

FACSIMILE



Government of South Australia

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From: Vanessa Burrows
Of: Director of Public Prosecutions
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Page: 2 (total)

CDF

I refer to the above matter, which is listed to answer the charge at the Christies Beach Magistrates Court tomorrow.

I write to advise that I have requested a fresh Information be laid with the following charges:

Count 1

Between the 1st day of January 2010 and the 21st day of August 2010 at [REDACTED] or another place in the said State, had unlawful sexual intercourse with [CEN] a child under the age of 14 years, by inserting his penis into [CEN]'s mouth.
Section 49(1) of the Criminal Law Consolidation Act, 1935.
This is a major indictable offence.

Count 2

Between the 1st day of January 2010 and the 21st day of August 2010 at [REDACTED] or another place in the said State, committed an act of gross indecency in the presence of [CEH] [REDACTED], a person under the age of 16 years.
Section 58(1)(a) of the Criminal Law Consolidation Act, 1935.
This is a minor indictable offence.

Both charges relate to the same incident. I refer you to the statements of [CEO] [REDACTED] at page 3, paragraph 2 and the statement of [CEI] [REDACTED] at page 7, paragraph 1.

The Director will ask that the accused enter into a bail agreement in respect of that Information, with the following conditions:

1. I will reside at [REDACTED]
2. I will forfeit to the Crown the sum of \$1000 if I fail to comply with a term or condition of the bail agreement
3. I will not attend at or within 500 metres of the [REDACTED] Primary School, located on [REDACTED]
4. I will not attend or loiter in the vicinity of any school at any time
5. I will not contact either directly or indirectly, approach or associate with any child under 17 years of age or loiter at any place that children frequent.

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6. I may have contact with [REDACTED] but only whilst he is in the direct company of [REDACTED]
7. I will not contact the following potential witnesses, either directly or indirectly:
- a. CEK [REDACTED]
 - b. CEL [REDACTED]
 - c. CEM [REDACTED]
 - d. CED [REDACTED]
 - e. CEE [REDACTED]
 - f. CEF [REDACTED]
 - g. CEN [REDACTED]
 - h. CEO [REDACTED]
 - i. CEP [REDACTED]
 - j. CEH [REDACTED]
 - k. CEI [REDACTED]
 - l. CEJ [REDACTED]
 - m. CDI [REDACTED]
 - n. CDG [REDACTED]
 - o. CDH [REDACTED]
 - p. CEQ [REDACTED]
 - q. CER [REDACTED]
 - r. CES [REDACTED]
 - s. CET [REDACTED]
 - t. CEU [REDACTED] (mother of [REDACTED] CET)

Conditions 1 - 8 are the conditions to which the Defendant is currently subject.

The Director will tender no evidence on the Information currently before the Court.

Disclosure is almost complete in respect of the two new charges that have been laid. There are however some materials requested by you that need to be provided. Additionally, there are further materials that the Director has requested in order to properly consider the prospects of conviction. Consequently, it will be the Director's application that the new Information be set down for a declarations date in about 6 weeks.

Kind regards

[REDACTED]

Vanessa Burrows
Solicitor