

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COURT OF APPEAL (CRIMINAL DIVISION)**

BETWEEN:

Christopher Dean Binse – Applicant

- and -

The King – Respondent

AFFIDAVIT

Date of Document: 2 February 2014
Prepared & filed by: Christopher Dean Binse
Residential address: Barwon Prison, 1140 Bacchus Marsh Rd Lara Victoria 3212
Address of service: **Prison.Admin@justice.vic.gov.au**

I, Christopher Dean Binse am a prisoner at Barwon Prison, 1140 Bacchus Marsh Road Lara Victoria, and a solemnly and sincerely declare and affirm that:

1. I am convicted (in that name) of the offenses of: 3x Prohibited person possess firearm; 1 Theft, 1x Armed robbery; 1x Reckless conduct that may place another person in danger of serious injury.
2. I make this affidavit for 2 reasons. One is to provide evidence in support of my application to file an Appeal Against Conviction out of time. And two, is to provide evidence that can be used in support of my grounds of Appeal.
3. I advise the Court that it has only been since November 2023 that a fellow prisoner has assisted me in drafting the documents that I am seeking to file. Prior to November 2023 I could not find anyone to help me, and the work I had done and my versions of

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documents, were, I am told, not able to be understood by anyone because of the lack of organization or any overarching narrative.

4. The drafting and the formatting and the syntax of the documents that I am now seeking to file are largely the work of the other prisoner. However, the intention to bring this matter, and the basis on which I am bringing it, are mine and mine alone own.
5. On 24 May 2014, I was convicted and sentenced after a plea of guilty before His Honour T. Forrest in *R v Binse* [2014] VSC 253. The details of those convictions and sentences are particularized in my Notice of Application for Leave to Appeal. The summary of the offending is included in the Written Case for the Applicant.
6. In *R v Binse* [2014] VSC 253, (and the Appeal on Sentencing only) my solicitor and barrister denied the Court knowledge of the true facts and circumstances of my case in relation to my suffering mental disturbance associated with PTSD. I was coerced by my solicitor and barrister into entering a plea of guilty against my will.
7. It was always my intention that it was to be my defense that I had engaged in the criminal offending due to my diagnosed chronic PTSD, which had been recognized reported as involving a perceived hypervigilance and fixated fears, manifesting in the grave and heightened perceived threats to my loved ones and myself. The armed robbery was to fund the relocation of my loved ones to a safe place, so as not expose them to the very real grave live dangers and threats posed – real and perceived. And accepted in *R v Binse* [2014] VSC 253.
8. That is was my intention to run this defense this is found in the Defense Summary dated 15 November 2013 by Gavin Green.

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9. My suffering from the mental disturbance associated with PTSD has significantly impacted upon my liabilities to address my legal matters in a timely fashion.
10. My solicitor and barrister pressured me into entering a plea of guilty against my will, with the advice that my PTSD was not a defense but simply a mitigating factor.
11. At the plea hearing in *R v Binse* [2014] VSC 253, the issue of my mental health before during and after the offending was an issue raised. My solicitor and barrister presented facts and circumstances about my case that were material misleading when seen in light of the actual facts and circumstances.
12. Due to the fast pace of events unfolding during my plea hearing, I could not fathom or appreciate the absence of the true facts relevant to my offending behavior, and I did not fully understand at the time that the pivotal evidence was being omitted. I did raise questions I had about the pivotal evidence with my barrister the following morning on a brief legal visit prior to the commencement of the proceedings, and my barrister would now refer to this specific evidence relevant to my offending behavior, only done due to my robust insistence on this critical element of evidence that went absent before the Courts it was then now raised.
13. However, a report by Dr Danny Sullivan was presented to the Court which came to conclusions that was inconsistent with a large raft of medical and other evidence about my PTSD diagnosis and other evidence about my mental health. The Court was denied knowledge of the true facts and circumstance of my case, via the Sullivan Report.
14. I was denied a defense that I very much wanted to run. And the Court was denied knowledge of the true facts and circumstances of my case on the coerced guilty plea.

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15. I attempted to remedy the injustice in *R v Binse* [2014] VSC 253 in an Appeal against sentence, but foolishly I used the same lawyer who assured me that he would “fix it”, see *R v Binse* [2014] VSCA 329. However, the relevant evidence about the true facts and circumstance of my case were again concealed from the knowledge of the Court of Appeal.
16. It is my honestly held belief that denying the Court knowledge of the true facts and circumstances of my case, and presenting the unsupported evidence of Dr Sullivan which mislead the Court *R v Binse* [2014] VSC 253. The report by Dr Sullivan was latter rejected as it was obviously not factual or accurate of my situation, see *R v Pecotic* [2017] VSC, per. T. Forrest J. where I was able to present a true account of my situation that my lawyers had previously denied the Court.
17. I made a number of suicides attempts due to the severe depression I was suffering, while at the same time struggling with chronic PTSD condition and mental deterioration and decline. This history has contributed to the delay in my bringing this matter.
18. I submitted a Petition of Mercy to the Attorney General on 6 March 2018, and I revised the Petition in a submission made on 4 November 2019. The Petition was rejected with notice of decision dated 17 April 2020.
19. It is fair to say that I very much struggled to process and present the Petition of Mercy submission, frankly it was all over the place. Returning to all the traumatic events severely impacted my ability to showcase the highly confronting issues properly in any legal technical manner. I had attempted a number of further suicides due to the severe depression that I was overwhelmed with. I had also lost access to my personal computer on two separate occasions over the following years, with hunger strikes and self-harm swallowing metal items and resulting trips to Geelong Hospital.

20. That knowledge of the true facts and circumstances that was denied the Court in my matter, also goes directly to supporting the special circumstances as to why an extension of time should be granted.
21. Shown to me at the time of deposing this affidavit is a true and correct bundle of documents which provide evidence about the true state of affairs in relation to: (a) my case before the Courts; (b) my mental health; and (c) situation in prison, which is marked as **Exhibit CDB-01**.
22. The bundle of documents in **CDB-01** are prefaced by an index of the documents describing them, and I have annotated the documents with hand written pages numbers to which I will refer.
23. On 17 April 2013 while I was representing myself before the Court in a matter that is not being Appealed here, I said: 'I was really mentally um, unsound, and I had a lot of concerns and a lot of issues, and posttraumatic stress, up know', see Document 8 at Exhibit page 301.
24. My lawyers were in possession of a large raft of prison medical evidence from the Department of Justice which detailed a long and complex history of mental health issues. However, the Courts in *R v Binse* [2014] VSC 253 and *R v Binse* [2014] VSCA 329 were denied knowledge of that evidence. For example, evidence from Dr Newlands and Dr Epstein stated: 'The Panel's findings on examination, the Panel concluded that the Claimant is suffering from a Post Traumatic Stress Disorder, relevant in part to the incident of 31 May', see Document 9 at Exhibit page 316.
25. This evidence from Dr Newlands and Dr Epstein, and this type of information generally, was willfully concealed from the knowledge of the Court, and or submissions

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were made and documents relied upon, like the Sullivan Report that, were contrary to the true facts and circumstance of my case in relation to the PTSD issue.

26. There is evidence that my lawyers had access to the relevant information and evidence from evidence from Dr Newlands and Dr Epstein as stated above, where counsel states:

‘the extent we’ve been able to discern it from various prison records and medical records, see Document 13 at Exhibit page 413.

‘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’, see Document 13 at Exhibit page 413.

27. These statements quoted above from my counsel were false and they were made to mislead me into the false belief that the large raft of evidence prison medical evidence about the mental health a PTSD issues from the Department of Justice was actually before the Court when it was not.
28. When Mr Holt was misleadingly referring to the medical evidence that I had insisted be put to the Court so as to deceive me, the judge asked: ‘It’s not suggesting that there’s any Verdins connection or anything like that?’, see Document 13 at Exhibit page 414. Mr Holt replied: ‘No, no, it’s not, Your Honour. This is evidence about his mental state and his history and background and to that category of Your Honour’s assessment of his overall moral culpability and I don’t seek to put it in a *Verdins* way. I couldn’t do that on the material that’s before the court’, see Document 13 at Exhibit page 414.
29. I was not able at the time, or for some years after, to unpack the deception that was being perpetrated on the Court by Mr Holt. And it has only been very recently that I have had meaningful assistance so as to articulate my complaints. The issue here is

that the evidence that the prison medical that I was lead to believe was before the court, but which was concealed by Mr Holt, did in fact go to a *Verdins* situation because of my PTSD, but Mr Holt had only put the Sullivan Report before the Court which cast doubt on the PTSD issue.

30. Again, let me state that there is evidence that my lawyers had access to the relevant information and evidence, but which they was willfully concealed from the knowledge of the Court. Ms Pamela Mathews says that she: 'was provided with a very large box of documents and when I first went to see Mr Binse, I basically took the um, indictment documents to speak to him, and then I spent more time on the box of documents', see Document 16 at Exhibit page 615.

31. Of the documents that were given to Mr Holt the following relevant evidence can be found, evidence that was that was contrary to the misleading case that was put to the Court:

(a) "Reviewed in clinic- history of depression" prone to fluctuating moods-admits to being depressed at times. However only tosh? Medication said was no compliant 16/? He felt drowsy & experienced reactions. Sometimes he gets depressed, becomes withdrawn & isolated, morose"- however will isolate self, turn off-lasts for days or longer-about? To dealing with depression a couple times per wk. A? to Rx he undertake exercise/isolate self A? To having suicidal thoughts, thinks about [redacted]-"inmates involved in Banksia assault I bet" looks forward to visits. A. To having plans -has thought of asphyxiation but has considered it- even putting the bag over his head as a "test run" this was 01/06/07. No more test runs since then he states. Denied any current-', see Document 1 at Exhibit page p 1.

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(b) 'Suicidal ideation-identified early warning signals depression specific to his situation- isolation", "reclusiveness", "sad", "no motivation", "lethargic", "lack of appetite & motivation". "Used to enjoy writing letters but now reports no interest'.

