

This document exposes the conduct of both defence counsel Saul Holt Q.C and that of his **supporting lackey** “Doctor Danny Sullivan”, *“in the sheer volume of calumny of facts”*.

In revealing the **litany of miss-conduct committed and led by Saul Holt Q.C. I demur.**

I will take you through the rancid conduct proven of **“my defence counsel Saul Holt Q.C”**  
**I am no lawyer, but done as best I could muster.**

*In exposing the sheer volume of obscene acts, committed by Saul Holt & Danny Sullivan.*

**Independently validated with irrefutable evidence. Rock solid set in concrete. NON rebuttal!**

This an epic document cataloguing everything of a “live valid issue in contention identified”.  
**In responding to the wholesale amount of deceit to be rebutted.**

Which will leave you aghast and unable to fathom, due to “commercial scale of obscene acts”

To give you a “far better gauge of position”. “This evidence was in part presented”.  
In my recent proceedings in. **Re: - D.P.P. v Christopher Pecotic (S CR 2016 0021)**

**Causing a SEISMIC shift in previous decisions and views held by His Honour Terry Forrest.**

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## Overview.

Grappling with ALL legal matters, in the sheer level of criminal and miss-conduct that had unfortunately taken place, at hands of my Legal counsel **“Saul Holt. Q.C”**.

To **“fully appreciate and understand this document”**. I have listed court transcripts between Your Honour/Crown the Accused and false testimonies with the following coding. Your Honour/Crown. *The Accused* and the **calumny testimony which, I demur “is in red!”**

### **The wrongful conviction and unlawful & false evidence introduced by defence Saul Holt**

In the following identified documents “demonstrating argument & proving my case”. In.-

**False Indictment. Saul Holt “Guilty plea lies”.** <sup>162.</sup>

**False evidence lies by Saul Holt. “V.I. S”.** <sup>163.</sup>

**False evidence Saul Holt. “Armed robbery”.** <sup>164.</sup>

**False evidence Saul Holt. “Proceeds robbery”.** <sup>165.</sup>

**Keilor Park Drive. False evidence. “False conviction”.** <sup>166.</sup>

**Malicious lies by Saul Holt. “DRUG USE”.** <sup>167.</sup>

**Interned placement. Saul Holt “lies exposed”.** <sup>168.</sup>

**P.T.S.D exposure. Saul Holt “proven lies”.** <sup>169.</sup>

*In the matter of R v Binse [2014] V S C 253 (T Forrest J). And flowing on into Binse Vs The Queen VSCA 145. 31<sup>st</sup> May 2016 hearing. (22 June 2016). Decision.*

Which are **“no longer Valid or aligned”** with *D.P.P. v Christopher Pecotic (S CR 2016 0021)*. **But in direct conflict and at odds with. “Creating a legal dilemma in itself!” Now.**

The evidence on my Diagnosed and **accepted P.T.S.D. condition alone warrants this fact!** Now accepted by the Crown and original sentencing Judge His Honour Justice Terry Forrest.

**A truly unique “fundamentally flawed” legal position “that DEMANDS intervention!”** Which has in itself been recognised by both the Crown & His Honour Justice Forrest.

Resulting in a unique set of circumstances, **a miss-carriage of justice having been proven.** Which I have elected to be main thrust in the following evidence, **“in proving this point”**.

In **crystalizing “corrupt deliberate substitution of evidence and the facts”**, with false and later proven and accepted untrue reports of Doctor Danny Sullivan, before *very same Judge. His Honour Justice Terry Forrest in D.P.P. v Christopher Pecotic (S CR 2016 0021)*.

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<sup>162.</sup> False Indictment. Saul Holt “Guilty plea lies”.

<sup>163.</sup> False evidence lies by Saul Holt. “V.I. S”.

<sup>164.</sup> False evidence Saul Holt. “Armed robbery”.

<sup>165.</sup> False evidence Saul Holt. “Proceeds robbery”.

<sup>166.</sup> Keilor Park Drive. False evidence. “False conviction”.

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<sup>168.</sup> Interned placement. Saul Holt “lies exposed”.

<sup>169.</sup> P.T.S.D exposure. Saul Holt “proven lies”.

Which is in addition to **“a host of other issues”**, which **then collectively flow secondary in the exposure of criminal/corrupt conduct at dirty hands of defence counsel Saul Holt Q.C**

**Found in a “wealth of following documents in the proven false and corrupt evidence!”**

**False Indictment. Saul Holt “Guilty plea lies”.** <sup>162.</sup>

**False evidence lies by Saul Holt. “V.I. S”.** <sup>163.</sup>

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I have elected to provide you running commentary evidence, transcripts of the Supreme Court proceedings as they had unfolded, placed in its true and proper perspective in **appreciating it**

This a critical and significant issue at stake. **On His Honour Justice Terry Forrest “shift”.** So you are able to understand the **unique set of circumstances of this case in considering it**

In now rejection of **Doctor Danny Sullivans past heavily dependent upon false corrupt report. Danny Sullivan 19 January 2014 report. Footnote (70).**

And a dynamic shift from his previous position held, to now embracing the preponderance of concealed medical evidence of my multiple diagnosed mental state and P.T.S.D condition (s).

That is better served and put into its true proper context, all proven and revealed in.-

**(P.T.S.D. facts & evidence reporting’s primary document).** <sup>170.</sup> Evidence that’s referred to during this document. So was far more professional and tidier, if all matters raised, were separate. Similar to an appendix, **fused all together in context order to amplify application**

This forming a **“collection of all P.T.S.D. available and alluded to in my application”.** **Due to sheer volume.**

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<sup>165.</sup> False evidence Saul Holt. “Proceeds robbery”.

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<sup>167.</sup> Malicious lies by Saul Holt. “DRUG USE”.

<sup>168.</sup> Interned placement. Saul Holt “lies exposed”.

<sup>169.</sup> P.T.S.D exposure. Saul Holt “proven lies”.

<sup>170.</sup> (P.T.S.D. facts & evidence reporting’s primary document).

Pre-ambule overview in Support of – Past Anomalies of later Accepted Facts.

**Page 5 Line 8-Page 6 line 1.**

*ACCUSED: Listen, at least I get a chance now to actually, that's why, dating back to the Herald-Sun article 24 October 2012, made reservations of Legal Aid representation, okay, that's in the paper, okay and I was told by my counsel and I have got so much - even, remember the interview, we played, we listened, he suggested, requested that you listen to the police interview, that went for nearly two hours, the whole court room was shut down to listen to that, okay, and your comments were, your comments were, "Your Honour, I thought there was some expressions of remorse, of self-pity, in the record of interview, Mr Holt, p.189 line one, "Yes, I was going to make precisely the same submissions", then he goes to line two, three, "The expressions are mostly about the extent to which Mr Bins has destroyed his own, his own, by those actions". What was the whole point of this interview when he actually challenges what you have to say, the self-pity, it is all about, like there is self-pity, there is no remorse, that's not what you get from a defence counsel, that's what you get from a prosecution man.*

HIS HONOUR: Mr Pecotic - - -

*ACCUSED: That is the theme right throughout the whole thing, so I have to undo, and address, what things I have and pointing the gun at police officers<sup>29</sup>.*

**Page 7 Line 14-Page 8 line 10.**

*ACCUSED: You have seen me breakdown in court, you know why, you have seen me breakdown, that was no farce, that was no faking it, I was break'd down by the indignity of the media, okay, you know what triggered that, the exposure to replaying the CCT footage of the siege, flashbacks, have you seen what Constable Taxsis (?), I put a gun to his nose a few seconds, you have seen the impact it had on him, he only it pointed, **what a set, as Saul Holt would say and suggest, there is transcripts, and there was double figures, 11, I can show you, that were brought to your attention, that had a huge impact on my post-traumatic stress, how many people, those war veterans are coming back, there was a big article in the Herald Sun about going over to Afghanistan over a 12 year period, 43 killed in action, okay, since then this year alone there has been 43 that have suicided, and do you know how many times I have attempted to suicide on this term, and I haven't finished yet, understand? That's a key component, symptoms, and Danny Sullivan suggests, I have got the reports, I have got the medical reports, it is false, misleading, fabricated, dishonest, that's where I can prove this, I would like to get him in the witness box too because his evidence, his bullshit statement is never tested, the veracity, okay, I can show some of his stuff is false and is contrary and at odds with the facts, Yemenis, okay and other people reporting. He suggested that I attribute my post-traumatic stress to (indistinct), I have never said that at all - - -**<sup>29</sup>.*

**Page 8 Line 19-Page 9 line 4.**

*ACCUSED: The key issue in this, post-traumatic, and you arrived at the conclusion, well I totally, Danny Sullivan's report, which is false, that I attribute to the (indistinct), okay, it is*

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<sup>29</sup> SUPREME COURT OF VICTORIA EVIDENCE 8<sup>TH</sup> SEPTEMBER 2016.

<sup>29</sup> SUPREME COURT OF VICTORIA EVIDENCE 8<sup>TH</sup> SEPTEMBER 2016.

*accepted now that I am being accepted, I can show from the reports where it attributes - you have seen the graphic photos of me, the assault, I was shredded - - -*

HIS HONOUR: If you are not prepared to relax, calm down and listen to me for a couple of minutes, I will have to turn the video off, I don't want to do that, I want to try and set in process something for 21 November or just before then. Are you repaired to let me talk or are you just going to keep talking?

*ACCUSED: This is what isolation does, do you know that.*

HIS HONOUR: All right.

*ACCUSED: I have spent four years in isolation and there is no change, yes, eh?* <sup>29</sup>

**Page 9 Line 20-Page 10 line 4.**

HIS HONOUR: Do you have a treating psychiatrist at the moment?

*ACCUSED: (Laughs), I think I'm just all out.*

HIS HONOUR: Is the answer to that question no?

*ACCUSED: No, because I don't trust them.*

HIS HONOUR: All right.

*ACCUSED: The last one I had, that I saw for an hour, not even an hour, fucked me over.*

HIS HONOUR: Yes.

*ACCUSED: Replaced all the medical reports, substituted with his old reports to deny me the opportunity of post-traumatic stress and I could show you the material, I want to show you the material, but that was hidden from you last time, it was concealed, the incidents that were referred to, it is so obscene, so obscene, and this point, this is not coming from the prosecution camp, this is coming from my own defence team you know.* <sup>29</sup>

**Page 12 Line 24-Page 13 line 6.**

*ACCUSED: One thing? On my case, you talk, these onerous conditions of incarceration, okay, those conditions, in turn, consideration in my sentencing. I arrived at 14 years. Now eh, that one will serve. What would I have got if it wasn't for the - I'm just curious because you never, ever indicated what, with Steve, if there hadn't have been lockdown, 23 hour lockdown, you know what I mean, seriously, I'm just curious, you know, because when you are suffering post-traumatic stress and that's like, normally around a quarter off, and isolation is normally a quarter off, if I do the deductions, do the math, you're right, 14, okay, but what would I have got if getting them, by the way, for the record, I'm in solitary confinement, I haven't, nothing has changed.* <sup>29</sup>

**Page 11 Line 1- Page12- 22.**

*ACCUSED: Your Honour, now, this is - see, I've, how can I say it, I don't fault you on the last occasion, it was the presentation, okay, and we're going to go into a lot of the presentation, okay, because you were most interested in isolation and me and my history, historical isolation, okay, what and the issues surrounding it, placement, stuff like that. I'm able to, and I have to present the same material to you that was withheld, concealed and buried, okay. There was suggestions that I was being placed in - that I was born for*

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<sup>29</sup> SUPREME COURT OF VICTORIA EVIDENCE 8<sup>TH</sup> SEPTEMBER 2016.

<sup>29</sup> SUPREME COURT OF VICTORIA EVIDENCE 8<sup>TH</sup> SEPTEMBER 2016.

<sup>29</sup> SUPREME COURT OF VICTORIA EVIDENCE 8<sup>TH</sup> SEPTEMBER 2016.

*isolation or management inmate, some words to that effect by Saul Holt, okay, that I spent 20 years in isolation, okay. I've got figures, you know - - -*

HIS HONOUR: I don't think - look, that's done and dusted that hearing in the sense that we - - -

**ACCUSED:** *I know that.*

HIS HONOUR: And we can't treat this as an appeal of that.

**ACCUSED:** *No.*

HIS HONOUR: You've already had an appeal.

**ACCUSED:** *No, but what I was going to say - - -*

HIS HONOUR: Yes.

**ACCUSED:** *They are things, they are things that were relevant in the sentencing and they are again too, okay, because it's isolation and the conditions and placing. If you were interested then, okay, you would be interested now.*

HIS HONOUR: Well, they're matters that I - - -

**ACCUSED:** *Okay, that's exactly - - -*

HIS HONOUR: I want to hear it, I want to hear about it on the plea.

**ACCUSED:** *That's the whole point. I say you need to know - - -*

HIS HONOUR: Yes.

**ACCUSED:** *- - - the truth, okay. You need to know the facts.*

HIS HONOUR: Yes.

**ACCUSED:** *You need to know, you need to - we immediately raise the contamination, the falsehoods, okay. We need to bring all this out, okay, and I'll lead that on post-traumatic stress, okay, remorse, okay, and isolation conditions, and not mentally resilient. All these - these are key components in your decision-making process, okay, that you relied upon on the previous occasion, okay. We have to go again. Now, I'm going to present the same material but I'm - this time you're going to see it, okay.*

HIS HONOUR: Yes. You are entitled to present to me - - -

**ACCUSED:** *Yes, this time you are going to see it.*

HIS HONOUR: - - - what you consider to be relevant.

**ACCUSED:** *Yes, this is the thing. This time you're going to see it, last time you didn't get to see it. This time you're going to see the facts.*

HIS HONOUR: All right.

