

[Criminal Proceedigns] 'in the absence of the accused for administrative purposes, this has been approved by the Magistrate.' HMC Registrar Ronnie Kerr

From Reece Ferrara <Reece.Storme@protonmail.com>

To 'Complaints' <complaints@ombudsman.vic.gov.au>,
'IBAC Enquiry Email' <info@ibac.vic.gov.au>

Date Tuesday, 5 March 2024 at 13:23

(2022/04/27) At 1635 Sent by: Dr Emma Butler Clinical and Paediatric Psychologist
'[24th May 2022 at 0804] I am writing to confirm that I have been supporting Reece for deteriorated mental state this year. I have seen him 4 or 5 times and he has been presenting with increased distress each time we have spoken over the last 5 or 6 weeks. He has become unemployed, and his ex-partner decided she wanted her dog back who Reece has been caring for over a year. Reece has found himself in financial difficulty following the COVID-19 crisis. I spoke to Reece for a telephone consult on the 27th of April 2022 and he was highly distressed. Although he promised me that he wouldn't attempt suicide again (he had tried to hang himself weeks earlier), I was concerned about his level of distress. He had learned that his registration as a paramedic had been suspended by AHPRA and felt like he was out of choices in life. He couldn't stop crying. A week prior to this, he lost his dog to his ex-partner. I felt like the dog was very important to his stability at the time. I have seen Reece's 8-year-old son since he was 5 years old, so I know Reece very well. He is usually very high functioning and makes good decisions and I have never seen him in this deteriorated condition. I am not totally aware of how the events led to Reece's arrest on Wednesday (the day I had spoken with him), but I do confirm that I was concerned that he was very distressed, and this was not a usual presentation for Reece.'

Phone call at same time: Phone call at same time Reference #: Attachment titles:
Reece Ferrara Psychologist Letter 25 May 2022.pdf

(2022/05/26) At 1052 Sent by: Ronnie Kerr Registrar Heidelberg Magistrates' Court
Received by: Merran Shanahan Slades and Parsons Criminal Law 'The matter will be listed for 2:45pm today for 30 minutes. However, the matter is going to first be mentioned at 11:00am before Magistrate Tregent **in the absence of the accused for administrative purposes, this has been approved by the Magistrate.**

A link to join this matter at 11:00am has been sent, the same link will then be able to be used for 2:45pm. However, I will re-email you the link after 11:00am just in case.',

Reference #: RE: Jacob Fararra - N10383078 - 26 May 2022 - Request for webex link

(2022/05/20) At 0552 Sent by: Cons Alexandra Kerr VP47046 Received by: 'Yes he was assessed by our pacer unit on the night. [Not disclosed or presented in open court]',

Reference #: Remand Hearing Audio 2022 04 28 - Remand Hearing.opus

(2022/05/26) At 1242 Sent by: Ronnie Kerr Registrar Heidelberg Magistrates' Court Received by: Merran Shanahan Slades and Parsons Criminal Law 'Further to my email below, I have just been informed by corrections that Mr Fararra is unfit to appear today, as such he will no longer be appearing. The matter is still listed for 2:45pm today, please join the link at this time.',

Reference #: RE: Jacob Fararra - N10383078 - 26 May 2022 - Request for webex link Attachment titles:

(2022/05/26) At 1404 Sent by: Merran Shanahan Slades and Parsons Criminal Law Received by: Magistrates Court Heidelberg Court Coordinator 'I would appreciate if Corrections could be directed to ensure Mr Fararra's appearance. He is understandably distressed that he was not presented to court yesterday and it is important he be present so that the plea can proceed.',

Reference #: RE: Jacob Fararra - N10383078 - 26 May 2022 - Request for webex link Attachment titles:

(2022/05/26) At 1408 Sent by: Ronnie Kerr Registrar Heidelberg Magistrates' Court Received by: Merran Shanahan Slades and Parsons Criminal Law 'Corrections have since informed me that Mr Fararra will is now fit to appear and will as such will be present via phone for the matter.',

Reference #: RE: Jacob Fararra - N10383078 - 26 May 2022 - Request for webex link Attachment titles:

I have received extra information by (forcing through case law) to provide my client file as 'the client owns the documents in an agency relationship'

POTENTIALLY RELEVANT STATUTE PROVISIONS
the Crimes Act 1958 (Vic) as follows,

SECT 83A Falsification of documents (1) A person must not make a false document with the intention that he or she, or another person, shall use it to induce another person to accept it as genuine, and by reason of so accepting it to do or not to do some act to that other person's, or to another person's prejudice. Penalty: Level 5 imprisonment (10 years maximum). (2) A person must not use a document which is, and which he or she knows to be, false, with the intention of inducing another person to accept it as genuine, and by reason of so accepting it to do or not to do some act to that other person's, or to another person's prejudice. Penalty: Level 5 imprisonment (10 years maximum).

