

Victoria Police Informant Cons. Alexandra Kerr and Prosecution v “Jacob Fararra” (sic) in the Remand Application dated April 27, 2022.

Charge: Intentional Damage of Property – Police Vehicle

Circumstances: Acute mental impairment [Assessed by MH RN as exacerbation of PTSD] N10829749

ALLEGATIONS OF CONTEMPT OF COURT

- 1) VICTORIA POLICE¹ has misled conducted themselves in contempt in the face of the court. The elements are
 - a) Motive,
 - i) retaliation² for past insults and complaints to the investigative agency and
 - ii) to ensure the accused would be punished according to the prosecution's expectations.
 - b) Suppression of medical report and recommendation of the Austin Health Registered Nurse
 - i) eliminate the possibility of therapeutic admission to a treatment facility.
 - c) Failed to advise the accused of his right to apply for bail³
 - d) Intentionally and covertly (via proxy Bowler and Co Mehernaz then Mr Brodie) mislead the court that the accused was lawfully represented by a legal practitioner, naming private lawyer, “Ms Bowler” of Bowler and Co, who does not know who I am and never interacted with me before,
 - e) who then engaged Hayden Brodie, an entry-level registered lawyer still being supervised at this stage, to
 - i) Misled his Hon. Lennon, submitting a refusal to engage with Ms Bowler and declining legal right to bail
 - ii) satisfy the legal requirements⁴ to be represented or have had legal advice and

¹ Bail Act 1977 prosecutor, in relation to an application under this Act, includes the informant, a police prosecutor and any other person appearing on behalf of the Crown;

² Punishment or coercion see R v Greenham [1940] VLR 236 at 239 per Mann CJ; R v Mahoney-Smith [1967] 2 NSW 154 at 158; (1967); 87 WN (Pt 1) (NSW) 249 at 254, 255 per O'Brien J; Wayne Woods v DPP [2014] VSC 1; BC201400057 at [31] Of course, a refusal of bail will usually result in deprivation of liberty. But that must be for the purposes of bail and not for the purpose of punishment.

³ Bail Act 1977 s 10 (6)(a); s 10 (6)(b); s 10 (6)(c)

⁴ Ibid s 8 (d); s 8 (e);

- iii) to agree to the application for remand unopposed⁵.
- f) Further misleading the court that the accused '*Wishes to see a Nurse in relation to possible withdrawal from drug of dependence and mental health issues*'.
- g) The purpose of the false representation was to
 - i) influence the magistrate⁶ into relying heavily on the prosecution's version of events
 - ii) discourage direct confirmation⁷ with the accused by any party
 - iii) Sabotaging the accused character and credibility
 - iv) exploit known stigma⁸ and dehumanisation associated with mental health and illicit substance use to further mislead and devalue the accused.
- 2) *At [56] It is more consistent with the presumption of innocence and the prosecutorial onus of proof. A troubling feature of the interpretation of Maxwell P in Asmar is that, as regards unacceptable risk, it reverses the onus of proof. It effectively transfers that onus from the prosecution (who would normally carry it, as with the prosecutorial onus generally) to the applicant (who would normally not, consistently with the presumption of innocence).*
- 3) VICTORIA POLICE used a computer function causing unauthorised access with the intention
 - a) to create a false or misleading document and / or representations, then
 - b) use the falsehood to pervert the natural course of Justice
 - c) resulting in detriment to me in the form of unlawful imprisonment
 - d) Intentionally misleading the legal practitioners who relied upon the information in good faith, [especially vulnerable was Mr Brodie to pressure and expectation, particularly his junior status in the exchange, who I genuinely believe was misled and acted without intention of malice]
 - e) inducing the legal practitioner, Mr Brodie, to unknowingly or unintentionally mislead the court.

⁵ Magistrates Court Act 1989 (Vic) s 82 Remand for more than 8 clear days (1) '...unless both the accused and informant consent'

⁶ Ibid s 3AAAA Meaning of Vulnerable Adult (2); s 10A (2A)

⁷ Ibid s 10A (2A)

⁸ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability 'Criminal justice and people with disability', Volume 8 (Final Report, 2023/09/); Ibid 'Independent oversight and complaint mechanisms' Volume 11 (Final report, 2023) section 1.2; 2.3;

