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## Transcript of Proceedings

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SUPREME COURT OF QUEENSLAND

CRIMINAL JURISDICTION

DAUBNEY J

BRISBANE

..DATE 04/06/2012

..DAY 1

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HIS HONOUR: Righteo, could we have him in, please? 1

Mr B, stand up, please.

I have been informed, Mr B, that you wish to dispense with the services of your solicitor and as a consequence of that your barrister is also seeking leave to withdraw, which means you will be self-represented for this trial. Do you understand that? 10

DEFENDANT: Yes.

HIS HONOUR: So you'll be representing yourself for this trial, do you understand?

DEFENDANT: No, no way in the world.

HIS HONOUR: Yes, way in the world, Mr-----

DEFENDANT: No, no----- 20

HIS HONOUR: -----Baker.

DEFENDANT: -----way in the world.

HIS HONOUR: Mmm. The trial-----

DEFENDANT: I'll get a - I'll get a new solicitor and barrister. 30

HIS HONOUR: No, you tried that last time, Mr B.

DEFENDANT: No.

HIS HONOUR: The trial-----

DEFENDANT: Look - now listen here, mate, you don't know what you're fucking talking about.

HIS HONOUR: Now you listen to me----- 40

DEFENDANT: No, no.

HIS HONOUR: No, you listen to-----

DEFENDANT: Don't come blooming start your shit, right, mate.

HIS HONOUR: You listen here, Mr B-----

DEFENDANT: You don't there - you weren't fucking there so don't start your crap. 50

HIS HONOUR: Mr B-----

DEFENDANT: Were you there?

HIS HONOUR: Mr B-----

DEFENDANT: Were you there? Were you there? 1

HIS HONOUR: Now, Mr B-----

DEFENDANT: No you fucking weren't.

HIS HONOUR: Mr B-----

DEFENDANT: Because the arseholes did the wrong thing. Right? Read your fucking paragraph or your scripts, mate. Don't start putting your fucking heavy crap on me. 10

HIS HONOUR: Now, Mr B-----

DEFENDANT: You can get stuffed.

HIS HONOUR: -----the trial will be-----

DEFENDANT: I don't give a-----

HIS HONOUR: -----preceding----- 20

DEFENDANT: -----fuck, you and your trial, mate. Stick your trial up your fucking arse. I'll go.

HIS HONOUR: Sit down please, Mr B.

DEFENDANT: ... No, fuck you. You don't tell me what to do, who do you think you are?

HIS HONOUR: Sit down please, Mr B. 30

DEFENDANT: No, get stuffed.

HIS HONOUR: Oh, all right. Now, Mr B, the trial will be preceding. There is one matter that does need to be attended to. The principal witness for the Crown in this trial is a person who has the status of a-----

DEFENDANT: I don't even know what you're fucking talking about, mate. You're talking but not in the lingo language. 40

HIS HONOUR: The complainant in respect of the count of attempted murder is a person who-----

DEFENDANT: Who are you fucking talking about?

HIS HONOUR: -----is a-----

DEFENDANT: Stop talking in riddles. 50

HIS HONOUR: -----is a protected witness under the Evidence Act and for the purposes of the trial, you will not be-----

DEFENDANT: I don't know what you're talking about-----

HIS HONOUR: Well-----

DEFENDANT: I don't know - look, I don't know what you're

talking about, mate.

1

HIS HONOUR: Well, if you - if you stop shouting at me and listen to what I'm saying you might start to understand.

DEFENDANT: No, I can't-----

HIS HONOUR: The-----

DEFENDANT: -----understand you.

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HIS HONOUR: The person, Ms R, is a protected witness.

DEFENDANT: So what do you want me to fucking do?

HIS HONOUR: What I want you to do is stop swearing at me and listen to me.

DEFENDANT: I'm not going to fucking stop swearing at you.

HIS HONOUR: All right then, it's a matter for you.