**ACCUSED:** *Okay. Not what was suggested and manipulated. Now, so there's going to be a totally different presentation, landscape. You will see it - I mean, seriously<sup>30</sup>.*

**Page 19 Line 5 – Page 21 line 8.**

**ACCUSED:** *But I know you - I don't know you but I know you to be - - -*

HIS HONOUR: Don't make it too personal.

**ACCUSED:** *No, no, no, I know you to be an honest guy, an honest, a judge who's by the - you know, listen, you're a good judge, you are a really, I don't fault you, really, I don't. I've said, I've read your submissions on Shaun Sonnet, the case, the matter, so I know, I know where your integrity is and where your integrity lies. You know, you're an honest person, I'm fortunate, really fortunate to have you hear this matter. Again, I believe it's like a calling to me.*

HIS HONOUR: I think we - Mr Pecotic, I think we should press on with the arraignment.

**ACCUSED:** *Yeah. Can I just, just one, just finish off on this.*

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<sup>30</sup> SUPREME COURT OF VICTORIA EVIDENCE 15<sup>TH</sup> NOVEMBER 2016.



HIS HONOUR: Yes.

**ACCUSED:** *Okay. If I can show a test, demonstrate that the outcome of the previous hearing was wrong, okay, not on your part but only the part of the defence - this is what I really need to do, okay. I really need to do - I've exhausted my appeal, okay, because I had incompetent Greg Hughan who was, just foundered around, okay. I've spoken - no, just - you'll understand what I'm saying in a sec. okay? I've spoken to Mr Jeremy Cass. What do I do? Why, how do I do this? Legal Aid are not going to fund me to a High Court appeal, they're not going to fund me, okay, and my options are limited and it's a very difficult - you're a very well liked and respected judge, you are, okay, within your - so no one's really going to go against you, you made a proper decision on the evidence and material that was presented to you, okay, 100 per cent and I say that in my appeal thing - I'm lucky I only got that, I say that, okay. So I was fortunate enough to get that but on false evidence. If I can show, demonstrate - all I'm asking for you, Your Honour, okay, and - - -*

HIS HONOUR: I'll tell you what - - -

**ACCUSED:** *- - - we're dealing with these matters now - - -*

HIS HONOUR: I'll tell you what I can guarantee you. I can guarantee you, firstly, that this sentence will not be an appeal of my previous sentence, I can guarantee that.

**ACCUSED:** *No, no, I know that.*

HIS HONOUR: But what I can say is that if you present factual material to me.

**ACCUSED:** *Yes.*

HIS HONOUR: About your current circumstances.

**ACCUSED:** *Yes.*

HIS HONOUR: And about your past circumstances.

**ACCUSED:** *Yes.*

HIS HONOUR: I will listen.

**ACCUSED:** *Yeah, that's - - -*

HIS HONOUR: That's all I can guarantee.

**ACCUSED:** *That's - I'm glad, I'm - that's all I ask, Your Honour, because what I am in a - I'm in a position now, okay, where the only, how can I say it, course, anything for me is a petition of mercy, it's a position where it's the only relief I have available to me, okay. I'm going to present the same material to you, okay. All I'm going to ask at the end of the day with this first and foremost, these are the matters, okay.*

HIS HONOUR: Yes.

**ACCUSED:** *These are the matters that were before the courts but if you are able to make some sort of comment or remark or recognition would go a long way, okay, because it's coming from a Supreme Court judge.*

**HIS HONOUR:** *I'll do my job, that's all I can guarantee.*<sup>30</sup>

HIS HONOUR JUSTICE TERRY FORREST, WOULD AFTER BEING PRESENTED WITH UNFETTERED EVIDENCE/MEDICAL REPORTS, WHICH WAS “PREVIOUSLY WITHELD FROM HIM”.

FOUND IN:

**(P.T.S.D. facts & evidence reporting's primary document).**<sup>170</sup>

HIS HONOUR WOULD NOW ARRIVE AT A “TOTALLY NEW FINDING!”

<sup>30</sup> SUPREME COURT OF VICTORIA EVIDENCE 15<sup>TH</sup> NOVEMBER 2016.

<sup>170</sup> “P.T.S.D. evidence and facts proven, supporting doc. 16.01.2018”.

**Prison medical reports that did exist and were available but. NOT USED!**

**Supporting Medical Evidence in Chronological Order**

Page 81 L14- 16 Mr Holt: Again, Your Honour, the detail of that, the extent that we've been able to discern it from the various prison and medical records and so on

Page 81 L18- 20 Mr Holt: **I don't intend to take Your Honour chapter and verse through each of those entries but there are there and they are relied upon.**<sup>21</sup>

Page 84 L11-13 Mr Holt: I understand so. I will just confirm that. **They were given a raft of material. Yes, Yes, Your Honour, they were.**<sup>21</sup>

**DOCTOR DANNY SULLIVAN "WAS PROVIDED" "A RAFT OF MEDICAL PRISON REPORTS!"**

**"EFFECTIVELY NOW ALL REPLACED AND SUBSTITUTED", WITH. "HIS FALSE REPORT!"**

**ALL THE RAFT OF "P.T.S.D". RELATED PRISON /MEDICAL REPORTS WERE NOW BURIED!!!!**

**Page (55) line 4- line 27.**

*Seriously. I am conscious of the fact that you're reluctant. You're in a position, okay, that you don't want to hear an appeal on an appeal. It's not about an appeal on appeal, Your Honour. It's about me presenting facts, evidence, documentation, that was never presented to you before. Okay? And I need to do all this. Okay? And I ask, Your Honour, seriously, you know what I mean? I'm not trying to waste the court's time. I'm not trying to delay things. **I just want the courts to be heard of the facts, the truth, and nothing more, nothing less. I'm not - I'm not trying to - we need to run the case on evidence, facts. Not continue to proceed on false tainted material.***

*That's what we arrived on last time. No fault of your own. And I say that with full honesty and respect, okay? You were presented with material, okay, that led you to arrive to certain conclusions, okay? And I suffered. I got a bullet to the back of the head. I got lead poisoning, you know what I mean? Seriously. And I'm dying from that, really. That's what I'm saying. That's seeping - that lead is seeping into my veins. It's a terminal condition.*

HIS HONOUR: I understand that.<sup>32</sup>

**Page (61) line 21- Page (62) line 20.**

*ACCUSED: Yeah. I'm mindful of the fact that this is evidence from the box, too. Sworn evidence. I'm not trying to take advantage of - I want a greater weight and value attached to what I submit. It's not only, is it, will it be a submissions, but also testimony for myself.*

HIS HONOUR: I will correct you. It is not sworn evidence. You are making, in effect, submissions to me from the dock. That's all right. That's fine.

<sup>21</sup> Supreme Court of Victoria from dates of 28th -30th May 2014. Before His Honour Justice T. Forrest

<sup>21</sup> Supreme Court of Victoria from dates of 28th -30th May 2014. Before His Honour Justice T. Forrest

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.



*ACCUSED: I am happy to do the Quran and stuff like that, if it persuades Your Honour to have greater persuasion to the contents of what I'm trying to present. I'm happy. That's what I – I was hoping.*

HIS HONOUR: It is a matter for you. If you wish to go into the witness box, and swear on the Quran.

*ACCUSED: Yeah, but it's too small over there. Can we do it from here?*

HIS HONOUR: Yes. I would have no objection, Mr Rose, to hearing from Mr Pecotic giving his evidence from the dock, if he wishes to be sworn. I am certainly not going to stop him.

MR ROSE: He asked me before, Your Honour, and I said it was entirely a matter for Your Honour. I am comfortable with whatever course you adopt.

HIS HONOUR: Yes. All right. You can give evidence from the dock. Mr Malouf will need to swear you in. I gather you wish to use the Quran?

*ACCUSED: Yes.*

HIS HONOUR: Have we got the Quran here? Yes. We will do that now, Mr Pecotic.

*ACCUSED: Thank you.*

**<CHRISTOPHER DEAN PECOTIC, sworn<sup>32</sup>.**

**Page (62) line 25- Page (65) line 16.**

*ACCUSED: I will try and do this the best I can. It's – there's a lot of material I want to try and do. I'm not going to try and waste the court's time at all, Your Honour. I've got my own, like, little tactic, or plan of attack. And you'll see, within a few moments, it'll all start to come together, okay? All I ask you just be patient with me, and just, you know, I don't mean to offend anyone in the process. I'm raw, as you know. I'm direct.*

*I've gotta work on my social skills at times, you know. I'm still working on them, you know, but you know, I mean, but I, I like to try and convey a message, you know? And that's it.*

*Now, if I can refer to James, the matter of, start with, dispense with, the issue of James Felshaw. He, there was a video linkup, okay? I participated that for half an hour.*

*I conveyed my views, and what drove me to the point of revealing my, my roles in these crimes, okay? They were unsolved at the time.*

*I made a passing, fleeting reference to them in that, the, the Life of Mars document, 440-page, but I didn't identify the offences in question, you know, I just, I say I'm rubbing my nose up to the authorities, you know? I didn't see this at the time, okay? That days, there were good enough, you know, I mean, let them solve it, and whatever, you know? And I'll get to that a little bit down the track in the, the remorse section, okay? But then, and I, so, I conveyed what drove me to that.*

*I reflect that. I say that in the letter correspondence to you, what drove me to this also. And, and then I mentioned, was he aware of Danny Sullivan? He said, yes. He said he was his supervisor. I, you know? I said – I said some words I, you want me to say it raw, say it as it is, or, tone it down, or?*

HIS HONOUR: No. You can say it as it is.

*ACCUSED: Say it as it is. Okay, all right, I'd rather say it as it is. Well, fuck that, you know? And, and, and I said, and then I started to say, he's your supervisor now, is he?*

*Okay, yeah, so you're gonna run the report through him, he's gonna become aware of it?*

*Yes. Okay, all right, so, you're not going to, I know how it works. You're not gonna, you're not gonna go against your supervisor, okay? I've got some material here, some documents*

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<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

here. I can show and prove independent reports dating back how I – how I suffer Post-Traumatic Stress.

There's document is back, far back as 2006. June reports, I'm happy to provide those material. There's a suggestion that I attribute my Post-Traumatic Stress to austere, austere conditions. That's what he suggests, okay? And I said, but I can show that this is, this is not quite right, okay? That I can, that I can put that, I can bury that suggestion quite easily, okay, with these other reportings, okay? There's a – there's a flow. There's a stream of this stuff, okay, that was never, his report was relied upon.

The courts have taken considerable weight to this, and arrived at conclusions supporting his assertions that it was attributed to – I've never said to him (indistinct) that I suffer Post-Traumatic Stress through austere conditions at all. I've never made that comment to him. The comments I've made, with treatings and medical staff, I will refer to those documents, the, the passages, that's why I say that I'm ask my counsel for the medical reports and stuff.

They were never brought to the, to the attention of the courts. You never got to see them. You never got an opportunity to independently corroborate what Mr Danny Sullivan said, okay? So, it was never independently supported, confirmed, okay? And I said, listen, all I'm asking – and I said, listen. I'm in the process now of doing a book, okay, and there's going to be one certain chapter, okay, set aside for June's cancelled.

And Danny Sullivan features heavily in this. I've got the evidence there, I've got the material, I'll expose him, okay? And he wants to fuck my life, I'll keep it as it is. He wants to fuck my life, destroy my life, I'm going to destroy his. I'm going to expose him for him. He won't be able to work in the prison system. Nobody is going to accept his evidence as, as they have in the past. I'll show this. I'll prove this, and that's my ambition, okay? And before I leave this earth, I will do this, okay? So - and you can tell Danny Sullivan that. You can report that - you can put that in the report, okay? <sup>32</sup>.

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<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>H</sup> MARCH 2017.

## P. T.S.D evidence is NOW Revealed

**Page (65) line 2- Page (67) line 31.**

**Danny Sullivan, let's be - let's be - let's be mindful of the fact Danny Sullivan works for Forensicare, works for the government; okay, works for the state, okay? I've got litigation against the state, against Barwon.**

*By that - by that comment I attribute my post-traumatic stress to the - to austere conditions negates any legal action litigation taken against the state because those reports that you will see that I've tendered, I've placed on the thing, **they clearly identified what I contribute my post-traumatic - the incident, the events, the conditions, the symptoms, my concerns, my fears, sweats, anxiety, everything like that. It's - everything is detailed in these reports are clearly, clearly, okay, by not just one person, by many. Okay? So it's not just one person, by many, okay?***

*And - and - and - he - he refused, so - all right, I'm getting ahead of myself here. Okay, so if we go back, okay?*

**HIS HONOUR:** I don't think he said, to be fair to him, that you attributed your PTSD - - - **ACCUSED:** *I've got it. He did.*

**HIS HONOUR:** - - - to austere conditions. What he said was that whilst you met the diagnostic criteria, or you may have met the diagnostic criteria for post-traumatic stress disorder, he thought it was more appropriate to regard your condition as an adaptation to prolonged incarceration in austere circumstances. So he was expressing his opinion - - -

**ACCUSED:** *Yeah.*

**HIS HONOUR:** - - - rather than reciting something that you said to him.

**ACCUSED:** *Yeah, well, I've got - - -*

**HIS HONOUR:** If you go to p.8 of his report - - -

**ACCUSED:** *I've only read his report yesterday.*

**HIS HONOUR:** Yes. Do you want me to read that paragraph to you?

**ACCUSED:** *If you could please.*

**HIS HONOUR:** All right. "Although he might meet the diagnostic criteria for post-traumatic stress disorder, it is perhaps more appropriate to regard his condition as an adaptation to prolonged incarceration in austere circumstances, as well as a number of attacks on him associated with prison life and his lifestyle outside prison."

So I don't think he was saying there that you did not meet the diagnostic criteria for post-traumatic stress disorder.