(c) "spoke of traumatic incident at Barwon- spoke of feeling detached & not as carefree & buoyant as previous". "Showed scars on extremities from assault at Barwon"- "concerned about being attacked again"- states he is L? A sense of " Heightened awareness" I however, he did use the term paranoia. Discussed "unwilling reboxetine?"- was advised of the A/R which are limited in sleep disturbance. A? "To perspiration & sweats-relates to anxiety". If to consider introduction of RX- need to monitor HR, B P, - tachycardia & hypertension. 'Depressive there's/episodes a few times per week, experiences thoughts of suicide'. see Document 1 at Exhibit page p 2.

(d) 'Took 2 doses of Rebuxetine- could not sleep presents as tired, lethargic, reduced appetite motivation poor sleep, not enjoying creative activities, ie painting, having to push self to exercise each day. Detects a slight pounding i.e.- to front of his head? Anxiety ongoing departure? Not significant change!' see Document 1 at Exhibit page 3.

(e) '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 assault", "lost interest in being in the yard", "sad rates felling sad as 8-10/10". "Not wanting to get out of bed in a.m". & "does not look forward up". Describes form of "paranoia as sitting in cell so that others have a decreased ability to attack him", 'feeling concerns of position in line", "always locking door", hypervigilant,

(f) "describes self as vulnerable to attack", "is keen to reduce exposure to attack". "Sleep- 1-2 restless night's p/wk", "more comfortable in cell at night /at ease/ relaxed". "Presentation- unshaven", poor eye contact,

beanie, open relaxed posture, normal rate /r? &F? Clear speech. "Not wanting antidepressant medication". Given advice of alternative treatments for anxiety /depression agreed to Psychiatrist referral to a? "Depression? / & P.T.S.D', see Document 1 at Exhibit page 4.

(g) 'Personal issues concerns felt need attention: - "Currently in a Profound Disturbed State". Document 1 at Exhibit page 5.

(h) 'Nurse Review. "Can't stop thinking of when I was slashed in Banksia by a prisoner", "feeling d? & depressed Hard? to do something to take these thoughts away"- "Doesn't want to take medication". "Questioning who he needs to see for help", P? "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". 'Would benefit from regular individual counselling to manage long term issues' Complete? & ? Referral form for to Psychological services.' Document 1 at Exhibit page 6.

(i) "Reason for Application: Feeling depressed", "2006 was slashed by co prisoner- has regular flashbacks". "Difficult sleeping & getting the memories out of mind". "Impacting on all aspects of life", see Document 1 Exhibit page 7.

(j) 'Post Traumatic Stress Disorder Issues past assault', see Document 1 at Exhibit page 8.

(k) 'Chris seen for a lengthy period of time. Write @ door whilst prisoner cooking/ preparing food in cell, whilst talking, easy going & pleasant in interactions. Revisited memories events surrounding psychotic episode when now in custody. Chris displaying detail of recall of events/delusions/behaviour. New weight of stressors taking effect on mental state, feeling low flat, depressed, fearful of sentence pending and future in prison. Homesick, tearful, missing family BLACKED OUT, sad, & remorseful, angry toward justice system for poor insight into rehabilitation & reintegration into community on release. "I have failed

twice now because I don't have any idea how to function out there". "Stressors": "case coming up" & "representing self at court, feels pressure to do a good job". Angry at M.O.U. "they don't stick to their promises", sad & missing family. Subjectively anxious flat "I don't even want to wake up anymore", "but there's hope I will get better", "if I didn't want to too, I wouldn't talk to you". "I would end it all" "Prisoner motivated to improve /recover". Denies suicidal ideation as above. Now interested in seeing BLACKED OUT about "Antidepressant although apprehensive" "I don't want my metabolism to change" and "will not be a zombie". "Good rapport developed", see Document 4 at Exhibit page 37.

(l) 'Troubles "P.T.S.S." I believe due to being shot (6) times with rubber bullets by SOG', see Document 4 at Exhibit page 38.

(m) 'psychiatric Nurse: Chris seen in Acacia to "review since zoloft commenced 50mg 2/7 days ago"." Noticed sf of "Butterflies & nausea" otherwise compliant. "Given copy of OMI for Rx to read copy of info in correspondence section". Mental state and effects of abuse of ice, "traumas, assaults, injuries in past". "Prisoner a strong critic of self, "I'm fried, I hate it", "it's not getting any better". "I think this is as good as I'll get", see Document 4 at Exhibit page 39.

(n) 'Psychiatric Nurse: Chris seen for extended review today. "Discussed seitaline", "negative effects", "experience & hesitance to continue with any type of Antidepressant Rx". "Chris c/o feeling very flat low amotivated" "sad". "After 4/7 of medication", prisoner ceased states returned to feeling "normal" "after 2/7". "Does not wish to continue", "feels benefits from psychotherapy rather than Rx", see Document 4 at Exhibit page 40.

(o) "Psychiatric Nurse. Chris seen for review today. "Discussed past traumas @ length", "effects on mental state", "current way of thinking". "Feels that has been able to adapt self to avoid" "flight instinct & always

fight". Therefore confrontations & Police & authority. "Chris now wishes to alter way of thinking" and "inmate response to over react in dangerous settings", see Document 4 at Exhibit page 41.

(p) 'Psychiatric Nurse. Whilst on Unit this Am. Staff notified self-prisoner had handed in T.V. as "was sick" of watching so many people die in Syria' Nil risk identified', see Document 4 Exhibit page 41.

(q) "Chris handed in his T.V. to staff today", "stating that the images of war in Syria & 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 T.V. to staff". Psych services engage in constant consultation with prisoner", see Document 5 at Exhibit page 42.

(u) "Chris is still showing signs of stress", see Document 5 at Exhibit page 42.

(v) 'Relevant Past History: PTSD. Specific Management initiated Urgent', see Document 10 Exhibit page 319.

32. In trying to work on my own case, and to deal with this out of time Appeal, I found that ANY exposure to FLASH BANG bombs exploding would trigger a relapse of my PTSD, any exposure would cause my frail mental state to deteriorate further, as expressed in medical reports above attest to. This soundly illustrates the sheer magnitude of the mental trauma experienced and my mental health issues.

33. Additionally, in illustrating that my mental state was unsound during the course of *R v Binse* [2014] VSC 253 courts witnessed my mental state deteriorating following exhibit C being now just played to the courts. it says: 'the defence CD compilation of the siege footage. #EXHIBIT C – Defence CD compilation of siege footage', see Document 16 at Exhibit page 597.

34. There is evidence to the relevant information specific to my PTSD mental state and evidence from evidence where counsel and His Honour states, it says 'MR HOLT 'Might my instructor approach Mr Binse for a moment, Your Honour. HIS HONOUR: Yes. MR HOLT: Might I seek a standing permission for that to occur, if it needs to? HIS HONOUR: Yes, that can occur whenever your instructor deems it appropriate. MR HOLT: Thank you, Your Honour', see Document 16 at Exhibit page 601.
35. There is evidence to the relevant information specific to my PTSD mental state and evidence from evidence where His Honour and counsel states, it says 'HIS HONOUR "Perhaps I think Mr Binse should - - - MR HOLT: Yes, I'm sorry. Might I approach him, Your Honour, I'm sorry? HIS HONOUR: You have the same standing permission to approach him. MR HOLT: Right. I'm instructed to proceed, Your Honour, thank you. HIS HONOUR: Yes', see Document 16 at Exhibit page p 601.
36. There is evidence to the relevant information specific to my PTSD mental state and evidence from evidence where counsel states, it says: 'Can I just get you to pause there. Those are questions I have, Your Honour. I'm sure my friend will have some questions but could we break now, given it's five to and I'm conscious of Mr Binse's current state', see Document 16 at Exhibit pages 610-11.
37. There is evidence that my lawyers had access to the relevant information and evidence. This evidence from Alan Frank Pringle of Victoria Police, and sought-after type of information, was willfully concealed from the knowledge of the Court, it says: 'And how many of those are recovered by you?---I had - as part of Item 11, 4 spent two bang delay grenade cannisters', see Document 7 at Exhibit page 285.

38. There is evidence that my lawyers had access to the relevant information and evidence. This evidence from Alan Frank Pringle of Victoria Police, and sought-after type of information, was willfully concealed from the knowledge of the Court, it says: 'And how many have you recorded there?--- Four. You got four but are easy to miss you know how big are they, cartridge of just the pin that's left?' see Document 7 at Exhibit page 286.
39. There is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: 'The images that Your Honour has seen of the siege and the chronology that's been provided in the Crown opening are all entirely accurate descriptions of things during the course of the siege but with respect to my learned friends they are entirely selected. They don't capture the entirety of what occurred and we will be seeking to play for Your Honour a slightly extended version of some of the aspects of the siege', see Document 13 at Exhibit page 438.
40. There is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: MR HOLT: 'and what we'll be taking Your Honour to tomorrow is the totality of the siege', see Document 13 at Exhibit page 438.
41. There is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: 'The material that has been placed before Your Honour today is accurate insofar as it goes, there are matters of context and the substantive content in relation to how the siege was conducted and how it would have impacted on Mr Binse that I will take the will take Court through', see Document 16 at Exhibit page 579.
42. This evidence from Alan Frank Pringle of Victoria Police, and this type of information generally, was willfully concealed from the knowledge of the Court, and submissions

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were made and documents relied upon, being 18 Exhibit B chronology, and says 'MR HOLT: 'What we've prepared is a very simply one page chronology of the siege, so that Your Honour can simply see the events in context', see Document 16 at Exhibit page 581.

