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Re: *Knight v The Queen* (Supreme Court proceeding S ECI 2018 03025)

Dear VLA,

In relation to my request for an independent review, and in response to your letter dated 18 December 2019 and the attached memorandum of advice dated 25 September 2019, please be advised as follows:

For the sake of readability, I am responding to the issues in the memorandum of advice in the same order as they are raised in the memorandum.

From the outset I should make it clear that my intention in prosecuting this proposed appeal is not to obtain an outright acquittal, but to overturn sufficient relevant convictions to require a sentence re-hearing so that post-1988 law changes (i.e. *Verdins*, *Crump*, *ad hominem* legislation) can be addressed in submissions.

In relation to the first ground of appeal against conviction, it would be more accurate to write that I plead guilty on the basis that the granting of a minimum term would not be opposed by the Crown, thus guaranteeing on the basis of the law as it stood then and still stands, that a minimum term would be set (I have not been able to find a single case where a court has refused to set a minimum

term in spite of a Crown concession that a minimum term should be set). The setting of a minimum term would consequently create a legitimate expectation, again based on the law as it stood then and on practice then and now, that I would be released on parole on or near the expiry of that term. All comment by the Crown, the defence and the presiding judge contained the standard caveat that I would not *automatically* be released at the end of that term, but contained the implication that I would be released at some point (see concluding comments of Hampel J in *R v Knight* [1989] VR 705, at 711). The law and practice before and since sentencing have not detracted from that conclusion. Aside from myself and Dr Craig Minogue, no eligible murderer has been denied release in Victoria.

It is also relevant that it was not foreshadowed by anyone in 1988 that *ad hominem* legislation would be introduced 26 years after sentencing to rescind the effect of the minimum term. If it had been, I would not have plead guilty; a fact I have already sworn to and which I would give *viva voce* evidence on. If such legislation was conceivable, it should have been raised and been the subject of submissions. Historically it should be noted that the last bill of pains and penalties anywhere in the Commonwealth was in England in 1820, and the last bill of attainder was in 1798.

In relation to the second ground of appeal against conviction, it should be made clear that this submission concerns only one (possibly two) of the murder convictions and six of the attempted murder convictions.

I note as an aside, however, that a case for 'temporary insanity' could have conceivably been mounted on the basis of Dr David Sime's opinion, but would have been contradicted by Dr Allen Bartholomew's initial assessment. Before this proposition is dismissed out of hand, it should be remembered that such a defence has previously been successfully pleaded in Victoria (by Derek Percy in 1969).

As mentioned above, I cannot find a single case where a court has refused to set a minimum term when one was not opposed (With respect to cases where the Crown is silent on the setting of a minimum term, see *Cardamone v The Queen* [2019] VSCA 190, at [109]-[113]). My assertion is not that the Crown was able to bind the Adult Parole Board about a future grant of parole, but that the practice of the Board was – and still is – to release eligible murderers on parole on or near their Earliest Eligibility Date. Aside from myself and Dr Minogue, all have been and continue to be released. Victoria is not California, where the overwhelming majority of "25 years to life" murderers die in custody (Note the case of Brenda Spencer, a 16-year-old who committed a mass

shooting in San Diego in 1979, plead guilty pursuant to a 25-years-to life plea bargain, and who is still in custody).

The premise that it is doubtful that I am not now a risk to the community (page 2) is itself doubtful. I have attached the following psychiatric, assessment and psychological reports for your reference:

- Psychiatric Report by Professor Paul Mullen (25 September 1997)
- Tier One Assessment Report by Corrections Victoria assessors (20 August 2004)
- Psychiatric Report by Professor Paul Mullen (16th March 201[2])
- Psychological report by Professor James Ogloff (31 May 2012)

In relation to these reports, please note specifically the following:

Corrections Victoria ignored practically all of the recommendations made by Professor Mullen in his 1997 report. I spent another 9 years in isolation before I was returned – as a result of Supreme Court litigation by me – to the mainstream prison population.

The Tier 1 assessment (LSI-R:SV) I underwent resulted in a '2 – low' score on an ascending risk of reoffending scale of 0-54. Corrections Victoria simply overrode this assessment to list me as a high risk of reoffending. The LSI-R has been found by meta-analysis studies to be a reliable predictor of reoffending. Professor Ogloff, however, noted in his 2012 report (at [53] 17) in relation to the Screening Version of the LSI-R that; 'Very little weight can be put on this measure … given that it is a screening measure.'

Professor Mullen notes in his 2012 report (at [5] 3) the 'totally unprofessional derogatory and punitive attitudes' of some senior Corrections Victoria staff (compare Professor Ogloff's statement at [64] 21 of his 2012 report). These attitudes may have as much, if not more, to do with my lack of progression through the prison system as my own attitudes.

Professor Mullen also notes in his 2012 report (at [7] 4) Corrections Victoria's anonymous assessment of me as scoring highly on the Hare Psychopathy Checklist (which Professor Ogloff contradicted in his 2012 report). The reason why there was no details as to who performed the assessment or the assessment scores was that the assessment was never conducted. The question arises as to why Corrections Victoria simply proclaimed 'high risk' evaluations without conducting the relevant assessments? My actual score on this assessment is recorded in Professor Ogloff's 2012

report (at [51] 16). Compare also the differences between the assessment conducted by Corrections Victoria's clinician and Professor Ogloff (at [76] 25).

Professor Mullen also notes in his 2012 report (at [26] 10) that even my limited success in litigation against Corrections Victoria puts 'the judgement of Corrections in question' (Note also the pointed comments of Maxwell P in *Commissioner, Corrections Victoria v Knight* [2010] VSCA , at [33]-[34]). As far as my vexatious litigant status is concerned it also worth noting that, unlike practically every other prisoner litigant in Victoria, I have not had a single case thrown out for being frivolous, scandalous or an abuse of process in the sense of the proceeding being a collateral attack or instituted for an improper purpose. On the one occasion that Corrections Victoria sought to have a proceeding summarily dismissed they were unsuccessful. Likewise, their only appeal against a grant of leave was also unsuccessful. I am also unique in being the only vexatious litigant to be initially declared for a set period: 10 years (when I had 10 years left to serve of my minimum term – I do not believe that to be coincidental). The Attorney-General only sought a permanent order in 2014 after the law was changed to keep me in prison for life.

Professor Mullen's evaluation of my risk of reoffending is contained in his 2012 report (at 12-15). He states (at [35] 13) that, in his opinion, the chances of me repeating a massacre 'are remote.' As to the probability of my general reoffending, he states (at [38] 15) that it is 'probably no higher than moderate.'

