

IN THE MAGISTRATE'S COURT
OF VICTORIA AT *HEIDELBERG*
BETWEEN

REECE STORME FERRARA

Applicant

v

THE STATE OF VICTORIA

Respondent One

THE HON. MINISTER ANTHONY CARBINES MP

Respondent Two

THE HON. ENVER ERDOGAN MLC

Respondent Three

ATTORNEY GENERAL HON. JACLYN SYMES MP

Respondent Four

THE HON. DANIEL ANDREWS MP

Respondent Five

CHIEF COMMISSIONER OF VICTORIA POLICE

Respondent Six

INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

Respondent Seven

MAGISTRATES' COURTS VICTORIA

Respondent Eight

AND

ORS

FORM 19A NOTICE OF A CONSTITUTIONAL MATTER

Date of document:	06/04/2024	Solicitors Code:	N/A
Filed on behalf of:	Applicant	Telephone:	0400690987
Solicitors name:	N/A	Court Ref:	P11271001;
email:	Reece.Storme@Protonmail.com		P11370782;
<i>Magistrates Court Act 1989 (Vic) section 133 Contempt in the face of the Court</i>			P12154228

Magistrates' Court General Civil Procedure Rules 2020 Rule 19.02(3)

NOTICE OF A CONSTITUTIONAL MATTER

1. The *Plaintiff/Applicant* gives notice that this proceeding involves a matter under the Constitution or involving its interpretation within the meaning of section 78B of the *Judiciary Act 1903* of the Commonwealth.
2. The State of Victoria, through the actions and omissions of agents under its direction and control, has and currently engages in, contravention of the *Commonwealth of Australia Constitution Act* ("*The Constitution*").
3. The State of Victoria has contravened **section 51 xxiv** the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States by acts and omissions in contempt in the face of the Magistrates Court of Victoria Heidelberg on the 28th day of April 2022.
4. The State of Victoria has contravened **section 51 xxv** the recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States by acts and omissions in contempt in the face of the Magistrates Court of Victoria Heidelberg on the 28th day of April 2022.
5. The State of Victoria has contravened **section 51 xxix** external affairs by acts and omissions that contravene its obligations pursuant to the signature and ratification of International Treaty.
 - i. the *International Covenant on Civil and Political Rights* ("*ICCPR*") entered into force in the Commonwealth on the 23rd day of March 1976 and ratified on the 13th day of August 1980, article 1 (1), article 2, article 3, noting article 5, article 7, article 9, article 10, article 14, article 16, article 17, article 19, noting article 23 (1), article 25 and article 26.
 - ii. The State of Victoria has contravened its obligations pursuant to the *International Convention against Torture or Cruel, Inhuman and Degrading Treatment or Punishment* ("*CAT*") entered into force in the Commonwealth on the 8th day of August 1987 and ratified on the 8th day of August 1989, noting article 1, article 2, noting article 4, noting article 5, article 6, article 7, article 10, article 11, article 12, article 13, article 14, article 15 and article 16.

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- iii. The State of Victoria has contravened its obligations pursuant to the United Nations Convention against Corruption entered into force in the Commonwealth on the 6th day of January 2006 and ratified on the 7th day of December 2005 noting the preamble, noting article 1 emphasising subsection (c), noting article 2, noting article 3, article 5, article 6, article 7, article 8 (5) and article 8 (6), article 10, article 12, article 13, article 19, article 24, article 25, article 26, article 27, article 28, article 30, article 32, article 34, article 35, article 36, article 38, article 39, noting article 42 and article 65.
 - iv. The State of Victoria has contravened its obligations pursuant to the *International Convention on the Rights of Persons with Disabilities* entered into force in the Commonwealth on the 16th day of August 2008 and ratified on the 17th day of July 2008 noting article 1, noting article 2, noting article 3, article 4, article 5, article 9, article 12, article 13, article 14, article 15, article 16, article 17, article 19, article 21, article 22, article 23, article 24, article 25, article 26, article 27, article 28, article 29 and article 30.
 - v. The State of Victoria is directed to take note of the *Vienna Convention on the Law of Treaties* entered into force in the Commonwealth on the 27th day of January 1980.
6. The State of Victoria has contravened section 51 xxxix matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth by acts and omissions in contempt in the face of the Magistrates' Court of Victoria Heidelberg on the 28th day of April 2022, inclusive of extraneous matters, both past and present, consequential and incidental to, such acts and omissions as they relate to the plaintiff/applicant known to the State of Victoria as the case may be.
7. The State of Victoria is directed to note section 61 with emphasis on '*execution and maintenance of this Constitution, and of the laws of the Commonwealth*', section 106 emphasising '*subject to this Constitution*', section 107 emphasising



'unless it is by this Consitution', section 108 emphasising 'subject to this Constitution' and section 109 emphasising 'law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.'