**ACCUSED:** *Yeah. I just - in - in paragraph 63, is that what we're just talking about?*

**HIS HONOUR:** No, paragraph 69.

**ACCUSED:** *Okay, if I can take you back to paragraph 63.*

**HIS HONOUR:** Yes, I have got that.

**ACCUSED:** *Danny Sullivan's - "except post-traumatic stress disorder which he attributed to his lengthy incarceration in austere and harsh conditions". I never said that to him, Your Honour. Seriously, I've always mentioned to him, okay, that - and if we refer to the - the reports, okay, I'll get back to his, the balance of areas that I can - I can - I can show that are not quite right. I just want to now just - just put that to the side for a moment.*

**HIS HONOUR:** I might, just before we do, I am conscious that Dr Sullivan is not here to defend himself.

**ACCUSED:** *Get him in the box then.*

**HIS HONOUR:** I beg your pardon?

**ACCUSED:** *Get him in the box.* <sup>32</sup>.

## P.T.S.D evidence/ facts is NOW Revealed

**Page (68) line 27- Page (70) line 25.**

**ACCUSED:** *This - this was in evidence in your - in your matters before you: The following evidence reports that there was a raft of material evidence that wasn't provided to the courts, let alone myself, okay? Okay? Myself, "withheld - withheld from client and does not -". I was, (indistinct) claim that, "I was kept up-to-date on accused's medical history as claimed and suggested by" - that was p.84, line 17 to 19, you know? I was kept up-to-date on all the accused's medical history, okay? I was never kept up-to-date on all the accused's medical history, Your Honour. If I was, I would have - I would have forced an alarm. I was not in the loop, okay? And whatever was happening before me was like a whirl.*

*Believe it was - it was - I was not comprehending a lot of this. I mean, and I didn't make a lot of the connections. I didn't understand a lot of it because it was too fast for me, okay, and I didn't realise, and a lot of the - and when I started reading the transcripts, I say to myself, "What the fuck?" I mean, like, really, Your Honour, I was there, man. I missed this. How could I miss this? Some things were happening, were being said that I didn't really understand, and I'm, "No, you got that wrong".*

*You know, I didn't see the significance or the relevance at the time, I mean, how it was all falling together at the end - at the end of it, how - how it - how it was able to construct something that - something that was pure deceit, okay, of you. Seriously, I was a - and that's what I say, Your Honour, you are not at fault at this. You will find - you will learn from this, okay?*

*Now, one sec. "Attributed - attributed", now, I was - I was - "attributed to" - all right. One moment, Your Honour. Right, this is, I referred to the - the - one of the documents, this is where it starts, okay? We begin the identification of post-traumatic stress symptoms, conditions, concerns, relating that I'd actually had at the time. This is 12th of the 6th 2007, medical report. You've got that on the file.*

*This is a two-page report, "Suicide ideation. Identified early warning signals. Depression specific to his situation, isolated, reclusive sad, no motivation, lethargic. Lack of appetite and motivation. Used to enjoy writing letters but now reports no interests. Has an interest in art. Has been awaiting for approval. Spoke of traumatic incident at Barwon. Spoke of feeling detached and not as carefree and buoyed as pre. Shows scales of extremities from assault at Barwon. Concerned about being attacked again. States these (indistinct), question mark, a sense of heightened awareness. However he did not use the term 'paranoia'. Discussed unwillingness, unwilling reboxetine. Was advised of AR (Something) which are limited in sleep disturbances. A (something) to perspiration and sweats relates to anxiety if to consider introduction", that's hypertension, whatever, you know, paranoid thoughts.*

*And I'm concerned, I don't want to take the medication because it's - it dulls my awareness because I was attacked at the time. Taking these sorts of medication, it's like drugs, okay? So I have an aversion, okay, for putting myself back in that sort of position, okay?* <sup>32</sup>.

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<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

**Page (70) line 26- Page (81) line 31.**

*Now, the 31st, sorry, there's a two-page entry. One sec. One sec. One sec, 205. 12th of the 6th, this is the first page. This was actually, you know, included. That second part was not. This was included in that 440 plea material document that I have introduced. But given the nature of the author, a lot of the stuff is in handwriting. You are not able to decipher it. You know, you don't appreciate it took me ages to unscramble it. And you know what, in doing so, I start to learn a lot more because I started to get a greater understanding by going back to the post-traumatic stress and exposure that it start to - how can I say it?*

*It was daunting at first to begin with, but then over time I start to get a greater appreciation and understanding of what I was going through and I'll get to that as we go along because by identifying the true extent of my nature and my trauma and how I was fucked up - my damaged state - okay? I was able to then - I didn't know. I was walking around aimlessly. I didn't recognise. I had no real concept or understanding of how deep this - this was, you know, how deeply affected I was. I thought I was fine. I was walking around. You couldn't tell. I couldn't tell. I couldn't see. I could see scars and shit, you know what I mean? And certain things disturbed me and troubled me and reignited certain things, but I didn't know how - how profound I had been affected by this until I start to go over things.*

*I had to be subjected to the exposure to relive, to retrigger and it's disturbing. And it did. It gave me - and then I started to want - I had this insatiable appetite to learn, to become more familiar. How the fuck do I deal with this? I want to learn more. I want to understand it better because I'm not getting treatment for this. Really, I'm not. You know what I mean? I'm getting a Mickey Mouse consult talking this and that and they were walking me through this and stuff like this, but it was nothing on a regular basis. It wasn't like professionals. It was - and - and I appreciate their help, their time, support, and they got me through a lot of stuff.*

*Noreen, the prisoners in Barwon, and Melanie Ferguson. I mean, Barwon, she was - I had her for three years until she left and then was replaced with Noreen and I see another lady there, Sarah, okay? But they're the only ones I really stick with because I just have this - you know what I mean - I'm not trusting and it's taken them many years to reach the level of trust towards them. So, by them helping me and guiding me, they provided me information on this. Okay.*

*I was then introduced to try and help identify, to self-analyse, to self-cure. Not medicate. I won't say that because there is no medication. But you know what I mean? To deal with and to grapple with this, okay? To mend myself, to heal myself, okay?*

HIS HONOUR: Can I just interrupt for a moment? I am just trying to work out the direction in which this is headed. You are - - -

**ACCUSED: I'm still suffering post-traumatic stress.**

HIS HONOUR: No, I just want to try and provide a focus for where this is headed.

ACCUSED: Yes, yes.

**HIS HONOUR: What you are arguing to this court is that to the extent that the psychiatrists have not diagnosed the post-traumatic stress disorder, you challenge that and you submit that the diagnosis, if it has not been made, should be made, and I ought take that into account on your behalf.**

ACCUSED: No, not quite, Your Honour.

HIS HONOUR: All right.

ACCUSED: I am going to get to that in a sec, okay? There is a visiting - visiting - and Danny Sutherland mentions it in his report - diagnosed.

HIS HONOUR: Yes.

ACCUSED: Okay. In paragraph 50: "Later in" - well, we're still back in 2006, though, okay? Because I'll bring you up to speed, okay?



HIS HONOUR: Yes.

**ACCUSED:** *By a paragraph: "Later in 2012, he returned to Barwon Prison and was reviewed by a psychiatrist who in September 2012 noted features of depression and anxiety. Medication was offered but declined by Mr (indistinct). In late November 2012, okay, he reported some symptoms of post-traumatic stress disorder and the visiting psychiatrist noted this diagnosis." Okay? "Noted this diagnosis." Okay. So, the visiting psychiatrist accepted this diagnosis. Okay? That's noted. It's documented. It's reported. The only person that doesn't say that I have - that I attributed my post-traumatic stress to the certain Banksia incident, a graphic assault where I was nearly killed, is Danny Sutherland. Everybody else supports this, are on the same - are in line. Everybody else. You know what I mean? Really, at the end of the day, we've got psych nurses, we've got a psychiatrist, we've got Carolyn Newlands, okay? Michael Epstein, okay, from the panel. They all - and I had reluctance. I was with them four hours, Your Honour, in a room, handcuffed and stuff because - - -*

HIS HONOUR: With the medical panel?

**ACCUSED:** *Yeah, with the medical panel, okay? And that is in May 2012, I think, or something like this.*

HIS HONOUR: Yes.

**ACCUSED:** *I'll get back to that in a sec, okay?*

HIS HONOUR: They actually diagnosed post-traumatic stress disorder, but determined that it was less than ten per cent whole impairment.

**ACCUSED:** *I understand that because you know what? I'm not forthcoming, Your Honour. I'm not revealing. They're asking me so many things. So, yeah, I've got issues.*

**HIS HONOUR:** *But for your purpose, a diagnosis of post-traumatic stress disorder is good enough.*

**ACCUSED:** *Yes, exactly.*

**HIS HONOUR:** *Yes.*

**ACCUSED:** *Yes, exactly. I wasn't able to provide and I hid and concealed the true extent of the - and I didn't answer half their questions, okay, because I thought they were too personal or whatever. I didn't like some of the shit they were saying, okay, so, I didn't answer it, okay? But still on the - and you're saying - Pamela Matthew's will tell you - tell you sometimes when I - I mean, like, I don't - I'm very hard. I'll get to her evidence. I'm very hard, you know what I mean? I'm not very cooperative, okay, in - I'm very disturbed - very disturbed at times.*

HIS HONOUR: That's not a surprising observation, I have to say, Mr Binse.

**ACCUSED:** *You know what I mean? I am very disturbed at times, so I'm not really working with them. You know what I mean? I'm working against them and they were still - that's the whole point I make. They were still able to arrive at diagnosis in tandem. I spent four hours with them and they're not young, they're not fresh out of junior school or anything like that. They were seniors, you know, like in their 60s plus. You know what I mean? So, I'm assuming that they had been in the field for maybe 20/30 years. So it's not like it, you know what I mean, it's easy to pull the wool over their eyes, you know what I mean. Like, they know all the tricks and stuff, you know, they know what to look for.*

*And by this stage, I have no great understanding of post-traumatic stress, how to feign, how to act, how to this, this, try and stooge them or whatever. **They're trying to shut me down from the litigation. You know what I mean? They're trying their best, okay, to shut me down. They still arrive at this finding. Okay?** It was Danny Sutherland. We'll get back to him in a sec, okay?*

*All right. So, I'll get back to the first part of the medical report for 2007, 12 June 2007, the first part. That was part of the - formed part of the plea submission, but you couldn't really*



read it properly and I accept that you couldn't really read it properly. I had to go over it and type it and then I understood it properly.

"Reviewed in clinic, history of depression, prone to fluctuating moods, admits to being depressed at times, however, only tosh" - question mark - "Medication said 'no'. No compliance 16" - slash, question mark. "He felt drowsy and experienced reactions" - because I felt - that was in the past, you know what I mean? It just makes me feel like a zombie so I'm not interested. Last time I was in that state and I was torn to shreds, nearly died, okay, so I don't want to go back there, man. You know, and that doesn't heal. You know, with post-traumatic stress, it masks the condition. It doesn't - you don't movement, you know what I mean? You're not advancing. You're not gaining anything. You're just hiding it. You're really - it still remains.

**The best way - and I found the best way to deal with post-traumatic stress is confrontation exposure, okay, and that's what you've done to me, man, after - you know what I mean? Like, really, I have got so much exposure from after your court case and stuff. I'll get to that in a sec. But I had to go through everything. I had to (indistinct) for this. I had to type this. I had to - what the - you know, like, really, and it just - I was shut down for some time. You know what I mean? Like, I was - I was really disturbed by this, you know. You have seen - seen some of the footage when we played the video - the footage of the siege. You know, I was uncontrollable, man. And that was at the time of sentencing, so before my sentence, during the course of my sentence, I didn't know that. And I've got the - I've got the media in front of me, man. Full house. You see them all fucking all gawking at me, putting me down as sadness now, you know what I mean? Your dignity, you know what I mean?**

**HIS HONOUR:** Yes.

**ACCUSED:** I am trying to hide my head here like this.

**HIS HONOUR:** Steady on. Slow down. Take a deep breath.

**ACCUSED:** Yeah.

**HIS HONOUR:** Focus. Stay focussed.

**ACCUSED:** Yeah, yeah. So, I'll get to back to that in a sec.

**HIS HONOUR:** Yes.

**ACCUSED:** Okay, so, we'll get back to this 12/06/2007: "Depressed, experienced - sometimes he gets depressed, becomes withdrawn and isolated, morose, whatever, will isolate self. Turns off - turns - turn off last for days or longer bouts. To deal with depression a couple of times per week" - question mark - a question mark - "2RX. He undertake exercise, isolate self, A, question mark, "To having suicidal thoughts, think about, blacked out. Inmates". Here we go. Inmates involved in Banksia assault, I bet. So, she's assumed - she, she's arriving at this conclusion because she's in there, she's saying this, okay? Okay. Now, looks forward to visit to A, question mark, to having plans - "Has thoughts of asphyxiation" - because I was telling her how I wanted, how to check out, okay? What was going through my mind - but has, has, but has considered even putting bag over his head, which I did, as a test run. This was 01/06/07. **No more test runs since then, he states.** Denied any current, okay. So, that - that was, and the she's, by my interview with her, I'm telling her what's, what's happening. She arrives straight away. She makes a connection there, okay? So, that's back on 12 June 2007. He's got these reports, okay? And - and - and this, the thing, I'll get to, if I could just continue please?

**HIS HONOUR:** Yes.

**ACCUSED:** Okay. Then we have, ah, all right. Have St Vincent's Hospital Melbourne outpatient's attendance. 31/08/07. "Reviewed in chair, states feeling paranoid. More withdrawn from others. Describes waking up feeling terrible. **Describes that he might be having bouts of acute depression, anxiety, re-traumatic events, relationship to assaults, lost**

interest in being in the yard". That only because I thought I was going to get stabbed, or, or whatever, you know? Really, you know, this is all reported, man, okay, 'cause that's when it happened, in the yard. "Sad, sad rates, feeling sad as eight to 10", eight out of 10, you know what I mean? "Not wanting to get out of bed in the morning. Does not look forward" – does not look forward up. "Describes former paranoia as sitting in cell, so that others have a decreased ability to attack him". Okay, I don't want to go out in the cell, man. I don't want to go out in the yard, because I had these fears. That's what Post-Traumatic Stress – that's a key component to Post-Traumatic Stress. It's sitting right here. Not austere conditions, Your Honour. Seriously. It's crazy. And this is what, like, this will say disturbed. This would left me more profound. My – even though I was so fucked up in the head. You know what I – the, the will, to try and amend this, to show and prove that this is not right. This is wrong. That's the only thing that keeps me alive.

