

# you arrested me trying to apply for Magistrate Court to hear Bail application. WHAT HAVE YOU DONE TO DEMOCRACYt

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From Reece project2016pheonix <storme21ferr@project2016phoenix.org>  
To Director@opp.vic.gov.au, minister.carbines@justice.vic.gov.au,  
minister.erdogan@justice.vic.gov.au, 'Mikhala Baluyot' <MBaluyot@lsbc.vic.gov.au>  
Date Friday, November 22nd, 2024 at 18:47

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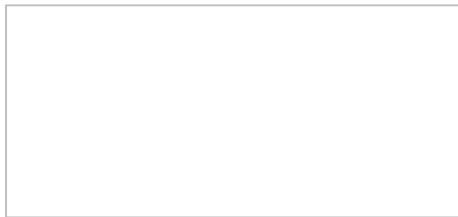
I was arrested shortly after sending this email. I note though all officers in this unlawful arrest were exactly how I used to believe Police acted like. While it's good to know there are still pockets of integrity left but it's little solace for outright Treason.

You're a Tyrant of Reich proportions with a trail of broken souls under your fuckin boots.

Transcription of videos taken of Constitutional crime [I hold no issue with officers they were awesome acting on orders] to follow and will be uploaded to the website.

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## Project Phoenix Begins...



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.... and out of the ashes of desolation  
the phoenix soars into the night ....

----- Forwarded Message -----

From: Reece project2016pheonix <storme21ferr@project2016phoenix.org>  
Date: On Friday, 22 November 2024 at 15:28  
Subject: Application for Bail Decison pursuant to sections 4 and 12 of the Bail Act 1977 (Vic)  
To: CSV-MCV-Committal Court Coordinators (CSV) <committalcoordinator@courts.vic.gov.au>

**Applicant: Reece Storme Ferrara (filed under Jacob Ferrara, alias)**

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## Introduction

This submission seeks the following relief:

1. **Revocation of the Bench Warrant** issued by the Magistrates' Court.
2. **Grant of Bail** under exceptional circumstances.
3. **Judicial Review of Procedural and Administrative Barriers**, specifically the refusal to retrieve the warrant from Victoria Police.

The applicant submits that the circumstances of this case warrant urgent judicial intervention due to procedural errors, ultra vires actions, and the applicant's vulnerable status.

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## Legal Framework

1. **Section 4 of the Bail Act 1977 (Vic):** Establishes the presumption of bail unless statutory grounds for refusal exist.
  2. **Section 12 of the Bail Act 1977 (Vic):** Confers authority on the Magistrates' Court to hear bail applications when a warrant has been issued.
  3. **Section 58 of the Magistrates' Court Act 1989 (Vic):** Provides the court with explicit powers to recall or cancel a warrant it has issued.
  4. **Victorian Charter of Human Rights and Responsibilities Act 2006 (Vic):**
    - **Section 24:** Right to a fair hearing.
    - **Section 25:** Right to be presumed innocent and treated fairly during criminal proceedings.
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## Grounds for Relief

### 1. Procedural Missteps: Bench Warrant and Bail Decision Blockage

The refusal of the Magistrates' Court to act on the warrant because it is in the custody of Victoria Police constitutes a misapplication of **Section 58 of the Magistrates' Court Act**. Case law affirms the judiciary's inherent authority to supervise its own processes:

- **Coco v The Queen (1994) 179 CLR 427:** Courts must exercise their statutory powers in alignment with procedural fairness and not permit overreach by administrative bodies.
- **Director of Public Prosecutions v Tokava (2007) 17 VR 455:** A court retains the power to address procedural missteps in its processes, including rectifying administrative barriers affecting fairness.

### 2. Exceptional Circumstances Supporting Bail

The applicant's circumstances meet the threshold for "exceptional circumstances," as defined in **Re Asmar [2005] VSC 487**:

- **Vulnerable Adult:** Under **Section 3AAAA of the Bail Act**, the applicant's PTSD and ADHD diagnoses, confirmed by multiple psychiatric reports, necessitate heightened procedural safeguards.
- **Parental Responsibilities:** The applicant has shared custody of his 10-year-old son, Lio Ferrara, and plays a critical role in his welfare during ongoing family law proceedings. In **R v Clarke [2018] VSC 620**, family responsibilities were recognized as a factor favoring bail.
- **Lack of Harm:** The AFM, Jannina Ferrara, has repeatedly stated her refusal to proceed with charges and emphasized that prosecution would harm their child. These factors eliminate any perceived risk of family violence under **Section 5AAAA of the Bail Act**.

