

VICTIMS' VOICES

BEHIND THE JUDICIAL CURTAIN

INSIDE THIS ISSUE:

The Judicial Curtain	1
Editorial	1
Vic Impact Statements	2
Judge of the Month	3
Fundraising Dinner	4
What's On	4

EDITORIAL

There was a time when a hearing meant that everything was allowed to be heard, when transparency went hand in hand with the judicial system. That it were now so. Today, suppression orders seem to be the modus operandi for doing anything. From suppressing criminal records of the accused, to the names and faces or those convicted, and even to parts of victim impact statements, the truth in our criminal justice system seems to be becoming quite a rationed commodity.

This I believe would have happened in Germany in the 30's as Adolph Hitler wound back democracy. These bleeding heart judges (most of whom having been elevated from defence barristers) have decided, in their own little cartels, to tell us that the philosophy of "Justice must not only be done be seen to be done" is now dead and buried. Some like to call here the Suppression Capital of the

The Secret World of Our Courts

Katie Bice, Herald Sun, 31/5/2010

Victoria's courts average one suppression order a day to keep details of killers, evil sex offenders and other criminals secret from the public. An analysis of publication bans issued across the state show 282 were made by the Supreme, County and Magistrates Courts last year. The orders include the banning of a verdict in a major murder trial last year and protection of the identities of some of our worst sex offenders. The County Court issues the most suppression orders, with the number almost tripling from 57 in 2007 to 147 last year.

So far this year the court has:
BANNED any reporting on at least 13 cases.

PROTECTED the identity of six sex offenders. ISSUED 15 suppression orders over 20 sitting days in May.

Peter Faris, QC, said the number of orders made in Victoria was "completely and utterly wrong". "The primary interest in criminal justice is to have open courts," he said. "If the courts are not open

then the public don't know what is going on and they don't have faith in the criminal justice system." He also added that suppression orders were often made when there wasn't anyone there to fight for publication. Media lawyer Justin Quill, said there was a perception that Victoria was becoming "suppression city". Mr Quill said publication bans with no end date were a major problem because circumstances change and open-ended orders made today can cause problems for reporting tomorrow.

The Supreme Court, which handles the state's most serious cases, issued 198 orders over the past three years, 130 of which are still in force.



World, because now the adage seems to be "justice must not only **not be done**, but be seen as **not done**."

One can only wonder what long woolly haired Social Engineer thought this one up in his/her bleeding heart. You have to ask yourself whether the judiciary and the Attorneys-General who appointed them will be accountable when these deviants re-offend? London to a brick it will be "not on your Nelly"... Bring on the elections, the sooner the better.
—Noel McNamara

HCA judge ticks off Hulls

The Age 4/11/10

A High Court judge has chided Victoria's Attorney-General for not taking part in a case that will decide the validity of state laws requiring the suppression of the identities of sex offenders.

Broadcaster Derryn Hinch is challenging the laws, arguing they contravene constitutional implications requiring courts to be

open and securing freedom of political communication.

With the Director of Public Prosecutions represented in the case, Victorian Attorney-General Rob Hulls has chosen not to intervene, despite the federal (contin. P. 2)



BEHIND THE JUDICIAL CURTAIN (CONTIN. FROM P.1)

Victim Impact Statement Suppressed

As if suppressing the names and photos of those who do harm against us was not enough, now the judiciary have decided to also suppress parts of victim impact statements that would be read at sentencing.

The family of victim Mark Zimmer, 19, who was killed by jealous love rival Leon Borthwick who drove his van to the wrong side of the road before the hit and run, have questioned why they have not received justice when the trial judge denied them the right to read out their victim impact statement in full. On a request from the convicted killer's barrister, Carmen Randazzo, Judge Katherine Williams, using her prerogative, ordered some of the statement to be deleted.



This was too much for

Mark's sister Kornelia (pictured) who fled the court in tears claiming "I can't even read how it affects me.... It is my heart on those pieces of paper and they have just destroyed them"



"These are real crimes that affect real people and my brother is dead and he was innocent and only 19. Only the criminal gets all the rights and my brother means nothing to them."

