



FACSIMILE TRANSMISSION

To: REDACTED

Facsimile: 8 REDACTED

From: REDACTED

Telephone: 8 REDACTED

Email: REDACTED @agd.sa.gov.au

Date: 24 July 2003 **Ref:**

Total Pages: 2 (including cover sheet)

Subject: BRIAN PERKINS

DIRECTOR OF PUBLIC PROSECUTIONS

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I refer to your fax of 22/7/03.

Your request in December 2002 for copies of the pornographic material (photos and video) was in terms of getting instructions from your client. Given the nature of the material and the fact that the trial was not then for many months, access was agreed to on the terms set out in my letter of 26/2/03 to facilitate the obtaining of instructions. I do not therefore agree with your assertion of a "repeated refusal" to provide the material. Again, given the nature of the material, multiple copies have not been made by the police or this Office to date. Only one copy of the material has been made for this Office in the event that you should wish to view them or have access to them in order to obtain instructions from your client as set out in my letter of 26/2/03. That copy has been kept in a secure location at all times.

Of course, given that the trial is now less than 2 weeks away and it appears that the matter is proceeding to trial, the police have been making copies of the material for the trial judge, counsel and the jury. A copy for defence counsel should be available for collection by you (or someone from your Office - not a courier) from this Office tomorrow. Again, given the nature of the material, I ask you to provide in writing the following undertakings before you collect the material:

- that the photos and video will not be copied
- that the photos and video will not be left in your client's possession at any time (or in any one else's possession)
- that the photos and video will be shown only to your client, his legal advisers or a potential defence witness
- that the photos and video will be stored in a secure place when they are not being used
- that the photos and video will be returned to this Office soon after the trial.

Private and Confidential: The information contained in this facsimile message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone (we will accept reverse charges), and return the original message to us at the above address via the postal service. Thank you.

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I refer to your further fax of 22/7/03. [LH] has an intellectual disability. This Office has not had him assessed by a psychologist for the purposes of determining whether he is capable of distinguishing between lies and the truth. He is an alleged victim of sexual offences by your client with photographs to corroborate his allegations. He will not be "made available" to you for assessment.

Yours faithfully

REDACTED [QC]

Director of Public Prosecutions

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