

JCW(s) 6

Avey, Lisel

From: Whalley, Justin
Sent: Friday, 21 January 2011 11:31 AM
To: CDW
Cc: Avey, Lisel
Subject: RE: Any word on CDW's appeal?

Dear Ms CDW

the next stage in Mr CDW's appeal is a Directions Hearing listed for 11 February 2011. This is a purely administrative hearing at which the Court of Appeal will give directions to his lawyers as to what materials need to be filed. They may also impose deadlines for the filing of various materials. The State is not required to attend that hearing and we will not be doing so.

We have not retained a copy of either the letter or the card which were tendered as exhibits at Mr CDW's trial and to which you refer in your email. These are presently with the Court and the originals will need to be retained by the Court until the Appeals process is complete.

It appears that there may be some confusion about the process to be followed to obtain a copy of Mr REDACTED's letter, a process which will be equally applicable if you wish to obtain a copy of the letter and card referred to above. If that confusion has arisen as a result of previous inadequate explanation on my part then I apologise. The DPP cannot seek a copy of these materials from the Registrar on your behalf since our status as an independent prosecuting authority precludes us from doing anything that might be perceived as actively assisting or favouring a party to civil litigation.

You should contact the District Court Registry yourself and request a copy of any required materials accompanied by information as to your standing and the purpose for which the materials are required. You can advise the Registry that you have contacted the DPP and that we have no objection to you being provided with a copy of the materials. I will be happy to confirm that directly with the Registry if required, alternatively you can show them this email as confirmation of our consent.

We will of course keep you informed of relevant developments in Mr CDW's appeal as they occur.

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: Friday, 21 January 2011 10:53 AM
To: Whalley, Justin
Cc: Avey, Lisel
Subject: Any word on CDW's appeal?

Good morning Justin,

Have you heard anything regarding whether or not CDW's appeal is going to go ahead? As you can imagine, we are still very anxious as to what is going on.

I am also waiting on a response to my request (19/11/2010) for a copy, or the originals, of the Christmas card that was sent to ^{CDX} in December 2009 and the letter that was included with his gift of a calligraphy set, both of which were used as evidence in court and were submitted by myself to the DPP on 11/6/2010 - receipt no. 38096.

Did you manage to obtain a copy of Mr ^{REDACTED} ED s letter dated 10/11/2004 from the Registrar of the District Court? Could you please forward this to me also.

Kind regards

CDW