43. There is evidence that my lawyers had access to the relevant information and evidence but that they mislead the Court. This evidence from Alan Frank Pringle of Victoria Police, and sought-after type of information, was willfully concealed from the knowledge of the Court, it says: 'MR HOLT: 'I tendered the folder of materials. HIS HONOUR: Yes, the two folders. They were Exhibit A. MR HOLT: They were. HIS HONOUR: This will be Exhibit B. MR HOLT: #Exhibit B- Chronology of events at the siege', see Document 16 at Exhibit page 582.
44. There is evidence that my lawyers had access to the relevant information and evidence but that they mislead the Court. This evidence from Alan Frank Pringle of Victoria Police, and sought-after type of information, was willfully concealed from the knowledge of the Court, it says: 'Siege Chronology of Events, at 5:50 pm Flash bang grenades fired into house. 23/05 at 2:09 am End of siege Chemical munitions used', see Document 18 at Exhibit page 645.
45. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: MR HOLT: 'And the point of exit was not of his choosing, he was gassed out'. see Document 16 at Exhibit page 587.
46. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: 'but that's the reality of how he came out of the property when he came out of the property, was as a result of that', see Document 16 at Exhibit page 587.

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47. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: 'but gassed out onto the street with the level of disturbance that that would have been involved', see Document 16 at Exhibit page 587.
48. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: 'That we wish to draw Your Honour's attention to in relation to the siege, was that at 5:50 pm on 22/05, this is set out in the chronology that's been provided'. see Document 16 at Exhibit page 595.
49. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: 'But fired a set of what are called flash bang or concussion grenades into the house', see Document 16 at Exhibit page 595.
50. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: 'Tape played. This is played in order to assist the Court with the external stimuli that were operating on Mr Binse at the time of the siege'. see Document 16 at Exhibit page 595.
51. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: 'In aspects of the committal hearing, as to whether flashbang grenades were deployed, they clearly were and Mr Pringle, the armourer, located some items consistent with flashbang grenades in the search of the

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property. Finally, your Honour, and we won't, because the conclusion was played to the Courts yesterday. But 'chemical munitions are essentially tear gas' 'that was deployed'. see Document 16 at Exhibit page 595.

52. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it shows (8x) flash bang munitions deployed exploding: #1. (Flash bang grenades) commencing from 6: 16.52.p.m. showing the first Flash bang munition explosion 'FB1' right through to Image#32. 6.24.33.p.m showing flash bang munition No 8. 'FB8.@', see Document 20 at Exhibit p 647 and time 34.00 seconds to 3:21:00 minutes.
53. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it shows (5x) flash bang munitions exploding: (Tear gassing Camera 1.) Commencing from Image#34. 2.09.35.a.m. showing the first Tear gas 'TG1' deployed, also depicting a further (5x) Flash bang munition explosion 'FB' starting with Image#45. 2.09.58.a.m. (TG1.) (FB 9) Ending with Image#66. 2.13.13.a.m. (FB13.) see Document 20 at Exhibit p 647 and 3:26:00 to 6:23:00 minutes.
54. This evidence from submissions were made and relied upon, there is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it shows it shows (5x) flash bang munitions exploding: (Track 10.) Commencing from Image#34. 2.09.35.a.m. showing the first Tear gas 'TG1' deployed, also depicting a further (5x) Flash bang munition explosion 'FB' starting with Image#45. 2.09.58.a.m. (TG1.) (FB 9) Ending with Image#66. 2.13.13.a.m. (FB13.) see Document 20 at Exhibit p 647 and 6:30:43 to 8:26:00 minutes.

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55. That I could not fathom nor appreciate why my PTSD condition was not accepted by the Courts in *R v Binse* [2014] VSC 253 matter, as I found it hard and difficult to keep up with the fast pace of submissions made on my behalf by defence counsel Saul Holt, which did not make any sense to me at all at times, as was at odd with what I knew to be factual, nor was I ever provided a copy of the Sullivan Report that were contrary to the true facts and circumstance of my case. Until after *R v Binse* [2014] VSCA 329 matter being heard, I had written an implicit instruction to raise my core concern of PTSD in matter as where states:

56. There is evidence that my lawyers had access to the relevant information and evidence. This evidence which was relied upon and sought-after type of information, was willfully concealed from the knowledge of the Court, it says:

“To Sarah, Greeting abound to you indeed. The matter discussed today of Appeal to target & raise “PTSD” issue. I have enclosed some passages from the Ogloff report that I canvassed with you over the phone, I am no solicitor (or) member of the bar, “but feel” This is an area that we can concentrate on, with legal case’s behind us.

This condition was refered to, yet ignored & not given the sufficient weight I was entitled to, that needs to be strongly aired in Appeal. To establish PTSD, by qualified Medical assessments is crucial to case.

The Medical Board that had examined me have supported this opinion 2. This report I am yet to view, but have been told the condition is present. Can you please write to Mr Barry Woolacott, a lawyer for Slater & Gordon. C/O-485 La Trobe Street. Melbourne. Vic 3000. Best wishes to team leader Saul please, thank’s. I release full authority to you in this matter, & are my instructions. Sincere regards Chris Pecotic. Aka “Binse,. see Document 25 at Exhibit page 709.

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57. That I was experiencing profound extreme depression leading up to my Appeal in the *R v Binse* [2014] VSCA 329 matter, it says: 17.10.2014 ‘[[redacted]], Chris’s cell was searched today and paperwork was found in his cell in regards to this. Chris was seen by PSYC Nurse and placed in LOP 2 cell in Unit 4 in canvas. Chris is now on 15/60 Observations Rs S1’, see Document 26 at Exhibit page 714.
58. Further medical reports to this period specific to my mental deterioration is particularised and says 18.10.2014: ‘Today Chris was seen by RRT [[redacted]] and Psychiatric nurse [[redacted]], it was deemed appropriate that he receive a contact visit with [[redacted]] and a phone call his observation regime was also reduced’. see Document 26 at Exhibit page 714.
59. Further medical reports to this period specific to my mental deterioration is particularised and says 19.10.2014: ‘Today Chris was seen by RRT [[redacted]] and Psychiatric Nurse [[redacted]] Chris observations were changed to S1? Is /60 with constant video monitoring due to his deteriorating mental condition [[redacted]]’. see Document 26 at Exhibit page 714.
60. There is evidence that my lawyers had access to the relevant information and evidence, was willfully concealed from the knowledge of the Court, it says: “Ms Sarah Westwood legal Aid Victoria BY EMAIL ONLY: Sarah. Westwood@via.vic.gov.au.

Dear Ms Westwood Mutual Client Christopher Binse:

I refer you to your emailed correspondence dated 28 October 2014 and addressed to my Law Clerk, Ms Antoinette Bovalino. As requested, I enclose a copy of the following: * Medical Panel Certificate of Determination and Reasons for Determination dated 10th May 2013.

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Your faithfully Barry Woollacott Lawyer Slater and Gordon'. see Document 27 at Exhibit page 715.

61. My lawyers were in possession of a large raft of prison medical evidence from the Department of Justice which detailed a long and complex history of mental health issues, that the Court was denied knowledge of. Were in the possession of my lawyers for the *R v Binse* [2014] VSC 253 matter and in the *R v Binse* [2014] VSCA 329 matter. This evidence from Dr Newlands and Dr Epstein stated: 'The Panel's findings on examination, the Panel concluded that the Claimant is suffering from a Post Traumatic Stress Disorder, relevant in part to the incident of 31 May', see Document 27 at Exhibit page 726.
62. This evidence from Dr Newlands and Dr Epstein, and this type of information generally, was willfully concealed from the knowledge of the Court, and submissions were made and documents relied upon, the Sullivan Report that were contrary to the true facts and circumstance of my case.
63. That I would experience great turmoil, unable to grasp the reality of what had just occurred, in fathoming my defence counsel had 'run dead' and perverted the course of justice in refusing to heed my implicit instructions to reveal my PTSD mental state in *R v Binse* [2014] VSC 253 matter and in the *R v Binse* [2014] VSCA 329 matter. Following the denial of my PTSD medical state being revealed in *R v Binse* [2014] VSCA 329 matter, free falling with numerous suicide and self-harm incidents triggering my diagnosed frail mental state.
64. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Binse handed staff a letter addressed to the [[redacted]] stating that in event he takes his own life, it was because he was unable to present his plea submissions to the Supreme Court by the due date of the 15/1/16. The legal documents Binse is referring to are stored on his hard-drive which was seized on the 5/1/16 following an earlier incident.

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Binse further stated to [[redacted]] there was no way he was going to do 14 yrs if the documents were not presented to the Supreme Court by the due date. Binse indicated he would take his own life'. see Document 29 at Exhibit page 750.

65. Further medical reports to this period specific to my mental deterioration is particularised and says: 'On Wednesday the 6th January 2016, I was rostered for duty [[redacted]] Melaleuca HSU. At approximately 1300hrs, prisoner Christopher BINSE handed staff a letter addressed to the [[redacted]]. This letter was then handed to me by PO [[redacted]]. The letter was informing the [[redacted]] that in event he (BINSE) takes his own life, this was because he was unable to present his plea submissions to the Supreme Court by the due date of the 15th of January 2016. I have attached a copy of the letter to this report for your perusal. I immediately attended yard 1 and spoke to BINSE, it is to be noted, the legal documents BINSE is referring to are stored on his computer, which was seized on the 5th of January 2016 as a result of the discovery of a 32g SD memory card that day. Binse stated to me it was important for him to retrieve the documents for his plea submission, and for them to be sent to the Supreme Court by the due date as "there is no way I'm going to do 14yrs or I will kill myself, these are drastic measures and I'm prepared to do it' [redacted] I asked BINSE if he could guarantee his own safety at this point in time, which he replied "yes, but only up until the 15th of January", see Document 29 p 751.