8. The State of Victoria has contravened section 118 recognition of laws and C. of States by acts and omissions in contempt in the face of the Magistrates' Court of Victoria Heidelberg on the 28th day of April 2022.

FACTS TO WHICH SECTION 78B OF THE JUDICIARY ACT 1903 RELATE

9. On the 27th and 28th of April 2022, the Chief Commissioner of Victoria Police, either directly or indirectly, authorised his non-commissioned and commissioned officers to:
- i. Registered Nurse Suzanne Stewart of Austin Health falsified a health record in exhibit [by falsely representing a 'PACER' presentation, retrospectively placing a time and date of 8:00 p.m. April 27, 2022, that fails to coincide with a typical response time that was not an emergency and a request for assistance that was not made via 000 and 'ESTA' in order to initiate and participate in a conspiracy to pervert the natural course of Justice and participating in torture or cruel, inhuman and degrading punishment.
 - ii. Constable Alexandra Kerr VP47046 as the Informant and Sergrant Michelle Brown VP39999 knowingly and intentionally deceive the Magistrates' Court of Victoria Heidelberg's Hon. Lennon by substantial omissions of probative value information in **Exhibit [RF0A1P]** relating to the plaintiff/applicant's mental state, vulnerability, medical assessment, recommendation for hospital admission and declining to apply for bail in submission to the Court, intentionally disobeying statutory duties of disclosure in the *Criminal Procedure Act 2009* (Vic) sections 32, s 43, s 44, s 147, s 276(1)(b), s 276(1)(C), s 387H to initiate and participate in a conspiracy to pervert the natural course of Justice and participating in torture or cruel, inhuman and degrading punishment.

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- iii. Constable Alexandra Kerr VP47046 discloses the medical assessment of the plaintiff/applicant in **exhibit [RF0A1X]** on the evening of April 27, 2022, to his defence lawyer Merran Shanahan on May 20, 2022, at 5:52 a.m. 'Yes, *he was assessed by our pacer unit on the night.*' Then, in her appearance via phone at the '*straight remand application*' dated April 28, 2022, before his Hon. Lennon reference 10829749 in **exhibit [RF0A1AC]** knew information of probative value was omitted, deceived the court by omission and silence and induced his Hon. Lennon into jurisdictional error, unlawfully imprisoning the plaintiff/accused and participating in torture or cruel, inhuman and degrading punishment.
- iv. April 27 and 28, 2022, Sergeant Christopher White falsifies the official document named in **Exhibit [RF0A1O]** by completing the form then retrospectively assigning the time and date to facilitate procedural deception then intentionally disobeys the *Bail Act 1977* (Vic) in the application of section 3AAAA, section 3AAA, section 4AA, and section 10AA and associated Bail Act regulations, then intentionally omits eight pages of the document without disclosing the omission, to initiate and participate in a conspiracy to pervert the natural course of Justice and participating in torture or cruel, inhuman and degrading punishment.
- v. Acting Sergeant M. David VP39805 falsifies the official document in **Exhibit [RF0A1P]** by misrepresenting and disobeying the *Bail Act 1977* (Vic) in the application of sections 3AAAA, 3AAA, section 4AA, and section 10AA and associated Bail Act regulations to initiate and participate in a conspiracy to pervert the natural course of Justice and participate in torture or cruel, inhuman, and degrading punishment.
- vi. The Commissioner of Victoria Police and a Victoria Police member or members made false representations to the criminal defence lawyer Mehernaz Bowler to use her as a proxy, then Hayden Brodie, to enable, by deception, a constructive *ex parte* first bail application hearing before the Magistrates' Court of Victoria Heidelberg's Hon. Lennon in **exhibits [RF0A1AC]** and **[RF0A1AB]** that the plaintiff was withdrawing from substances of addiction and failed to disclose being