I swear that by an Allah, man. This is the only thing, I mean, if it wasn't for this – to prove this – that this is false and misleading, corrupt, tainted, polluted, and just misleading the courts, okay, that people in the past have taken a great weight for, towards the evidence of Danny Sullivan, okay, and have ignored the, the mountain of material that is on my file. That was replaced. All – all this was replaced. This is the file of evidence, all right, we'll just substitute that. Put that all aside. We'll just slide in Danny Su – it won't be tested. It won't be, ah, challenged, do you know what I mean?

The veracity – we won't determine nothing. Well yeah, I mean, we'll get that in, don't worry. That's good as gold. He's a guru. He's – he's so well-liked, he's so well – now, the fallout now. Everybody's gonna – his integrity. The – and his, ah, integrity is going to be called into question, because we'll get to a few other points. I could, I could challenge half the stuff, but there's three or points I can prove independently, which we'll get to in a, later, please. Okay. All right. Sorry, one sec. One sec. I'll get back to that report. That's – that's, that's, I haven't finished 31/08/07 report, okay.

Describes – um, "Feeling concerns of position in line", because I don't want to be in a line, because I've got people behind me. I'm paranoid some cut my – you know, in the back, now, you know? Never used to worry about that before. I was a fucking soldier, man. Now, before then, not a problem. "Always locking door. Hypervigilant. Describes self as vulnerable to attack. Is keen to reduce exposure to attack. Sleeps one to two restless nights per week. More comfortable in cell at night, at ease". I'm at ease. I'm, I'm safe in me cell at night, you know?

HIS HONOUR: Are you still reading from the St Vincent's Hospital notes?

ACCUSED: Yes, I am. I am, Your Honour. Yeah. I am. 31/08/07, okay?

HIS HONOUR: So, they make a note that you are hypervigilant?

ACCUSED: Yeah. Yeah.

**HIS HONOUR: Which is a symptom of Post-Traumatic Stress Disorder.**

ACCUSED: All this stuff. Everything – everything that's described here, Your Honour, are the key symptoms, okay? This is not – this is, this is back in 2007, where I have no understanding, no comprehension, none whatsoever, of what Post-Traumatic Stress does, okay, or its signs or symptoms or conditions or whatever. I'm – I'm, I mean, I'm just walking around aimlessly, I mean, really, all fucked up. Damaged. And that's what it is, okay? And that's why I, when I start to see – that's what caused me to realise, hold on, wait a minute, and we'll get to that a little bit in remorse, okay? Because I didn't even know it myself, you know what I mean?

And I know, I know I was a little bit cautious and shit, paranoid, but not to the extent of, that I was. Presentation, all right? "Comfortable. At ease. Relaxed. Presentation: Unshaven. Poor eye contact. Beanie". I mean, 'cause I'm wearing a beanie, because I gotta, I don't want people, they look at my scars. Okay? "Beanie. Open, relaxed. Posture, normal rate.

R: Clear speech. Not wanting anti-depressant medication", because you know what? Last time I'm a zombie, man, fucking look at me. Look what happened. "Given advice to alternative treatments for anxiety, depression.

**Agreed to psychiatrist referral to A, question mark, depression slash anxiety, and PTSD. Binse for 06/09/07". All right? If we put in the patient requests, that's, that's that form now finished. Patient request form, entry dated 02/10/07. "Personal issues: Concerns felt need attention. Currently in a profound state". So, I had to put a request in, now, to see the medical. And what did they say, you know what I mean? I'm – I'm – I'm currently in a profound state. Okay? Now they, they see me on 09/10/07. Nurse review, can't stop thinking of when I was slashed in Banksia boy a prisoner. See that? "Feeling D, question mark, and depressed". Hard, you know? To do something – to take these thoughts away. "Doesn't want to take medication, question, who he needs to see for help". You know? P, question mark, "Often about slashing to head, face and legs. A recent event where prisoner went to cut him, resulted in prisoner receiving a cut to finger of hand". Okay? "Would benefit from regular individual counselling to manage long-term issues". Come on, man. Seriously? What the fuck, you know what I mean? I'm a layman. I had no – you know what I mean. I can, I know what they're saying, man. I have got no university degree. I don't – I don't know what the, over through my own experience, I pick up the markers. I see things that triggers and whatever. They should know this all. That's what they're taught to look for. That doesn't say Post-Traumatic Stress? Please, Your Honour, you know? **This is – this was never brought to your attention. None of this material. What I'm reading out now was never brought to your attention, so you were not to know. My defence team. It was my defence team, and Sol Holt, Sol Holt substituted this with Danny Sullivan's report.** <sup>32</sup>**

Judge Now concedes to my P.T.S.D. condition.

**Page (82) line 16- Page (86) line 31.**

Pamela Matthews report. She now identifies – she now identifies PTSD symptoms in 2000 – in her report of 16 September 2007. So, as far back as Pamela dealings with her, she sees it, okay? **And for the record, for the record, from – from 12/06/07, okay, and – and 09/10/07 – those reports, I was in the compound. I was in the prison compound. I was not in isolation. I was not attributing to my Post-Traumatic Stress to the austere conditions as suggested by Danny Sullivan. Okay?** Okay, now, we go – now we go to Pamela Matthews' evidence during the proceedings with you, Your Honour, p.175, line 24 to 27, I'm asking if she tends more towards the trend of post-traumatic stress disorder, then done her sums, "Do you disagree?". "Are you on the same level?" that's Mr Chadwick.

Pamela Matthews, p.175, line 27 to p.176, line 7, Mr Chadwick: "What I say is that his presentation is a function of, is likely to be the result of being restrained in restrictive custody settings", okay, **"and he has a history of post-traumatic stress disorder and he has some of those symptom. He still has some of those symptoms, or he has a lot of those symptoms. Post-traumatic stress disorder in total would have over some 20 symptoms, but he has the main ones which appear in chronic disorders that become integrated into self, and that is particularly with the fixated aspects and fears"**, okay?

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>H</sup> MARCH 2017.

*And she goes on to say at 176 to line 16, line 18: "But I do note that the longer or the more chronic the symptoms are, the more harder the symptoms are to treat", okay? So - so that's back in 2010, okay?*

*Now, then we have - then we have the report of Doctor - the elective report of Carol Newlands and Michael Epstein on May, 10 May 2013. Again - - -*

**HIS HONOUR:** Is this the medical panel?

**ACCUSED:** *Yes, this is the medical panel, Your Honour, you know what I mean? So we've got it in 2007, we've got it in 2010, you know what I mean? We've got it in 2013, sorry, 2012, 2013. Okay, 2012 from the - the - the visiting psychiatrist at Barwon. In paragraph 50 of Mr Sullivan's report he identifies, confirms that. So we've got him as far back - so now we've got it again by two independent corroborators, okay? Right, now.*

**HIS HONOUR:** *If it's of any assistance to you, I've read the medical panel's determination.*

**ACCUSED:** *And they - and they - wait a sec. I'm just trying to - I've got the same shit here. Wait a sec. All right. That's actually mentioned on a certain page.*

**HIS HONOUR:** *Page 11 of their report, they concluded that you were suffering from post-traumatic stress disorder relevant in part to an incident on 31 May 2006, and an assault on 21 July 2007.*

**ACCUSED:** *Yes, thank you, Your Honour. I'm grateful for that.*

*Now - now if I could arrive at, I'm finding the bit for this now. Now, here we are with it determine to establish. Now, what I've done, I've - I've requested some - all the FOI material, the FOI medical reports, the originals, so the courts can be assisted if they haven't got the reproductions, photocopies and stuff. I know they like everything proper and all that sort of stuff, so I've given my counsel the original to put on the Bench so you can check. You know what I mean? You can do the cross reference and stuff like that. So I refer to some of that material, some documents that I've produced and submitted and stuff like that. So if there's any questions, because my stuff's in typed format, okay, where the originals are not in typed format. They're actually in - they're in the handwritten stuff, so, you know what I mean, so I had to transfer, I had to read it and understand and transfer the contents are the same. They're just in a typed format, okay, to make it more clearer and visible to understand and appreciate the contents.*

**HIS HONOUR:** All right, there's a hard copy here, is there, of some material you want me to read?

**ACCUSED:** *I think it's - it's - it's on, it should be on - it should be on the disc. It is, yes, should be the disc.*

**HIS HONOUR:** Yes. Would you mind if I just ask Dr Fitzgerald a question or two?

**ACCUSED:** *Yeah, go for it.*

**HIS HONOUR:** If you just step in from the shadows for a moment, Doctor. Thank you.

**MR FITZGERALD:** There is material answering the description of some of the evidence that's been given at tabs 10 and 11 of the plea submissions, Exhibit A.

**HIS HONOUR:** All right. Mr Pecotic, have you got the materials for the plea that was prepared and tendered as an exhibit?

**ACCUSED:** *No, no, no. No, I haven't.*

**MR FITZGERALD:** I can say that Mr Pecotic had other materials which I understood he wished to tender today.

**ACCUSED:** *Yeah, I've got some other stuff, yes. Yes.*

**HIS HONOUR:** All right. What is it that you want to tender today?

**ACCUSED:** *What it is - I'll get that - can I get that in a sec?*

**HIS HONOUR:** Yes, all right. Thank you, Dr Fitzgerald, I will leave you to it.



*ACCUSED: What it is, sorry. Are they - yeah, that's the stuff there, I think. Can I just have a look, just to - yeah, that's it. That's what we're after.*

HIS HONOUR: All right. Do you seek to tender - could - - -

ACCUSED: I tender those ones first.

HIS HONOUR: I will identify it, I think, for the purpose of the transcript, Mr Rose. You had better have - - -

MR ROSE: Yes, I think they are already sent.

HIS HONOUR: Are they part of tabs 10 - - -

***ACCUSED: They're on - they're on the disc. No, these, I'm not sure but these are the originals, the other stuff.***

**HIS HONOUR: It doesn't matter if they're - yes.**

**MR ROSE: They can go in again, Your Honour.**

**HIS HONOUR: Yes, all right.**

ACCUSED: The originals are better, Your Honour, because they're not - you can read - - -

HIS HONOUR: Do you want to have a look at this, Mr Rose?

MR ROSE: I should at some stage.

HIS HONOUR: Yes. Perhaps we might give that to Mr Rose for a moment, and then I will have a look. Good, thank you.

MR ROSE: I won't be a moment. Thank you.

ACCUSED: All right, now, - - -

HIS HONOUR: Hang on. Just a moment, Mr Pecotic, we will watch Mr Rose speed read this material.

ACCUSED: *I do make sense. Might be a little bit scattered, but I do make sense.*

MR ROSE: Yes, thank you, I'm happy for Your Honour to have it.

**#EXHIBIT C - Material received from the Department of Justice and Regulation, including health records, patient request forms and clinical services documents.**

HIS HONOUR: I won't read that now, but I can assure you I will read that before I pass sentence.

**ACCUSED: Yeah, it's just - - Your Honour, I'm not going to try and fudge things up or try and mislead or deceive or suggest whatever, okay?**

**HIS HONOUR: Yes.**

***ACCUSED: From - with me, it's all about the truth. It's all about the facts, the evidence. That's all I want, all I want to introduce. I want you to hear, I want everybody to hear.*** <sup>32</sup>.

**Both Judge & Crown Now concedes to my P.T.S.D.**

**Page (88) line 19- Page (89) Line 2.**

**HIS HONOUR: Assuming - just to try and provide you with a little direction so that you know what I'm thinking - assuming that you are successful in establishing that you are and have been since 2006 suffering from either symptoms of post-traumatic stress disorder or the full diagnosed illness of post-traumatic stress disorder. The way I see it, it's relevant to my sentence, so my role in this case, as informing the likely onerousness of future incarceration. It doesn't - and I think you accept this from something you said a moment ago - it doesn't bear upon what was happening from 1989 to 1991 or two.**

ACCUSED: *Absolutely. I don't know that. I can't say - I would never try and lead you up the garden path, Your Honour.*

HIS HONOUR: No, okay. <sup>32</sup>.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

Page (89) line 13-28.

HIS HONOUR: You are I think entitled to proceed on the basis that you will successfully establish that you have suffered at the very least from symptoms of post-traumatic stress disorder.

ACCUSED: Yes.

HIS HONOUR: Okay.

ACCUSED: It is documented and reported, Your Honour.

HIS HONOUR: Yes. So, whilst I don't have a concluded view, I think the preponderance of evidence - - -

MR ROSE: I wouldn't disagree, Your Honour.

HIS HONOUR: Yes, well, you heard that, Mr Binse. Mr Rose very fairly - - -

ACCUSED: Yes, I like him. You know what, he's all right this bloke, you know. He might be on the other side of the bench, you know, but you know what, he's pretty fair, I like him, and that's all I ask, you know. <sup>32</sup>.

False corrupt evidence of Dr Danny Sullivan is "NOW" EXPOSED!

Page (90) line 28- Page (94) line 1.