- f) further inducing a court of law and Judicial officer Hon. Lennon to act on the falsehoods,⁹ deciding to remand, unknowingly doing so under jurisdictional error
 - g) the resulting warrant to arrest thus, being vitiated by malicious intent voiding its lawfulness
 - h) the subsequent incarceration violated the accused fundamental right to liberty and presumption of innocence without punishment or ill will
- 4) His Hon., relying on the information provided to him, then, did not reasonably require him to directly engage with the accused, who could have utilised his right to a fair hearing and disputed the entire basis of the proceeding and alerted his Honour to the contempt before him.
 - 5) As the accused was never consulted and the information was tainted by the conflict of interest in VICTORIA POLICE's malicious intentions, resulted in the effect of a Remand Application heard *Ex Parte* contravening the Criminal Procedure Act 1989 (Vic) section 328, section 329, section 330.
 - 6) Thus, being unlawfully imprisoned contravening the Magistrates Court Act 1989 (Vic) Section 60, Section 79 Remand Warrants, section 82 Remand of more than 8 clear days
 - 7) Victoria Police have intentionally misled the court for revenge against me and the intentional damage of their property and my 7-year corruption dispute with them.
 - 8) There is an element of doubt as to whether or not VICTORIA POLICE enacted their conspiracy to commit a crime by colluding with Registry staff at Heidelberg as per the accused's complaint dated January 9, 2024.
 - 9) There is a question as to whether the registry, after indicating the jurisdictional error registry, has suppressed and obstructed access to court documents I, as the accused, was lawfully entitled to.
 - 10) The motive and intent of the obstruction hit home when the Operations Manager Ben Luker said, 'The court only keeps the recordings for 12 months.' Forming a plausible basis for the obstruction.

⁹ [False] I was legitimately represented or had been provided legitimate legal advice; [False] that I was aware of, understood, then declined my right to apply for bail with that advice given.

- 11) Until the response provided by Magistrates Court Victoria, I believed the representation by Mr Luker meant the evidence was destroyed and could never be relied upon to exercise this legal right to correct an injustice.
- 12) The conduct satisfies the definition in section 4 of the IBAC Act and is simultaneously a Police Misconduct complaint and section 4 of the Public Interest Disclosures Act 2012 (Vic).
- 13) For completeness, Mental Health and Wellbeing Act 2022 Section 4, Meaning of mental illness in this Act, states
 - (2) A person is not to be considered to have mental illness by reason only of any one or more of the following—
 - (m) that the person has a particular economic or social status or is a member of a particular cultural or racial group;
 - (n) that the person is or has previously been involved in family conflict;
 - (o) that the person is experiencing or has experienced psychological distress; (p) that the person has previously been diagnosed with, or treated for, mental illness.
- 14) (2022/04/27) At approximately 2200, I Drove to Greensborough Police station after research produced new information contextualising my allegations of Police Misconduct rendered me into an acute cognitive impairment (mental illness). On arrival I spontaneously decided to damage a police vehicle parked outside the station in order to get Police members to come outside while I attempt to have one of the officers shoot me dead.
- 15) Submit to arrest without struggle or resistance. Made full admissions in interview talking at length about the circumstances of the police misconduct that began January 19, 2016 first instigated by then Snr Cons Shaun O'Meara of the sexual crimes unit reporting an unprovoked assault by ex-wife and current AFM.
- 16) Assessed by Mental Health Nurse from the Austin Hospital who makes the clinical recommendation that I be admitted to the Repat Post Traumatic Stress Disorder ward for ex military and emergency services workers. She said, "Don't worry, I'm getting you admitted to the repeat PTSD ward." Or words to that effect. No assessment was made of experiencing drug dependence withdrawal or other intoxication. The interview is clearly sober and coherent.

- 17) Police custody officer yells through 'trap' "Your lawyers here." In my despair, I did not answer immediately, and after approx. 20 seconds on no response, the officer leaves, calling out, "He's refused".
- 18) On day of hearing before his Hon. Lennon, the VICPOL prosecutor [standing alone at the bench] submitted application for remand. The total duration of the hearing where I presented via video link was approximately 3 minutes or close to. His Hon. Lennon did not (a) look at the video screen, (b) did not acknowledge my presence verbally or otherwise (c) did not speak to me at all.
- 19) I was informed that I had been remanded into custody and I would not be going to hospital as the Nurse has indicated.
- 20) A short duration after returning to my cell, I attempted to hang myself, tearing my T-shirt. I was restrained by a Victoria Police officer who applied reasonable force. In the struggle, the floating ribs on my right side fractured, and I was now able to move and breathe, causing severe pain.
- 21) Appropriate medical treatment was not provided. The request for suitable pain relief and X-ray to establish clinical confirmation of fractured ribs was denied multiple times and then ignored. The Forensicare Nurse who assessed my chest denied any fracture while stating that even if there was, there was no active treatment for broken ribs. I was provided paracetamol and Nurofen which was inadequate.