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DEFENDANT: You can stick your fucking trial up your arse.

HIS HONOUR: Well, that won't be happening to me, Mr-----

DEFENDANT: I couldn't give a shit.

HIS HONOUR: No.

DEFENDANT: I couldn't give a shit, mate.

30

HIS HONOUR: Well that's a matter for you. Now-----

DEFENDANT: Well you can start your trial and stick it up your arse 'cause I - I'm not having anything to do with it.

HIS HONOUR: Sit down.

DEFENDANT: No, you get-----

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HIS HONOUR: Sit.

DEFENDANT: -----fucked.

HIS HONOUR: Sit down.

DEFENDANT: Go and get fucked.

HIS HONOUR: Sit down, please.

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DEFENDANT: I'm not fucking doing what you say. Up you.

HIS HONOUR: Sit down.

DEFENDANT: You're not going to fucking tell me I'm going to be representing meself at all. I need legal aid. I need representation and not you and - or any other fucking arseholes gonna tell me anything different.

HIS HONOUR: Sit down, please. 1

DEFENDANT: No, get stuffed.

HIS HONOUR: If you don't sit down I will have you manacled.  
Sit down.

DEFENDANT: You can fucking have what you like, mate.

HIS HONOUR: Corrective Services, could you please----- 10

DEFENDANT: Have what you fucking like.

HIS HONOUR: -----could you please restrain the accused. Sit  
down.

DEFENDANT: ... Fuck you.

HIS HONOUR: Mr Bailiff, could you ask security to attend the  
Court please. 20

DEFENDANT: Do what you fucking like. I got no representation  
so that's it. I'm not listening. I don't give a fuck who you  
say-----

HIS HONOUR: Mr-----

DEFENDANT: -----or what you say.

HIS HONOUR: Mr B, the next people----- 30

DEFENDANT: Am I - I don't give a damn what you say, right?

HIS HONOUR: Mr B, the next people-----

DEFENDANT: I don't give a damn what you say, right?

HIS HONOUR: Mr B-----

DEFENDANT: I don't give a damn what you say. 40

HIS HONOUR: -----the next people that you see entering the  
Court-----

DEFENDANT: I couldn't give a shit what you're saying.

HIS HONOUR: -----are the Court Security Staff.

DEFENDANT: Oh, what do you want me to do? What do you want,  
a Mickey Mouse badge? 50

HIS HONOUR: No.

DEFENDANT: Stick it on your fat chest. Hey? What do you  
want? A Mickey Mouse badge. Come on fatso, what have you got  
to say for that?

BAILIFF: On their way up, your Honour.

HIS HONOUR: Thank you, Mr Bailiff.

1

DEFENDANT: Oh, the mouse has gone quiet.

HIS HONOUR: Security, can I ask you to take up positions immediately behind the accused. If he moves from that chair - if he makes any move from that chair you are to assist the Corrective Services personnel in restraining him, do you understand?

10

SECURITY: Yes, your Honour.

HIS HONOUR: Thank you. You are not to move, do you understand me? Mr B?

DEFENDANT: Oh get fucked.

HIS HONOUR: Mr B, because Ms R -----

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DEFENDANT: No, listen here, lard arse - no fuck you.

HIS HONOUR: Because Ms R -----

DEFENDANT: I don't give a shit what you fuckin' say-----

HIS HONOUR: -----is a protected witness-----

DEFENDANT: -----I'm telling you now you can get fucked. All right?

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HIS HONOUR: -----the law requires-----

DEFENDANT: Are you so stupid or what? I don't give a shit what you fuckin' say.

HIS HONOUR: -----that I arrange for Ms R - for you rather, to be given free legal assistance by Legal Aid-----

DEFENDANT: I don't give a fuck. I couldn't give a shit what you say. What, are you deaf?

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HIS HONOUR: -----for the cross-examination of that protected - for the cross-examination of that protected witness-----

DEFENDANT: Hey, lard arse, can't you fuckin' hear me?