It is important to note that Professor Mullen refers (at [36] 14) to two comparable cases where the individuals concerned were released (and also pointedly did not reoffend). I do not know which cases he is referring to, but I can point to more than two both in Australia and overseas: Sulejman Kraja and Kai Korhonen in Victoria, Paul Evers in NSW, Cecil Bartholomew in SA, Barend Strydom in South Africa, Henry Street in England, Gary Stone in Northern Ireland, Denis Lortie in Canada, and Mattias Flink in Sweden. Flink, in particular, is a comparable case (I have attached the Wikipedia entry for Matthias Flink). A comparison of Evers and my case provides an important and relevant contrast between a parole authority willing to do its job and one that is incapable (or perhaps unwilling) of doing theirs.

I have attached a copy of *NSW v Evers* [2015] NSWSC 1724, and the Amended Schedule of Conditions of Mr Evers' release, for your reference. Please note that Evers is assessed as posing a permanent risk of reoffending given his paranoid schizophrenia. This is the same as the permanent risk of reoffending posed by Dumas (*R v Dumas* [1988] VR 65) due to that person's brain damage.

As with Professor Mullen's 1997 report, Corrections Victoria ignored most of the recommendations in Professor Mullen's 2012 report.

Professor Ogloff notes in his 2012 report (at [32] 11) that my Personality Assessment Inventory 'clinical profile was entirely within normal limits.'

Professor Ogloff also notes in his 2012 report (at [36] 11) that I do not suffer from any of the recognized personality disorders.

Professor Ogloff also refers in his 2012 report (at [42]-[47] 13-15) to his use of the HCR-20 (Counsel refers to this instrument at page 2 of the addendum to the advice). He states (at [47] 15) that 'the HCR-20 indicates that Mr Knight is at the upper end of the low category level of risk for re-offending violently in the future.'

Professor Ogloff goes on to state (at [51] 17) that I do 'not appear to be psychopathic.'

I acknowledge Professor Ogloff's caveat (at [55] 18) that 'extreme caution must be taken when considering [me] for release', but does this not apply to the release of all murderers? I also note the unfettered power of the Adult Parole Board of Victoria in s.74(5) of the *Corrections Act 1986* (Vic) to impose *any* relevant term or condition on a parole order. This is a power that has been relied upon by interstate parole authorities (i.e. NSW Parole Authority) to release killers with a much greater risk of reoffending than mine (i.e. Evers).

Even with his stated caution in mind and without turning his mind to the provisions of s.74(5), Professor Ogloff went on to state (at [81] 27) that he did not believe I fell 'into the rare category of offender who could never leave a prison for realistic fear of what he might do in the community.'

Professor Ogloff also notes in his 2012 report (at [86] 28) that my risk of reoffending 'would appear to fall at the upper end of the low level.'

As with Professor Mullen's report, Corrections Victoria ignored the recommendations made by Professor Ogloff in his 2012 report.

It should be noted that the attached reports were to Corrections Victoria but they were essentially identical to those supplied to the APB around the same time (the APB refused to release to me copies of the reports they received). Both Professor Mullen and Professor Ogloff' informed me that they had never before been asked by Corrections Victoria to conduct assessments based on the type of referral questions outlined in Professor Ogloff's report (at 22-26).

I have attached a copy of the APB's letter to me dated 2 July 2012. The 'reports from Professor Mullen and Professor Ogloff' are the reports provided to the APB contemporaneously with the attached reports provided to Corrections Victoria.

I would suggest that even with the caveats of Professors Mullen and Ogloff in mind, the public statements of the APB and successive State Governments as to the risk of my reoffending were disingenuous at best, and intentionally misleading at worst. Their statements built on the similar misleading statements by Corrections Victoria as to the outcome of their assessments. The APB and State Government intentionally gave the impression that I represented a high risk of reoffending and a clear and present danger if released. I would suggest that the 'reports from Professor Mullen and Professor Ogloff' they referred to do not justify that conclusion. To say that even a low risk of reoffending means that I continue 'to represent a danger to the community' is simply dishonest.

When I am asked what my assessed risk of reoffending was, I flippantly reply, "Less than Adrian Bailey's. Less than Sean Price's. Less than John Coombes' and the other murderers who got parole and killed again."

I should also point out that I provided Professors Mullen and Ogloff with lengthy replies to their reports where I corrected what I knew or perceived to be errors and provided them with additional information. I have attached the replies to Professor Mullen and Professor Ogloff for your reference.

The author of the memorandum of advice writes, 'It can be assumed there were grounds for the Department believing the legislation was necessary.' I find such a statement from a learned person to be nothing less than incredible. As a life sentence prisoner, I have no enforceable *right* to parole and no sentence end date. What, then, was the *legitimate* grounds for such legislation? If there were legitimate grounds for introducing the legislation against me, what were the grounds for introducing the legislation against Craig Minogue and those convicted of killing police officers?

I suggest that the State Government feared a differently constituted parole board might actually release me at some point in the future, or someone in the criminal law policy branch of government suspected (quite rightly) that I would seek an order in the nature of mandamus (based in s.74(5)) to force the issue of a parole order. I go further and suggest that there is good reason for suspecting these beliefs were shared by State Governments of both persuasions.

The further report from Professor Ogloff sought by the APB in 2016 (page 2) has not been undertaken. The position of the APB is that they will take no further steps with respect to my 2016 application for parole until my Supreme Court proceedings against them are heard this year (The two proceedings are listed for trial on 4 June 2020). Even if I was assessed as still presenting a risk, albeit a low one, s.74(5) of the *Corrections Act 1986* (Vic) gives the APB sufficient power to address that risk.

Has any murderer ever been assessed as posing *no* risk?

In relation to the second ground of my appeal against conviction, as stated above, my objective is not to obtain an overall acquittal but to force a resentencing rehearing. My appeal concerns one (Papaioannou), possibly two (Flajnik), of the murder convictions, and six of the attempted murder convictions (Larchin, Roberts, Stewart, Wilson, Jones and Scott). Even if there is no chance of these convictions being overturned, I believe a case can be mounted for a resentencing hearing due to post-sentence developments. An appeal on this basis would come under the umbrella of "fresh evidence".

It should be noted that admissions were made by me during questioning and two re-enactments (the first re-enactment being conducted at night with the bodies *in situ*) in relation only to three of the seven murders.