INFORMATION NOT KNOWN UNTIL JAN 09 2024

- 22) (2022/04/28) (Lawyer Mehernaz Bowler) 'Notice of Order made 'Wishes to see a Nurse in relation to possible withdrawal from drug of dependence and mental health issues.' Remarks: Ms Bowler', Reference #: **N10829749**

TIMELINE OF OBSTRUCTING ACCESS TO NOTICE OF ORDER at [11]

23)(2022/05/12) 'N10624956

FVO Respondent [REDACTED] Final Defended Hearing Struck Out by my default [Remand]',

24) (2022/05/25) Heidelberg Represented by: Slades & Parsons

'N10383078 Not of Order Made Remanded to HEIDELBERG MAGISTRATES' COURT on 01/06/2022 10:00am '

- 25) (2022/05/26) Heidelberg Represented by: Slades & Parsons Released from Metropolitan Remand Centre on Bail [Undertaking with Conditions] Magistrates' Court
'Undertaking Consolidated Case Number: 202207382', Reference #: N10383078 and **N10829749**
- 26) (2022/06/29) At 0126 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry
'to HMC material to support position', Criminal defence Reference #: N10569267
- 27) (2023/03/03) At 1502 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry
'Passive aggressive Court officer... Awesome work mate. You couldn't read or understand 1400 words because your too busy. Now the kids can't be protected by anything until I take it to family court...'
- 28) (2023/03/07) At 0747 Sent by: Heidelberg Mag Crt Registry, Cheyanne Angus Received by: Reece Ferrara
'...As per previous advice given to you, applications for intervention orders need to be clear and concise and able to be structured into a narrative. My colleague who conducted your appointment was attempting to pin point the most serious incidents of family violence in order to do this...'
- 29) (2023/03/07) At 1151 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry
'The apprehended bias and prejudice facilitated my criminal record and VICPOLs actions. Every time I try and explain what has been going on in the last 12 years I am put on trial and the person in front of me jumps in on every point that aligns to their confirmation bias. It's only human to do so especially when 95% perpetrators are men, however every time it is retraumatising...'
- 30) (2023/03/21) At 1532 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry
'RE Copy of these court files', 1. April 28, 2022 Remand * 2. May 30, 2022 Damage Property* 3. May 30, 2022 unlawful threat? 4. G13196992 Feb 09, 2017 5. H10801621 June 15, 2017 6. VOCAT file C2017/1756 * Attachment titles: 2023 03 03 - Scan License Dig Signed.pdf Birth Cert FERRARA 2021.pdf PDF Pension Card 022L (2).pdf
- 31) (2023/03/22) At 0835 Sent by: Heidelberg Mag Crt Registry, Louise Ellis Trainee Court Registrar Received by: Reece Ferrara
'Were you just wanting the outcomes of these matters or was there something specific you were after from the court file? There is a charge for preparation/copying of any documents.'

- 32) (2023/03/22) At 1333 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry

'Copies of the whole files, **One purpose is that in the case where I was ordered into remand the Judge engaged in jurisdictional error when he did not acknowledge me at all and did not speak to me at all. It means that natural justice was not applied and the decision is liable to appeal to be set aside suing the state for false imprisonment and psychological injury for a month in jail on remand and placed into solitary confinement for a total of 12 days for simply being depressed and in moments I was losing my mind. I have a health care card, normally fees are waived on production of the card.'**

- 33) (2023/03/31) At 2356 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry Urgent Application for Family Violence Order Respondent: (Current AFM's) partner Protecting Child AFM [REDACTED]

'Thank for your time in completing this. I genuinely appreciate it. The adjustments are..',

- 34) (2023/04/12) At 1550 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry

'**2. I would like to book an appointment to view (only) all court files I am a party to in order to begin preparing for an action in a) VOCAT matter 2017 /1756 where Jurisdictional error lies and appealable to a higher court. b) The indictable case of intentionally damage where Jurisdictional error and an error of law lies, following a cause of action for false imprisonment by the Hon. Magistrate presiding and the state of Victoria.** 3. Finally, certificates of outcome for all cases I am party to for records. Attached 1. Concession Card 2. License 3. Birth certificate'

- 35) (2023/04/13) At 0813 Sent by: Heidelberg Mag Crt Registry, Tammie Nixon Registrar Received by: Reece Ferrara

'I have made an appointment for you at 11.30am on 20th April for you to attend Heidelberg Magistrates Court. Is that suitable for you? If so, can you please confirm via email.'

