

AFFIDAVIT IN SUPPORT NOTICE OF MOTION

IN THE DISTRICT COURT OF
NEW SOUTH WALES AT SYDNEY
CRIMINAL DIVISION

NO: 2012/393036

THE QUEEN

-v-

FRANCIS WILLIAM ATHOL CABLE

On the 29th day of August, 2014 I, Sashi Shukla, Solicitor in the State of New South Wales make Oath and say:

1. I am employed as a solicitor by Legal Aid New South Wales. I am the solicitor for the Applicant in these proceedings.
2. The Applicant has been called to trial in the District Court at Sydney on 1 September 2014.
3. The Crown filed an Indictment in Court on 28 March 2014. A copy of the said Indictment was served on the Defence which is annexed herewith and marked Annexure "A".
4. The Crown served an Amended Indictment on the Defence on 19 August 2014. A copy of the said Indictment is annexed herewith and marked Annexure "B".
5. The Crown served a Tendency Notice on the Defence on 25 March 2014. A copy of the Tendency Notice is annexed herewith and marked Annexure "C".
6. The Crown served an Amended Tendency Notice on the Defence on 19 August 2014. A copy of the said Amended Tendency Notice is annexed herewith and marked Annexure "D".
7. The Crown seeks to adduce Tendency Evidence relating to the complainants Peter Henry, and . The said complainants made statements copies of which are annexed herewith collectively and marked Annexure "E".

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8. It is submitted that the Tendency Evidence sought to be adduced at the trial of the Applicant by the Crown does not have significant probative value and if there is probative value it does not substantially outweigh the likely prejudicial effect.
9. It is further submitted that in the interests of Justice the trials for each of the complainants in the Amended Indictment (Annexure "B") be held separately.
10. A copy of the Defence submissions in support of the Notice of Motion for separate trials and the exclusions of Tendency Evidence is annexed herewith and marked Annexure "F".

REDACTED

SWORN/AFFIRMED at Sydney
Before me on 29 August 2014

Signature of Deponent

* Please cross out any text that does not apply

I *Narelle Marshall*, a *solicitor*, certify the following matters concerning the making of this affidavit by the person who made it:

- 1 *I saw the face of the person AND
2 *I have known the person for at least 12 months

REDACTED

Signature of authorised witness

Date:

Filed for: Francis William Athol Cable
Defendant
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