Outside the court Mark's father, Christian, claimed the system had destroyed them, saying: "We feel like we have been violated by the courts"

In an attempt to justify her actions Justice Williams declared "Of course the victims can feel these things, but as we all know the law governs what can be in a victim impact statement,"

In fact, the law is very scant on what can not be in a victim impact statement. It merely states in Section 95B of the Sentencing Act 1991 (Vic)

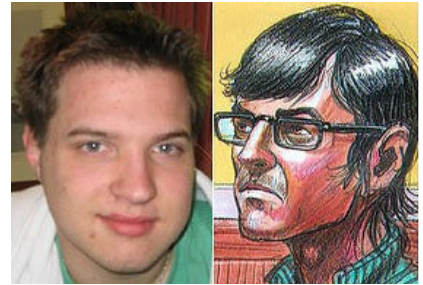
(1) A V.I.S. contains particulars of the im-

part of the offence on the victim and of any injury, loss or damage suffered by the victim as a direct result of the offence.

(2) The court may rule as inadmissible the whole or any part of V.I.S., including the whole or any part of a medical report attached to it.

Broadcaster Neil Mitchell later interviewed Kornelia Zimmer on 3AW and was good enough to allow her to, on air, finally make her comments, previously censored by the court. These included the statement: "I could and still cannot comprehend why someone would hate Mark so much that they would commit a hate crime upon him leading to his brutal death"

It is exceedingly hard to understand why the court would feel threatened by such a comment. If any comments made in the statement were questionable, section 95D of that law allows for the speaker to be cross examined by the defence lawyer.



Victim and Felon picture: THE AGE

Justice Williams could easily have relieved the stress of many in the court room by giving her reasons as to why the comments were allegedly inappropriate. At that stage in the trial, she herself was the sole decision maker. She was the only one who could be adversely influenced and yet she had read the statement anyway.

As Neil Mitchell implied, because they are allegedly such learned people judges are beyond influence and thus no statement at all could have an adverse influence, let alone one as innocuous as that presented by Kornelia Zimmer.

One would hope that the law is just as meticulous in governing the validity of defence statements at the time of sentencing.

(contin. from p. 1) and other state attorneys-general being represented. "It's a good idea to turn up if you're a state attorney and there's a case like this," High Court Justice William Gummow said. Hinch has admitted breaching suppression orders by naming two sex offenders in a speech to a Crime Victims Support Association rally in Victoria in June 2008, and in articles published on his website.

HARBISON GIVES CREEPS THE GREEN LIGHT (CONTIN. FROM PAGE 3)

"He has been active in assisting various children's and youth organisations," she said.

She said the department's ban on him working with children was harsh because he could never "escape the burden of his past". "There is also a significant public interest in allowing (him) to resume his community involvement with children's

organisations, given his excellent record of past service," she said.

The Government has issued about 400,000 'Working With Children' approvals since it introduced the scheme in 2006 to help protect children under 18 years from physical or sexual harm. The Government has rejected at least 711 ap-

plications from adults who have committed a sexual offence against a child or are judged an "unjustifiable risk to the safety of children".

But for the year September 2006 to September 2007 VCAT overturned a string of applications from predators the Government deemed too dangerous to work with minors.

REVOLVING DOOR JUDGE OF THE MONTH

Gender Bender Avoids Jail after Killing Girlfriend in High Speed Smash

Norrie Ross, Herald Sun, 3/9/2010

Judge Marilyn Harbison



Sue and Grant Neylon with a photo of Melissa.

Picture: Guy Thayer

A CROSS-dresser with "man boobs" and ambitions to become a woman has dodged jail for killing his teen girlfriend in a high speed smash – because he might be bullied by other inmates.

Judge Marilyn Harbison suspended Jayke Baldwin's three-year jail term because she was not satisfied prison authorities could protect him.

Judge Harbison said Baldwin, 21, was effeminate, wanted to have a sex-change operation, and had adopted a fantasy-like approach to life.

She said there was a significant danger he would be attacked, even in the youth unit.

"The prison environment would weigh very much

more heavily on a person of your condition," the judge said.

Baldwin was at least 30km/h over the 50km/h speed limit when he skidded on a dirt road at Seville East and hit a tree in February last year.

Melissa Neylon, 18, who was in the front seat, was thrown clear from the car, with the seatbelt round her neck. The car landed on top of her.

Ms Neylon, described as a bubbly, bright teenager who loved life, had been due to begin university when the crash happened.

Psychologists diagnosed Baldwin with a gender identity disorder and made a provisional diagnosis of Asperger's disease. An enlarged disc behind his nipples gave him "man boobs".

"You were bullied at school and work because of your feminine presentation," Judge Harbison said.

Baldwin, of Mt Evelyn, pleaded guilty in the County Court to one count of dangerous driving causing death.