66. Further medical reports to this period specific to my mental deterioration is particularised and says: 'On Wednesday 10th February 2016, I was rostered on duty as [redacted]. At approximately [redacted] whilst escorting prisoner BINSE CRN 43517 to the visitor centre to speak with MOU as per his request he informed me that he needed a new mattress as it was dirty and that I would need a set of gloves to move it. I then said to Binse not a problem, unit staff will replace it whilst he is seeing the MOU panel. PO [redacted] PO [redacted] and myself then went to cell 24 where prisoner Binse was housed, we were immediately hit with a pungent smell of faeces, we immediately then placed the mattress in 2 x yellow hazardous bags and placed the mattress to the rear of Acacia. I noticed that the mattress had been facing down on the bed frame with the faces facing downwards. At approximately [redacted] then asked me if unit staff had seen

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prisoner Binse's mattress, I then informed him that we had bagged it up and taken it out of the unit [redacted] and myself then went out of the unit to inspect the mattress further and seen the following written in faces: Attention Coroner investigate all docs left at Melaleuca unit locker 4 appendice material docs all calls made 6th- 9th February 2016 MOU KILLS. Note – Please see attached photos. Prisoner Binse was then seen by Psych nurse [redacted] and deemed S1 with constant observations in place', see Document 29 at Exhibit page 752.

67. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Chris arrived from Melaleuca on Feb 9 2016 into cell 24 unit 4 Acacia on hourly observations and a S2 rated. On Feb 10 2016 Chris did not present well at the MOU panel and was spoken to by [redacted]. After discussions he alleged, he had attempted suicide overnight and again in the morning. He was then supervised until he was seen by the Psyche nurse. No physical marks could be seen on Chris confirm this allegation', see Document 29 at Exhibit page 753.

68. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Sir, On Tuesday the 3rd of May 2016, I was rostered for duty [redacted] Melaleuca High Security Unit. At approximately 0810 hours, PO [redacted] & PO [redacted] entered Unit 2 for the purpose of conducting prisoner's daily requests. I also noticed Nurse [redacted] enter Unit 2 with PO's [redacted]. Shortly after entering Unit 2, I heard PO [redacted] announce over the radio network "Code Black Cell 21". This was then announced by [redacted] over the main prison radio channel [redacted]. I immediately attended Unit 2 and saw PO [redacted] & PO [redacted] in Cell 21 with Nurse [redacted]. Those staff were attending to cuts on the inner right and left arms of Prisoner Chris BINSE CRN 43517. I then announced again over [redacted] "Code Black Melaleuca, Unit 2 Cell 21". I noticed a large amount of blood on the cell floor, bin area, and a message written on the cell wall in blood which read. "MOU KILLS". I also noticed a razor blade sitting on the edge of the hand basin which had blood on it. I then commenced a log of events as per incident response requirements. Shortly after, other

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medical staff & [redacted] arrived. I briefed these staff on arrival of what had occurred. It became evident BINSE would at some stage be occupying the Unit Observation Cell, whether he attended hospital for treatment or not. As this Observation Cell was occupied. I made arrangements for the prisoner occupying this cell to be moved to another cell. This was completed and sometime later, BINSE was escorted by staff and secured in the Observation Cell on 15/60 Obs', see Document 29 at 754.

69. Further medical reports to this period specific to my mental deterioration is particularised and says: 'During a routine prisoner request in unit 2 Melaleuca, PO [redacted] PO & Nurse [redacted] attended cell 21 for requests and medications. This cell is occupied by prisoner Binse. On opening the cell door, PO [redacted] & PO [redacted] noticed Binse was unconscious on the bed, with a large amount of blood on the cell floor. As Binse was unresponsive, PO [redacted] called a code Black. Staff and Nurse immediately rendered first aid', see Document 29 at Exhibit page 755.
70. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Accommodation 'Obs cell/ Canvas. Observation Level 15/60. Treatment Plan RRT daily Suicidal. Additional Notes: "I wanted to die. I hoped I saw the light", see Document 29 at Exhibit page 756.
71. Further medical reports to this period specific to my mental deterioration is particularised and says: 'At approximately [redacted] PO [redacted] noticed Binse 43517 who was currently on 15/60 Obs in the Melaleuca OBS cell of Unit 4 rapping something around his neck. PO [redacted] kept a constant observation of Binse whilst I attended the OBS cell. It was unclear at first what rope had been made from until it broke. Binse had made a rope from toilet paper and was rapping it around his neck in attempt on his life. I kept on engaging Binse while PO [redacted] radioed [redacted] to attend Melaleuca. This rope paper broke and Binse then attempted to flush it down the toilet. Binse made statement such as "You cunt, you rushed me" "its not strong enough", but would not converse very mush with me. [redacted] attended the Unit with [redacted] at approximately [redacted]

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all relevant information was given to [redacted] PO [redacted] PO N [redacted] and [redacted] attended the Melaleuca unit. At approximately 2945 Binse began an attempt to make another rope from toilet paper even though the supervisors and I tried to negotiate with Binse not to do so. An action plan was discussed between officers at this time, while PO [redacted] kept trying to converse with Binse. This rope also broke and Binse flushed it down the toilet. At approximately [redacted] Binse exchanged a roll of toilet paper for a cup of tea. [redacted] left the unit at approximately [redacted]. As [redacted] while conducting Obs of Binse, Binse made the statement. This may be check mate, but it's still me move. At approximately [redacted] Binse used the intercom to converse with me [redacted] and made statements to many to mention regarding his reason for making an attempt on his life', see Document 29 at Exhibit page 757.

72. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Prisoner Binse is currently on 15 minute observations in an observation cell in Melaleuca. Staff observed Binse rapping something around his neck. Binse tied twisted toilet paper around his neck and attempted to hang himself. The toilet paper broke both times. Staff kept Binse under constant observations until the [redacted] attended. Binse made statements such as you cunt, you rushed me. Binse made another rope out of the toilet paper and then flushed it down the toilet. Action taken [redacted] attended and [redacted] attempted to negotiate with Binse. Eventually Binse passed all the toilet paper of the cell and uncovered his cell camera', see Document 29 at Exhibit page 758.

73. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Last week, one of Australia's most notorious bandits, Christopher Dean Pecotic, was deemed stable enough after a mental breakdown to be removed from a "suicide proofed" observation cell and returned to regular solitary.

'At Pecotic's lowest ebb of recent weeks, the veteran armed robber and father of a nine-year-old girl stood his mattress against a wall: and, finger-painting with his own excrement (blood and faeces being the only options),

fashioned the mattress into a grave-marker. Beneath his name he scrawled a plea to any coroner investigating the death to listen to recorded jailhouse calls to his mother, the conversations in which he says that he can endure isolation no longer'. The, in his reeking cell, Pecotic tightened the fabric of his unrippable, sleeveless, canvas smock across his throat, twice choking himself into a black-out but twice spared when his grip relaxed', see Document 30 at Exhibit page 759.

74. Further medical reports to this period specific to my mental deterioration is particularised and says: 'During morning requests, [redacted] opened the door to cell 25 (Binse) and noticed writing on the cell walls. On closer inspection, the writings appeared to be in the form of ramblings about isolation, suicide notes & inquiries into recent news events in the Northern Territory regarding a royal commission into, mistreatment of young inmates. [redacted] immediately informed [redacted] who attended, briefly spoke to Binse and secured him in the unit 3 Yard. Binse was later assessed by the local psych and placed on 15/60 Obs in the Unit Obs cell. During routine strip search on entry to the Obs cell, staff located 6 x individual packages wrapped from the finger of search gloves in his underwear. It was discovered later, these packages contained previous correspondence from Binse to MOU Managers, Supreme Court Judges etc. Binse also admitted to having swallowed another 6 x similar packages, which he stated were for the Coroner in event of his death', see Document 31 at of p 765.

75. Further medical reports to this period specific to my mental deterioration is particularised and says: 'On Wednesday the 27th of July 2016, I was rostered for duty as [redacted] Melaleuca High Security Unit. At approximately 0835hrs I was contacted by [redacted] via the radio to attend Unit 3. On entry to Unit 3 I saw prisoner BINSE in the dayroom and [redacted] and PO [redacted] near the door to Cell 25 (BINS's). [redacted] motioned me to the cell. On entry, I noticed a large amount of writings on the walls in either blood or red paint. Some of these writings appeared to be ramblings from BINSE in relation to the Australian Prime Minister's recent direction to conduct a Royal Commission into the

treatment of youths at a Northern Territory Detention Centre (see media reports 25/7/16 & 26/7/16). I saw further ramblings from BINSE about his recently released book "Mayhem", and a goodbye messages to members of his family. I immediately secured Binse in the Unit 3 exercise yard and briefly spoke to him. Binse only comments were that he "could guarantee his own safety". I did not believe this to be true. I instructed PO [redacted] to constantly observe BINSE in the yard whilst I contacted the Psych & [redacted]. A short time later, Psych Nurse [redacted] attended the unit & spoke to BINSE. At the completion of their discussion, Ms [redacted] advised ne BINSE was unwell and she was placing him on 15/60 Obs. I directed [redacted] & PO [redacted] to escort BINSE to the Observation Cell and strip search him. At the completion of the strip search [redacted] informed me he had discovered BINSE to be wearing two (2) pair of underwear, and that BINSE had secreted six (6) packages using the fingers of a strip search gloves in the front of his underwear. [redacted] also informed me BINSE had advised him that he had swallowed another six (6) similar packages. I then spoke to BINSE & he advised me these packages contained letters to the Coroner in the event of his death', see Document 31 at Exhibit page 766.

76. Further medical reports to this period specific to my mental deterioration is particularised and says: 'No canteen request prompted a view of cell writing on the wall about impending suicide goodbyes to [redacted] + messages for Coroner. Put at risk S1 15 min/OBS', see Document 31 at Exhibit page 767.

77. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Mr Pecotic reached the conclusion by thinking about his own symptoms of Post Traumatic Stress Disorder such as the 2006 attack on him while in Barwon Prison which resulted hospitalisation. Of this attack in 2010 Mr Pecotic said to writer "I've never been so scared in my life; it took a lot to recover from." He was able to connect his fear of further attack he felt in 2012 in discovering his attacker Alexandridis was living nearby to his former partner and daughter and his fear of Gavin Preston and associates', see Document 33 at Exhibit page 784.

78. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Mr Pecotic also told the writer at one stage he had given up his television in his cell, as the bombings in Syria on the news triggered "flashbacks and nightmares" of the "flash bang grenade," used by Police Officers in the 2012 Siege', see Document 33 at Exhibit page 784.