In relation to the victim Papaioannou (3rd count), I made no mention of having seen her let alone firing at her. It can be forensically shown (by way of crime scene and autopsy photographs, and the relevant autopsy report) that Ms Papaioannou was on foot in the middle of Hoddle Street and was shot directly (i.e. not by way of a ricochet). A total absence of any recollection of having seen this victim supports a claim of non-insane automatism based in hysterical dissociation referred to by Dr David Sime and Mr Tim Watson-Munro in their 1988 reports. Dr Sime is deceased, but his colleague Mr Watson-Munro is still alive and practising as a forensic psychologist (Tel: 0425 795 706).

In relation to the victim Flajnik (5th count), I have no recollection of seeing him either but as he was killed sitting in his car it is most likely he was shot during a burst of fire at a quick succession of cars. As such, the 'firing into a crowd' proposition put forward by counsel applies. On balance, I would not pursue this particular ground.

In relation to the victims Larchin (47th count) and Roberts (48th count), they were they two police officers attached to the marked police car ("Northcote 253") parked in the northern end of Hoddle Street. I fired three shots at the car, not at them. I did not see them and did not know they were there. A relevant analogy here would be the hunter who shoots at a deer and does not see the two other hunters in the trees behind the deer. I also make a distinction between these shots and the shot I fired at Constable Chambers (25th count), where I could not see him but guessed at his location in the shadows.

In relation to the victims Stewart (49th count), Wilson (50th count), Jones (51st count) and Scott (52nd count), these were the crew of the police helicopter ("Air 495") that I fired at and forced to land. When asked during the two re-enactments whether I was shooting at the helicopter or the people in the helicopter, I replied "the helicopter."

It should be noted that the first shots were fired by me at 21:30:00hrs. The first police to arrive at the scene – a marked divisional van ("Collingwood 303") – arrived at the scene at 21:38:20hrs (i.e. within 8 minutes of the shooting commencing). I fired at this van when it arrived at the scene and admitted as much during questioning. Despite this admission, I was not charged with the attempted murder of the two occupants of the van. Consider this: I fired three 'pot' shots at a marked police car in a dark section of the street around 100m away, and I was charged with the attempted murder of the two police officers who were in the vicinity of the car but who I did not see. I fired a shot directly at a divisional van as it is approaching around 50m away in a clearly lit section of the street and admit to doing so, and my actions are not the subject of any charges?

At 21:41:00hrs a marked supervising sergeant's car ("Collingwood 250") arrived at the scene (within 11 minutes of the shooting commencing). It was around this time that an unidentified police officer fired a shot at me from across Hoddle Street. I made clear and repeated references to this shot during questioning and during the two re-enactments. Despite this, no statement was ever forthcoming from Victoria Police as to which officer fired the shot. Given that I stated that the shot

only succeeded in encouraging me to continue firing, I would suggest that Victoria Police and the OPP did not want to make any reference to these facts.

At 21:45:30hrs (quarter of an hour after I started shooting) I left the scene. By this time, around 20 police units were at the scene and many others were making their way to the scene. An examination of the transcript of the D24 transmissions during the relevant period indicates that the occupants of 18 police units that attended the scene before I was arrested did not have their statements (if they made statements?) included in the Hand-Up Brief/Presentment.

It is interest to note that although units from Russell Street Police Station arrived at the scene while I was still shooting in Hoddle Street, the Special Operations Group (SOG), despite also being located at Russell Street, did not arrive until after I was arrested. The D24 transmissions reveal repeated enquiries as to when the SOG was going to arrive after the first call out was made at 21:49:30hrs. I would suggest that had the Hoddle Street shootings been the subject of an extensive inquest – along the lines of those held into the Queen Street and Bourke Street massacres – the non-attendance of the SOG would have been the subject of intense questioning.

Other aspects of the police handling of the Hoddle Street shootings were criticised at the time, even by senior police. I have attached copies of two articles, 'Clifton Hill 'chaos': Rippon blasts police' (*The Sun*, 31 August 1987) and 'Police chief defends Hoddle St handling' (*The Age*, 31 August 1987), for your reference. Note the final paragraph of *The Age* article reports that 'bullet-proof vests would be issued to all patrol units within the next few weeks.' A recommendation of the inquest into the Queen Street massacre (committed four months after the Hoddle Street shootings) was that bullet-proof vests should be issued to all patrol units. Surely this should have been a criticism rather than a recommendation given the announcement on 30 August 1987. It would have been one of the criticisms that that would have been apparent had a full inquest been held into the Hoddle Street shootings beforehand.

The narrative put forward by Victoria Police and the OPP during court proceedings was basically that I started firing and the police turned up and I instantly threw down my guns and surrendered. At my committal hearing lead prosecutor Joe Dixon QC made the comments that I "surrendered quite quickly" and that "he was prepared to kill but he was not prepared to fight."

Consider the chronology of events:

- I started firing at passers-by.
- The police turned up and I instantly fired at them and they just as instantly withdrew.
- I continued firing despite more police turning up at the scene.
- A shot was fired at me by police. It did not stop me but encouraged me to keep firing.
- I continued firing despite even more police turning up at the scene.
- I eventually left the scene.
- I fired at the first police vehicle I encountered after leaving the scene.
- I crossed over Merri Creek and fired at the first police officer I saw.
- I crossed back over Merri Creek and was chased by the police helicopter.
- Unable to evade the police helicopter I broke from cover and fired at it.
- I headed to my ex-girlfriend's house.
- I was spotted by police and chased down into a laneway.
- I turned around and fired my last bullets at the police.
- There was no return fire so I ducked down and searched for my "suicide" bullet.
- I was called upon to surrender (to put it mildly).
- I put down my empty rifle and stood up.
- A shot was fired at me.
- I was called upon again to surrender.
- I stood up, walked out and surrendered.

This is not exactly the "we turned up and he surrendered" narrative promoted by Victoria Police and the Crown.

On the question of the existence or otherwise of the "suicide" bullet I said I had, in addition to my repeated assertions, I attach crime scene photograph 181 for your reference which clearly shows the one "live" bullet found at the scene. The bullet was located on the nature strip in Hoddle Street.

I do not dispute the cowardly, despicable and senseless nature of my crimes (are there courageous, commendable and purposeful murders?) but the police/OPP narrative is not exactly conversant with what happened. This is not me trying to excuse my actions but Victoria Police constructing a narrative that averts any criticism of *their* actions. Equally, the Crown cannot rely on the admissions I made that support their narrative but dismiss or ignore those admissions that do not. If I was telling the truth when I said I intended to kill someone, then I was also telling the truth when I said I kept a bullet for myself, thought the police would kill me, that police fired a shot at me in Hoddle Street, that there would be an SOG marksman in the police helicopter when I broke cover and fired

at it, that police fired a shot at me after I had surrendered, etc. I was consistent in all of these replies and made them repeatedly. For instance, during the night-time re-enactment I mentioned the shot fired at me by police in Hoddle Street four times (Tape 1 at 9:47, 13:03, 13:49 and 20:20). The starting point when considering any admissions is that every admission should be considered truthful unless it is patently false.