- 36) (2023/04/13) At 0815 Sent by: Tammie Nixon Registrar Received by: Reece Ferrara

'**Recall:** Application for leave to revoke (M12446367) and new application FVIO (P10658395)',

- 37) (2023/04/13) At 0815 Sent by: Heidelberg Mag Crt Registry, Tammie Nixon Registrar Received by: Reece Ferrara

'I have made an appointment for you at 11.30am on 20th April for you to attend Heidelberg Magistrates Court. **Please note this appointment is only in relation to these intervention order applications.'**

THIS POINT FORWARD 12 MONTHS HAD PASSED SINCE COURT DATE

38) (2023/05/03) At 1309 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry

'1. I am writing to obtain a copy of the Judgement/Outcomes for the Case numbers in the attached screenshot except the ones that where [REDACTED] if the defendant. 2. Additionally, the outcome of the most recent judgements regarding an application for leave to apply to revoke and application for an FVO. 3. If it is possible to look up any cases that I may have missed where I am the defendant. The Police had my name as 'Jacob Farrara'. 4. I enquired about making an appointment to view only the court file to prepare for initiating an appeal in the district court for a criminal matter heard May 25 2022. I have attached a recent police check which has the entries. 5. How would I be able to view the court file or apply?', Reference #: Attachment titles: VIC HEIDELBERG MAGISTRATES COURT 26/05/2022 THREAT TO DESTROY/DAMAGE PROPERTY INTENTIONALLY DAMAGE PROPERTY Without conviction, Adjourned to 25/05/2023

39) (2023/05/10) At 0116 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry

'I am writing to obtain Certificates of outcome under the names of: Jacob Ferrara; Jacob John Ferrara; Jacob Farrara; Reece Storme; Reece Storme Ferrara; Reece Farrara M12446367 03/25/2022 'Jacob FARRARA' Informant: Benjamin D Ricketts • Charge Persistent contravention of FVO Defendant 'Reece STORME' Informant Lilly Vai • Charge Unlawful Assault Defendant 'Reece STORME' 2017 • G11873276 2016/07 • N10624956 2022 04 01 [El Massri] • L10517536 2020 04 17 [REDACTED] • H13418453 2018/01/25 [Reece] I am also writing for follow up with making an appointment to view the case files where I am a defendant. To date I have not received an answer of how to apply for this to happen.'
Reference #: Attachment titles: Birth Certificate [2023].pdf 2023 03 03 - Scan License Dig Signed.pdf

40) (2023/05/10) At 1144 Sent by: Heidelberg Mag Crt Registry, Michelle Lauder Registrar Received by: Reece Ferrara

'This is a majority of Family Violence Intervention Orders that we are unable to produce. I have included the accused's ID for your reference and the criminal notices of orders they are requesting.'

41) (2023/05/10) At 1145 Sent by: Heidelberg Mag Crt Registry, Michaela Keating Client Services Team Leader Received by: Reece Ferrara 'It is a requirement of the Registry that where a party to proceedings is seeking a copy of or information relating to an Intervention Order via email, that photo identification is supplied alongside the request. Please send through a photo/copy of your photo identification, such as a driver's licence or passport. Once received, the matter can be discussed further.'

42) (2023/05/15) At 0830 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry

'Attached is ID to facilitate certificates of outcomes and **trying to organise an appointment to view the case files I'm in**', Attachment titles: 2023_03 30_-_Scan_License_Dig_Signed.pdf

43) (2023/05/19) At 0052 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry

'This is **another request to follow up the certificates of outcome and application to view the case files Names Reece Storme Reece Storme Ferrara Jake Ferrara Jacob Ferrara Jacob Farrara DOB: 21 07 1983 I have reference some case numbers below**'

44) (2023/05/24) At 1051 Sent by: Heidelberg Mag Crt Registry, Madison Humphry Registrar Received by:

'24/07 EXTRACT M12446367; G11873276; N10624956; L10517536; Re: Follow up request for Certificates of Outcome & Viewing Can you please clarify which case filed you are seeking to view and which case number(s) your request relates to. The Court file cannot be released to parties unless subpoenaed and with an order of the court.',

45) (2023/06/01) At 1538 Sent by: Heidelberg Mag Crt Registry, **Benjamin Luker Operations Manager** Received by: Reece Ferrara

'Happy to discuss your email and assist you call 8488 6733',

46) (2023/06/01) At 1507 Sent by: Reece Ferrara Received by: Heidelberg Mag Crt Registry