79. Further medical reports to this period specific to my mental deterioration is particularised and says: 'He reported that suicide ideation is always present' see Document 33 at Exhibit page 788.

80. Further medical reports to this period specific to my mental deterioration is particularised and says: 'Sleep, appetite and suicide ideation he reports fluctuate with his mental state', see Document 33 at Exhibit page 788.

81. Further medical reports to this period specific to my mental deterioration is particularised and says: 'In regard to prior assessments by the writer and the diagnosis of Post Traumatic Stress Disorder and the clinical concerns in regard to the negative mental health effects of secure isolating custody on Mr Pecotic's mental health, these diagnosis and concerns remain as previously stated. Please refer to writer's 2010 and 2014 reports', see Document 33 at Exhibit page 789.

82. Further medical reports to this period specific to my mental deterioration is particularised and says: 'During which time mental health concerns in regards to Mr Pecotic are raised repeatedly in prison documentation, particularly in regard to his mental health deteriorating in "management," regimes', see Document 33 at Exhibit page 789.

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Further medical reports to this period specific to my mental deterioration is particularised and says: 'Concurrently, Mr Pecotic's mental health is persistently suicidal and has repeatedly said to writer since 2014 that he intends to end his life, not seeing out the length of the sentence impose in relation to the 2012 Keillor siege. In the writer's view Mr Pecotic in seeking to take responsibility for his past offending is also "squaring the books," with Allah in preparation for carrying out that intent. The writer cannot indicate what time frame in which Mr Pecotic will carry out that intent to end his life, but can say he has always been resourceful in his means of self harm and that he is likely to complete that intent at a time of his own choosing', see Document 33 at Exhibit page 789.

84. That I would now suspend my constant suicidal ideations to present his Honour with the incontrovertible evidence and facts of my Diagnosed PTSD, this predictable behaviour/ conduct was recognised by Ms Pamela Mathews at [78] – [82] above fluctuating with my mental state'. Not until I had presented the true facts before His Honour In *R v Pecotic DH* [2016] VSC. T. Forrest J. 8 September 2016. To prove the facts in squaring the ledger, in dark thoughts held,

85. I would now raise serious doubts towards evidence of my PTSD which my lawyers were in possession of a that the Court was denied knowledge of. were in the possession of my lawyers for in *R v Binse* [2014] VSCA 329 matter. it says.

'you're up before Terry Forrest, pardon the language, fuck, I don't want to front that caper. HIS HONOUR: I have heard all that before. Accused: I then said to myself, you know what, they smashed me out of the ball park last time, right, then I said to myself, you know what, there was so much of Daniel that was falsely presented, unredeeming light by my barrister, okay, and also the aid and assistance of Danny Sullivan, and I couldn't show and prove – we have to revisit a lot of the evidence, this is the thing, because at

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the moment you have this poisoned view towards me, okay' see Document 32 at Exhibit page 771.

You seen me breakdown in court, you know why, you have a 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 Constable Taxisis (?), I put a gun to his nose a few seconds, you have seen the impact it had on him, he only 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 suggest, 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 was 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 are reporting. He suggested that I attribute my post-traumatic stress to (indistinct), I have never said that at all, - see Document 32 at Exhibit page 775-776.

86. I would now present evidence of my PTSD which my lawyers were in possession of a large raft of prison medical evidence from the Department of Justice which detailed a long and complex history of mental health issues was willfully concealed from the knowledge of the Court, were in the possession of my lawyers for the *R v Binse* [2014] VSC 253 matter, see Document 34 at Exhibit page 825.

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87. There is evidence of the relevance of evidence that that was willfully concealed from the knowledge of the Court in the *R v Binse* [2014] VSC 253 matter:

'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 percent 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 the purpose, a diagnosis of post-traumatic stress disorder is good enough. ACCUSED: Yes, exactly. HIS HONOUR: Yes'. see Document 34 at Exhibit page 813.

88. That during this period I was really struggling with my mental PTSD condition, this was clearly illustrated and accepted by the Court when I represented myself:

'ACCUSED: 'You have seen the footage when we played the video- the footage of the siege. 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, during the course of my sentence, I didn't know that. I've got the media in front of me, man. Full house. You see them all gawking at me, putting me down a 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 Focused', see Document 34 at Exhibit page 815.

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'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 disorder. The way I see it, it's relevant to my sentence, so my role in this case, as informing the likely onerous of future incarceration', see Document 34 Exhibit page 827.

'HIS HONOUR: You are entitled to proceed on the basis that you will have successfully established 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'. see Document 34 at Exhibit page p 828.

89. I would now present evidence of my PTSD which my lawyers were in possession of a large raft of prison medical evidence from the Department of Justice which detailed a long and complex history of mental health issues was willfully concealed from the knowledge of the Court, were in the possession of my lawyers for the *R v Binse* [2014] VSC 253 matter, it says: 'HIS HONOUR: Yes, 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', see Document 34 at Exhibit page 828.

90. That during this period I was really struggling with my mental PTSD condition, this was clearly illustrated and accepted by the Courts found, it says: 'I will allow you to, for instance to refer me to the fact that flash bang grenades were used, because that's relevant to your current mental state, that's a new fact', see Document 34 at Exhibit page 853.

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91. That during this period I was really struggling with my mental PTSD condition, this was clearly illustrated and accepted by the Courts found, it says 'Sol says there was two, a set. It was not a set, man. It goes into double figures'. 'That greatly compounds the condition five fold', really, 'at the end of the day'. 'The level of exposure-' 'I was literally a mess'. 'I have not been able to recover from that', see Document 34 at Exhibit page 854.
92. That the literature on flashbang munitions reveal the true enormity of impact compounding the magnitude from a set, to true figures revealed at 13, which it has on those exposed to such munitions, in some case's death has been reported, in gauging the true mental state that I was rendered in see: 'Parts of the device can burst & travel as shrapnel 5 meters 'causing life threatening injuries'. Can a Flash bang hurt me? There have been recorded cases of people receiving severe burns or even dying, because of flash bangs', see Document 36 at Exhibit page 891.
93. That during this period I was really struggling with my mental PTSD condition, this was clearly illustrated and accepted by the Courts found, it says: '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 have to develop that any further than you have OFFENDER: Okay, Your Honour. I just wanted to say it, that's all. HIS HONOUR: But it is a submission that I accept', see Document 37 at Exhibit page 930.
94. That the preponderance of medical evidence revealing references to my diagnosed PTSD mental condition would now be accepted by both the same original sentencing judge *R v Binse* [2014] VSC 253 matter, and conceded by the Crown now it says: 'MR ROSE: but, to that has be added the additional material that you didn't have then, in fairness to Mr Pecotic', see Document 37 at Exhibit page 935.

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95. That I would raise my concerns into the veracity of Dr Dany Sullivans report rebutting the credibility of this document, with a number of anomalies in contrast with the facts said attributed to me, with independent evidence illustrating the falsities of the contents of this corrupt report, it says: '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'd 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'd an opinion, no more no less. I take it into account as merely that a witness's opinion, no more no less. I don't regard it as a scientific explanation of what is occurring in a person's mind because it's just not. I'll give you an example. So often psychiatrics will say, "Look my diagnosis is" and this is what Sullivan effectively did in your case, "is just an adjustment disorder from austere circumstances" or something like that. And he preferred that to PTSD but 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 demure from that. My point is that Dr Sullivan all he's doing is expressing an opinion and its impact upon me then and now is no more than 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 cetra, I understand that. OFFENDER: Well it was independently corroborated, Your Honour, seriously. These are facts and you said this, I mean you attributed this and whatever. HIS HONOUR: Yes. OFFENDER: The whole document, the whole document, if there's some passages is false and corrupt, the whole lot is false and corrupt, you know. HIS HONOUR: Yes', see Document 37 at Exhibit page 932-3.

96. HIS HONOUR Justice Terry Forrest, would now NO LONGER accept the pivotal evidence of Dr Danny Sullivans 19 January 2014 report at [63] [69] rescinding his false

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corrupt outrageous, unfounded, unsupported baseless claims, with incontrovertible, irrefutable facts of my PTSD well reported and documented evidence, see Document 12 and Exhibit page 330.

97. The onerous conditions compounding and effecting my deteriorating mental state is making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and reported, this fleshed out revelation by the Courts is intolerable and I find difficult to live with, more so in presently my case coherently to others, in order to properly comprehend in a legal manner, it is scrambled all over the place, just as my mind, I feel this assessment is found just, it says: 'I have been provided with a report from Pamela Mathews. 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 I accept the opinion', see Document 38 at Exhibit page 947.

98. Further it says: 'I am also positively satisfied that your mental state, as I have outlined, means that any additional sentence imposed beyond that you are currently serving will weigh more heavily upon you than it would upon a person in normal health', see Document 38 at Exhibit page 947.

99. That Pamela Mathews would accurately report at [78] – [82] that my suicide ideations would fluctuate with my deteriorating mental state, which was acutely unstable in the months after *R v Pecotic* [2017] VSC, with countless medical reports indicating ongoing live suicide ideations, and says: 'threats to die this year, my mission, he blames isolation', see Document 39 at Exhibit page 953.

100. The onerous conditions compounding and effecting my deteriorating mental making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and

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reported and says: 'IMP, Known to me for a long time but in the past he has been very distressed by all this. today he is calm and peaceful and sees his martyrdom as the only way to salvage some pride and legacy. He denied the death date would be xmas but said it was close. at risk of acting on this mission but not today nor in immediate future', see Document 39 at Exhibit page of 954.

101. The onerous conditions compounding and effecting my deteriorating mental making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and reported and says, 'Refence to killing himself to expose MOU/CV by the end of the year in a letter sent out. Does not deny this. Ongoing feelings of injustice by CV MOU', see Document 39 at Exhibit page 955.