### 3. Ultra Vires Actions by Victoria Police

The continued pursuit of charges despite the AFM's explicit objections raises questions of ultra vires action by law enforcement:

- In **R v Magistrates' Court at Lilydale; Ex parte Ciccone [1973] VR 122**, the court held that administrative bodies must act within their statutory authority and respect judicial oversight.
- The refusal to return the warrant to the court effectively denies the applicant access to a magistrate's decision on bail, infringing upon his rights under **Section 25 of the Victorian Charter**.

### 4. Procedural Delays and Fairness

The applicant has been subject to criminal proceedings for over 18 months, despite the lack of evidentiary or procedural support from the AFM. Prolonged prosecution without resolution contravenes:

- **Jago v District Court (NSW) (1989) 168 CLR 23**: The High Court emphasized the right to a trial without unreasonable delay as a fundamental aspect of fairness.
- **Gray v DPP (2008) 75 NSWLR 120**: Courts must ensure that the presumption of innocence is preserved in cases involving extended delays.

#### 5. Genuine Efforts to Comply with Legal Obligations

The applicant voluntarily presented himself to the court upon notice of the rejected High Court application, demonstrating good faith compliance. Courts have consistently viewed voluntary actions favorably in bail applications:

- **Roberts v Police [2012] SASC 32**: Voluntary surrender is a significant factor in assessing bail risk.

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### Requested Orders

#### 1. Immediate Recall of Bench Warrant:

- The court should exercise its authority under **Section 58 of the Magistrates' Court Act** to recall the warrant and enable the applicant's access to a bail hearing.

#### 2. Granting of Bail:

- The applicant seeks bail under **Section 4 of the Bail Act**, subject to any reasonable conditions, emphasizing his compliance and minimal risk.

#### 3. Recognition of Procedural Errors:

- The court should acknowledge the administrative barriers created by Victoria Police's retention of the warrant and direct expedited resolution of the charges.

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### Conclusion

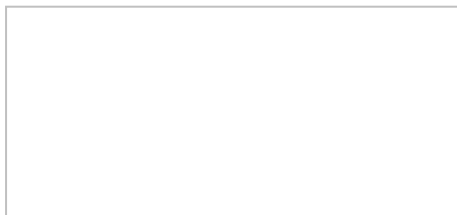
This case presents an intersection of procedural missteps, ultra vires actions, and exceptional circumstances. The applicant respectfully requests that the court exercise its discretion to rectify these issues in the interests of justice and procedural fairness.

Would you like assistance drafting a formal court-ready application or including additional references to relevant case law?

Project Phoenix workspace chats aren't used to train our models. ChatGPT can make mistakes.

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## **Constitution Act of the Commonwealth of Australia**

### **PART V--POWERS--OF THE PARLIAMENT**

#### **Section 51 Legislative powers of the Parliament.**

The Parliament shall, **subject to this Constitution**, have power to make laws for the **peace, order, and good government** of the Commonwealth with respect to:--

(xxiv.) The **service and execution** throughout the Commonwealth of the **civil and criminal process and the judgments** of the courts of the States

(xxv.) The **recognition** throughout the Commonwealth of **the laws, the public Acts and records, and the judicial proceedings** of the State

(xxix.) **External affairs**

(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

#### **Section 75 Original jurisdiction of High Court.**

In all matters--

(i.) **Arising under any treaty:**

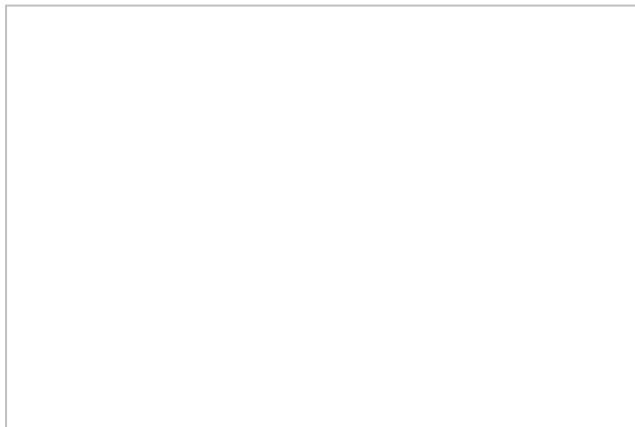
(ii.) **Affecting consuls or other representatives of other countries:**

(iii.) **In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party:**

(iv.) **Between States, or between residents of different States, or between a State and a resident of another State:**

(v.) **In which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth:**

**the High Court shall have original jurisdiction.**



**742 bytes** 1 file attached

publickey - storme21ferr@project2016phoenix.org - 0x24387B3E.asc 742 bytes