ACCUSED: All right. So, if I could just now - if we could just arrive to Danny Sutherland's reporting. So, the first - **the first reporting of the 19th of - what is it? 19 November. Sorry, one sec. 19 January 2014 report, you know. That we have already dispensed with paragraph 63. "I attribute" - okay. Now, he also says in paragraph 19 - paragraph 19 of his - on the same - "In his - in his spare time in the cell, Mr Binse watched television. Although, he told me handed - handed the TV back due to concerns about radioactive emissions." So, that is just saying that you can't - that's pretty - I've handed my TV in because it's doing my head in because of the radioactive emissions, okay? If we just go for - if I can refer you to, please, to the medical reports, okay, in that batch of material. Actually, what I'll do, I'll go to local plan file notes location, okay. That is dated - that's a part of that - that's a part of the material you got you first there. "Chris, 27/01/2013, Chris handed in his TV to staff today stating the images of war in Syria and other negative stories from around the globe are triggering significant post-traumatic stress issues. He needs to deal with these emotions, hence giving in his TV to staff. Psych services engaged in constant consultation with prisoner." That's what the report says, **not radio emissions. Radioactive emissions, sorry. That is what Danny Sutherland suggests. That's what I conveyed to him. That's what he - that's in his report.****

All right. Local plan file notes, location, date, entry, 28/01/2013, the next day, the following day: "Chris is still showing signs of stress." Okay, that's the local plan file notes. Now we go back to the medical notes, okay. "Referred to GA Care medical reports document entry dated 28th of the 1st," the same day, 2013." So those two - those two notes I referred you to, okay, those entries I just addressed, they were in my INP - my prisoner - that's what the officers - the prisoner officers of the unit, that's their entries, their observations. Now refer to the Barwon psych nurse observation because they were concerned about my handing in the TV, troubled by my condition, my mental state, whatever. They contacted Mel Ferguson. She comes to see me. She wants to know what's going on. "How are you, Chris?" This and that. These are her entries now. Okay. Okay, psychiatric nurse. "Whilst on unit this morning, okay, **staff notified self prisoner had handed in TV as was sick of watching so many people die in Syria (indistinct).**" I was sick of the bombings. And not

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.



*just the killings and stuff too, okay, but sick of seeing the explosions. Once I see the explosions, it's triggering off. You'll see the CCTV footage I'll refer to that was - we'll get to that in a sec, but there's a lot of explosions, okay? You see the plumes coming out, like full-on explosions, okay. You can hear this, man. You know what I mean? There's at least 11 of them. They're designed to disorientate you. They turn your brain to jelly, okay? And when you hear them, they're just boom, boom, boom. And things were blowing up all around me. It's front line, full-on war zone experience. You know, like, I'm literally shitting myself, Loretta. We'll get to that too. Loretta - - -*

**HIS HONOUR: Can I again interrupt for a moment? You are referring to this because you dispute the line in Dr Sutherland's report attributing the handing back of the TV to radioactive emissions.**

**ACCUSED: Yeah, yeah, hundred per cent. I challenged that.**

**HIS HONOUR: Yes.**

**ACCUSED: These are - - -**

**HIS HONOUR: He doesn't say in his report that that is why you handed it back. He says that that's what you said to him and you challenge.**

**ACCUSED: Exactly. That's right.**

**HIS HONOUR: Yes, yes, okay.**

**ACCUSED: Exactly. Exactly.**

**HIS HONOUR: I understand that. You don't need to develop that point.**

**ACCUSED: We've got the true cause and for what he says I said, okay. So, we have the prison officers, then we have the prison nurse, okay? And there's two different separate groups, okay, making these reportings, okay? Now, if we go to - there's another area that I can prove is again a false and corrupt and tainted evidence contained within the report, okay, of Danny Sutherland's dated 19 January 2014. Paragraph 27: "He reported that in the past he had banged his head repeatedly to be moved out of an observation cell."**

Okay. Now, I've only ever been in an observation cell, okay, well, I've only ever been once, but, you know what I mean, that I refer to, I don't discuss New South Wales, so can only be in Victoria, you know? So, that specific – in certainly, I know, I've been in observation cells countless occasions, I mean, I couldn't count. I couldn't remember how many, but to bang my – to keep on banging my head to be get out of it, is only one time that I've bang my head. Ever, ever, ever reported on file, okay, documented and put on file. And we will get to that, please.<sup>32</sup>

**Page (94) line 19- Page (95) line 6.**

**ACCUSED: Okay. Thank you. If I can refer to the, those documents in that Exhibit C, in – in amongst the FRY materials, okay? This is – this is, I'll read out. This is a type thing, I'm happy to present this, too. Acute mental health psychiatric assessment from doc, dated 11/03/2011, at 11.10 hours. "Reason for referral: Was banging his head on wall, on wall of cell. Problems identified by" – "needs not being met". Needs not being met, you know what I mean? It's not like I didn't want to – I wanted to be let out. Needs not being met. Okay, and it'll go – I'll go on 'til further, 'cause that – that doesn't really amplify properly, okay? Acute mental health psychiatric assessment form, dated the 11th of the 3rd, okay? 2000 – at 16.45 hours. Reasons: "Head injury. Minor laceration when Christopher charged at the wall". I'm literally running up like a bull, you know what I mean, at this wall, you know what I mean, because of my – literally running, hitting my head up against the brick wall.<sup>32</sup>**

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

**Page (96) line 7- Page (100) line 31.**

*ACCUSED: Okay. All right, so it's 11/03/2011, at 16.45 hours. Reasons for, "Head injury. Minor laceration when Christopher charged at his cell wall in protest at – at frustration about his situation. Problems identified by (indistinct). Frustrated for a long period in management, he equates to solitary confinement when he wants to be in a pre-released program to prepare himself for release which may be in six, amount of six slash 52 times", so six weeks.*

*"Charging at wall at an expression of frustration. Unable to stop present injury". Okay, and now, and then it goes on to say that, "When he expressed" – "Where he expressed belief he was being set up to fail as happened last time, released straight from Charlotte Management to freedom", okay? Now, that's in that – that – that report. It continues on, 11th of the, it's the same day, 11th of the 3rd, sorry, 11th and the 12th of the 3rd, okay, 2011. Okay, and "Sustained a minor laceration at the top of his head, and Sullivan claimed the neurological symptoms from this", okay, "As of repeatedly charging at the wall, walls of his cell".*

*"On introduction, Chris smiled, (indistinct words) having too much momentum to stop myself hitting the wall, and beating his head against a break wall". Okay? "Literally and figuratively". Asked about, you know? "Chris described frustration for a long period in management. Kept in isolation from other prisoners, where – when he is very much waiting to have access to pre-release programs and post-release support established before his release".*

*"Possible, and then, "six weeks". You know, okay? So, okay, this continues on, okay? I – the same – the same fears and concerns, okay, that, "While his needs for support" – my – my conduct and actions is not because I'm in a cell, an observational cell, to get out. It's because I'm protesting, okay, because of the lack of assistance, and support, and pre-release, ah – intervention. Okay?*

*Formally, that I was literally banging my head up against a wall. This continues on, Your Honour, until I have nothing to say, all right, say, 12th of the 3rd, we go 12th of the 3rd again. Not delusional. Banging – all right. The 12 – sorry, 13/03/2011 – 10.45, "Spoke to Christopher this morning in this cell at St John's at 10 – 10.30 hours. Christopher stated he's been in a management unit for two years, over two years, and has recently started banging his head deliberately for the purpose of focusing attention on this matter".*

*Okay? Not because I want to get out of the observation cell, okay? Because I want to – I want to draw attention to the damning, what's, what's occurred. I want help. I need help. I know that I've had difficulties adjusting last time to the, ah, assimilation back into society, and I didn't want to be released again from society, because I only lasted three months. You know what I mean? So, I'm fully aware of more than anyone else, and it's not getting reported on file, and then I'm going, goes into fervour.*

*These, these reports are actually infused in this other material that I'm going through. So, this is just rebuttal material on Danny Sullivan. Okay? I started banging – "Christopher concerned that due to lack until his extended time in management, he is at a high risk of reoffending when released". I say that, okay? All right. So, 14/03/2011, 10.30. Basically the same things. That rehabilitation, it's all about, "Feels it will not help with his rehabilitation leading to reoffending when released. Chris reports the only way he felt he could get was to self-harm through banging his head against the wall".*

*Not because I want to get out of the cell, as Danny Sullivan would have everybody believe, okay, but because of my protesting, okay? It was a pacifists. It was drawing attention. I knocked myself out. They had to take me by St Vincent's, an ambulance to St Vincent's.*

*I fractured my skull, you know what I mean? Because I was too passionate in my, in my conduct, okay? Now, if we – this is the, this is the really clear on the subject, okay? And, and, the prison, Port Phillip Prison, modified risk placement management plan, 27/03/11. Weeks later. This weeks later, you know what I mean? Mind you, okay? "Opting accommodation". The words were – the words are – "Opting to remain in ob. cell", okay? I've got the choice to leave the cell, but I'm not. I'm not. I'm refusing, okay? **Danny Sullivan would say I'm, I'm banging my head because I'm – I'm in the cell. Reality is, there's the reports, man. He's saying one thing, but these people are saying another, and they're reporting it, okay? "Can transfer to a normal cell". Okay? But I'm refusing. That's what the words were. "Can transfer to another cell.** Chris had remained settled on the unit. He's adamant that he will stick to his plan on self-respecting staff and not acting out and harming", you know?*

*"Plans to continue his protest. Remaining in ob. cell in canvas. He has been offered to return to his normal cell, and clothes have been handed back to him, reduced as free". So, I've had the choice. They're trying to get me out of the cell, man. Lure me out of the cell. Two weeks later, man. Come on, man, you've had enough. Go, go, go. Shh, shh, shh. Well, fucking well do this. Nah, I'm staying.*

**HIS HONOUR: I understand what you're understanding. What you're saying is that, to the extent that Dr Sullivan recorded a history from you, that - - -**

**MR PECOTIC: Your Honour - - -**

**HIS HONOUR: Just a minute, you wish to be transferred out of the observation cell, that's you submitting, correct, and objectively incorrect from the available contemporary documentation.**

**MR PECOTIC: Yeah, and it's not just one.**

**HIS HONOUR: All right.**

**MR PECOTIC: Your Honour, it's not just one person's right this. There's about four different people, you know what I mean?**

**HIS HONOUR: Yes, I understand what you submit.**

*MR PECOTIC: Yeah. Okay. Now, right, and this is a malicious part on his part, you know? And Danny Sullivan's report dated the 19th of January, same document: "Mr Binse considered that security guards had uniforms, trained in firearms, carry guns, consider attacking when behind the counter, innocent". Then he follows through: "He described himself as - that he was a campaigner.*

*You know, really, no, they, Your Honour, okay, and that's the malicious part, okay? It's basically put in the same paragraph. Why not separate the two? You want to form in the same sentence structure or the same paragraph, okay, where that - that they're joined.*

*I hadn't at this point in time returned to committing armed robberies for nearly two decades.*

*I was on an active campaigner towards committing armed robberies and that's why I tried to illustrate in my - in the material's in the - in the - that was presented to you that I was prolific. Look at my crimes now I'm before the courts. There are actually, you know, only two, three weeks apart, sometimes even less. I was prolific and I really was an adrenalin - I was a bank robber junkie, you know what I mean? Armed robber junkie, that's what I was, on a - the craving, the desire to have - for the rush of, not a shot of heroin, but the fix for the - the adrenalin for the armed robberies. That's what it was.*

*I abandoned all that. I put all that behind me. I stopped. I hadn't returned to that lifestyle. I was committing armed robberies within two weeks of my release at times, and*

*one of my first robberies in 1992 was within two weeks to the day, jumping counters, man. You know what I mean? I put all that behind me*<sup>32</sup>.

## Supporting Medical Evidence.

### Prison medical reports that did exist and were available but not used!

#### Page (108) line 10- Page (109) line 30.

MR PECOTIC: *This stuff here, this pile of material here is photocopies of Exhibit C. Okay. The FOI medical reports.*

HIS HONOUR: Yes.

MR PECOTIC: *So, do we really need these or we just stick with the originals?*

HIS HONOUR: I think it's simpler to stick with the originals.

MR PECOTIC: *The originals, okay.*

HIS HONOUR: When you say Exhibit C, you are talking about the material that I have for the plea that was tendered by your counsel?

MR PECOTIC: *Exhibit C is the FOI medical reports, yes, yes, that's the one, yes.*

HIS HONOUR: Prison incident reports?

MR PECOTIC: *Yes, yes, yes.*

HIS HONOUR: Yes, all right, I've got those, so you don't need to tender those.

MR PECOTIC: *Okay. Can I just put that in amongst it then too because they need to be a part of that, then, because that's not in - that's - these are the photos of the assault - injuries, okay.*

HIS HONOUR: All right. They can be a separate exhibit.

MR PECOTIC: *Okay.*

HIS HONOUR: They will be Exhibit - - -

MR ROSE: E.

HIS HONOUR: E, and these are - - -

MR PECOTIC: *And I have got copies for the Crown and yourself.*

HIS HONOUR: Yes.

MR PECOTIC: *Now, the medical panel, do I need to tender another one or you have one?*

HIS HONOUR: No, no, I have got a copy of the medical panel reports. So, Exhibit E are photographs dated 2 June 2006 of the prisoner in an injured condition.

**#EXHIBIT E - Photographs dated 02/06/06 of prisoner in injured condition.**

MR PECOTIC: *Yes.*<sup>32</sup>

#### Page (124) line 5- Page (127) line 15.

HIS HONOUR: You can continue with your plea, if you like.