102. The onerous conditions compounding and effecting my deteriorating mental making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and reported and says: "I swallowed a years supply of Avanza on sat. It made me vomit. I really wanted it to work. I just can't go on another 13 years like this. My head aches every day. I will be happy to see [redacted] and dog again. Look I don't really want to see [redacted]. I have picked another day that will piss a certain person off. there is nothing you can do. put me in a muirhead and I will just wait and do it anyway 'MSE. Reactive affect. Jolly and cheerful with CV no psychosis, reports mood as ok, hates the Avanza says he rarely took it. Committed to sash plans. IMP recent attempt on 11/11 to kill himself with pills now has another plan and date, chronic risk of suicide, driven by rational thought and his mission to make everyone aware of his isolation, ptsd and other wrongs against him', see Document 39 at Exhibit page 956.

103. The onerous conditions compounding and effecting my deteriorating mental making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and reported and says:

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'Current Situation: Remains in strict segregation with no contact with any other prisoners. I understand that he continues to declare his intention to kill himself before the end of the year, as previously documented in my assessment 31.10.2017 He is eating and drinking satisfactorily. Note recent OD of a large quantity of Mirtazepine which he has stated he had been hoarding for the past year. I am told he was drowsy vomiting but no indication of more serious complications eg. Respiratory depression, seizures etc. At Interview: Reasonably buoyant but at times intense demeanor. Greeted me with some warmth of humour, making play on my name. As before expressed, a lengthy account of how unjustly he perceives himself to have been treated. In particular today expressed the following, that: 'he was seriously assaulted in 2006 by another [redacted] causing numerous scars'. 'from then on he has suffered "PTSD", with symptoms of "flashback, paranoia and hypervigilance" "for nearly 20 years he had refrained from committing armed robberies" In 2010 he came across the [redacted] who had assaulted him in 2006 along with [redacted] and this rekindled his fears of further attack and escalated his six of PTSD." thereafter starting to committing armed robberies again and in 2012 was involved in a high profile siege with police. "at his trial in 2012 he thought that a forensic psychiatrist [redacted] along with VLA, had not adequately presented his psychiatric history and as a result he was treated unjustly both at court and thereafter by the prison system. Continues to hold a strong sense of aggrievance at having been unjustly treated by the legal system. Has failed in his appeal but still has open to him the option of a "Petition of Mercy" to the Attorney General to ask him to review his case. Expressed his continuing intention to kill himself before the end of the year for the purpose of attracting attention to his situation and exposing the prison authorities over the way they treat prisoners in management segregation settings', see Document 39 at Exhibit page of 957.

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104. The onerous conditions compounding and effecting my deteriorating mental making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and reported and says: 'IMP. Continues to appear miserable and determined on his path to end his life chronic suicide risk', see Document 39 at Exhibit page 958.
105. The onerous conditions compounding and effecting my deteriorating mental making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and reported and says; 'with [redacted] in Olearia. "after the info on news about his possible release/innocence after 15 years I am newly energised to fight for a plea of mercy. I don't feel as hopeless as before. I would really like to runout with some guys I promise to guarantee my safety if the comms can increase', see Document 39 at Exhibit page 959.
106. The onerous conditions compounding and effecting my deteriorating mental making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and reported and says: IMP 'still thinking of suicide is an option at some stage before the year is out. [redacted] remains a chronic risk', see Document 39 at Exhibit page 960.
107. The onerous conditions compounding and effecting my deteriorating mental making it extremely difficult to focus & present my matters in an orderly coherent fashion contributing to the delays in presenting these submissions is well documented and reported and says: 'Refuse to be seen in dayroom [redacted] spoke to Chris in cell, writer remained outside cell. Chris stated everything is the same. CV PO's report no issues with him at present. Imp -chronic risk remains, appears to be no increase in risk on current presentation. Plan -remain S2, 30/60 obs, reds, camera in cell', see Document 39 at Exhibit page 961.

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108. I then made an applications to the Victorian Attorney General and submit a Petition of Mercy request, this was dated the 6 March 2018, see Document 40 at Exhibit page 962. This document identified and particularised my reasons of complaint, and says:

‘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”.

False evidence lies by Saul Holt. “V.I. S”.

False evidence Saul Holt. “Armed robbery”.

False evidence Saul Holt. “Proceeds robbery”.

Keilor Park Drive. False evidence. “False conviction”.

Malicious lies by Saul Holt. “DRUG USE”.

Interned placement. Saul Holt “lies exposed”.

P.T.S.D exposure. Saul Holt “proven lies”.

See Document 40 at Exhibit page 964.

109. That I would revise this application to the Victorian Attorney General and submit a amended version of Petition of Mercy request, this was dated 4 November 2019, and says: ‘Madam, I am now familiar with what the Petition of Mercy formation should be, & expected of by the Supreme Courts of Appeal Division. In the proper structure, Courts demand of. I have no university qualifications or law degree for that matter. I am doing my best. This is an uncommon area of law even veterans of the bar, still find a challenge. This is a great improvement from all past & previous submissions presented on case. It may not meet 100% high standards of, but is worthy of recognition of. In the legal issues & point established I the best way, I am able to in considerations.’ see Document 41 at Exhibit page 1006.

110. That my Petition of Mercy would be denied this is revealed in a letter From the Governor General of Victoria dated 17 April 2020, and says: ‘I wish to advise that your

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petition for the exercise of the Royal Prerogative of Mercy by the Governor of Victoria has been carefully considered. I regret to inform you that, on advice from the Premier of Victoria and the Attorney- General, the Governor has denied your petition', see Document 42 at Exhibit page 1012.

111. I wrote Supreme Court of Victoria for information to apply and submit my Appeal to the Court:

I write to you, in order to seek access to & be provided with the Supreme Court of Appeals 2nd Appeals process & procedures. The significance and relevance to this request, is that I am in the process of presenting submissions in relation to my very own 2Nd right of an Appeal before the Supreme Courts of Victoria.

And I need to become familiar with such materials/forms etc etc etc, in the procedures to follow.

Additionally, I also seek the same such materials/forms to complete & submit in relation to issuing of subpoenas, in requesting evidence to be provided to the Supreme Courts please, Thank you.

I look forward to the receipt of this welcomed requested legal materials & guidelines in its application in procedures, by an unrepresented appellant, thank you'.

See Document 43 at Exhibit page 1013.

112. I wrote to the Supreme Court of Victoria for information to apply and submit my Appeal to the Courts:

Thank you for the Zlate Cvetanovski court transcripts, as requested. Much appreciated ☺.

I write to you, in order to seek access to & be provided with the Supreme Court of Appeals 2nd Appeals process & procedures. The significance and relevance to this request, is that I am in the process of presenting

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submissions in relation to my very own 2Nd right of an Appeal before the Supreme Courts of Victoria.

And I need to become familiar with such materials/forms etc etc etc, in the procedures to follow.

Additionally, I also seek the same such materials/forms to complete & submit in relation to issuing of subpoenas, in requesting evidence to be provided to the Supreme Courts please, Thank you.

I look forward to the receipt of this welcomed requested legal materials & guidelines in its application in procedures, by an unrepresented appellant, thank you.'

See Document 44 at Exhibit page 1014 .

113. I also applied to Victoria Legal Aide for legal representation in my Supreme Court of Appeal matters, this was rejected, notification of this is in letter dated 4 February 2021, and says: 'Dear Mr Pecotis – Binse Outcome of your legal aid application. Thank you for applying for legal assistance for your criminal law matter in the Court of Appeal in Melbourne. We have refused your application', see Document 47 at Exhibit page 1030.

114. I also applied to Monash Oakleigh Legal Services for legal representation in my Supreme Court of Appeal matters, this is in letter dated 18 March 2021, and says:

I look forward to any legal relief in the processing & filing of legal documents found in VSCA procedure documents folder, and in the legal advice which you are able to offer me please. ANYTHING is welcomed with open arms□.

The legal disc enclosed herein, soft copy, all simple & made real easy'.

See Document 48 at Exhibit page 1033.

115. I also applied to Ms Clair Stafford, Solicitor for legal representation in my Supreme Court of Appeal matters, in letter dated 18 March 2021, and says 'Ms Clair Stafford,

'Greetings to you & Roland□□, Re. - 17th March 2021 legal materials & mail dispatched to you 'yesterday'. I took the initiative, dispatching to see that you have something at least to assess, for the record, I have 'Obsessive Compulsive Dis-order, and like to get things done. The legal disc 'arrived today' a soft copy, (1) Hour ago, all simple & made real easy. You are now able to copy, cut & paste the 'Interim written case

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DM

submission' 18 page document, draft copy. To meet the technical legal structure demands set by Courts

At least now, you have a clear firm informed overlay on issues in question of case.

So now everything is 100% accurate and all in order to my 'complete satisfaction'.

I look forward to any legal relief in the processing & filing of legal documents found in VSCA procedure documents folder, and in the legal advice which you are able to offer me please. ANYTHING is welcomed with open arms. Thank you', see Document 50 at Exhibit page 1035.

116. I received mail from Monash Oakleigh Legal Services denying me legal representation in my Supreme Court of Appeal matters, this is in letter dated 12 April 2021, and says:

'Dear Mr Pecotic/Binse. Assistance for Supreme Court Appeal. We received your letter dated 18 March 2021, and the enclosures, unfortunately we are unable to assist with this. We do not have the expertise and are still operating in a limited-on site capacity. We return your disc and correspondence, we are unable to suggest any other avenue for help, sorry.' see Document 51 at Exhibit page 1036 ..

117. I would receive mail from *Ms Clair Stafford, Solicitor* for legal representation in my Supreme Court of Appeal matters, denying me legal assistance, in letter dated 21 July 2021, and says:

'You attended an appointment at the inside Access Legal Clinic at Ravenhall Correctional Centre on 4 February 2021 in which you sought assistance with advice on a criminal appeal. We advised you that we are not criminal lawyers, and that our service does not have the capacity to represent you in a criminal appeal. However, we agreed to try to refer your matter to a lawyer who would assist you. You provided us with a number of documents relating to you criminal matter and told us you would send us the completes set by post. We received additional paperwork from by by post and on a disc 15 April 2021. On 16 April 2021 we saw you for a second appointment at Ravenhall Correctional Centre and confirmed your instructions about wanting to appeal both your conviction and sentence.