I raised these discrepancies not to excuse my culpability to but to highlight the nuanced and calculated way the charges were laid in my case, and to suggest the reason why some charges were laid and others not.

Mr Dixon QC's comment about having "surrendered quite quickly" was repeated throughout the proceedings in 1988 and was the subject of extensive investigation by the defence. The question of whether it was consistent with Australian military training was also investigated by the defence. I was not cross-examined on the apparent contradiction inherent in my surrender and my expressed wish to die. Had I been, I would have testified as to exactly what training we received at Duntroon on this topic. The lecture, given by a Warrant Officer who was a Vietnam War veteran, began with a laughing referral to the fact that Australians "didn't take many prisoners in Vietnam." The instruction in relation to both taking prisoners and to surrendering was along the lines suggested by the well-known Geneva Conventions (i.e. only to give name, rank and serial number). I asked the question whether, if you were fighting an enemy known to torture prisoners, it would be better to keep the last bullet for yourself. I was contemptuously told that I was "an idiot" and that "You can if you want to, but no-one else will." I could have called, and still can, a fellow staff cadet who should be able to verify these events. The obvious question that arises from the advice they received from Colonel John Murphy (retired) is this: if I acted against training, does that mean the 26,000 Australian soldiers who surrendered individually and in groups and became POWs in the First World War, the Second World War (excluding the mass surrender of the 8th Division at Singapore), and in Korea were acting against training? If the response is "But they were in a hopeless situation", my response would be "Like if they were cornered and had run out of ammunition?" To look at the question from the other perspective, is anyone suggesting that Australian soldiers have been and are taught that if they are cornered and have run out of ammunition that they should run at the enemy is one last *banzai* charge?

It has also been said that I "meekly surrendered." Is there boisterous surrendering?

The contradiction is actually easily explained. My stated desire was to die "in combat". Once I had run out of ammunition I was no longer "in combat". By way of historical example, there were some *kamikaze* pilots whose planes crashed landed or ran out of fuel before they got to their intended targets. None of them got out of their cockpits and committed suicide. Their intention was to die in action in a blaze of flaming glory on the flight deck of an American aircraft carrier, not execute themselves standing on their plane's wingtip. It should also be noted that surrendering is not the subject of repeated drills during training like weapons drills or radio procedures. No army practices surrendering. It is, therefore, something that is done when circumstances dictate. When I finished firing and there was no return fire there was a massive and instant evaporation of adrenaline and I became very calm. It was also – the yelling of the two police officers aside – very quiet. Ask anyone who has been in a shooting, whether it was in a civilian or military setting, and I suggest their experiences will relate to mine. To risk or invite getting shot during the excitement of being 'in action' is one thing; to simply stand there and be executed is another. If I was "prepared to kill but … not prepared to fight", why didn't I surrender when the police first turned up in Hoddle Street?

Again, as I have made clear above; if I was telling the truth when I said I wanted to kill someone, then I was also telling the truth when I – repeatedly – said I kept a bullet to use on myself.

The File Notes and the public record also establish that the then State Coroner, Mr Hal Hallenstein, intended to hold a joint inquest into the Hoddle Street and Queen Street massacres. He was persuaded not to after representations by Mr O'Brien. Even so, his original intention was to examine the police response to the shootings and 'the effectiveness of Displan' (see File Note 21 April 1988). Had he done so it is certain that the actions of Victoria Police would have been subjected to the same intense scrutiny that they were at the Queen Street inquest and that they are being subjected to in the Bourke Street inquest. In my case, I am articulate and had something to say. In the Queen Street case the offender was dead, and in the Bourke Street case the offender is mad. In the Hoddle Street case, the inquest did not involve the calling of any witnesses but simply the reading out by the Informant of the summary of events that had been read out by Mr Dixon QC at my committal (which also involved the calling of no witnesses). My committal was over in an hour and the Hoddle Street inquest was concluded in 55 minutes. The Queen Street and Bourke Street inquests lasted 5-6 weeks.

I suggest that the "he was prepared to kill but he was not prepared to fight" narrative has less to do with maligning me and more to do with deflecting attention away from the police handling of the incident. Even so, I do not think this discussion is in any way going to present me in a better light.

Whether or not I "was prepared to fight" does not detract from the cowardly and despicable gunning down of unarmed people in an ambush.

As an aside, I appreciate the anger that results from a perpetrator of a crime questioning the actions of responding police. Given the type of crime and the disparity in firearms (i.e. an M14 military rifle versus Smith & Wesson .38-calibre revolvers), I do not think the actions of the police warrant much criticism. If anything, I think many of them were deserving of valour awards. This was also the view of many police (see 'Time to reward heroes', *Herald Sun*, 8 August 2012, page 19 & Editorial: 'Hail these heroes', page 28). I also appreciate, however, that Victoria Police are not tolerant of *any* criticism and will go to great lengths to ensure that their narrative is not the dominant one but the only one. If they did not wish me to comment and point out uncomfortable truths, then they should refrain from "he was prepared to kill but he was not prepared to fight" comments. Questions such as, "If he wasn't prepared to fight, why didn't you call upon him to surrender in Hoddle Street?" "Why was only one shot fired at him in Hoddle Street and where is that member's statement?" "Police at the scene were ordered to 'fall back to a safe position': what did that mean for the wounded civilians trapped in the ambush zone?" "The Police Air Wing was notified at around 21:40hrs and "Air 495" arrived over the scene at 21:48:30hrs (i.e. within 9 minutes). The Russell Street duty inspector – who did not have a dedicated driver – managed to obtain a vehicle and a driver and get to the scene by 21:48hrs (i.e. within 10 minutes). By 22:11hrs, at least six units from Russell Street police station had arrived at the scene. The Special Operations Group were also at the Russell Street police station and were called out at 21:49:30hrs, but had still not arrived at the scene when the D24 transmissions tape ends at 22:20hrs (i.e. over 30 minutes after they were called out). If everyone else could get to the scene, why couldn't the SOG?"

