

F.D.N.

**IN THE DISTRICT COURT OF SOUTH AUSTRALIA**

**CRIMINAL JURISDICTION**

**No. of 2002**

**BETWEEN**

**THE QUEEN**

**and**

**BRIAN PERKINS**

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**DPP'S SUMMARY OF CASE**

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1. The accused was a volunteer at the St Ann's Special School for disabled children between 1986 - 1991. His duties included driving a school bus (getting children to and from school in the mornings and afternoons) and assisting in the woodwork area. He also assisted with general maintenance and school activities.
2. The Crown case is that the accused sexually abused 3 of the intellectually disabled children from the school in the period 1987 - 1991. Those children are LH [redacted] LB [redacted] and MR [redacted]. The accused did this by obtaining the trust of the parents/REDACTED and offering to look after the children for respite on the weekends.
3. There was a search of the accused's premises in 1991 (see declaration of Leonid Mosheev dated 24.12.93; John Carr dated 31/7/03). The police located 2 rolls of negatives -RE 1 and RE 2. They included naked photos of LH [redacted] and his brother MX [redacted] which the Crown alleges were taken by the accused at his home. The accused absconded after the search in 1991.
4. The accused was located at a house at Hackham in 1993. His caravan was searched. Pornographic material of young boys was located, including boys from St Ann's school. [see declarations of Leonid Mosheev dated 24/12/93, James Blandford dated 23/12/93, Ian Feltus dated 20/12/93, Bernadette Martin dated 20/12/93].
5. The accused was arrested and charged in 1993 with offences relating to LH [redacted]. He breached his bail and failed to attend the Magistrates Court. A warrant was issued for his arrest.
6. The accused was extradited from Queensland in 2002 in relation to this matter.
7. The complainant LH [redacted] is now 27 years old and is able to give evidence. The two complainants LB [redacted] and MR [redacted] are so disabled that they are unable to give evidence.

8. The charges are as follows:

**Count 1**

The prosecution alleges an occasion when the accused caused or induced [LH] to expose his body to gratify the accused's prurient interest.

To support the complainant's evidence the Crown has photos of [LH] in various poses on a blanket taken in the accused's backyard at Dover Gardens. Those photos were developed from negatives (Exhibit RE 1) found by the police during a search of the accused's flat at Dover Gardens in 1991.

- Interviews of [LH]: 28/1/94 pp18 - 21  
15/4/02 pp11 - 21
- Declaration of Leonid Mosheev dated 24/12/93

**Count 2**

The prosecution alleges an occasion when the accused caused or induced [LH] to expose his body to gratify the accused's prurient interest.

To support the complainant's evidence the Crown has photos of [LH] in various poses on a blanket taken in the accused's backyard at Dover Gardens. Those photos were developed from negatives (Exhibit R 1) found by the police during a search of the accused's flat at Dover Gardens in 1991.

- Interviews of [LH]: 28/1/94 pp18 - 21  
15/4/02 pp11 - 21
- Declaration of Leonid Mosheev dated 24/12/91

**Count 3**

Indecent assault at the home of Ted Nicholls.

- Interviews of [LH]: 28/1/94: pp 6 - 14

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15/4/02: pp21 - 37

23/4/02

- Statement of LH [redacted] 31/7/03

The Crown says that the evidence of LH [redacted] is supported by the prurient nature of photographs of LH [redacted] taken by or in the presence of the accused at his home in Dover Gardens (RE1, RE 2 etc).

#### Count 4

- Interviews with LH [redacted]: 28/1/94 pp15-16, 37

The Crown says that the evidence of LH [redacted] is supported by the prurient nature of photographs of LH [redacted] taken by or in the presence of the accused at his home in Dover Gardens (RE1, RE 2 etc).

#### Count 5

This charge involves two boys from St Ann's - LH [redacted] and LB [redacted]

- Interview of LH [redacted] 28/1/94 pp22-3

The Crown says that photographs support the evidence of LH [redacted] on this matter. There are photos that demonstrate a prurient interest in LH [redacted] and LB [redacted] (RE1, RE 2, photos of LB [redacted] found in the 1993 search). There are also photos of LH [redacted] and LB [redacted] together (see declaration of Leonid Mosheev dated 1 August 2003 - exhibit MF1). The boys are naked in most of those photographs. The Crown alleges those photos were taken by the accused at his home at Dover Gardens.



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**Count 6**

Indecent Assault. This charge relates to MR [REDACTED] who was also from St Ann's School.

The police came into possession of a video tape (see declarations of Walter Conte dated 21/7/02 p2 and Douglas Wardle dated 22/7/02).

On that videotape is MR [REDACTED] (identified by his mother from photo images downloaded from that tape, see declaration of REDACTED [REDACTED] dated 22 August 2002).

The videotape shows a man in pink socks with REDACTED [REDACTED]. The Crown case is that man is Geoffrey Barton who died last year (see declaration of Josephine Barton dated 27/8/02).

The Crown case is that the man using the video camera is the accused. His voice can be heard on the tape (see declaration of Valda Robinson dated 21/7/02).

The video is taken in the accused's lounge room (compare recent photos taken of the lounge room of the flat - see declaration of Bernard Farrington p5 photos FR1).

Geoffrey Barton can be seen with a camera in the videotape. It is the Crown case that photos were taken during the session seen on the videotape. Negatives of those photos were seized from the accused's flat at Dover Gardens by the police in 1991 - see declaration of Leonid Mosheev 24/12/93, exhibit DS2.

The Crown also has possession of photos of REDACTED [REDACTED] taken in the accused's back yard - see declaration of Leonid Mosheev, exhibit MF1.