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medically assessed by a nurse from Austin Health initiating and participating in a conspiracy to pervert the natural course of Justice and acts of torture or cruel inhuman and degrading punishment

- vii. The Commissioner of Victoria Police and all Victoria Police officers who knew of, participated in, or failed to intervene to stop the conspiracy to pervert the natural course of Justice and acts of torture or cruel inhuman and degrading punishment, participated by actions or failures to act and by virtue of the *Victoria Police Act 2012* section 125 (2), the CAT and the ICCPR,

'A police officer or protective services officer who aids, abets, counsels or procures, or who, by any act or omission, is directly or indirectly knowingly concerned in or a party to the commission of a breach of discipline, also commits a breach of discipline.'

'Article 2

1. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

3. An order from a superior officer or a public authority may not be invoked as a justification of torture.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.'

'Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.'

- viii. Magistrates' Courts Victoria, Alyson Neilson and Heidelberg registry staff have obstructed and withheld documents within the meaning of the *Crimes Acts 1958* (Vic) section 254 Destruction of evidence

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(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

where they knew or ought to have known I was legally entitled to the documents from March 21 2023, to January 9, 2024, see **exhibit [RF0B1AI]**. The Operations Manager Benjamin Luker, on January 9, 2024 approximately 1 p.m. provided the motive behind obstruction where he states,

'the hearing was almost two years ago, we only keep the audio recordings for 12 months'

By concealing the document these staff members including but not limited to, Benjamin Luker, Ronnie Kerr, Tammie Nixon, Rhiannon E, Michaela Keating, Michelle Lauder, Madison Humphry, Emma Di Iorio, Maurice Assaad engaged in actions and omissions participating in a conspiracy to pervert the natural course of Justice and acts of torture or cruel inhuman and degrading punishment.

- ix. The Independent Broad-based Anti-corruption Commission ("IBAC") through failing to adequately and independently inform itself on the allegations of Police conduct complaints over the course of eight years beginning August 2016 in communications made, 2016/08/03, 2016/08/18, 2016/09/15, 2017/08/18, 2017/09/06, 2017/09/07, 2017/10/09, 2017/10/18, 2018/06/20, 2021/09/23, 2021/09/23, 2021/10/09, 2022/03/20, 2022/03/20, 2022/10/07, 2023/04/23, 2023/05/02, 2023/05/20, 2023/05/23, 2023/06/18, 2023/09/25 , 2023/12/01, 2024/02/02, 2024/02/13, 2024/02/26, 2024/03/05, thus by systemic failures to prevent or investigate Police misconduct, conspiracy to pervert the natural course of Justice and acts of torture or



cruel inhuman and degrading punishment participated in acts and omissions of torture or cruel inhuman and degrading punishment.

- x. The Hon. Anthony Carbines either directly or indirectly, knowingly or a failure of due diligence, failed to prevent acts or omissions acts of torture or cruel inhuman and degrading punishment, thus participated in acts and omissions of torture or cruel inhuman and degrading punishment.
- xi. The Hon. Enver Erdogan either directly or indirectly, knowingly or a failure of due diligence, failed to prevent acts or omissions acts of torture or cruel inhuman and degrading punishment, thus participated in acts and omissions of torture or cruel inhuman and degrading punishment.
- xii. Attorney General Hon. Jaclyn Symes either directly or indirectly, knowingly or a failure of due diligence, failed to prevent acts or omissions acts of torture or cruel inhuman and degrading punishment, thus participated in acts and omissions of torture or cruel inhuman and degrading punishment.
- xiii. The Hon. Daniel Andrews either directly or indirectly, knowingly or a failure of due diligence, failed to prevent acts or omissions acts of torture or cruel inhuman and degrading punishment, thus participated in acts and omissions of torture or cruel inhuman and degrading punishment
- xiv. Magistrates Courts' Victoria either directly or indirectly, knowingly or a failure of due diligence, failed to prevent acts or omissions acts of torture or cruel inhuman and degrading punishment, thus participated in acts and omissions of torture or cruel inhuman and degrading punishment.

Dated: April 6, 2024.



[Signed] REECE STORME FERRARA

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