On 14 May 2021, we contacted the Deakin University Law Clinic on law-clinic@ deakin.edu.au to see if they could help with your referral.

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While they do often take on referrals for criminal appeals, they indicated to us that they did not currently have the capacity to take in any new matters such as yours'. see Document 52 at Exhibit page 1037.

118. I received mail from Paul Holdenson KC for legal representation in my Supreme Court of Appeal matters, denying me legal assistance, in letter dated 27 July 2021, and says:

'Dear Mr Pecotic/Binse, Further to our telephone conversations this morning, and in accordance with your request, please find enclosed herein both the three documents and the DVD which you had previously sent to me by mail. Wishing you well with your case,' see Document 53 at Exhibit page 1041.

119. That I would write to the supreme Courts Of Victoria for information to apply and submit my Appeal to the Courts, and says: (emphasis in the original)

'To Caitlin, I Hope all is well, I had wrote you in March last year, to receive a reply from 'Olivia Chapman' 'Supreme Court of Appeal Registry'. Who had indicated you would be away till end of year. In being frank, honestly blunt did not want to break ya balls, but I have been busy since last missive. I have undertaken an epic task, leaving me totally drained & mentally fatigued for weeks at a time! I am pretty pleased with the developments & significant progress reached & made since late 2020, I have experienced some 'turbulence' in the process causing me considerable delays & acute anxiety. My personal computer was seized for an annual audit, then 'held for misuse', by wit 'inappropriate memes', joking about with silly images, nothing deemed of adult only content, my personal access was restored back in October 2021, and have since made considerable growth with legal authorities applicable, 'supporting my situation in case'. You will be quite taken back when it arrives I am sure. I am now in process of updating my windows 8 windows software, to windows 10. This will allow me to present submissions in a video slide format also, to assist reader in a factual specific analysis that is to be undertaken in assessing entire complete evidence grouped with all the issues within, being C.C.T.V still images included. Having all live anomalies/issues incontrovertible evidence & closing off with legal arguments all wrapped up neatly in chronology in presentation to viewer, this cements an 'incontrovertible crystalized presentation' 'to correct all errors in my case'.

Additionally,

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I respectfully request to be provided with the following legal materials please: Criminal Procedure Act 2009 s 281 (1) (b).

Criminal Procedure Act 2009 s 281

(2). **Division 1 of Part 6.3 of the Criminal Procedure Act 2009.** Part 6.4 of the Criminal Procedure Act 2009. Once again, I really do appreciate your precious time & invaluable assistance provided ©'. see Document 54 at Exhibit page 1042.

120. That I would respond to Mr Holdenson found above at [141] in his refusal to accept my matters, denying me legal assistance Pro- Bono to apply and submit my Appeal to Supreme Appeals Courts, and says: (emphasis in the original)

'To Mr Paul Holdenson QC Re: Previous mail dated the '22nd June 2021.'

Yes it had come of no real surprise, that you 'would ignore & dismiss' my plea's for 'legal assistance', before Supreme Courts of Appeal', in highly, 'contentious defective convictions' proven, born. In R v Binse [2014] V S C 253 (T Forrest J). In protecting your close 'working college Dr Danny Sullivan's pivotal role' in my case, in the reasoning given to me, behind refusing to accept my case. You are so well established in the P.T.S.D field, within the legal millue in Victoria. You figure readily in many cases I have since perused in relation to P.T.S.D, in particular: R v Mark Andrew Verdins- BC200703785 [2007] VSCA 102. In its legal principles, and the 'travesty of justice I am forced to currently endure' in the process 'by their lies'. You of all people know, 'how much P.T.S.D debilitates & sadly renders its victims'. Alongside 'Boyce', who was also, 'Crown in my Appeal', shame on him 2! Whitehorn V The Queen (1983) 152 CLR 657/ Livermore v The Queen (2006) 67 NSWLR 659/ Subamian v The Queen (2004) 79 ALJR116/ Sobh v Police Vic 1994 1 VR 41/ R v Ward [1993] 1 W.L.R. 619/ Canon v Tahche (2002) 5 VR 317, 340. And most important of all: R v H [2004] 2 AC 134; [2004] 1 All ER 1269; [2004] 2 Cr App R 179 (HL) I actually want to thank you, in rejecting my plea's for your legal intervention, as 'you gave me the strength, that drove this flat machine running on an oily rag!' More so your parting remarks made in Last Prison call made with you 'Good luck with that', in 'revealing both corrupt conduct of Dr Danny Sullivan & Saul Holt'. Done, 'without any true qualified legal help at all!', returning back to the drawing board, and beginning from scratch, which will make my 'impending success' 'all the more sweeter and enjoyable'. 'The greater the challenge the greater the glory!' I am now in process of updating my windows 8 windows software, to windows 10. This will allow me to present submissions in a video slide

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format also, to assist reader in a factual specific analysis that is to be undertaken in assessing entire complete evidence, grouped with all the issues within, being C.C.T.V still images included. Having all live anomalies/ issues incontrovertible evidence & closing off with legal arguments all wrapped up neatly in chronology in presentation to viewer, this cements an 'incontrovertible crystalized presentation' 'to correct errors in my case'. It also designed in promoting it 'on social platforms & media 'putting it out there 'viral' for all & sundry to witness'. Not just the legal Milieu in this state but global! "Wilful Blindness" is NO defence for a championed advocate either for that matter. In its legal principles, & in a 'travesty of justice I am forced to currently endure' in the process a 'substantial miscarriage', aided & abetted by you & rest of Vic Bar! 2022 will reveal much perjury; I am not far away from where I want to be legally! For the record, I am not relying upon "luck either" but to evince the honest truth. Chris Pecotic/Binse 043517. see Document 55 at Exhibit page 1043.

121. I would again apply to Victoria Legal Aide for legal representation in my Supreme Court of Appeal matters, this was rejected, notification of this is in letter, and says '7th January 2022 (emphasis in the original)

Dear sir/ Madam, Re: V.L.A application submitted. 20A5683320.
'Denied'. Under s. 24 of Act Reconsider my request under
Legal Aid Commission Act 1978 (Vic). Pt VI of the Act. I ask that you
please review & reconsider *my exceptional sound valid request* for legal
funding to cover my soon to be completed appeal submissions in pursuits of
being granted leave to appeal & subsequent Appeal, *before Supreme Courts
of Victoria' into the 'current defective convictions'. Born. In R v Binse
[2014] V S C 253 (T Forrest J). I now seek to 'contest their integrity'. see
Document 56 at Exhibit page 1044.*

122. That during this period I was really struggling with my mental PTSD condition, and prison records say:

'21/03/2022 2:45 PM. Voluntary Starvations observations. Remain on OH +S due to behaviours, including aggression Refused vitals to be taken except requesting weight Weight will be taken on return to cell from yard by CV officers Spoke about why he is continuing voluntary

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starvation He is stating that not all his property has been returned + is requesting legal representation'. see Document 57 at Exhibit page 1045.

123. That during this period I was really struggling with my mental PTSD condition, and prison records say:

27/03/2022 11:57 AM 'CODE BLACK called @ 1135hrs In attendance with RN [redacted] and HSO [redacted] Prisoner alert and orientated, sitting on bed, speaking full sentences, airway patent states about 10 minutes earlier swallowed a rolled up baked bean lid and a rolled up sardine lid, a finger of a rubber glove (states had a letter of his protest in it'). Witnessed by CV and another prisoner Ambulance called.' see Document 57 at Exhibit page 1046 -1047.

124. That during this period I was really struggling with my mental PTSD condition, and prison records say:

27/03/1:25 PM 'Seen in Medical room in Melaleuca. In attendance April mh nurse Reason Code Black REVIEW INCIDENT Prisoner reports he swallowed baked beans tin lids and sardine lid rolled up and rubber glove afterwards. Written inside the glove is why he did this. He reports the following: "I have property in Ravenhall that I have been waiting on for two months "my access to a computer has been denied" "My right to finish any legal matters with using a computer" "Voluntary starvation hasn't worked so it looks like we are going to keep doing this backwards and forwards' MSE 53 yr old male teary and dizzy laying on the bed, talking, engaging and reports I'm finding it hard to cope with what has been reporting "Is this what I have to do to risk my life to get people's attention". see Document 57 at Exhibit page 1046.

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125. That during this period I was really struggling with my mental PTSD condition, and prison records say:

06/04/2022 3:31 PM 'Attempted to see prisoner during Zoom meeting with psychiatrist. Unable to access a decent connection via Zoom, attempted multiple times. Due to prisoner being in isolation at present time. Unable to see elsewhere. Prisoner will be out of isolation tomorrow. Due to limited time with psychiatrist he will not be able to be seen again till next week. Discussed with HSM [redacted], she expressed it was vital that prisoner was seen ASAP.' see Document 57 at Exhibit page 1048.

126. During this period I was really struggling with my mental PTSD condition, and prison records say:

07/04/2022 10:51 AM 'Seen in Olearia through trap door as prisoner was in quarantine. Regular assessments with MHN due to recent DSH by swallowing metal objects. On assessment today, prisoner reported that he was sick of not getting what he wants and he wanted his computer as it is his right. He reported that he had intention to continue his ways of protest until his needs were met. When asked directly what he had planned he stated 'playing poker miss' and stated that 'you'll be seeing me soon'. He was grinning at this time. Prisoner is released from quarantine this afternoon. [redacted]. Denies context regarding suicide ideation or self-harm with low mood. Discussion with HSM [redacted] and a plan to change to S1, due to prisoner unwilling to discuss future plans and is making statements that behaviours of self-harm will continue. Plan. Change to S1 muirhead cell, canvas clothing and bedding, finger food and no sharps, to be reassessed daily. see Document 57 at Exhibit page 1048

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127. During this period I was really struggling with my mental PTSD condition, and prison records say:

128. 07/04/ 2022 1:118 Pm 'Code Black staff in attendance RN [redacted] Patient was witnessed [redacted] Patient stated he also swallowed a note wrapped in glad wrap addressed to the coroner'. see Document 57 at Exhibit page 1049.