The 'implications of pleading guilty' (page 2) were very clearly pointed out to me by the defence. The law as it stood at the time (i.e. 10 years before the *Crimes (Mental Impairment & Unfitness to be Tried) Act 1997* (Vic) and 20 years before *Verdins*) meant either life imprisonment for murder or Governor's Pleasure for a successful plea of not guilty by reason of insanity. Mr Richter QC told me quite clearly at the case conference on 26 October 1988 that if I plead insanity, I would "never get out." Given the ultimate disposition of Derek Percy (who was given GP and died in a prison hospital after serving 44 years), I believe that was an accurate assessment.

The position taken by the Crown went beyond simply not contending 'that a non-parole period should not be fixed.' It was suggested that a period of around 30 years was appropriate. The 27-year minimum term that was set was not appealed by the Crown. I have attached the memorandum of

advice from Mr Dixon QC to the Solicitor to the DPP on the question of an appeal. There is nothing in that memorandum to suggest that the minimum term set was considered by the Crown to be too low. I recognize that most of the victims understandably felt that I should have been given life in prison. As too did most, but not all, senior police. The State Government of the day felt, to quote senior police and the then Premier, John Cain, that the sentence was 'an appropriate sentence' and that it adequately reflected the community's revulsion at my crime. I have attached the report of the reactions to my sentence that appeared in *The Age* the day after I was sentenced: 'Sentence 'accurately portrays revulsion'', *The Age*, 11 November 1988, page 21.

As to 'a future grant of parole' (page 3), as I have already pointed out, the practice in Victoria before Craig Minogue and I were sentenced, at the time we were sentenced, and since we were sentenced, has been to inevitably grant parole to eligible murderers. It is not possible to point to a single case – myself and Dr Minogue excepted – where this has not occurred. The argument is not that the Crown was able to guarantee a future grant of parole, but that the law and practice at the time gave no indication that it would not be granted. It was certainly not conceivable that future *ad hominem* legislation along the lines of .74AA was going to be introduced. If it was, no one suggested that it was a possibility. If it had been, I would not have agreed to plead guilty. At a minimum, the defence would have made submissions directed at that possibility. The only caveat raised by the Crown and by Dr Bartholomew was that I would most likely not be released *if* I was assessed as still 'presenting a danger to the community' (see *R v Knight* [1989] VR 705, at 711).

It should be noted in relation to the above that I have not had a psychiatric or psychological assessment since 2012. It is worth noting that this is in excess of the usual review periods for those found not guilty by reason of insanity.

As to whether there was a mental defence available to me, there was a difference of opinion between Drs Bartholomew and Byrne on the one hand, and Dr Sime and Mr Watson-Munro on the other. I note that the advice of both Dr Bartholomew and Dr Byrne was that they were adamant that a mental defence – either insanity or automatism – was not available. Whether a defence of "temporary insanity" could have been argued is debatable. Drs Bartholomew and Sime are deceased, but Dr Byrne (Tel: 9898 8278) and Mr Watson-Munro (Tel: 0425 795 706) are still alive and practising as forensic psychologists.

It should be noted that Hampel J raised the concept of diminished responsibility (a partial defence not available in Victoria but available in other jurisdictions, most notably in NSW where it was

successfully argued by Paul Evers and Gregory Brown) on day two of the plea (Transcript 31 October 1988, page 99). Mr Richer QC replied:

> "We would say that the diminished responsibility, had it been available, would have been argued as a defence in this case and the psychiatric evidence that Your Honour has heard might well have brought about that result..."

It needs to be noted that Dr Sime was able to support this contention given his prior experience with this partial defence in the UK. I do not know if the other professionals had any similar experience.

Does this not bring my case within the "Verdins principles"? (*R v Verdins* (2007) 16 VR 269)

I have attached a copy of the report and editorial that appeared in the *Herald Sun* a week *after* Gregory Brown was released unconditionally from prison in Victoria ('Killer among us' (page 3) and 'VCAT makes wrong call' (page 78), *Herald Sun*, 2 May 2009).

As to the attempted murder of persons I could not see, the argument is not that I thought they were there there but could not see but that I shot at a vehicle and I did not think there was anyone there ("Northcote 253"), or I simply shot at the vehicle (police helicopter) not expecting to hit anyone.

I did not consent to the Crown's offer to withdraw the attempted murder charges concerning police officers (page 3) because, first, I did not wish the Presentment to be changed at the last moment, and secondly, I did not want to give the Crown the opportunity of repeating "he was prepared to kill but he was not prepared to fight" comments. The question remains as to why the Crown made this offer at the last moment. They either wished to structure the narrative to excluded police involvement until the moment of arrest so as to exclude the opportunity of giving the defence grounds for questioning police handling of the incident, or the charges in question were not charges that I could in law have been guilty of 'on the facts admitted on the plea'.

It is interesting to note that although around 20 civilians were injured in the Russell Street bombing, none were the basis of charges in that case. Of the four charges laid in that case, three concerned police and the fourth concerned Magistrate Iain West. The narrative in that case was thus that it was a crime that only involved police as victims; the presence of civilian victims only serves to detract from that narrative.

It is not entirely correct to state that, 'There is no evidence of any plea bargain' (page 5). I refer to a 'plea bargain' in my letter to Mr O'Brien dated 21 August 1988. My written instructions to Mr O'Brien dated 4 September 1988 then clearly state that, 'In light of the plea bargain that you and Mr Richter have arranged with the prosecution…' I have attached a copy of that letter for your reference. Mr O'Brien replied to those instructions in a letter dated 7 September 1988. If my belief as to the existence of a "plea bargain" was mistaken, Mr O'Brien made no attempt in that letter to correct me. Given that I was pleading guilty to numerous counts of murder and attempted murder, it would be inconceivable that a solicitor as experienced as Mr O'Brien would allow me to continue giving instructions under this misapprehension.

The "plea bargain" that was put to me was expressed thus; if I agreed to plead guilty and my experiences of bastardization at Duntroon were not raised, the Crown would agree to the setting of a minimum non-parole term. I testified under oath to this recollection during civil proceedings in the ACT Supreme Court in 2015. None of the surviving counsel questioned (Richter, Pirrie, Leckie, O'Brien) – but not deposed – by the AGSO solicitors during 2014-15 as to the existence of a plea bargain in these terms categorically denied that any such offer was made. The responses varied from 'no recollection' to 'don't recall' to 'no memory' of any plea bargain. Mr O'Brien stated that my assertion did not accord with his memory of discussions with the Crown (Mr O'Brien did mention that Mr Dixon QC conceded at my committal that a minimum term was appropriate. The transcript of the committal includes no such admission. As a matter of procedure and practice, I would have thought the subject of a minimum term would not have even arisen at this stage of the proceedings. I certainly do not recall any mention of it).

