

JCW(s). 13

Avey, Lisel

From: CDW [REDACTED]
Sent: Monday, 12 December 2011 9:23 AM
To: Avey, Lisel
Subject: Re: Retrial of CDV

Dear Lisel,

Thank you for your prompt reply. I look forward to hearing from Justin and no doubt we will have a lot more questions for him as time goes on.

Our youngest son, who struggled through school while all the investigations and trial were going on, managed to somehow still perform well enough in his TEE last year to get into Law at UWA. He has just completed his first year. We are so proud of him but it is not easy, even now. He had a break-down last year over his issues with CDV also. [REDACTED] and I are in marriage counseling ... a number of us are under counselors because of the impact that this case has had on us.

Kind regards,

CDW

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

From: Avey, Lisel
To: CDW
Sent: Monday, December 12, 2011 9:04 AM
Subject: RE: Retrial of CDV

Dear CDW

Thank you for your email. As I'm sure you understand you raise a lot of important questions about the retrial and as trial counsel Justin is in the best position to answer them, rather than myself. Justin is away proofing witnesses for a trial today but he will be back in the Office tomorrow and he will respond to you then.

Kind regards,

Lisel Avey | State Prosecutor

Office of the Director of Public Prosecutions for Western Australia
 INTERNATIONAL HOUSE Level 5, 26 St George's Terrace Perth WA 6000

[REDACTED]



DIRECTOR OF PUBLIC PROSECUTIONS

From: CDW [mailto:[REDACTED]]
Sent: Monday, 12 December 2011 7:27 AM
To: Whalley, Justin; Avey, Lisel
Subject: Retrial of CDV

Dear Justin and Lisel,

CDX uses the following email address,

[REDACTED] his mobile phone number is still the same [REDACTED]

CDX is still happy for you to communicate to him through me when necessary.

It is really important that you speak to him and reassure him that he will be OK. He was pretty upset when I told him that he has to go through a retrial because the judge made a mistake. He does understand that CDV will be facing the retrial as a convicted paedophile though.

What needs to be clear is that CDX and the rest of us have serious trust issues ... the school let us down and now the courts have let us down.

He gave me the impression that he is determined to go through with the retrial and that he will do his best. He is going to need a lot of support but the 'fall-out' on our family, already, has been enormous.

Will the case be weakened if CGY does not proceed? What happens to those charges that came out of CGY's evidence if he doesn't go ahead with the retrial? Do they get dropped because the convictions were set aside, only because the judge erred? Can a jury be told that CGY is too upset to have to go through this all again.

Will the new jury be told the reasons why the convictions were set aside? Will CDV's counsel be able to raise all the points of his appeal that failed in the retrial?

We are in negotiations for a settlement with the school and have been working with our own barrister and professional consultants. It is likely at this stage that we will be proceeding with civil action against the school in the immediate future.

The school is insisting that the boys are psychiatrically assessed in order to establish our claim. We have had a great deal of conflicting advice on this.

All of this, now on top of a retrial, is creating a great deal of pressure.

Please do not suggest, like so many other people have, that we should be happy enough that CDV will no longer teach, that he is now a convicted paedophile, that that should give us satisfaction. It is CDX who came forward to the police - he is the one who needs the conviction against his abuse to stand more than anyone.

Lisel explained to me that the Courts understand why victims take so long to come forward (when I was asking her about using Professor REDACTED), but our concern is that jurists don't.

We absolutely want REDACTED to be called up this time. He was the author of the second formal warning (Feb 2001), the recipient of REDACTED's letter (Dec 2001) and REDACTED's complaint (Nov 2004). We want to hear why he didn't act on his warning. We were told that the reason he wasn't called upon was that he was not found in time to make a statement. We have also been told that so many complaints were made to him about CDV between April 2000 and September 2009.

If we fail to secure convictions against CDV in this retrial, is he likely then to appeal again against the standing convictions?

Kind regards

CDW

REDACTED

Disclaimer: This e-mail may contain confidential and privileged material for the sole use of the intended recipient(s).

Any review, use, distribution or disclosure by others is strictly prohibited.

If you are not the intended recipient (or authorized to receive for the recipient). Please contact the sender immediately by return email and delete all copies of this email document.