ACCUSED: *Yeah. Um, Your Honour, I've got a, Um, Koran here myself so I don't know if I have to be re-sworn or anything like that.*

HIS HONOUR: I think it's only necessary to warn you which Mr Malouf will do. So if you stay - thanks for reminding me. Don't worry about re-swearing, just warn the witness, thanks.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

*ACCUSED: Your Honour, I made an error, I don't know how I did this the other day, but passages of the Koran, okay? I referred to not to lie and stuff. I first said surah three and I said surah five. It's actually surah four verse is 135 and I think it's appropriate that I read it out. It's only a short thing. I'm conscious of the fact I haven't got much time, too, and I'm going to try my best, believe me. There's a lot of stuff I need to do, okay, and I think I've - I'm able to complete it and I'm going to do the best I can, okay?*

*HIS HONOUR: Okay.*

*OFFENDER: I've spoken to Mr Rose. He needs at least half hour, something like that. I don't want to deprive him of any opportunities and stuff like that.*

*MR ROSE: I'll be very brief, Your Honour. I don't need half.*

*HIS HONOUR: Keep going. If you like you can sit down. You don't have to stand.*

***OFFENDER: Okay. Now, one sec, I'll get to this. Surah four - surah five verse 135, "Oh, you who have believed, be persistently standing firm in justice. Witnesses for Allah, even if it be against yourselves or parents or relatives. Whether one is rich or poor, Allah is more worthy of both. So do not follow personal inclination lest you not be just and if you distort or testimony or refuse to give it, then indeed Allah is ever with what you do acquainted". Now, that had a profound impact upon me and I think it has - it's had, for me to be right, to be pure, to be follow these teachings, okay, I have to - I had to abandon the code, the prisoner's code, um, and it's in clash with all those round me. Understand - it's very hard to try and, um, um, um, see, I'm ostracised from within my own elements, okay, for doing the right thing, for being pure, to try and cleanse myself, more the past misdeeds, evil and sin, okay? Um, now, I say this is just an example I tried to say that I'd hope that by - it's very hard - I have a lot of people around me turn on me, okay, because I choose to do the right thing and to follow the truth, the facts, and um, and in pursuit of that, too. Um, you know, I've fallen foul with my own colleagues, my own - those around me in the process. But at the end of the day I'm clean inside, you know. Um, fellow Muslims, if they were righteous, pure, practising Muslims, they wouldn't be in gaol, okay? Some are worse than others, okay? That's the community I live in in gaol. Some are frowned upon, some are more pure, pursue Islam letter than others. They realise this.***

*Just to illustrate something, Your Honour, okay? In my dedication and commitment towards Islam, I become aware of um, um, something that was going to take place that affected the lives of others, okay? This did not settle with me. It went against my beliefs and my views in the change in life I've taken, okay? An officer was going to be targeted to make a political statement, okay? I don't seek to get to win brownie points over this because I just want to - I just want to illustrate - I don't seek any discounts or concessions or anything. I just want to illustrate the point, okay, that this person's life was in danger. I averted something, okay, that was untoward, that was going to take place, okay? The authorities know this. I don't have to go into the any further in um, um, um, you know, um, just to show that um, it's not right and that's even certain pockets of the Muslim groups that I'm around have taken offence to that because I turned on a fellow Muslim but that fellow Muslim was not doing the right thing. Seriously, he was um, um, he was, um, um, outside of the parameters of Islam, okay, so in my mind he wasn't true to his heart. I was and I had to show that. By doing so I got certain pockets of Muslims against me in the process, okay. That's just the level of commitment. When I say I commit myself to something, I commit myself to something, you know, and I suffer in the process, you know. Like I've presented some material on um, um, assistance authorities, okay? All that material is there but I don't seek to take it any further, okay? Um, um, that just illustrates the point in the fact, okay? I don't wish to take it any further.*

*Um, that's the cross-over I took, I've taken, okay, and I want others to see this. I want others to realise this and recognise this that, you know, not only have I done this - see, before you*



know yourself, for contempt of court, I refuse to give evidence against my deadly foe. The person that contributed to my offending I feel um, um, um, had a role in contributing offending, okay? That I was prepared to lie, mislead the courts, um, um, the courts that we can't talk about, you know what I mean, because there's charges. I got contempt of that, okay? And even went beyond that to try to provide a police, um, um, statement, okay, against that person that was - that was designed, that was full of lies and deceit to still assist him, you know what I mean, to destroy the Crown case. That's the transition I've made, okay, from before anti-authority to no, to actually **protecting him**.<sup>33</sup>.

**Transcript error of the above “protecting him”.** It should read **protecting THEM**, not him.

“Self- harm acts”.

**Page (129) line 14- Page (132) line 2.**

**OFFENDER:** Yeah. So I'm - um, um, so it's not just one incident, you know. There's many different other - many instances, you know, like, um, you know, like, um, **for example that banks incident okay, where you seen the photos and stuff, okay. They're pretty graphic. Not many people would be unstained by this, untouched by this, you know. Um, I've got - and this is the thing, while we're on that subject, I forgot - there are some documents that I had overlooked and there were some documents that I, um, um, was in the possession of my counsel. They gave to me after the proceedings, um, up, up in the cells, there so I'd like to tender them, um, um, um, as they're needed, okay?**

**HIS HONOUR:** Yes.

**OFFENDER:** Please. **There's an incident report there of Matty Johnson and actually by chance, by fluke - normally they redact it, a 2B sheet, prison report 2B sheet. Normally any person's names and stuff or identities are always redacted but by some chance, by fluke, I got one that hasn't got that - hasn't been redacted and we can identify who they are, who they're talking about, Matty Johnson and Gavin Preston.**

**Gavin Preston I bumped into outside, okay? Not bumped into but you know what I mean, there was issues there, you know. Emmanuel Alexandridis was living right behind the complex I was living with, you know.**

**These, you know - these - when I see these - you see the reports where I have concerns about going to a compound, okay, after the event, you know, a bit worried about getting stabbed, attacked, this and that, my safety, my concern, okay, by others.**

**When I see these people, you know, or become aware of them or something like that, that triggers, that triggers, um, um, fear, it triggers, um, um, um, I can't explain it, Your Honour, properly, you know. It's disturbing, it's troubling, okay? And, um, um, your safety's in jeopardy, you know. Your mind goes back to certain events and it can't forget that, okay? That's there first and foremost, okay? It's fear and flight and fight, you know, and um, um - you know, it just affects you, your rationale, your thinking, it does. Um, um, you do things you probably wouldn't do or you haven't done for a long time, okay, because you feel your safety and those round you, okay, are compromised and in jeopardy, okay? That's the best I can say it, you know.**

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<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.



*I've alluded to that in my plea materials from p.300 to 306. I say that, they were my concerns but no-one really paid much attention to that in the past, okay, but that's the facts. I need to say this because just to - it is an example, the witnesses in my cases, over 20 years ago, they're still troubled. It doesn't go away, Your Honour. Seriously, it doesn't go away. It stays with you until the day you die and you say you understand my frustrations and stuff? You don't understand, Your Honour. You may say - you haven't put - you haven't tried to asphyxiate yourself on a number of occasions, you haven't put tourniquets - um, um, um, you haven't gone - you haven't slashed your arms, okay, you haven't, um, um, um, um, um, um, done all sorts of things, swallowed stuff, you know, um, um, you haven't - actually, the canvas smock, rolled it up tight, so used it as a tourniquet around my neck, blacking out. You know, I mean, thinking it's over, it's gone, I'm out of here, to wake up I don't know how long later, stars, blanking oh, what the fuck, I'm still round. The white light, you know. I see a white light, I think maybe I'm somewhere else. It's not, it's the white light, still I'm in the cell, you know what I mean, and I'm still here.*

*The only reason why I'm waking up because when you - when I - when I'm unconscious, I lost my grip, the power in my grip, you know, so losing the strength of the asphyxiation, so I come to. You know, and it's just coming back to this. **My condition through the failure of others to hide, conceal, mislead, the facts, the truth, the extent of things, can only compound things, Your Honour.***

**HIS HONOUR: Pamela Matthews, a psychologist, expressed the view I think in March of this year that - well, she was pessimistic about you going to the distance. In other words, she was troubled about your capacity to self-harm - <sup>33</sup>.**

**Pamela Lynn Mathews evidence Page 169 L13 -23 Mr Holt: What is your professional assessment based on your longitudinal history with Mr Binse, particularly your most recent assessment, as to the likely impact on him psychologically of (a) the prospect of that, and (b) the reality of it?---Your Honour, I have very grave concerns that Mr Binse continues to, um, express last resort thoughts, and **I have very grave concerns that he will kill himself by one means or another. And so I – at this stage I don't anticipate him seeing out a long sentence, because I think he will kill himself. <sup>21</sup>.****

24 In 2014 I remarked that I considered the length and circumstances of your imprisonment would have a significant adverse effect on your mental health.

[28] She is of the view that you are persistently suicidal and she adheres to her view expressed in 2010 and 2014 that a lengthy sentence involving restrictive custody will exacerbate **your chronic post-traumatic stress disorder**, your mental state fluctuations and abhorrent behaviours. **I accept this opinion. <sup>111</sup>.**

<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

<sup>21</sup> Supreme Court of Victoria from dates of 28<sup>th</sup> -30<sup>th</sup> May 2014. Before His Honour Justice T. Forrest

<sup>111</sup> R v Pecotic 14<sup>th</sup> June 2017. [2017] VSC. T. Forrest, J.

For the record, my reaching out to you followed a recent suicide attempt, taking place on the **11<sup>th</sup>/11<sup>th</sup>/2017**, with a massive horde of night time medication “Evanzias” (335x) stockpiled.

Due to the profound melancholy and severe depression I suffer and endure. As a **clinically diagnosed chronic P.T.S.D victim**. In short I am. **“At the end of my tether”**.

This is not an isolated (or) first attempt to take my own life, but one of countless others since 2013. Well reported and documented on file this evidence is also found on this disc contents.

**Yet the first for 2017.** Unable to accept the injustice and criminal/improper miss-conduct.

**I currently face.** Done in order to **“propel the exposure”** of the unethical, criminal miss-conduct and acts”, a **“kamikaze ending taking myself out in process”**, **I can’t cope (or) have it in me to serve this crazy term.**

The injustice was revealed in detail in writings left on cell wall, and in letters explaining my actions behind my conduct for coroner to investigate and for all to go to my social media site.

*[chrisbinse@iexpress.com.org](mailto:chrisbinse@iexpress.com.org)*

I am now currently receiving counselling and out of an observation cell under 24/7 c. c. t. v.

### **How solitary broke a man named Badness**

- 18 March 2016
- From the section Australia



**27.**

**Page (142) line 10- line 28.**

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<sup>27</sup> BBC REPORT.

*One of the key contributing factors of PTSD, sorry, of post incarceration, is PTSD and you don't have to be an Einstein, you don't have to be Danny Sullivan to work that out really, in a day, you know. You're exposed to these things so we have, you know, for example, a siege, okay, events that led me to react in the way from previous past assaults, and make them to be apprehensive, concerned, alarmed, in fear of people in blue, especially SOG, police, how I react in a certain way. Then I've got another factor that I mean I was shredded to pieces. I've never been injured to this extent in all my life, Your Honour, by others, you know? I've been in a lot of incidents in gaol, never rendered in such a state. And emotionally and physically, okay. So when I see people like that it disturbs me, it triggers things, okay. They're just two - I just grabbed two specific incidents, okay, that I can understand and relate to that contributed, that identified me to react in a way I reacted.* <sup>33.</sup>

Judge "NOW" concedes to my P.T.S.D. condition".

Page (161) line 18- Page (162) line 31.

**HIS HONOUR:** By dint of the circumstances of it and your mental health issues. I am very comfortably satisfied that you are doing your time hard.

**OFFENDER:** Yes.

**HIS HONOUR:** Very hard. And your mental illness, including post-traumatic stress disorder, is making incarceration very difficult.

**OFFENDER:** Yes, I appreciate that.

**HIS HONOUR:** I am comfortably satisfied about that, so you don't need to develop that any further than you have.

**OFFENDER:** Okay, Your Honour. I just wanted to say it, that's all.

**HIS HONOUR:** No. But it is a submission that I accept.

**OFFENDER:** Yeah. One of the aspects I've got to now deal with, this incident revealed in 2 April, the Jihadi attempt being averted, okay, that has a profound impact on my placement - now they can use that and that's what they seek to do, use that, you know, to justify my placement because they feel that I have concerns with the system now because of this - now, before the escape, it was an issue, okay. Now they can replace that because it no longer has any substance. They know they can no longer use that and another thing, they've searched my cell so many times. They've never found anything in relation to any escape, possible, whatever. They made that. That's not me. I said to them - Mr Money says in one of his affidavits I was at one stage fighting the system, escaping to beat the system. Now I'm not doing that, I'm beating the system another way, I'm exposing it in a different way, you know, so that's - they use that against me, you know. So that's my life, that's the life ahead of me, self-harms, they just becoming more increasing and you know like the veterans, you know these war veterans that have gone over, they're not able to grasp in dealing what they were exposed to and they're very sad and they're sort of (indistinct) and all that sort of stuff. I'm like that, okay, but mine's compounded because I'm in custody you know and, you know, like it's just, it's just hard, Your Honour. It's just - and the finish - Mr Fitzgerald said - and he was a doctor, and this is the thing, you know, I wanted to say this too, he was a doctor. He was leading this thing for me, he was doing a really good job, but he wasn't qualified. He wasn't the specialist to remove that slug, you know, from me, okay. <sup>33.</sup>

<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

**Page (164) line 29- Page (165) line 2.**

*OFFENDER: Okay. That's really about - that's all I have, Your Honour, I think.*

HIS HONOUR: All right. Look, thank you very much. Mr Rose, you don't have any questions?

**MR ROSE: No questions,** Your Honour, just a few comments. <sup>33</sup>

**NO QUESTIONS AT ALL, "NOT EVEN ONE!" "MY EVIDENCE FULLY ACCEPTED!"**

Crown NOW concedes to my P.T.S.D. condition.

**Page (165) line 3- 14.**

HIS HONOUR: Yes, all right. Mr Rose will now make some short submissions. Yes, Mr Rose.

*MR ROSE: Your Honour, distilling what I can from Mr Pecotic's plea, the issues seem to be his mental state, his PTSD that you've found, and a propensity to self-harm. They're matters that I think, on my reading of the material he supplied us, loom large. In addition, there's his treatment in prison, the isolation times and the fact that it is more onerous for him than perhaps for the average prisoner.*

*A further matter he seems to put forward is his conversion to religion, his remorse, <sup>33</sup>.*

*Herald-sun newspaper 22<sup>nd</sup> November 2017, front page article Quotes printed.*

*Page (1). That a "Police" statement used to secure a conviction "was doctored!"*

In my case a just a "Medical report" alone of Doctor Danny Sullivan dated the 14<sup>th</sup> January 2014.