SECT 86 Suppression etc. of documents (1) A person who dishonestly, with a view to gain for himself or another or with intent to cause loss to another, destroys, defaces or conceals any valuable security, any will or other testamentary document or any original document of or belonging to, or filed or deposited in, any court of justice or any government department is guilty of an indictable offence and liable to level 5 imprisonment (10 years maximum).

SECT 181 Aiding and abetting offences within or outside Victoria Every person who being within Victoria knowingly aids, abets, counsels, or procures, or who attempts or takes part in or is in any way privy to (a) doing any act or thing in contravention of this subdivision; (b) doing any act or thing outside Victoria, or partly within and partly outside Victoria, which if done within Victoria would be in contravention of this subdivision— shall be guilty of an indictable offence, and shall — be liable if a corporation to a level 5 fine and if any other person to level 5 imprisonment (10 years maximum) or a level 5 fine or both. "associate", in relation to a body corporate, means— (a) an employee or agent of the body corporate to the extent that he or she is acting within the actual or apparent scope of his or her employment or within his or her actual or apparent authority; or (b) an officer of the body corporate;"relevant conduct" means the destruction, concealment, or rendering illegible, undecipherable or incapable of identification, of a document or other thing of any kind; "relevant intention" means the intention of preventing a document or other thing of any kind from being used in evidence in a legal proceeding.

SECT 254 Destruction of evidence (1) A person who— (a) knows that a document or other thing of any kind is, or is reasonably likely to be, required in evidence in a legal proceeding; and (b) either— (i) destroys or conceals it or renders it illegible, undecipherable or incapable of identification; or (ii) expressly,

tacitly or impliedly authorises or permits another person to destroy or conceal it or render it illegible, undecipherable or incapable of identification and that other person does so; and (c) acts as described in paragraph (b) with the intention of preventing it from being used in evidence in a legal proceeding is guilty of an indictable offence and liable to level 6 imprisonment (5 years maximum) or a level 6 fine or both. (2) This section applies with respect to a legal proceeding, whether the proceeding is one that is in progress or is to be, or may be, commenced in the future.

SECT 257 Intimidation or reprisals relating to involvement in criminal

investigation or criminal proceeding (1) A person (the offender) must not— (a) use or procure the use of intimidation towards a person (the victim); or (b) cause or procure any physical harm or detriment of any kind to a person (the victim) — because the offender knows or believes that the victim or another person is, was, may be or may become involved in a criminal investigation or a criminal proceeding. Penalty: Level 5 imprisonment (10 years maximum).

SECT 256 Interpretation (2) For the purposes of this Division, a person is involved in a criminal proceeding if the person is— (a) a witness in that proceeding; or (b) a juror in that proceeding; or (c) involved in the proceeding in any other capacity. (3) In this Division— "detriment", to a person, includes— (a) loss or damage to a person's property or business; (b) discrimination, disadvantage or adverse treatment in relation to a person's employment, career, business, trade, profession or enterprise.

SECT 314 Perjury (1) Whosoever commits wilful and corrupt perjury or subornation of perjury shall be liable to level 4 imprisonment (15 years maximum). (2) Where in any Act it is provided that any person shall be liable to the penalties of perjury or shall be guilty of perjury or shall be deemed to have committed perjury or any similar expression is used such person shall be deemed to have committed an offence against subsection (1) and may be proceeded against tried and punished accordingly. (3) Where by or under any Act it is required or authorized that facts matters or things be verified or otherwise assured or ascertained by or upon the oath affirmation or affidavit of some or any person, any person who in any such case takes or makes any oath or affirmation so required or authorized and who knowingly wilfully and corruptly upon such oath or affirmation deposes swears to or affirms or makes any false statement as to any such fact matter or thing, and any person who knowingly wilfully and corruptly upon oath or by affirmation deposes to the truth of any statement for so verifying assuring or ascertaining any

such fact matter or thing or purporting so to do, or who knowingly wilfully and corruptly takes makes signs or subscribes any such affirmation or affidavit as to any such fact matter or thing, such statement affirmation or affidavit being untrue wholly or in part, or who knowingly wilfully and corruptly omits from any such affirmation or affidavit made or sworn under the provisions of any law any matter which by the provisions of such law is required to be stated in such affirmation or affidavit, shall be deemed guilty of wilful and corrupt perjury. Nothing herein contained shall affect any case amounting to perjury at the common law or the case of any offence in respect of which other provision is made by any Act.

SECT 315 All evidence material with respect to perjury All evidence and proof whatsoever, whether given or made orally or by or in any affidavit examination statutory declaration or deposition, shall be deemed and taken to be material with respect to the liability of any person to be proceeded against and punished for perjury or subornation of perjury.