Note that Mr Richter QC raised bastardization as a relevant matter to be explored at trial on day one of the committal (Transcript 11 April 1988, page), but then glossed over it completely on day one of the plea (Transcript 28 October 1988, pages 21-2). Concurrent with these proceedings were instructions to the various professionals that changed from a request to detail my 'experience of' to my 'perception of' bastardization.

Note also Mr O'Brien's letter to me dated 26 July 1988 in which he wrote that, 'In the last analysis it does not matter if, for example, the full details regarding bastardisation, are not brought out, if that means in the long run that a better result is secured for you.'

Mr O'Brien's File Note dated 9 September 1988 stated that, 'Mr Richter and I discussed the intimation that we had received from the prosecution that if we stressed too much the issues of bastardisation, that the prosecution was under instructions to call evidence to rebut those matters.'

The same day Mr O'Brien wrote to Dr Sime with instructions that changed from his earlier request on 29 April 1988 to include a 'careful discussion of [my] "bastardisation" at Duntroon' to my 'perceptions of' bastardization. Mr O'Brien wrote:

> 'There are two matters which need to be kept in mind; the first is that the prosecution have advised us that if we make too much of the issue of alleged 'bastardisation' they are under instructions to call evidence to rebut that. Accordingly, we will not be making overly much of the issue of 'bastardisation'. The second point that should be borne in mind is that to date Julian's surrender has been explained in terms of military training i.e. that when one runs out of ammunition the appropriate course is to surrender to fight another day. However, we have consulted military personnel and they have indicated that this is not consistent with military training. Therefore, that explanation of the apparent contradiction between his state of desire to die or be killed and his peaceful surrender will not do.

I have addressed the surrender issue above.

Mr O'Brien's File Note dated 25 October 1988 states that, 'In the course of the conversation with Mr Dixon of Counsel for the Director of Public Prosecutions, he enquired of me as to whether we were going to make much of the alleged bastardisation. I informed Mr Dixon that we were not. He indicated that had we been he would have provided some material to us in relation to that provided by the Army which was very sensitive about such allegations. I later confirmed with Richter QC that we in fact were not going to make a great play of bastardisation.'

I have attached the *Assessment Note* of the Defence Abuse Response Taskforce's assessment of my 96-page sworn complaint to the Taskforce in 2013. Note that my allegations of 'physical abuse' and 'workplace harassment and bullying' were found to be 'plausible' (page 5) for a number of reasons (page 6), and further, that my complaint raised 'plausible mismanagement by Defence of a plausible actual or constructive report of abuse' (page 7). I would assert that had the issue of bastardization been the subject of evidence on the plea, including my own sworn evidence, the dispute would have been resolved in my favour. One wonders what the threatened 'evidence in rebuttal' would have been (Especially given the post-sentence admission made by the then Commandant of Duntroon to the ABC – see page 6 of the *Assessment Note*). The attached photograph is of me standing outside my barracks at Duntroon the day after I was beaten up by senior cadets on 17 March 1987.

It needs to be noted that my submission to the DART was based on the same material that I provided to the defence during 1987-88.

It also needs to be noted that the extensive report of Mr Watson-Munro dated 29th February 1988 was not submitted to Hampel J and he was not called upon to give evidence. My understanding is that the sole reason for this decision was his criticism of the Army. I suggest you contact him (Tel: 0425 795 706) to confirm this. I have attached a copy of the report of my sentencing that appeared in *The Canberra Times*: 'Hoddle St man gets 27 years', 11 November 1988, page 1. Note the last four paragraphs of the article.

Counsel refers states that my 'offending had the qualities of terrorism' (page 4). Given the total absence of a political motivation, I cannot see how this description is at all apt. Even if the description is apt, I know of no case where a convicted terrorist has not been paroled or released as a result of an amnesty. An example of the former is Baader Meinhof gang member Christian Klar who received a life sentence for 9 murders, but who was paroled after serving 26 years of a life sentence (N.B. Klar was the Baader Meinhof gang member who served the longest time in prison). Examples of the latter are Barend Strydom and Gary Stone. It is also worth noting that no Palestinian terrorist has served longer than 36 years in an Israeli prison, and that the surviving terrorist of the 1980 Iranian embassy siege in London, Fowzi Nejad, was paroled in 2008 after serving 28 years.

Counsel notes (at page 5) that, 'In 1988 mass shootings were extremely rare' and that this 'is no longer the case.' It could be argued that *random* mass shootings were extremely rare in Australia, but this was not the case in the USA. Mass shootings and shooting sprees, however, had occurred prior to Hoddle Street. Note, for instance, that Sulejman Kraja committed a mass shooting (3 dead, 2 wounded) *in* the Supreme Court (in the corridor between Courts 10 and 11) in May 1980. He was paroled in 2004 at the expiry of the 24-year minimum term on his multiple life sentences.

It should also be noted for purposes of discussing the risk of reoffending, that the firearms I used in 1987 were banned in Victoria in 1988, and were banned nationally in 1995 after the Port Arthur massacre. That massacre was the last mass shooting in Australia.

What 'terror-related murders' (page 5) is counsel referring to? The only murder conviction for a terrorism-related murder has been the conviction of Levon Demirian in 1988 over the 'murder' of

his co-offender in the bombing of the Turkish Consulate. The conviction, and the associated sentence of life imprisonment with a minimum term of 25 years, was overturned on appeal (see *Demirian* [1989] VR 97).

With respect to whether my minimum non-parole term was controversial in 1988 (page 5), I point to the reaction reported in *The Age* article and Mr Dixon QC's memo to the Solicitor to the DPP. It may be that my minimum term 'has become more controversial since' in State Government and legal circles because it was expected that I would either be murdered or would commit suicide in prison. In fact, the tone of media reports for the first decade I was in custody was that I was at risk of being murdered in prison. The tone of media reports during the next decade changed to one whereby it was *I* who posed a risk to other prisoners and to prison staff. The tone of media reports in the final years leading up to my parole eligibility date in 2014 was initially that I should not be released, and finally that I was going to be released. It is worth noting, however, that unlike the situation with Crump in NSW, there was no acute public outrage or concentrated media campaign to keep me in prison. There was no threat of imminent release so there was no "social mischief" that s.74AA needed to address. Given that the Victoria appeared as intervenors in the 2012 High Court Crump case, I think it is reasonable to assume that the State Government intended to introduce the same legislation against me and Craig Minogue (and Paul Denyer in 2023) regardless of community expectations or parole assessments.