HIS HONOUR: -----unless you arrange for legal representation-----

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DEFENDANT: What, are you deaf?

HIS HONOUR: -----or unless you do not want that protected witness to be cross-examined.

DEFENDANT: What are you fuckin' talking about, I don't know what you're fuckin' talking about, lard arse.

HIS HONOUR: Is there anything that you want to say in relation to me making an order----- 1

DEFENDANT: Yeah, I don't know what you're fuckin' talking about, you silly old cunt.

HIS HONOUR: In which case - thank you for that submission. In which case-----

DEFENDANT: Oh that's good, you know. 10

HIS HONOUR: -----I order - I rule-----

DEFENDANT: Well, you can fuckin' order what you like.

HIS HONOUR: -----that Ms R -----

DEFENDANT: Order me a fuckin' pizza while you're at it.

HIS HONOUR: -----is a protected witness for this proceeding----- 20

DEFENDANT: Who gives a shit.

HIS HONOUR: Mr K, could you please communicate the fact that that order has been made to Legal Aid.

DEFENDANT: Are you fuckin' off your head?

MR K: Yes, I will, thank you, your Honour. 30

HIS HONOUR: And immediately arrange for such representation as may be necessary.

MR K: Thank you, your Honour.

HIS HONOUR: Thank you very much.

DEFENDANT: Why don't you get fucked?

HIS HONOUR: Now Mr----- 40

DEFENDANT: Wait, what are these two fuckheads doing here then if they're not fuckin' representing me?

HIS HONOUR: Mr Mac, do you and your instructing solicitor now seek leave to withdraw?

Mr Mac: Yes, your Honour.

HIS HONOUR: All right then. I give you leave to withdraw. Thank you both very much for your assistance. 50

DEFENDANT: Wait, what are these two fuckheads doing here then if they're not fuckin' representing me?

HIS HONOUR: Mr Mac, do you and your instructing solicitor now seek leave to withdraw?

Mr Mac: Yes, your Honour.

1

HIS HONOUR: All right then. I give you leave to withdraw. Thank you both very much for your assistance.

DEFENDANT: Yeah, piss off. Fuckin' dogs.

HIS HONOUR: Mr K?

MR K: Your Honour, Mr Mac has been kind enough just to mention to me that as he understands it, any order needs to be reduced to writing and then faxed, so what I'll do is I'll get that order reduced to writing.

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HIS HONOUR: If you could email it to my associate and I'll initial it-----

MR K: Yes.

HIS HONOUR: -----and that can be attended to.

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MR K: Thank you, your Honour.

HIS HONOUR: All right now. You're in a position to proceed, Mr K?

MR K: That would be the case, yes, your Honour.

HIS HONOUR: All right then. Well, we should then find out from Legal Aid, I take it the complainant is to be your first witness?

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MR K: She is, yes, your Honour.

HIS HONOUR: All right then. And how long do you think your opening will take?

MR K: Oh the opening-----

HIS HONOUR: Once we've empanelled the jury?

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MR K: About 15 or 20 minutes, I would think.

HIS HONOUR: All right then. Well, is there any point in empanelling the jury today if your opening is going to be brief-----

DEFENDANT: What's this fuckin' opening brief and that you're talking about, lard arse?

HIS HONOUR: If your opening is going to be that short then you'll want to call the complainant pretty well straight away.

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MR K: That's so, yes. I would submit the most prudent course is perhaps to allow the panel to go and then look to empanelling them tomorrow.

HIS HONOUR: Yes, all right then. Now, Mr B, you can continue to interrupt me or you can listen to what I'm going to say.



DEFENDANT: I don't give a fuck, I need representation. 1

HIS HONOUR: No, we're beyond that stage.