SECT 321 Conspiracy to commit an offence (1) Subject to this Act, if a person agrees with any other person or persons that a course of conduct shall be pursued which will involve the commission of an offence by one or more of the parties to the agreement, he is guilty of the indictable offence of conspiracy to commit that offence. (2) For a person to be guilty under subsection (1) of conspiracy to commit a particular offence both he and at least one other party to the agreement—
(a) must intend that the offence the subject of the agreement be committed; and
(b) must intend or believe that any fact or circumstance the existence of which is an element of the offence will exist at the time when the conduct constituting the offence is to take place. (3) A person may be guilty under subsection (1) of conspiracy to commit an offence notwithstanding the existence of facts of which he is unaware which make commission of the offence by the agreed course of conduct impossible.

SECT 321G Incitement (1) Subject to this Act, where a person in Victoria or elsewhere incites any other person to pursue a course of conduct which will involve the commission of an offence by— (a) the person incited; (b) the inciter; or (c) both the inciter and the person incited- if the inciting is acted on in accordance with the inciter's intention, the inciter is guilty of the indictable offence of incitement. (2) For a person to be guilty under subsection (1) of incitement the person— (a) must intend that the offence the subject of the incitement be committed; and (b) must intend or believe that any fact or circumstance the existence of which is an element of the offence in question will exist at the time when the conduct

constituting the offence is to take place. (3) A person may be guilty under subsection (1) of incitement notwithstanding the existence of facts of which the person is unaware which make commission of the offence in question by the course of conduct incited impossible.

SECT 324 Person involved in commission of offence taken to have committed the offence (1)

Subject to subsection (3), if an offence (whether indictable or summary) is committed, a person who is involved in the commission of the offence is taken to have committed the offence and is liable to the maximum penalty for that offence. (2) Despite subsection (1), a person is not taken to have committed an offence if the person withdraws from the offence.

SECT 324B Offender's role need not be determined A person may be found guilty of an offence by virtue of section 324 if the trier of fact is satisfied that the person is guilty either as the person who committed the offence or as a person involved in the commission of the offence but is unable to determine which applies.

SECT 325 Accessories (1) Where a person (in this section called the principal offender) has committed a serious indictable offence (in this section called the principal offence), any other person who, knowing or believing the principal offender to be guilty of the principal offence or some other serious indictable offence, without lawful authority or reasonable excuse does any act with the purpose of impeding the apprehension, prosecution, conviction or punishment of the principal offender shall be guilty of an indictable offence. (2) If, on the trial of any person for a serious indictable offence, the jury are satisfied that the offence charged (or some other serious indictable offence of which the accused might on that charge be found guilty) was committed, but find the accused not guilty of it, they may find him guilty of any offence under subsection (1) of which they are satisfied that he is guilty in relation to the offence charged (or that other offence). a) if the principal offence is one for which the penalty is level 1 imprisonment (life) to level 3 imprisonment (20 years maximum); or (b) in any other case, to imprisonment for a term which is neither— (i) more than 5 years in length; nor (ii) more than one-half the length of the longest term which may be imposed on first conviction for the principal offence. (3) A person charged with an offence against subsection (1) may be indicted and convicted together with or before or after the principal offender and whether or not the principal offender is amenable to justice. (4) A person convicted of an offence against subsection (1) shall be liable — (a) if the principal offence is one for which the penalty is level 1 imprisonment

(life) to level 3 imprisonment (20 years maximum); or (b) in any other case, to imprisonment for a term which is neither— (i) more than 5 years in length; nor (ii) more than one-half the length of the longest term which may be imposed on first conviction for the principal offence. (6) In this section, "serious indictable offence" means an indictable offence which, by virtue of any enactment, is punishable on first conviction with imprisonment for life or for a term of five years or more.

SECT 326 Concealing offences for benefit (1) Where a person has committed a serious indictable offence, any other person who, knowing or believing that the offence, or some other serious indictable offence, has been committed and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts any benefit for not disclosing that information shall be guilty of a summary offence and liable to level 8 imprisonment (1 year maximum). (2) Notwithstanding anything to the contrary in subsection (1), it is no offence against this section to fail to disclose the commission of any offence against— (a) Division 2 of Part I; or (b) subdivision (1), (2) or (3) of Division 3 of Part I - if the only benefit accepted in return for failing to disclose the commission of the offence is the making good of any loss or injury caused by its commission or the making of reasonable compensation for any such loss or injury (3) For the purposes of this section a person shall be deemed to accept a benefit if he accepts or agrees to accept any benefit or advantage, or the promise of any benefit or advantage, either to himself or to another, whether or not the benefit or advantage is in money or money's worth.

