DDPP 20/3/15