DEFENDANT: No, hey, listen here you fuckin' stupid old cunt, I've got fuckin' paperwork here, if you weren't so pigheaded and using your big fuckin' fat lard arse, you might have fuckin' read it before you fuckin' jumped the gun, eh, but no, you had your fuckin' cocking mates here going on like a two bob fuckin' watch. I never said anything about fuckin' Don MacKenzie. I had a complaint against Ken fuckin' MacKenzie, right, not me barrister. I had nothing to complain about him, it was the other fuckin' prick and I wrote you a letter to fuckin' explain why. 10

HIS HONOUR: Was there anything else you wanted to say to me at the moment?

DEFENDANT: Yeah, why don't you fuckin' read it and see why I wanted to - what was it - blimmin' to adjourn for a while. 20

HIS HONOUR: No-----

DEFENDANT: There was a fuckin' reason for it.

HIS HONOUR: No, there's no adjournments, Mr B, you've had-----

DEFENDANT: Well, I don't give a stuff. You can't fuckin' sentence me or do anything because I'm doing a plea. The thing was when I got my plea overturned last fuckin' time, did you read it, why - what happened, was because the barrister and solicitor stuffed up. I was putting in a complaint about Don MacKenzie - Ken MacKenzie not revealing the parts I needed for my trial, but you wouldn't listen. 30

HIS HONOUR: Mmm. Thank you for that information. Now what's going to happen is this-----

DEFENDANT: I don't give a shit what happens, anyone comes in here, I'll fuckin' disturb and I'll run amok. 40

HIS HONOUR: Not in my courtroom you won't.

DEFENDANT: I'll fuckin' disturb and I'll run amok.

HIS HONOUR: Not in my courtroom you won't.

DEFENDANT: Hey, don't fuckin' tell me I fuckin' won't, mate. 50

HIS HONOUR: Not in my courtroom you won't.

DEFENDANT: You think these fuckin' jokers are going to worry me?

HIS HONOUR: Whether they worry you or not-----

DEFENDANT: Or the screws, what are you going to fuckin' do?

HIS HONOUR: Whether they worry you or not is a matter for you. 1

DEFENDANT: What are you going to fuckin' do to me.

HIS HONOUR: What I'm going to do to you is tell you that your trial is starting tomorrow.

DEFENDANT: Oh no fuckin' way, mate. 10

HIS HONOUR: Oh yes, your trial is starting tomorrow.

DEFENDANT: You want a fuckin' bet? You want a fuckin' bet?

HIS HONOUR: Well-----

DEFENDANT: I'll tell you what, I'll make a fuckin' bet - I'll make a bet with you and I tell you what, you'll lose your fuckin' fat arse. 20

HIS HONOUR: Now, Mr K, you'll be ready for the trial to start tomorrow?

DEFENDANT: I'll put myself in medical, you cunt.

MR K: Thank you, your Honour, yes.

DEFENDANT: I'll fuckin' slash up or I'll do something.

MR K: Yes, thank you, your Honour. 30

HIS HONOUR: Yes.

DEFENDANT: You don't fuckin' threaten me you fuckin' dog.

HIS HONOUR: You can take the accused down, thank you. I'll see you tomorrow morning at 10 o'clock, thank you, Mr B?

DEFENDANT: No, I fuckin' won't, I'll tell you fuckin' now, you fuckin' lard arse. 40

HIS HONOUR: Thank you for coming up, gentlemen, I'm grateful. I was actually called much worse things on the rugby paddock, you know. All right then. Mr Bailiff, if you could please let the jury panel know that they'll be required tomorrow morning.

BAILIFF: Thank you, your Honour, yes.

HIS HONOUR: Mr Mac and your instructor, thank you both very much for your attendance this morning, I'm grateful to you for your assistance. Mr K, you'll send over a draft order for me to initial so that Legal Aid can put the wheels in motion? 50

MR K: Yes, thank you, your Honour.

HIS HONOUR: All right then. Where's the - oh the bailiff's going. We can adjourn.

THE COURT ADJOURNED AT 11.05 A.M.