

JCW(s) 2

Avey, Lisel

From: Whalley, Justin
Sent: Monday, 16 August 2010 9:45 AM
To: CDW
Cc: Avey, Lisel
Subject: RE: Re sentencing of CDV - 27th Aug 2010

Dear Jennifer,

You're very welcome to forward my email as you consider appropriate.

We look forward to receiving CDX's Victim Impact Statement in due course. Please forward it for the attention of Lisel Avey who is collating the materials for sentencing.

Regards,

Justin Whalley
 Senior State Prosecutor - Trial Team 1
 Office of the Director of Public Prosecutions
 Level 1, 26 St Georges Terrace,
 Perth. 6000

REDACTED

From: CDW <mailto:REDACTED>
Sent: Monday, 16 August 2010 9:42 AM
To: Whalley, Justin
Subject: Re: Re sentencing of CDV - 27th Aug 2010

Dear Justin

Thank you so much for getting back to us in regards to our queries on the sentencing. We feel much better informed now. I will pass this onto CDX and he says that he is finalizing his Victim Impact Statement and will get it in within the next couple of days.

Am I permitted to pass this email onto the other families, as we are still supporting each other in this trial?

Kind regards

CDW

----- Original Message -----

From: Whalley, Justin
To: CDW
Cc: AVEY, Lisel
Sent: Monday, August 16, 2010 9:29 AM
Subject: RE: Re sentencing of CDV - 27th Aug 2010

Dear Mr & CDW

Lisel is presently drafting some written submissions for the Judge which basically set out the factors that we say are relevant in deciding an appropriate sentence for Mr CDV. At the sentencing on 27 August Lisel will make further oral submissions in Court but will not be repeating the points made in the State's written submissions. This means that if you are present at the sentencing on 27 August you are unlikely to hear the totality of the submissions made by the State so we will provide you with a copy of our written submissions once they have been finalised.

Prior to the sentencing the State will provide the Judge with Victim Impact Statements from those victims who have chosen to make one.

On 27 August I anticipate that the defence will make oral submissions to the Judge with a view to minimising the penalty imposed on their client. Lisel will then make oral submissions on behalf of the State and the Judge will then impose a sentence on Mr [CDV] and talk about the factors that he has taken into account in arriving at that sentence. I would be surprised if that sentence did not involve a period of imprisonment but nothing is guaranteed and the final sentence is entirely a matter for the Judge.

Following the appearance on 27 August Mr [CDV] will have 21 days to decide if he wants to appeal against the sentence (if he thinks it's too severe) or against the conviction (if he contends that for some reason he didn't get a fair trial.) If Mr [CDV] decides to lodge an appeal you will be informed as soon as we get notice of it. We also have a right of appeal if we think any sentence imposed on Mr [CDV] is inadequate.

I hope that this is the information that you were looking for and that it gives you some idea of what is likely to happen on Friday week. Please do not feel that you are being a 'nuisance' in seeking this information, it is an important part of our role as prosecutors to keep victims and their families informed of the progress of prosecutions and Lisel and I will be happy to respond to any queries that you may have in that respect.

Best wishes,

Justin Whalley

Senior State Prosecutor - Trial Team 1
Office of the Director of Public Prosecutions
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Perth. 6000

REDACTED

From: [CDV] [mailto:REDACTED]
Sent: Friday, 13 August 2010 7:11 AM
To: Whalley, Justin
Subject: Re sentencing of [CDV] - 27th Aug 2010

Good morning Justin,

We are hoping that you will be able to tell us what is likely to happen on the 27th August, when sentencing for [CDV] [CDV] takes place. and what will be involved. Is there likely to be an appeal or has there been anything lodged at this point? Please understand that we do not wish to make a nuisance of ourselves, we are just becoming more anxious as the time approaches and hope that we can get some clarification on what to expect.

Kind regards

[CDV] and REDACTED

REDACTED

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