' **1. I have tried numerous times now to obtain records of matters** presented there **that I am a party to. 2. These attempts have occurred both in person and via email.** 3. I provided the names that any record would relate to a. Jacob John Ferrara b. Jacob Farrara (sic) Victoria Police error c. Reece Storme d. Reece Storme Ferrara e. Date of Birth: 21 July 1983 4. It's an extremely busy court and must be stressful at times if not most times. **5. I guess I am confused as to hoe on these multiple attempts, the records of my attendances there have not been found. 6. I am at a loss to provide any meaningful information the court uses to look up these records so when you ask me to clarify, how can I do so when either I was never provided any material in the first place or the records I do have contain omissions and missing parts. 7. I did present there on one occasion and was told by a senior registrar that copies of the file cannot be given out and I have to apologise for that day, I left because to pursue it another day because of stress levels...**[Ben Luker Operations Manager]'

Part 1—Giving of documents by Court 5.01 Process if Court required to give documents to a person Subject to section 201 of the Act or unless the Court otherwise orders or directs, if under the Act or these Rules, the Court is required to give any written notice or other document to any person, the Court may do so— (a) by handing the document to

the person (e) if the person is a respondent who has provided an email address under section 85(1) of the Act, by sending the document to that email address',

47) (2023/06/13) At 1644 Sent by: Heidelberg Mag Crt Registry, Emma Di Lorio

Specialist Family Violence Registrar Received by: Reece Ferrara

'As discussed today **please see attached the form required to subpoena the intervention order for certificate of service in relation to a pending criminal matter**. Please be specific as to the case number of the IVO and material you wish to subpoena.'

48) (2023/09/25) At 1345 Sent by: Ferrara, Reece Received by: Victoria Police

Heidelberg Prosecution Heidelberg Mag Crt Registry

'I am dying, this is not spam email. This should be a public interest disclosure but **it appears the legislation is rendered mute to corruption and my ongoing torture**'

49) (2023/09/26) At 1157 Sent by: Heidelberg Mag Crt Registry, Maurice Assaad

Court coordinator Received by: Reece Ferrara

'If you wish to submit any documents to the court, you can do so by tendering any documentation during the hearing and it will be at the discretion of the Magistrates if this is accepted. Therefore, **your correspondence will not be placed on to the court file on this occasion.**'

IN PERSON REQUEST CERTIFICATES OF OUTCOME TAKING LESS THAN 5 MINUTES TO PRODUCE

50) At approx. 1400 the day after my contested mention hearing, I presented to pick up my guitar I had left there and approached the information desk to request certificates of outcome.

51) After producing other certificates I did not already have the woman helped to identify the document I had made requests for on:

a) March 21, 2023

b) March 22, 2023

c) April 12, 2023

d) April 13, 2023

12 MONTHS ELAPSE

e) May 03, 2023

f) May 10, 2023

g) May 15, 2023

h) May 19, 2023

i) May 24, 2023

j) June 01, 2023

k) June 13, 2023

l) September 26, 2023

- 52) Notice of Order made **'Wishes to see a Nurse in relation to possible withdrawal from drug of dependence and mental health issues.'** Remarks: **Ms Bowler NO APPLICATION FOR BAIL MADE**
- 53) (2024/01/09) At 1402 Sent by: Reece Ferrara Received by: Mehernaz Bowler
Bowler & Co
'to Lawyer Bowlerco [VICPOL & Registry Staff Contempt of Court create false document]', Reference #: N10829749 Copy of email query sent to Lawyer Mehernaz Bowler of Bowler & Co named in the remarks section of the Notice of Order'
- 54) (2024/01/09) At 1459 Sent by: Reece Ferrara Received by: Ben Luker
Heidelberg Magistrates Court Registry Operations Manager
'Fw: "FARARRA, Jacob" 2022 04 28 - N10829749 Hlbg Mag LENNON Rep Ms Bowler.pdf', Reference #: N10829749
- 55) Phone call to Ms Mehernaz Bowler, private Lawyer of Bowler and Co who does Legal Aid work,
"I never represented you... I don't have a file for you..."
- 56) In person, Ben Luker, Operations Manager, states, "It's been almost 2 years now, the court only keeps the recordings for 12 months... Sometimes Lawyers **help out**..." [me: It's contempt of court]
- 57) I hold deeply disturbing concerns that this representation by Mr Luke could infer that the substance of this legal action is in fact, **not** an isolated anomaly, rather perhaps an unlawful practice that occurs from time to time implicating the unlawful imprisonment of 'unpalatable' offenders.