"Not examined" "nor tested" or validated at all, which was used to secure the term imposed.

**"Was doctored!" The primary sole root and pivotal in the outcome and decisions of:**

*R v Binse [2014] V S C 253 (T Forrest J).*

*And in **Binse Vs The Queen VSCA 145. 31<sup>st</sup> May 2016. (22 June 2016). Decision.***

***And was proven false and corrupt, its contents "later disavowed by the very same Judge".***

In the latter legal proceedings of: *D.P.P. v Christopher Pecotic (S CR 2016 0021).*

**The medical report had a direct profound and significant role in the "hugely inflated term!"**

<sup>33</sup>SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

Supreme Court Appeal my P.T.S.D. condition/Dr Danny Sullivans credibility!

**Page 30 Line 15- Page 32 Line 23:**

MR HUGHAN: Now, ground four.

**WHELAN JA:** The proposed ground four, the same situation there?

MR HUGHAN: Yes, your Honour, I have already addressed this in part in discussing the earlier things, but let me put it into its proper context what I say can and should have been dealt with. We know that there is material upon which a medical panel which consisted of two doctors and two psychiatrists seeing Mr Binse in April 2013 for a matter completely unrelated to the offending obviously enough. It related to his being assaulted in May 2006 and further in July 2007 and how that should be dealt with. The panel concluded and it's on the last page of the document- the penultimate page of the document I think it is, signed on the 10 May 2013 on behalf of the panel by Mr Leech. "The panel concluded that the complainant is suffering from post- traumatic stress disorder relevant in part to the incident of 31 May 2016 and the assault of July 2007 and also anti-social personality disorder. The argument here is that the **lack of having this information before those that are assessing Mr Binse for the purpose of the plea and the failure of the material to be- failure to place the material before the Judge constituted a miscarriage of justice because on a very significant question, that is whether the applicant in this context actions- whether his conduct was cause to- caused or contributed to by the disorder of a nature that impairs mental capacity or impair rational thinking, his Honour was not as assisted as he should have been because this material wasn't provided to the court. So you've got ultimately the court being told, "There's post- traumatic stress disorder symptomology but nothing upon which we would be able to base a conclusion that would assist the court in terms of the application."** Now, faced with the material it's very difficult then to put forward the proposition- it's not possible to put forward the proposition that there's no disorder of the nature that impacts on moral culpability in terms of causing or contributing to the offending. In my submission, had this material been made available that the whole picture would have looked at and should have been looked at in a different context. If the court- if his Honour had been advised that this fellow has been assessed by a psychiatrist in 2013, within eleven months of the offending ending in May 2012 I should say is the range, but between eleven and 15 months of the offending, that does paint matters in a different light to those as they were depicted before his Honour on this issue. The failure to put that material before the court is such that – sorry, I'll start that again. If this material had been placed before the gap that's perceived by counsel acting for Mr Binse at the plea and the inability to make the connection between offending and moral culpability and the disorder, that gap has at least the capacity to be filled in because the behaviour is recognised to have been carried out by the disordered person. But the nature of the disorders is not fully fleshed out in the sentencing process here, and of course as a consequence of it not being fully fleshed out the correct analysis doesn't take place and ultimately in my submission that gives rise to a miscarriage of justice in the circumstances, that is in essence if the court had been provided with this information, if the experts had been provided with this information, then it's a completely different picture on that very critical question. **80.**

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<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121,



**Page 38 Line 20-page 39 Line 12:** If you can show a connection that is a realistic connection between such impairment and function as there exists and the commission of the offence then ipso facto you will have a reduction in moral culpability. **You would also have a reduction in, you would have thought, prima facie in specific deterrence and in general deterrence. It would be unfair in those circumstances if the offender is suffering from an impairment of judgement to hold him or her up and make an example of that person. I don't mean any – of course the six considerations aren't meant to be all that there is, but if you look at it in those simple terms in my respectful submission what his Honour is saying is you're not putting it that there's a connection between the impaired mental functioning on the evidence that you have such that it would raise considerations of both moral culpability, specific deterrence and general deterrence and Mr Holt answers that, "No, it's not, your Honour," and yes, Mr Holt mentioned moral culpability in terms. Mr Holt – I don't find in the plea any reference by Mr Holt to specific deterrence and general deterrence in so far as it might be relevant under the a Verdins heading given the way in which he put the plea<sup>80</sup>.**

**HERE IS THE RUNNING COMMENTARY ON FALSE EVIDENCE IN QUESTION:**

**Page 82 L21-22 His Honour: It's not suggesting that there's any Verdins connection or anything like that?**

**Page 82 L23 Mr Holt: No, no, it's not. Your Honour.**

**Page 82 L26-28 Mr Holt: and I don't seek to put it in a Verdins way. I couldn't do that on the material before the court.<sup>21</sup>**

**Page 39 Line 20-page Line 21: The Judge gave Mr Holt everything that he wanted on that score, given the way in which the plea was put.<sup>80</sup>**

**Page 39 Line 21-page Page 40 Line 22:** My learned friend seizes upon those – I think there's four or five words that confined it to, I think it's in the three or four, I can't remember which one of Verdins, which says specific deterrence or general deterrence, either at the time of the offence or at the sentence.

BEACH JA: I think it's both.

MR BOYCE: Both, **yes, of course and says the Judge has erred implicitly here by not bringing the specific and general deterrence moderation to bear in the imposition of sentence here because at the time of sentence clearly that matter could be put. The first answer to it is that it was never put that way by Mr Holt to his Honour. Secondly, it**

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Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016.

Counsel for the Appellant Mr G Hughan. Crown counsel Mr C Boyce SC

<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121,

Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016.

Counsel for the Appellant Mr G Hughan. Crown counsel Mr C Boyce SC

<sup>21</sup> Supreme Court of Victoria from dates of 28th -30th May 2014. Before His Honour Justice T. Forrest

<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121,

Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016.

<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121,

Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016.

Counsel for the Appellant Mr G Hughan. Crown counsel Mr C Boyce SC

would in my respectful submission be somewhat curious for an offender who could not establish the connection between whatever impairment there was and the commission of the offence to be able to rely upon it at the time of sentence unless there had been some form of worsening of the condition from between offence and sentence, or if indeed, to use the words of Justice Charles in Tsiaris' case, it had supervened since the offending'. You can imagine an offender who couldn't make out the connection at the time of the offence, but in respect of whom a condition has arisen at the time of sentence and it would be because of the existence of that condition be unfair not to moderate specific and general deterrence. **But here where there was no evidence of such worsening or supervening, here the way in which the case was put – the diagnosis was referred to this by Honour, it's symptomology for post-traumatic stress disorder.**<sup>80</sup>

**Page 50 Line 14- Page 51 Line 1:** That leaves proposed ground 4. The Crown submits that the Court- or I submit my learned friend ought be able to argue the ground that the material does not amount to fresh evidence is not admissible for that purpose. **But your Honours will have picked up that whilst the certificate itself was given- there's evidence in my learned friend's materials to suggest it was sent to VLA post –sentence, the certificate itself is dated pre-sentence and there's no explanation as to why that was not in the material that I've been able to pick up as to why it was not relied upon at the plea when it perhaps could have been. Secondly, even if it was admitted, it's submitted that it could make no real difference to the exercise of the sentencing discretion so as to cause a miscarriage of justice or indeed to cause a miscarriage. The evidence of in the first place - evidence of Dr Sullivan, highly respected psychiatrist, the most- one of the most respected psychiatrists in this state.**<sup>80</sup>

**Page 54 Line 29 - 31:** **In a similar vein is his concerns over Dr Sullivan's evidence, which Mr Binse instructs me, was never tested, which is of course true because it wasn't ever the case that Dr Sullivan was called**<sup>80</sup>

**His Honour Judge Terry Forrest/Crown NOW Concede to my P.T.S.D. State.**

I apprise you of following evidence and facts, **arrived from the original sentencing Judge "His Honour Justice Terry Forrest". *D.P.P. v Christopher Pecotic (S CR 2016 0021)*.**

**Page 88 line 19-27.**

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<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121, Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016. Counsel for the Appellant Mr G Hughan. Crown counsel Mr C Boyce SC

<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121, Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016. Counsel for the Appellant Mr G Hughan. Crown counsel Mr C Boyce SC

<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121, Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016. Counsel for the Appellant Mr G Hughan. Crown counsel Mr C Boyce SC

HIS HONOUR: Assuming - just to try and provide you with a little direction so that you know what I'm thinking - **assuming that you are successful in establishing that you are and have been since 2006 suffering from either symptoms of post-traumatic stress disorder or the full diagnosed illness of post-traumatic stress disorder. The way I see it, it's relevant to my sentence, so my role in this case, as informing the likely onerousness of future incarceration**<sup>32</sup>.

**Page 89 line 13-24.**

**HIS HONOUR: You are I think entitled to proceed on the basis that you will successfully establish that you have suffered at the very least from symptoms of post-traumatic stress disorder.**

*ACCUSED: Yes.*

HIS HONOUR: Okay.

*ACCUSED: It is documented and reported, Your Honour.*

**HIS HONOUR: Yes. So, whilst I don't have a concluded view, I think the preponderance of evidence - - -**

**MR ROSE: I wouldn't disagree, Your Honour.**

**HIS HONOUR: Yes, well, you heard that, Mr Binse. Mr Rose very fairly - - -**<sup>32</sup>.

*Preponderance of P.T.S.D evidence conceded by Crown & His Honour.*

**His Honour Justice Terry Forrest would now rebuke and “NO LONGER” entertain the “un-corroborated” false underlying primary evidence on my P.T.S.D. condition. As claimed in tainted false corrupt “Doctor Danny Sullivans 14<sup>th</sup> January report 2014”.**

*Judge NOW DISAVOWS Dr Danny Sullivan’s pivotal false, corrupt evidence. “Crown Concedes to my P.T.S.D”.*

**Page 163 line 11- Page 164 line 23.**

*OFFENDER: What I was going to say, this suppression order and Danny Sullivan, this gang lord - - -*

HIS HONOUR: I won't entertain submissions on that. He's not here to defend himself. This process has to be fair to everyone.

*OFFENDER: Your Honour, he deliberately - these are my assertions - deliberately calculatedly lied, deceived, corrupted the outcome, okay, maliciously falsified documents, legal documents. That's serious, man. That's really serious.*

HIS HONOUR: Psychiatric opinion is just that, it's an opinion. It's not like a science. If you see a bullet hole tracking a path through a torso, a doctor can say where it entered, where it exited and the path it took and that's easy, that's science. Psychiatric evidence varies from person to person. It's an opinion, no more, no less. I take it into account as merely that witness's opinion, no more, no less. I don't regard it as a scientific explanation of what is

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<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

occurring in a person's mind because it's just not. I'll give you an example. So often psychiatrists will say, "Look, my diagnosis is" and this is what Sullivan effectively did in your case, "is an adjustment disorder from austere circumstances" or something like that. And he preferred that to PTSD but he didn't rule out PTSD. It was in effect a differential diagnosis. The fact is I'm persuaded on all the evidence that there are features of PTSD in your case and Mr Rose for the prosecution doesn't demur from that. My point is that with Dr Sullivan all he's doing is expressing an opinion and its impact upon me then and now is no more than that's his opinion. That's all.

*OFFENDER: Yeah, but I open to it when he was chatting through some of the contents of his report was false and was - - -*

**HIS HONOUR: Based on incorrect histories, et cetera, I understand that.**

*OFFENDER: Well it was independently corroborated, Your Honour, seriously. These are the facts and you said this, I mean you attributed this and whatever.*

**HIS HONOUR: Yes.**

*OFFENDER: The whole document, if there's some passages is false and corrupt, the whole lot is false and corrupt, you know.*

**HIS HONOUR: Yes.**<sup>33</sup>

**(This evidence is now no longer accepted by His Honour, nor the Crown either). Which Played a Significant Pivotal role in my original sentencing, term imposed:**

**Page 161 line 18-30.**

**HIS HONOUR: By dent of the circumstances of it and your mental health issues. I am very comfortably satisfied that you are doing your time hard.**

*OFFENDER: Yes.*

**HIS HONOUR: Very hard. And your mental illness, including post-traumatic stress disorder, is making incarceration very difficult.**

*OFFENDER: Yes, I appreciate that.*

**HIS HONOUR: I am comfortably satisfied about that, so you don't need to develop that any further than you have.**

*OFFENDER: Okay, Your Honour. I just wanted to say it, that's all.*

**HIS HONOUR: No. But it is a submission that I accept.**<sup>33</sup>

**Page 166 line 9-27.**

**MR ROSE: It is to some extent, Your Honour, and it's a starting approach, but to that has to be added the additional material that you didn't have then, in fairness to Mr Pecotic.**

**HIS HONOUR: No, what I'm saying is - - -**

**MR ROSE: There's a lot of additional material.**

**HIS HONOUR: - - - if I were armed then with what I know now.**

**MR ROSE: Yes.**

**HIS HONOUR: Because that's effectively the exercise that I have to conduct now in considering matters - - -**

**MR ROSE: Yes, yes, you've got to take into account, well, extra has happened in the last three years.**

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<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

HIS HONOUR: Yes, of course.

**MR ROSE: And the additional material he's putting forward.**

**HIS HONOUR: Yes.**

MR ROSE: I'm not advocating for him but I feel it my duty to, in fairness to him, to put that forward.

HIS HONOUR: No, I understand that.

MR ROSE: He's unrepresented.<sup>33</sup>

*R v Binse [2014] V S C 253 (T Forrest J). But also in (Binse Vs The Queen VSCA 145).*

[28] She is of the view that you are persistently suicidal and she adheres to her view expressed in 2010 and 2014 that a lengthy sentence involving restrictive custody will exacerbate **your chronic post-traumatic stress disorder**, your mental state fluctuations and abhorrent behaviours. **I accept this opinion.**<sup>111</sup>.