129. During this period, I was really struggling with my mental PTSD condition, and prison records say:

8/4/2022 time 0930 'Although stated multiple times he will not self-harm- he is behaving opposite to his actions.' see Document 57 at Exhibit page 1050.

130. During this period, I was really struggling with my mental PTSD condition 'Geelong Hospital tags and says, BINSE Christopher DOB: 07/10/1969'. see Document 57 at Exhibit page 1051.

131. During this period I was really struggling with my mental PTSD condition and access to my own personal computer, along with the Barwon Prison unit computer, and sought legal assistance with Fitzroy Legal Services to intervene on my part, in restoring this fundamental legal right, with a letter from Fitzroy Legal Services dated 20 April 2022, and says 'Dear Melissa Westin, Re: Access to Unit Computer on Handcuff regime – Christopher BINSE -43517 – Barwon Prison. Mr Christopher Binse contacted the FLS Prison Advice line for assistance with a computer access issue. I have authority to exchange information. Mr Binse states he is undertaking an appeal out of time in

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Victorian Supreme Court and requires computer access to complete his submissions'. see Document 58 at Exhibit page 1052.

132. I would write to the supreme Courts of Victoria to advise them of developments in my case progressing, and says:

'Attention:"Caitlin Seach" "Senior Registry Lawyer."

My previous mail dated the 31st January 2023. I did write, to advise you of developments in preparation of my case 'reaching an impasse'. I suffer 'Obsessive Compulsive Disorder' O.C.D & P.T.S.D. This O.C.D condition greatly influences my compulsive meticulous diligent work, I have dispatched you a copy of some materials, out of courtesy, in 'apprising you of my current position' in relation to 'my proposed Appeal' of R v Binse [2014] V S C 253. Yes, it is NOT what is legally binding in its form & structure accepted, but to give you some indication in where it is at, and that I have not 'gone away at all' I am 'very much alive'!

I have infused passages from His Honour's sentencing remarks exchanged from the 14th June 2017 proceedings, in which he had indicated that he would accept such materials: Indictments In their most 'Rawest form' is now being presented 'in a video slide format'.

Caitlin, this is the unedited version. When I get to the NEXT stage, legally represented, the Court version will be sanitized, with the removal of material that is not relevant to case ok.' see Document 62 at Exhibit page 1064.

133. I would write to the Brett Collins of Justice Action to advise them of developments in my case progressing, my mental state and in placing my case on social media to promote it whilst using this platform in the hope to attract legal assistance, and that says:

Dear Brett, It was really good to speak to you today, I apologise for being a tad terse over the phone with the fella handling calls, but I REALLY wanted to speak to ya & wish you well. It is CRAZY out of ALL days of year, I FINALLY COMPLETE this marathon task on your 77 birthday, it's like it's a GOD SEND, not only completed but going to you to be hosted 2!

I celebrated with you in spirit 2, with a good feed of Butter chicken to mark the event & milestone, Brett, I know I can be a cranky f*ck more so in recent times, mostly due to the extreme amount of stress, pressure & anxiety, it is so elevated, it could reach Mt Everest! This 'Project', has consumed me no ends, up at 3.a.m. for most days of the week, no rest for me at all, pushing & punching those key boards, 'till the job was done & dusted'! Much learnt, during this experience, MANY COUNTLESS repeating of materials, as being meticulous, if I wasn't 110% happy, then I'd redo it till it was, so blew out the time line big time.

Knowing that this body of works, will be show cased & in its lifetime be seen by millions!

Not only that, but it will enter the annals of history also, being the very first to present a case in the video slide format, & in the quality it was produced in also. I have set the bar! Very high a trail blazer in using social media to EXPOSE INJUSTICES to NEXT LEVEL! This collection of (11x) body of works will OPEN the eyes of many, get ALL talking, start the conversation & debate about in the 'litany of indefensible corrupt acts clearly fleshed out'! I hope with the aide & support of Justice Action Team, in hosting this on OUR site shared.

We can 'START A REVOLUTION', so to speak, with many more to follow this format in future, as it is so compelling, all the specific evidence grouped within, & so irrefutable!! This is all about 'Public Perception' in the eyes of the community, what would they think! Yes, it is a little 'over the top' with the special effects', but all done, calculated to dramatize and show case the significance & enormity of the UGLY OBSCENE situation!

With, letting the viewer capture a little of the essence of me in the process, 'a connection'. This 'WILL CREATE LEGAL HISTORY' & 'SET PRECEDENT'S ALSO'!! The game plan, to date, is rely upon my site, to reach out to the Criminal Justice System, the Bar society & the Judicial system, to present my case in its most 'RAWEST' form!

Separate on Disc. Hopefully, someone will find enough Courage, Honour, Integrity to intervene & Correct it!

So, this is the unedited version, when I get some legal advocate to step up to the plate & provide me with legal intervention & relief. I will 'sanitise' 'COURT VERSION' to comply. see Document 63 at Exhibit page 1068 -1069.

134. I received mail from The Vic Bar Inc, seeking aid with legal representation in my Supreme Court of Appeal matters, denying me legal assistance, in letter dated 9 October 2022, and says:

'Dear Mr Pecotic/Binse, RE: Your letter of 19 September 2023. Thank you for your letter dated 19 September 2023. As previously mentioned, the Bar is unable to accept briefs and requests for legal assistance from persons held in custody. Kindly refer to letter dated 11 July 2023 noting information in relation to other means of accessing legal assistance. Our members are self-employed independent lawyers with specialist skills in their legal areas of expertise, and highly skilled in advocacy before the court and we strongly support and promote the proper and better administration of justice, and the rule of law'. see Document 67 at Exhibit page 1076.

135. I would reply to mail from The Vic Bar Inc of 9 October, in seeking aid with legal representation in my Supreme Court of Appeal matters, denying me legal assistance, in letter dated 20 October 2022, it says:

Attention: 'Kai Li Khu', 'Senior In-House Lawyer.

Dear

Madam,

C.P.B.

Re.- previous legal material sent to you dated 19th September 2023, since returned to me.

In your reply of 9th October 2023, you made the following statement, which I found offensive

Yes, I encourage Vic Bar to promote the lawful proper administration of justice & the law!!

Your firm 'overseas the Victorian Law Bar society members', so to be frank, your body 'has a moral legal obligation & code to preserve' its 'Integrity & Disrepute' currently at stake not 'protect' its own! In 'refusing to act & provide legal relief & intervention in my case'.

Which 'SAUL HOLT K.C', is 'CURRENTLY A FULLY FLEDGED MEMBER' of! In 'RESTORING PUBLIC CONFIDENCE IN all YOUR VICTORIAN BAR MEMBERS'!

I strongly urge & suggest to you, to alert all your members to visit chrisbinse@iexpress.com.

The following video slides HAVE HIT THE STREETS, THEY ARE GOING VIRAL, let the public gauge the 'interest of Victorian Bar members' in denying me 'legal relief & intervention' in 'covering up vile criminal conduct of YOUR fellow Vic Bar member', And in 'allowing this miscarriage to remain'!

see Document 68 at Exhibit page 1077.

136. That I would write to the Talia Tringalia after this firm had also refused me legal assistance, in letter dated 20 November 2023, and it says:

Dear Talia,

Re.- Legal Video conference on the 15th November 2023.

I must say I had serious trepidations that 'you would disengage' from having any further part & role in my proposed Appeal submissions to the Victorian Supreme Courts of Appeal. The fact I am pushing up a hill, not due to my case not having any legal merits, far

from the case, but V.L.A and the 'well-established legal Bar brotherhood protecting one of its own'! The oppugn state of affairs, with 'Crown & Defence blurred' working in tandem, both sides! And at the end of the day, the Crown will ALWAYS provide solicitors with 'work' to sustain them & keep them on board, for moments 'just like this', where they call in their 'favours'!

That's OK.

The obscene remark & comment made by you, that 'I should focus on getting my parole'! I did tell reply, that I would 'NOT accept this position at all period', now going back to the office/cell to renew the NEXT stage forward, your absence will not stop me proceeding on!

Can you please affirm, the following please?

That I had provided you with over 16 GBs of material's just on the most recent U.S.B & CD, that you have upon viewing this materials, now whatever the 'true real reason arrived at' in the conclusion you were not able to provide legal assistance & legal relief in my case.

I need to demonstrate that I can't find ANY legal support in revealing the soundly proven crystallised irrefutable, indefensible, incontrovertible miscarriage of justice demonstrated found in my case. This will ALL COME OUT IN THE END, & its going viral for world 2!

You can also return my file to me please; EVERYTHING is 'on the record for all to view'.

Disappointed, yet not surprised, one day you will come to learn the importance defending!

Yours Sincerely Chris Binse/Pecotic 43517.' see Document 70 at Exhibit page 1080.

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137. It has only been since November 2023 that I have had the assistance of a fellow prisoner to be able to present this matter in a coherent fashion as it is represented, hopefully, in these documents.
138. Prior to November 2023, I could not find anyone to help me and my versions of the material that I had compiled were not able to be understood by anyone because of the lack of organization or any overarching narrative.
139. The drafting and the formatting and the syntax of these document are largely the work of the other prisoner, but the "intention" to bring this matter, and the basis on which I am bringing it are mine and mine alone own. This is evidence of my intentions stated intentions to raise the PTSD and mental disturbance issue in relation to mens rea.

Declared and affirmed by the said

Christopher Dean Binse

At Lara in the State of Victoria

on 2 February 2024.

Chris Peotic/BINSE
[sign here]
2ND FEBRUARY 2024.

Darrin McKiernan

Before me.....
OPERATIONS MANAGER
HM P BARWON
1140 BACCHUS MARSH RD
LARA, VIC, 3212
2ND FEBRUARY 2024

A prescribed classification of a person

for the purposes of the *Oaths and Affirmations Act 2018*