
TRANSCRIPT OF PROCEEDINGS

SUPREME COURT OF VICTORIA

CRIMINAL JURISDICTION

MELBOURNE

MONDAY 27 SEPTEMBER 2004

BEFORE THE HONOURABLE JUSTICE TEAGUE

THE QUEEN v. CARL ANTHONY WILLIAMS

Mr Andrews

Mr Thomas

M E N T I O N

MR G. HORGAN, QC appeared on behalf of the Crown.

MR P. FARIS, QC appeared on behalf of the Accused Williams.

MR S. GRANT appeared on behalf of the Accused

Mr Andrews

MS N.M. GOBBO appeared on behalf of the Accused

Mr Thomas

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3 any means (electronic, mechanical, microcopying, photocopying,
4 recording or otherwise) be reproduced, stored in a retrieval
5 system or transmitted without prior written permission of the
6 Authorised Officer.

7 HIS HONOUR: Mr Faris.

8 MR FARIS: Your Honour, I sent an email to as many as I could
9 on Thursday or Friday - Friday. The position hasn't
10 change. The situation is that obviously any privately
11 funded trial of these matters is going to cost a lot of
12 money. We've got either effectively two committals or
13 two Basha inquires, plus two murder trials, all to be
14 telescoped within a very short period of time, if the
15 Crown has its way. This means that - and this is not
16 even mentioning the various applications and arguments -
17 this means that the client has to come up very quickly
18 with a very substantial amount of money. He was told
19 that on Thursday and he is considering his position. We
20 don't have a response from him yet, which is perhaps
21 understandable, but I am hopeful that this week we will
22 get a response. Obviously it's either raining or it's
23 not raining, I mean obviously he's got the money or he
24 hasn't. If he hasn't then the issue of legal aid arises.

25 HIS HONOUR: Mr Faris, there are a couple of issues raised
26 there. One concerns the matter of mention hearings. I
27 would apprehend that there should be minimal costs and
28 inconvenience involved in the mention of this kind, on
29 the basis that I'd contemplate that they be at an early
30 times. It doesn't necessarily have to be a video link,
31 but the inconvenience of a video link is not great, and I
32 would have thought to counsel is not great.

33 As to the position of telescoping the hearings, as
34 I contemplate it, it should not be at an unnecessarily

1 rapid pace but at the moment I've got the Crown wanting
2 to deal with an application that's being foreshadowed by
3 the other two accused and until I know what your position
4 is I don't really know what I should do in terms of
5 additional resources. Because of that I contemplate that
6 there should be another mention at a relatively suitable
7 time so that the Crown and the other two accused can know
8 where they stand in relation to their application.

9 MR FARIS: Your Honour, with relation to the applications we
10 don't have any funds in at all. So consequently I'm not
11 doing any work on this at this minute, which is
12 understandable I hope. With relation to my reporting
13 what's going on - I know this sounds a bit like a bail
14 application, but I'd like to report twice a week by email
15 and then you can bring on a - - -

16 HIS HONOUR: I have no difficulty with that, provided Mr Horgan
17 and Miss Gobbo and Mr Grant say that that's a perfectly
18 acceptable method. As long as I am kept in touch through
19 the emails. But they are the ones that are being
20 relatively held up.

21 MR FARIS: And then it can be brought on obviously at fairly
22 short notice if anybody has an issue.

23 HIS HONOUR: That's relatively right, it's just that I have to
24 manage the judicial resources, so that's why I'm
25 concerned. Because I have to go and see the Chief
26 Justice, depending upon what application is made and when
27 it's made and what the nature of the application is. So
28 all I am doing is wanting to be kept posted so that I can
29 keep and Chief Justice informed of current commitments.

30 MR FARIS: I'm happy to report twice a week between the hours
31 of nine and five, Your Honour.

- 1 HIS HONOUR: Perhaps I'll ask Mr Horgan, Miss Gobbo and
2 Mr Grant whether that seems to be an acceptable course,
3 at least in the short term.
- 4 MR HORGAN: Your Honour, you have seen from the outline of
5 submissions that's been filed on behalf of the Crown that
6 the wish on the Crown's part is that this matter proceed
7 without delay, for the reasons that are set out.
- 8 HIS HONOUR: Yes but there's no matter of any necessity for an
9 accelerated hearing, as distinctive from a prompt
10 hearing.
- 11 MR HORGAN: No that's right, Your Honour, yes. I just wonder,
12 when my learned friend really is waiting on answer
13 whether or not his client has got the funds at the moment
14 - I mean that should be capable of relatively easy and
15 quick determination; you either do - - -
- 16 HIS HONOUR: If not there'd be an application under s.360 - - -
- 17 MR HORGAN: (A), yes.
- 18 HIS HONOUR: - - - of the Crimes Act.
- 19 MR HORGAN: Can I respectfully suggest that Your Honour was
20 last Friday going to list this matter again for mention
21 on Thursday of this week. It should be possible for my
22 learned friend to know what his position is by then one
23 would have thought. If it can be done outside - --
- 24 HIS HONOUR: Well I'm disposed to leave it - I'll hear what
25 Miss Gobbo and Mr Grant say - to leave it for, in effect,
26 an email reporting on Monday and Thursday, with liberty
27 to bring the matter on for mention at any time, it gives
28 it the appropriate degree of flexibility.
- 29 MR HORGAN: If Your Honour is satisfied with that course I
30 won't say anything against it.
- 31 HIS HONOUR: I will hear with Miss Gobbo and Mr Grant say but

1 if that seems to be an appropriate course that's what we
2 will follow.

3 MR GRANT: We agree.

4 HIS HONOUR: Yes.

5 MS GOBBO: Your Honour, I've got no difficulty with that but
6 where ^{Mr Thomas} is concerned, Your Honour has probably
7 seen the submissions that were filed; we are just
8 concerned about two things, that is (1) getting some date
9 for some argument as soon as possible and being satisfied
10 that we have all of the material relied upon against

11 ^{Mr Thomas}

12 HIS HONOUR: Yes, well it does look at the moment that the onus
13 is on the police, or the Crown, to do the sort of things
14 that were outlined last week. That means that by the end
15 of next week most of that which has been sought should be
16 provided, or an answer provided as to why it's not. In
17 those circumstances I contemplate that that can be left
18 in that stage but at the time of a further mention the
19 question of further discovery can be ventilated again.

20 MS GOBBO: We're happy to report by (indistinct) as well.

21 HIS HONOUR: Unless there are any queries that's the course
22 that will be followed that Mr Faris having undertaken
23 we will be accepting his undertaking to give weekly
24 reporting by E-mail to each of the Crown and the other
25 two accused, and there will be liberty to apply to have
26 the matter mentioned in a similar way at a suitable time
27 in the near future.

28 MR HORGAN: I think it's twice weekly reporting that His Honour
29 is making - Mondays and Thursdays.

30 MR FARIS: And then I'm free to go if I agree to that.

31 HIS HONOUR: Yes, Mr Faris. You're excused from the Bar

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Table. I've got three directions hearings. Thank
you, the Videolink.

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