*Albeit late, but taking place, none the less. Is "now in conflict with*

*R v Binse [2014] V S C 253 (T Forrest J).*

*And in Binse Vs The Queen VSCA 145. 31<sup>st</sup> May 2016. (22 June 2016). Decision.*

*And in the Sentencing principals and guidance in Verdins Principals on P.T.S.D.*

*Sentenced to one of the longest non-homicides sentences since 1991.*

[16] The 2014 sentence that I imposed was intended to balance your deprived background, your pleas of guilty and some remorse with the very high objective seriousness of your offending, your appalling prior criminal history, **the need for specific and general deterrence, and the need to protect the community from you. In the event I sentenced you to one of the longest non-homicide sentences imposed by this court since the introduction of the Truth in Sentencing reforms in 1991.**<sup>111</sup>.

22 For nearly a quarter of a century the offences before this court remained unsolved. They would have remained so forever but for your decision to confess. I am satisfied that you have demonstrated a willingness to facilitate the course of justice and acted upon that willingness by pleading guilty. I quote from the prosecution opening, "The accused would not have been identified but for his own admissions and his volunteering his involvement to

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<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

<sup>111</sup> R v Pecotic 14<sup>th</sup> June 2017. [2017] VSC. T. Forrest, J.

<sup>111</sup> R v Pecotic 14<sup>th</sup> June 2017. [2017] VSC. T. Forrest, J.



the police."

23 In 2014 I assessed your prospects for rehabilitation as poor. This was based upon your depressing history of incarceration for the large part of your adult life and the consequent institutionalising effect of it, your very extensive history of antisocial behaviour and your apparently intractable mental health issues. Your recent epiphany has led me to revise this assessment.

24 You have decided to have a go to correct, insofar as you can, the wrongs of your past. I am unable to say whether any of the victims of these crimes will derive much comfort from the course you have taken. It may even have opened up old sores. I do accept, however, that you are genuine when you say to me that you wish these people to have finality to these traumatic events in their lives.

25 I assess your 2017 prospects for rehabilitation as reasonable. This is a substantial and surprising development since 2014. It follows from what I have just said, that I consider you are genuinely remorseful for the offending before this court. Your actions prove it to my complete satisfaction. <sup>111</sup>.

*Herald-sun newspaper 22<sup>nd</sup> November 2017, front page article Jason Roberts's case Quotes printed.*

**Attorney General Martin Pakula to make a fresh application for his "conviction" to be reviewed by the Court of Appeal. Sic.**

**In my case. Attorney General Martin Pakula to make an application for MY "Sentence." to be reviewed by the Court of Appeal. To be "properly" "re-adjudicated".**

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*

**The fixer, as he is dubbed by some close to the case, was involved in changing statement of at least three officers, sic.**

**In my case. The fixer, was involved in "hiding" the medical reports of more than three medical reports/entries from medical professionals, had**

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<sup>111</sup> R v Pecotic 14th June 2017. [2017] VSC. T. Forrest, J.

**“created falsified accounts and deliberately maliciously mislead the courts!” And had “given false accounts to the courts”.**

And that of Medical Panel dated 10<sup>th</sup> May 2013. Of Michael Epstein and Carol Newlands.

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*

In 2015 The Fixer, quizzed on then unproven allegations, that a police document was altered and, admitted shredding another officers statement. Sic.

Saul Holt had “fixed my entire medical Prison history and other documented reporting’s of my diagnosed mental P.T.S.D. condition” instead of “shredding them”, lied and buried facts and evidence. And **“Rejects Verdins case principal made by His Honour Terry Forrest!”**

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*

An altered statement made about two years later, doctored to carry the time and date of the original, was presented to the Court as the only account. Sic

**In my case.** I had uncovered records of ALL original Medical reports identifying my P.T.S.D. condition diagnosis. Danny Sullivan and Saul Holt **NEGATED any mention of.**

**Danny Sullivan false report was presented to Court’s and relied as “the Key account”.**

***“Above and beyond all others!”***

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*

Ron Iddles Quoted: **“This is a manipulation of the facts”**.

In my case: **“This is a manipulation of the facts!!!!!!!!!!”**

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*

Mr Iddles said the emergence of the original statement confirmed **“the truth”**. Sic.

In my case. **“Emergence of ALL the P.T.S.D. diagnosed reports confirmed “the truth”.**

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*

Mr Pakula, yesterday said "If a fresh application is made with fresh material, which this appears to be, then a completely fresh consideration will be given. The allegation made is a serious one...that evidence has somehow been altered. Sic.

MY PETITION OF MERCY APPLICATION CLEARLY ILLUSTRATES THIS EVIDENCE!  
MY "P.T.S.D" "PROVEN", MY "P.T.S.D" "ACCEPTED BY CROWN AND SAME JUDGE!"

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes. Page (6).*

"I've heard that the Attorney General would be responsive of a petition of mercy on Robert's behalf, in light of the evidence that has come to light in the Herald sun. Sic.

This also applies in case of Christopher Dean Pecotic/Binse petition of mercy application.

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*

Rob Stary quoted: "It (the witness statement) is falsified ... it goes to the very fundamental issue, we are not asking for me to be acquitted, we are just saying that the evidence in its entirety needs to be reviewed Sun- herald 21<sup>st</sup> November 2017 front page report. Fake evidence scandal, used to secure Jason Roberts conviction.

In my case: "It (the witness statement) is falsified ... it goes to the very fundamental issue, we are not asking for me to be acquitted, we are just saying that the evidence in its entirety needs to be reviewed. Sun- herald 21<sup>st</sup> November 2017 front page report. Fake evidence scandal, used to secure. "The highly inflated term imposed" - "OUTCOME".

In my case: (one of the longest non-homicide sentences imposed by this court since the introduction of the Truth in Sentencing reforms in 1991).<sup>111</sup>.

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*

Ron Iddles Quoted: "This is a manipulation of the facts".

In my case: "This is a manipulation of the facts".

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<sup>111</sup> R v Pecotic 14<sup>th</sup> June 2017. [2017] VSC. T. Forrest, J.

Secondly, even if it was admitted, it's submitted that it could make no real difference to the exercise of the sentencing discretion so as to cause a miscarriage of justice or indeed to cause a miscarriage. The evidence of in the first place - evidence of Dr Sullivan, highly respected psychiatrist, the most- one of the most respected psychiatrists in this state.<sup>80</sup>

THE KEY WORDS. "To cause a miscarriage of justice or indeed to cause a miscarriage!"

ARRIVING AT A "MISCARRIAGE OF JUSTICE" IN "THE OWN WORDS OF THE CROWN!"

*Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).*  
Mr Martin Pakula speaks on 3AW Neil Mitchell program. The allegation that has been made is serious one. The allegation that is being made is that evidence has somehow been altered.

**My case evidence was altered/perverted and corrupted!**

The Key evidence of Danny Sullivan's "disavowed and NO LONGER relied upon at all!"

**Page 163 line 11- Page 164 line 23.**

*OFFENDER: What I was going to say, this suppression order and Danny Sullivan, this gang lord - - -*

*HIS HONOUR: I won't entertain submissions on that. He's not here to defend himself. This process has to be fair to everyone.*

*OFFENDER: Your Honour, he deliberately - these are my assertions - deliberately calculatedly lied, deceived, corrupted the outcome, okay, maliciously falsified documents, legal documents. That's serious, man. That's really serious.*

*HIS HONOUR: "Look, my diagnosis is" and this is what Sullivan effectively did in your case, "is an adjustment disorder from austere circumstances" or something like that. And he preferred that to PTSD but he didn't rule out PTSD. It was in effect a differential diagnosis. The fact is I'm persuaded on all the evidence that there are features of PTSD in your case and Mr Rose for the prosecution doesn't demur from that. My point is that with Dr Sullivan all he's doing is expressing an opinion and its impact upon me then and now is no more than that's his opinion. That's all.*

*OFFENDER: Yeah, but I open to it when he was chatting through some of the contents of his report was false and was - - -*

*HIS HONOUR: Based on incorrect histories, et cetera, I understand that.*

*OFFENDER: Well it was independently corroborated, Your Honour, seriously. These are the facts and you said this, I mean you attributed this and whatever.*

*HIS HONOUR: Yes.*

*OFFENDER: The whole document, if there's some passages is false and corrupt, the whole lot is false and corrupt, you know.*

*HIS HONOUR: Yes.*<sup>33</sup>

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<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121, Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016. Counsel for the Appellant Mr G Hughan. Crown counsel Mr C Boyce SC

<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

**Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (7)**

Mr idles said yesterday that without Sen-Constables Pullens doctored statement the **“other bits fall over”**.

In my case: **without the proven and demonstrated false corrupt report of Danny Sullivans**

**“Natural justice is restored”, along with the “proper administration in sentencing principals!”**

**Page 88 line 19-27.**

HIS HONOUR: Assuming - just to try and provide you with a little direction so that you know what I'm thinking - **assuming that you are successful in establishing that you are and have been since 2006 suffering from either symptoms of post-traumatic stress disorder or the full diagnosed illness of post-traumatic stress disorder. The way I see it, it's relevant to my sentence, so my role in this case, as informing the likely onerousness of future incarceration**<sup>32</sup>.

**Page 89 line 13-24.**

HIS HONOUR: You are I think entitled to proceed on the basis that you will successfully establish that you have suffered at the very least from symptoms of post-traumatic stress disorder.

*ACCUSED: Yes.*

HIS HONOUR: Okay.

*ACCUSED: It is documented and reported, Your Honour.*

**HIS HONOUR: Yes. So, whilst I don't have a concluded view, I think the preponderance of evidence - - -**

**MR ROSE: I wouldn't disagree, Your Honour.**

HIS HONOUR: Yes, well, you heard that, Mr Binse. Mr Rose very fairly - - -<sup>32</sup>.

**Page (165) line 5-9.**

MR ROSE: Your Honour, distilling what I can from Mr Pecotic's plea, the issues seem to be his mental state, **his PTSD that you've found, and a propensity to self-harm.** They're matters that I think, on **my reading of the material he supplied us, loom large**<sup>33</sup>.

**Herald-sun newspaper 22<sup>nd</sup> November 2017, article Quotes printed. Page (6).**

Mr Pakula, yesterday said **“If a fresh application is made with fresh material, which this appears to be, then a completely fresh consideration will be given. The allegation made is a serious one...that evidence has somehow been altered. Sic.**

**Page (89) line 20-24.**

**HIS HONOUR: Yes. So, whilst I don't have a concluded view, I think the preponderance of evidence - - -**

**MR ROSE: I wouldn't disagree, Your Honour.**

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.



HIS HONOUR: Yes, well, you heard that, Mr Binse. Mr Rose very fairly -- -<sup>32</sup>.

**“PREPONDERANCE OF P.T.S.D EVIDENCE CONCEDED BY CROWN AND HIS HONOUR!”**

*The fundamental principles of “democracy and rule of Law” now apply in this case! In proven case, of a. “Substantial miss-carriage of justice”, that “needs intervention!” You, as the state’s highest Law official of Victoria, have a moral and legal duty bound obligation to provide legal intervention in anomalies in evidence fleshed out and brought to your attention.*

*Averting a substantial miss-carriage of Justice from occurring and allowed to take place. Providing me with some hope and legal relief, in referring my case back to the Supreme Courts of Victoria for a “new sentence” determination.*

**EMBRACING “FALSE EVIDENCE” IS “CRIMINAL” & HAS “NO PLACE IN ANY JUDICIARY”.**

**IGNORANCE OF THE TRUTH, IS: “DEFINATIVE NEGLIGENCE OF THE HIGHEST ORDER”.**

Thank you for your time and considerations in this Petition of mercy application in matter of: *Binse Vs The Queen VSCA 145. (22 June 2016). I do hope that justice does prevails.*

*Sincerely*

**Christopher Dean Pecotic/Binse/ 43517.**

**Bibliography:**

<sup>21</sup> Supreme Court of Victoria from dates of 28th -30th May 2014. Before His Honour Justice T. Forrest

<sup>27</sup> BBC REPORT.

<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.

<sup>33</sup> SUPREME COURT OF VICTORIA EVIDENCE 27<sup>th</sup> MARCH 2017.

<sup>80</sup> Supreme Court of Victoria, Court Of Appeal. Christopher Dean Binse S APCR 2014 0121, Before Judges Justice Whelan, Beach and Mc Leish JJA Melbourne. 31 May 2016. Counsel for the Appellant Mr G Hughan. Crown Counsel Mr C Boyce SC

<sup>111</sup> R v Pecotic 14<sup>th</sup> June 2017. [2017] VSC. T. Forrest, J.

<sup>162</sup> False Indictment, guilty plea lies Saul Holt

<sup>163</sup> False evidence lies by Saul Holt. V.I.S.

<sup>164</sup> False evidence Saul Holt. Armed robbery

<sup>165</sup> False evidence Saul Holt. Proceeds robbery.

<sup>166</sup> Keilor Park Drive False conviction.

<sup>167</sup> Malicious lies by Saul Holt. DRUG USE.

<sup>168</sup> Interned placement lies exposed Saul Holt.

<sup>169</sup> P.T.S.D exposure proven lies by Saul Holt.

<sup>170</sup> (P.T.S.D. facts & evidence reporting’s primary document).

<sup>171</sup> Police born P.T.S.D. Condition.

<sup>172</sup> Mentally frail state. P.T.S.D. condition.

<sup>173</sup> Meritorious Grounds isolated evidence.

<sup>175</sup> Recording conversation with A.F.P Maksaud & Det Mr Ryan Forde. 25/09/2017.

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<sup>32</sup> SUPREME COURT OF VICTORIA EVIDENCE 24<sup>th</sup> MARCH 2017.