Ms Neylon's father, Grant Neylon, said he hoped the Director of Public Prosecutions would appeal. "It doesn't send any message," he said. "They



get a wholly suspended sentence, and as long as they behave themselves they are free to continue life.

"He was driving so fast on a gravel road. I expected him to serve some time."

The victim's mother, Sue Neylon, said the sentence brought no closure.

"The day of her orientation at Swinburne we were attending her funeral," she said.

Victims' champion Noel McNamara said he was astounded that Baldwin had avoided jail.

"I have heard some excuses, but this one takes the cake," said Mr McNamara, the Crime Victims Support Association president.

"The fact someone has man boobs and is a cross-dresser is irrelevant.

"If they deserve to go to jail, they should go to jail."

HARBISON GIVES CREEPS THE GREEN LIGHT TO WORK WITH KIDS

Sunday Herald Sun 14/2/10
The Victorian Civil and Administrative Appeals Tribunal has allowed at least 29 people to be granted working-with-children certificates despite being deemed unfit by the State Government.

Pedophiles, perverts caught with child porn and killers are among those banned by the Brumby Government from working with children, but yet approved by VCAT.

When a Mr BGD (name

suppressed by the court) applied for a clearance to work with children he did not reveal his conviction for sex crimes against children. The middle-aged man finally confessed to the Justice Department after police checks showed he was

convicted of five counts of wilful and obscene exposure in 1989.

VCAT vice-president Judge Marilyn Harbison said the man had had psychological counselling and had led an "exemplary life" since his sex offences. (Contin. P. 2)

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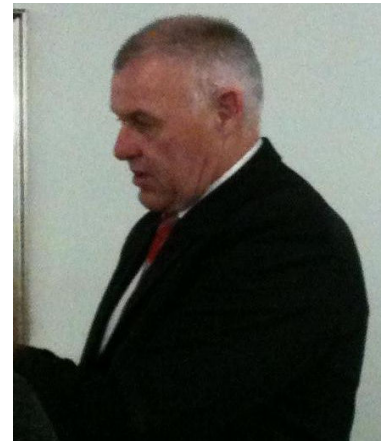


Garrie James, a loyal sponsor of the Crime Victims Support Association generously offered to organise a fund raising evening at the Ringwood RSL for the 19th October last.

The evening turned out to be very well attended and a great success with Bev McNamara extremely happy with the amount of money raised. Speakers were both Noel and Bev McNamara and the attendance of Angela

Barker (story told in *Victims Voices March '10*) was a delight to all those aware of her tragic story. The highlight of the evening, however, was the guest speaker, Detective Senior Sergeant Ron Idles, (right) a veteran of 200 murder cases. Ron is a welcome face to many who have been unfortunate enough to go through Victoria's criminal justice system in their quest for justice.

His after dinner speech was extremely interesting as it gave an insider's look into criminal investigation; a view often at variance with what one might expect who gets too much of their information from CSI type TV shows. Explaining how what often seems like the opening scene in a murder mystery, a discov-



ered dead body can be, in fact, a death by misadventure or a suicide. Not that there still aren't real crimes perpetrated by people against other people every year. One theme Ron pushed was to be ever vigilant in listening to what others in distress may say. Very often there are quite visible warning signals given out before a suicide or a homicide becomes a reality.

ZERO TOLERANCE TO VIOLENT CRIMES RALLY

Sunday 14th November. 12pm on the steps of Parliament House, Bourke / Spring Streets. Come along and voice your disapproval with the steady decline of safety in our streets and homes, and the leniency and often anonymity granted to pedophiles and other criminals.

11 years of Hard Labour for Victims is Enough

Give to the CVSA and (maybe) WIN a MICRA !!

This Nissan Micra has been generously donated by Ferntree Gully Nissan for a Charity Raffle organised by Rotary Emerald. The proceeds from tickets sold by CVSA staff Noel McNamara, Gwen, Phil or Paddy will go towards the CVSA itself.

Tickets only \$2.00

Prize drawn 5th December 2010



Crime Victim's Advocates Running in Upcoming Election

Ex Independent Federal MP, sports broadcaster and critic of the justice system, Phil Cleary, right, is contesting the inner city seat of Brunswick. The other crime victim's advocate at the Victorian state election this November is Steve Medcraft, who will be challenging Rob Hulls himself, for his seat of Niddrie. We wish them both well in their endeavours.