Section 274.2 of the Criminal Code Act 1995 (Cth) Torture by public official to obtain a confession, punish, intimidate or coerce, is an offence under section 274.2(1) of the Criminal Code Act 1995 (Cth), which carries a maximum penalty of 20 years in prison.

To establish the offence, the prosecution must prove beyond reasonable doubt that:

You engaged in conduct

Your conduct caused the infliction of severe physical or mental pain or suffering on another person ('the victim')

You engaged in your conduct for any of the following purposes:

To obtain a confession from the victim or another person

To punish the victim or another person for an act they committed or, were suspected of committing

To intimidate or coerce the victim or another person, or

For a purpose related to the foregoing, and

You were acting in the capacity of a public official at the time, or were acting in an official capacity, or were acting at the instigation, or with the consent or acquiescence, of a public official or person acting in an official capacity.

You may be found guilty of the offence even if you engaged in the conduct out of necessity, arising from the existence of a state of war, threat of war, internal political instability, public emergency or any other exceptional circumstance.

You may also be found guilty despite acting on the orders of a superior officer or public authority. You cannot be convicted of the offence if you were convicted or acquitted in another country, of an offence relating to the same conduct.

Proceedings for the offence can only be commenced with the Attorney-General's consent, but you may nevertheless be arrested, charged and remanded in custody, pending the Attorney General's decision in that regard.

Torture by public official based on discrimination, is an offence under section 274.2(2) of the Criminal Code Act 1995 (Cth), which carries a maximum penalty of 20 years in prison.

To establish the offence, the prosecution must prove beyond reasonable doubt that:

You engaged in conduct

Your conduct caused the infliction of severe physical or mental pain or suffering on another person ('the victim')

You engaged in your conduct for any reason based on discrimination of any kind, and

You were acting in the capacity of a public official at the time, or were acting in an official capacity, or were acting at the instigation, or with the consent or acquiescence, of a public official or person acting in an official capacity

You may be found guilty of the offence even if you engaged in the conduct out of necessity arising from the existence of a state of war, threat of war, internal political instability, public emergency or any other exceptional circumstance.

Charter of Human Rights and Responsibilities Act 2006 (Vic)

section 8 Recognition and equality before the law

section 10 Protection from torture and cruel, inhuman or degrading treatment

section 13 Privacy and reputation

section 17 Protection of families and children

section 18 Taking part in public life

section 21 Right to liberty and security of person

section 22 Humane treatment when deprived of liberty

section 24 Fair hearing

section 25 Rights in criminal proceedings

section 38 Conduct of public authorities

****Please note: Any '.asc' file attached to this email is a benign excryption key that is not a malicious file and is not an executable file****



ADDRESSING MENTAL HEALTH STIGMA HEAD ON

Mental Health and Wellbeing Act 2022 (Vic)

(2)

A person is not to be considered to have mental illness by reason only of any one or more of the following—

- (a) that the person expresses or refuses or fails to express a particular political opinion or belief;*
- (b) that the person expresses or refuses or fails to express a particular religious opinion or belief;*
- (c) that the person expresses or refuses or fails to express a particular philosophy;*
- (d) that the person expresses or refuses or fails to express a particular sexual preference, gender identity or sexual orientation;*
- (e) that the person engages in or refuses or fails to engage in a particular political activity;*
- (f) that the person engages in or refuses or fails to engage in a particular religious activity;*
- (g) that the person has engaged in a certain pattern of sexual behaviour;*
- (h) that the person engages in conduct that is contrary to community standards of acceptable conduct;*
- (i) that the person engages in illegal conduct;*
- (j) that the person engages in antisocial behaviour;*
- (k) that the person is intellectually disabled;*
- (l) that the person uses drugs or alcohol;*
- (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 distress;*
- (p) that the person has previously been diagnosed with, or treated for, mental illness.*

Sent with [Proton Mail](#) secure email.

21.74 MB 10 files attached

2024 03 04 - at 1349 to HMC VICPOL MCV RE Miscarriage Justice Contempt [with audio].pdf
2.25 MB

2024 03 04 - to VicOmb C_24_3718 'in the absence of the accused for administrative p...d'.pdf
418.03 KB

2024 02 24 - at 0836 to Many Affording Opp self report Illegal Conduct.pdf 1.38 MB

2022 04 27 - at 1635 [in] Phone Call fr Reece to Dr Butler-00.opus 4.23 MB

2022 04 27 - at 1635 [in] Phone Call fr Reece to Dr Butler-01.opus 4.38 MB

2022 04 27 - at 1635 [in] Phone Call fr Reece to Dr Butler-02.opus 3.88 MB

2022 04 27 - at 1635 [in] Phone Call fr Reece to Dr Butler-03.opus 3.92 MB

2022 04 28 - HMC Remand Hearing.opus 1.19 MB

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