In the absence of evidence pointing either way, it is academic whether the enactment of s.74AA was due to a widespread belief that I did not deserve the minimum term and the legislation gave practical effect to what could not be done legally (i.e. a legislative re-sentencing), or that it was simple political opportunism. For the purposes of considering this proposed appeal, I do not think it matters.

On whether an appeal against sentence in the absence of any appeal against conviction is a theoretical possibility, note the following three categories of sentencing cases:

1. Cases of teenage offenders receiving life sentences (*Roberts* [2003 VSC 30, *Crosbie* [2003] VSC 69, *Hicks* [2014] VSC 266, and *Todd* [2019] VSC 385). All have received minimum terms, although Roberts is now captured by s.74AAA of the *Corrections Act 1986* (Vic).

2. Cases of partial mental defences (*Verdins* (2007) 16 VR 269, *Gargasoulas* [2019] VSC 87]).

3. Cases of life imprisonment being imposed after a guilty plea (*Coombes* [2011] VSC 407, *Hunter* [2013] VSCA 385, *Cardamone* [2019] VSCA 190). Two of the three cases involved offenders with a previous conviction for murder.

My submission is that my case is the only case where all three propositions are present. If I am wrong, then please point out which case involved all three issues and I will rely on that decision to suggest that I should receive a similar sentence.

I have attached a 29 March 2019 list of the Highest Sentences in Victoria for your reference. Note that the list contains a range of types of offenders, including two with minimum terms who have served previous sentences for murder (Michael Lane and Frank Babic), and 27 who are serving longer minimum terms than I was. Please also note that John Lascano died in custody in September last year. As for the remainder, Truong was due to be released on parole last year (I do not know if he was), Adajian is due to be paroled this year, and Parsons and La Trobe University gunman Horrocks are due to be paroled next year. Adajian and Horrocks are already at the Minimum Security Middleton Prison, and Horrocks was approved to move there last year.

Counsel makes the claim (page 5) that, 'Mr Knight's behaviour in prison, at least as it is perceived by law enforcement authorities, has not justified the hope expressed in sentencing by Hampel J for his rehabilitation as a result of the maturation process.' What is the basis for asserting this supposed perception of law enforcement authorities? Aside from referring to the reports of Professor Mullen and Professor Ogloff, I have attached the following documents for your reference:

- The minutes of the 1999 Annual Review of my classification and placement.
- Two articles relating to my attempts to save the life of another prisoner in 2000: 'Knight calls for suicides shakeup', *The Age*, 10 April 2003, page 13 and 'Hanging sparked suicide prevention changes', *The Age*, 1 August 2003, page 4.
- The 3 'meritorious conduct' Emergency Management Days deducted from my sentence for attempting to save the life of the prisoner in 2000.
- A copy of my letter to the then Premier, the Honourable John Brumby MP, dated 16 June 2009.
- My Record of Results for my Bachelor of Criminology course during 2009-2012.
- The invitation to me to apply for a Commonwealth supported place in relation to my Bachelor of Criminology course.
- My letter to IBAC dated 23 June 2016.

- IBAC's response to me dated 20 July 2016.

In relation to the decision taken at my 1999 Annual review to lower my Security Rating to B Medium Security – on the basis of 'good behaviour' and 'length of time served' - and the concurrent recommendation 'that a move [to a lower security prison] in the not to (*sic*) future, should be considered', required the approval of senior Corrections Victoria officials. No decision of any kind, let alone an approval, was forthcoming. It should also be noted that the decisions taken at my 1999 Annual Review were the result of constant campaigning by me since the mid-1990s. All other prisoners I have spoken to had their Security Ratings lowered by Corrections Victoria automatically.

The reason behind an intention on the part of the State Government and Corrections Victoria to frustrate my progression through the prison system is evident in the decision of the Court of Appeal in *Ryrie* (1993) 64 ACrimR 332. Keith Ryrie committed a child killing in circumstances even more egregious than the child killing committed by Derek Percy. Whereas Percy was confined to walled prisons for the entire time he was in prison, Ryrie concurrently managed to work his way to an "open camp" and start weekend leaves. When Ryrie's application for a minimum term was refused on the basis of the "worst category of murder" nature of his original offending, he appealed and the Court of Appeal took a sympathetic view due to his behaviour on 96 weekend leaves over a period of 10 years, upheld his appeal and substituted a minimum term of 26 years. Ryrie had already served that term and was released on parole by the APB immediately after the Court of Appeal's decision. Send me to an "open camp" and give me 96 weekend leaves and I am sure that I can prove I am safe to be released into the community.

As an aside, does this decision mean that the 11 prisoners serving originally imposed whole-of-life sentences, some of whom are already at Medium Security prisons, can seek to lodge belated appeals in the years to come if they are of good behaviour?

In relation to the suicide of another prisoner in 2000 and the 3 EMDs I received for "meritorious conduct', it should be noted that the awarding of such EMDs is exceedingly rare. It should also be noted that prison authorities seized my brief to counsel in relation to the inquest into this death during a legal visit, which is the action that initiated my litigation against the prison authorities.

My letter to Premier Brumby is one example of many such letters that I wrote over the years to State Government ministers, senior Corrections Victoria officials and members of the APB.

I was forced to discontinue my Bachelor of Criminology studies because Corrections Victoria would not approve my repeated requests to purchase a computer to assist me with these studies, even after I was offered a Commonwealth supported place. My first request was made in August 2006. I am still without a computer and my tenth Supreme Court proceeding on this issue is currently awaiting a decision on my application for leave (as a vexatious litigant) to initiate the proceeding.

My letter to IBAC is a summary of the letters I wrote to Craig Minogue and Les Camilleri and to various Supreme Court judges regarding the prosecution of the Prue Bird case. The seizure by prison authorities of my letters to Craig and to Les are the 'further incident reports' referred to by the APB in their letter to me dated 2 July 2012. A reading of my letter to IBAC should indicate why I feel aggrieved that *my* actions in this matter are the ones that are being promoted as constituting an attempt to pervert the course of justice. It is this line that has been fed to sympathetic journalists such as John Silvester. I have attached a copy of Silvester's article, 'The case for Julian Knight legislation: public safeguard or political stunt?' (*The Age*, 19 February 2014, pages 10-11). The reference to my letters is contained at the bottom of the sixth column. This may be basis for counsel's assertion as to how my behaviour in prison is 'perceived by law enforcement authorities.' If so, then I will feel even more aggrieved.

