

Our Ref: 2013101632
 Your Ref:

Criminal Indictable
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18 March 2015

Ms Melanie O'Connell
 Solicitor
 Office of the Director of Public Prosecutions (NSW)

By email only: REDACTED

Dear Ms O'Connell

RE: DPP v FRANCIS WILLIAM CABLE

Legal Aid NSW acts for the above.

The defence proposes entering pleas of guilty to certain counts on the indictment and request that the remaining counts either be placed on a Form 1 or no billed. In preparing this submission, reference is made to the original indictment containing 40 counts and the Statement of Facts attached to the Notice of Prosecution Case. Both of these documents were filed on 21 July 2014.

REDACTED – count 1

The indictment alleges this offence occurred at Maitland (Primary School) in 1959. Mr REDACTED asserts that he was in 5th class. The Crown brief discloses that the accused did not commence teaching at Maitland until 1961. Further, he taught high school, not primary school. Our client denies the allegations. On this basis, it is submitted that this count should be terminated.

CFL – counts 2 – 3.

Our client will plead guilty to count 2 if count 3 is taken into account on a Form 1.

CFM – count 4

Our client will plead guilty to this count.

CFN – counts 5 – 7.

Our client will plead guilty to count 5 and asks that the remaining counts be no billed. However, the facts could include those two allegations as part of a continuing course of conduct.

CFO – count 8.

Our client will plead guilty to this count.

CFK – counts 9 – 13. Our client was convicted of each count after jury trial.

CFP – count 14

It is submitted that this count should be included on a Form 1 to be taken into

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account in sentencing our client for other specified offences. The incident alleged is isolated, the contact is of brief duration, and the touching is relatively less serious in nature.

Peter Henry – counts 15 – 22. Our client was convicted of each count after jury trial.

CHE [redacted] – count 23. It is submitted that this count should be terminated. The indictment alleges that the offence occurred at Singleton in September 1967. The complainant alleges that, on the first day of a cadet camp at Singleton, he was one of a group of 40 boys who were ordered to undress and put on a "great coat". The boys were ordered to present before the accused. The accused ordered each boy to open up his great coat, exposing his penis. The accused physically examined the genitals of each boy. CHE [redacted] alleges that the accused visually and physically examined his genitals.

CHE [redacted]'s allegations are inconsistent with the evidence the Crown proposes to adduce from CFQ [redacted], REDACTED [redacted] and REDACTED [redacted]. It is submitted that there are no reasonable prospects of conviction on this count. Our client denies the allegations.

CFQ [redacted] – count 24. Our client will plead guilty to this count. We would respectfully submit that the allegations of contact on two separate occasions in the science or preparation rooms should be removed from the agreed facts. The contact in the science or preparation rooms are uncharged, momentary and equivocal.

CFR [redacted] – count 25. Our client will plead guilty to this count. We request that paragraphs 138 – 140 of the facts be deleted on the basis of relevance.

CFS [redacted] – count 26. Our client will plead guilty to this count.

CFT [redacted] – count 27. Our client will plead guilty to this count.

CFU [redacted] – count 28. Our client will plead guilty to this count.

CFV [redacted] – count 29. Due to the relatively minor and isolated nature of this allegation, we request that this matter be taken into account on a Form 1.

CFW [redacted] – count 30. Due to the relatively minor and isolated nature of this allegation, we request that this matter be taken into account on a Form 1.

CFX [redacted] – count 31. Due to the relatively minor and isolated nature of this allegation, we request that this matter be taken into account on a Form 1. We request that para 187-188 of the facts be deleted on the basis of relevance.

CFY [redacted] – counts 32-34. Our client will plead guilty to count 32 and request that the remaining counts be taken into account on a Form 1.

CFZ [redacted] – count 35 – 36. Our client will plead guilty to count 35 and request that the remaining count be taken into account on a Form 1.

John Dunn – counts 37 – 39. Our client will plead guilty to count 37 and request that the remaining counts be taken into account on a Form 1.

CGA [REDACTED] – count 40. Due to the relatively minor and isolated nature of this allegation, we request that this matter be taken into account on a Form 1.

Thank you for considering our proposed resolution to this matter. Please do not hesitate to contact the writer should you wish to discuss the above.

Yours sincerely,

REDACTED

Riyad El-Choufani
SOLICITOR