

REDACTED

19 March 2012

Mr Michael BOWE  
By facsimile: 9261 5650

Dear Mr Bowe,

**NOTICE: TENDENCY EVIDENCE**

**PURSUANT TO : SECTION 97 OF THE EVIDENCE ACT 1995 NSW**  
**MATTER : PROSECUTION of Philip Doyle**  
**DPP CASES NO : 200921346**

Notice is hereby given that the Prosecution presently intends to adduce evidence of "tendency" pursuant to the tendency rule in sub-section 97(1) of the Evidence Act 1995, ie. evidence of the character, reputation or conduct of a person, or tendency that a person has or had to prove that a person has or had a tendency (whether because of the person's character or otherwise) to act in a particular way or to have a particular state of mind.

The person whose "tendency" is the subject of the evidence sought to be adduced is Philip Doyle.

The tendency sought to be proved is his/her tendency to act in a particular way or to have a particular state of mind, namely:

1. To have a sexual interest in young male employees
2. To engage in sexual activities with young male employees
3. To use his position of authority to obtain access to young male employees so that he could engage in sexual activity with them.

The activities which the Accused engaged in which demonstrate the tendencies described above include the proclivity of the Accused:

- (a) to be alone with young male employees in a cinema
- (b) to have young male employees alone with him in his car
- (c) to have young male employees alone with him at his home
- (d) to share his bed with young male employees
- (e) to engage young male employees to undertake additional work beyond their employment at the cinema
- (f) to be present while young male employees try on their uniform
- (g) to hug young male employees
- (h) to kiss young male employees

- (i) to ask young male employees to show him their private parts being genitals or buttocks
- (j) to touch young male employees on the genitals
- (k) to touch young male employees on the genitals when they were alone with him in his cinema
- (l) to masturbate young male employees
- (m) to masturbate in the presence of young male employees when they were alone with him
- (n) to fellate young male employees when they were alone with him
- (o) to request or have young male employees fellate him
- (p) to question young male employees about their sexual activity and experience
- (q) to discuss pornographic films with young male employees
- (r) to show pornographic films to young male employees
- (s) to take young male employees for drives in his car
- (t) to provide young male employees with food treats
- (u) to offer to take photographs of young male employees
- (v) to take or collect photographs of young males in swimwear or the nude
- (w) to be in company of young male employees while they are wearing Speedo style swimwear
- (x) to give alcohol to young male employees
- (y) to be interested in young male employees having a shaved genital area
- (z) to provide meals for young male employees, with and without their family members
- (aa) to give young male employees free admission to films
- (bb) to give young male employees free admission for friends and family to films
- (cc) to give gifts to young male employees

The substance of the "tendency" evidence which the Prosecution intends to adduce is contained within the following documents which previously have been served upon you.

DOCUMENT	DATE	PARAGRAPH
1. Mark Lawrence	1. 13.1.99	12,14,15,17,18,and 20-24
2. CFF	2. 28.8.09	25, 29, 32, 46-48, 53-65
3. CFG	3. 7.9.09	22, 26-27, 29, 31-45, 47, 50-55, 57-60, and 62-65
4. CFH	4. 25.9.09	20-21, 37-43, 45-48, 51-56, 62, 64-72, 74-83, 85-86, 92-100, and 102-103.
5. CFI	5. 24.11.09	3, 5-7, and 9-14

So far as is known to the Prosecution, particulars of the date, time, place and circumstances at or in which the conduct referred to in paragraph 3 above occurred are contained within the documents referred to in paragraph 3 above.

So far as is known to the Prosecution, the names of each person who saw, heard or otherwise perceived the conduct referred to in paragraph 3 above are contained within the documents referred to in paragraph 3 above.

In the view of the lawyer with the current conduct of the matter, the tendency evidence sought to be adduced bears upon the facts in issue in this prosecution, including the following facts in issue:

- (a) whether the accused had Mark Lawrence at his home
- (b) whether the accused took Mark Lawrence to a restaurant/café
- (c) whether the accused took Mark Lawrence for a drive in his car
- (d) whether the accused kissed Mark Lawrence
- (e) whether the accused touched Mark Lawrence on the leg
- (f) whether the accused touched Mark Lawrence on the penis at the cinema
- (g) whether the accused took [CFF] for car rides
- (h) whether the accused took [CFF] for driving lessons
- (i) whether the accused took [CFF] to Kurnell
- (j) whether the accused suggested to [CFF] that he would take him to Kurnell to swim or sunbathe in the nude
- (k) whether the accused gave [CFF] alcohol
- (l) whether the accused invited [CFF] to stay at his home
- (m) whether the accused touched [CFF] on the penis
- (n) whether the accused masturbated [CFF]
- (o) whether the accused masturbated himself in the presence of [CFF]  
[CFF]
- (p) whether the accused performed fellatio on [CFF]
- (q) whether the accused asked [CFF] to perform fellatio on the accused
- (r) whether the accused was present when [CFG] tried on his work uniform
- (s) whether the accused took [CFG] to a restaurant/café
- (t) whether the accused invited [CFG] to stay at his home
- (u) whether the accused touched [CFG] on the penis
- (v) whether the accused asked [CFG] to touch the accused on the penis
- (w) whether the accused took photographs of [CFG] wearing Speedos
- (x) whether the accused showed a pornographic film to [CFG]
- (y) whether the accused masturbated [CFG]
- (z) whether the accused masturbated himself in the presence of [CFG]  
[CFG]
- (aa) whether the accused asked [CFG] to perform fellatio on the accused
- (bb) whether the accused was present when [CFH] tried on his work uniform
- (cc) whether the accused took [CFH] to a restaurant/café
- (dd) whether the accused told [CFH] that he wanted to take his photograph.
- (ee) whether the accused asked to see [CFH] in the nude
- (ff) whether the accused touched [CFH] on the penis

- (gg) whether the accused masturbated [CFH]
- (hh) whether the accused kissed [CFH]
- (ii) whether the accused digitally penetrated [CFH]
- (jj) whether the accused performed fellatio on [CFH]
- (kk) whether the accused asked [CFH] to perform fellatio on the accused
- (ll) whether the accused showed a pornographic film to [CFH]
- (mm) whether the accused masturbated himself in the presence of [CFH]  
[CFH]
- (nn) whether the accused took photographs of nude young males
- (oo) whether the accused shaved [CFH]'s genitals
- (pp) whether the accused took photographs of [CFH] wearing Speedos
- (qq) whether the accused took photographs of [CFH] in the nude
- (rr) whether the accused touched [CFH] on the genitals when he was at the cinema
- (ss) whether the accused was present when [CFI] tried on his work uniform
- (tt) whether the accused asked to see [CFI]'s genitals
- (uu) whether the accused asked [CFI] to give him a copy of a pornographic film
- (vv) whether the accused suggested taking photographs of [CFI]  
[CFI] in the nude
- (ww) whether the accused touched [CFI]'s genitals
- (xx) whether the accused touched [CFI] on the genitals when he was at the cinema
- (yy) whether the complainants have concocted their allegations
- (zz) whether there is an innocent explanation for each of the acts alleged by the complainants

Signed: [REDACTED]

Printed Name:

Rabea Khan

Telephone: [REDACTED]