I have attached a copy of the editorial that appeared in the *Herald Sun* the day it was announced by the State Government that they were introducing laws to keep me in prison ('Justice is done', *Herald Sun*, 18 February 2014, page 20). This editorial repeats all of the canards repeatedly promoted by the State Government and Corrections Victoria, and clearly indicates that the thrust of the legislation is that I deserve 'to die in jail.' Community protection is an afterthought.

Counsel offers a view as to the outcome if I were to undergo 'resentencing … today' (page 5). Namely, life without parole. Such an outcome would depend on the Crown reversing its original position in the absence of any new aggravating evidence (thus not providing them with the opportunity outlined in the Court of Appeal's decision in *Coulston* [1997] 2 VR 446), and acting counter to the original advice by Mr Dixon QC on whether to appeal the minimum term that was set. A call for a whole-of-life sentence would at least give me an opportunity to argue against it. As it stands, this is the sentence that has now been imposed without argument or submissions. If a life sentence was imposed, it would be open to the defence to appeal that sentence (which is two more avenues of appeal – Court of Appeal and High Court – that I currently have).

Addendum

I have attached a copy of my letter to VLA dated 17 October 2019. I assume this is the further material that counsel considered before drafting the addendum to the original advice.

In addition to the cases mentioned therein, reference should also be had to the decision of the NSW Supremne Court in *Blessington* [2005] NSWSC 340 (particularly the *dicta* at [51] in relation to a belated appeal).

I find it difficult to accept – from a legal not a personal point of view – that the likelihood of my 'being granted leave to appeal against sentence is considerably less than Mr Crump's' (page 1).

In relation to the sentencing of Crump and his co-offender Baker, the original 1974 sentencing remarks of Taylor J are repeated in *Baker* (2002) 130 ACrimR 417, at [25] 423-4:

> 'For sheer cruelty, for callous indifference to suffering, for a complete disregard of humanity, for the complete absence of a spark of human decency, what you have done to this woman and to her children and to her husband is without parallel in my experience, and I have sat here many times over the years. You have outraged all accepted standards of the behaviour of men. The description 'men' ill becomes you. You would be more aptly described as animals, and obscene animals at that.
> I believe that you should spend the rest of your lives in gaol and there you should die. If ever there was a case where life imprisonment should mean what it says – imprisonment for the whole of your life – this is it.
> If in the future some application is made that you be released on the ground of clemency or of mercy, then I would venture to suggest to those who are entrusted with the task of determining whether you are entitled to it or not that the measure of your entitlement to either should be the clemency and mercy you extended to this woman when she begged you for her life.'

These remarks were repeated with approval by Sully J in 1993 (see [28] at 424), the NSW Court of Criminal Appeal in 1994, and by French CJ in *Crump* [2012] HCA 20; (2012) 247 CLR 1. The killing of Mr Lamb was described as callous. The 'other offending' glossed over by counsel was described by French CJ thus (at [1] 7):

> 'Mrs Morse was kidnapped and raped by both the plaintiff and his co-offender and killed by the plaintiff with a rifle shot to her head. The killings were callous, and in the case of Mrs Morse, preceded by particular and degrading abuse.'

Compare the original sentencing remarks with those of Hampel J in my case, particularly where His Honour stated (at 710) that the murders I committed were 'not accompanied by acts of torture or cruelty.' Also (at 711), that to set an overly high minimum term would defeat the 'main purpose for which it is fixed, namely your rehabilitation and possible release at a time when you would still be able to adjust to like in the community.'

It is, therefore, a comparison between a clear-cut case of the intention to impose a whole-of-life sentence in Crump's case with the intention that the offender in my case would be released after the serving of the minimum term.

Note also the statement in the File Note dated 19 April 1988 that the Crown 'advised that Dr Bartholomew was prepared to state that in his professional opinion our client, Julian Knight, was not as culpable as number of other people who had been convicted of serious crimes.' It should be remembered that Dr Bartholomew interviewed over 1,800 persons charged with murder over the course of his career. It is, therefore, certain that he was referring to offenders who had been or were eventually released. It is certain because all bar two of the pre-1986 murderers (118 lifers and 33 serving GP) have been released on parole.

It is worth remembering that it was the eventual setting of a minimum term in Crump's case caused a public and media outcry that prompted the NSW State Government to introduce the legislation upon which s.74AA is based.

Similarly, the setting of a minimum term in Crump's case by a sympathetic judge was on the basis of his behaviour in prison, which reinforces the concern raised by the principle established in Ryrie's case. My attempts to litigate my way to an "open camp" and to obtain weekend leaves was with the objective of attaining this state of affairs in mind. This objective was obviously recognized by the State Government and Corrections Victoria who acted to defeat it by stonewalling and refusing to act (see the comment to this effect in the fourth column of John Silvester's article).

French CJ also made the following statement in *Crump* (at [36] 19):

> 'The power of the executive government of a State to order a prisoner's release on licence or parole or in the exercise of the prerogative may be broadened or constrained or even abolished by the legislature of the State.'

This statement can be construed as holding that a prisoner's only real sentence is the maximum or head sentence; the minimum term is simply an administrative date. Does this finding not run counter to the law in Victoria where a minimum term is set 'as part of the sentence'? If no right accrues, why is there a right of appeal against the refusal to set a term or the length of the term that is set? I do not believe that this issue has been adequately argued in either the Court of Appeal or the High Court. The effect of s.74AA is not simply to make obtaining parole harder; it removed my entitlement to obtain parole on the 8 May 2014 (aside from the theoretical possibility that I could have eligible for parole *if* I had been in imminent danger of dying on 8 May 2014).

It could also be argued the current legislative scheme for Detention Orders and Extended Supervision Orders makes life sentences other than whole-of-life sentences redundant.

In 'the interests of justice', should I not, like Crump, 'be given the opportunity to argue [my] application for leave and have [the Court of Appeal's] fairly extensive reasons for rejecting it'?

Does the reference to the 46-year minimum term in Gargasoulas' case (page 2) not run counter to the earlier advice of counsel?

I realize that much of what I have submitted goes beyond the legal issues relevant to the question of an appeal against conviction and sentence, but counsel has similarly gone beyond the relevant legal issues. I also believe that context is necessary in order to properly consider why my case was concluded the way it was.

In addition to the 'cc' list, I ask that you provide a copy of this submission to counsel to give the opportunity for counsel to reconsider their advice, should they wish to do so.

I ask that counsel's memo and this reply be added to my VLA case file.

Yours sincerely,

JULIAN KNIGHT
Email: ppptcc@au.g4s.com