

21st July 2016

Commonwealth Director of Public Prosecutions  
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Simon Golding  
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Dear Mr Scott Bruckard

I refer to your letter of 24 June 2016.

I understand that the Commonwealth OPP is the Australian Federal prosecution service and I also understand that you are not an investigative agency and do not conduct criminal investigations.

The COPP does however have a duty of disclosure to the courts and provide assurance to the court that there has been disclosure. When it has been discovered that there is non-disclosure and or perjury to the court, the COPP has a very strong duty and obligation to notify the court immediately for reasons of injustice.

The COPP in my case are very aware that ACBPS/Border Force CUSTOMS officers were not disclosed to the courts in this case while accused demanded for five years all relevant statements of ACBPS/Border Force personnel that were at Scarborough Marina on the 12<sup>th</sup> October 2010.

ACBPS/Border Force perjured in subpoena return, FOi requests and media enquiry stating *"no ACBPS officers were present in the Scarborough Marina precinct on the 12<sup>th</sup> - October 2010"*.

My trial in December 2014 was a mistrial due to non-disclosure and perjury by Australian Federal Police. Two affidavits were then tendered to the court to assure that the case now had full disclosure. This was simply not true yet again.

You state you can find no evidence of misconduct? Mr Bruckard I would like to draw you attention to transcript of my last trial of AFP Aaron Burgess, AFP Paul Watt, and Civilian Tracy Holden among others who stated that *"up to 20 Customs agents were present at the Scarborough Marino on the 12<sup>th</sup> - October 2010"*.

The prosecution in this case knew full well that this was previously undisclosed evidence that was aggressively pursued for years by accused. This equates to very serious non disclosure, an abuse of process and malicious prosecution.

Does the COPP intend on charging AFP members who have perjured themselves? There is undisputable proof and material evidence for serious charges including perjury, misleading statements, tampering with evidence, removing property under seizure, theft and perversion of

justice relating to AFP officers Aaron Burgess, Luke Read, Paul Watt, Simon Wynd, Luke O'Shea, Simon Castles, Christine Geissler, Karen Mazlin, Angus McGilvray, Carmen Begbie and William Tooth as well as undisclosed Border Force officers.

The 20 or so hidden and non disclosed Customs officers present at Scarborough Marina on the 12<sup>th</sup> October 2010 is information that was sought by accused from 2010. This is information that is legally entitled to accused and imperative for a fair trial according to Australian law. This is information that should have been provided in the Brief of Evidence but instead was hidden by ACBPS/Border Force Australian Federal Police and CDPP.

What is the point of having 5 years of court cases and then appeals when imperative information that was pursued for a fair trial was never legally disclosed to accused? The course of justice has been subverted and there is guilt complicit by neglect.

The 20 ACBPS/Border Force officers present at the Scarborough Marina on the 12<sup>th</sup> October 2010 are still not disclosed by the CDPP. Could you please provide all details and statements of the 20 or so ACBPS/Border Force personnel that were present at the Scarborough Marina on the 12 October 2010 to me immediately as were required by law.

I have previously asked you for the remaining AFP Operational Response Group (ORG) statements and you have ignored this request also. 14 statements were given to the CDPP and accused have only even received 8.

Shane Irving was the head of ORG and is one of the ones missing.

I sincerely hope you act on this serious issue and I look forward to your response.

A handwritten signature in blue ink, appearing to be 'S. Golding', written over a horizontal line.

Simon Golding