

# What Happened During the Downing Centre Machete Scare?

Sydney's Downing Centre Court complex was [placed in lockdown late last month](#), after a man walked inside carrying a large black machete.

The man in his 20s, was seen walking over from nearby Hyde Park, where it is believed he was involved in an altercation, before entering the court at around 10am and allegedly yelling at people to "get on the ground".

A few minutes later, he was lying in the ground, surrounded by police officers. During the incident, a police officer drew her gun and pointed it at the man.

"That's when I decided I was going down on to the floor," a staff member told AAP.

During the incident, those in the building were told to stay on the ground, with some choosing to hide under their desks for added safety.

Moments later three police arrived, handcuffed the young man and marched him from the building, putting him in the back of a police wagon and driving off.

A police spokeswoman yesterday said Sheriff's officers, who are responsible for court security, had called for backup when the man, 20, began yelling and ordering people to the ground.

The lockdown meant that all doors to the court were locked, but police did not start evacuating the building because the situation was quickly brought under control. The doors were reopened shortly after the arrest, and hearings had resumed as normal by 11am.

Police told the [Daily Telegraph](#) the man would undergo a mental

health assessment before they considered laying charges.

## **Increased Security at the Downing Centre**

This is not the first time security has become an issue at the Downing Centre. The courthouse has been a target in the past, due to the heated nature of many cases.

Last year, the court was swarmed by members of the New South Wales riot squad and tactical officer units, following a tip-off that that a ["disruption" was going to occur at a trial](#). The proceedings concerned an armed robbery that allegedly occurred outside Broadway Shopping Centre in 2013. According to the tip, the defendant's associates were planning to perform a drive-by shooting outside the court.

Currently, everyone coming into the courthouse is required to walk through a metal detector, and have their bags x-rayed, before being allowed entry into the complex. Last year, the New South Wales Government [beefed-up security at the Downing Centre](#) by providing it with additional Sheriff's Officers as part of their counterterrorism measures.

The Sheriffs are responsible for court security, scanning those entering the complex and confiscating prohibited items, requesting identification, and [arresting anyone who commits violent or contemptuous acts](#).

Sheriff's Officers were given greater powers of arrest last year, after [Ali Hussein Chahine jumped the dock](#) at the Downing Centre in October and assaulted two corrective services officers before escaping barefoot on a bus.

New South Wales Attorney-General Gabrielle Upton said that change "will assist security officers to perform their role of protecting court personnel and court users more effectively."

However, the Opposition has questioned the effectiveness of the new powers, as budget cuts have left courts across the

state with a massive shortfall in the number of sheriffs.

As of December last year, the Government only employed 230 Sheriffs to cover its 154 local courts, which require two officers per court per sitting day. According to Shadow Attorney-General Paul Lynch, some regional courts are being left without Sheriffs on duty, leaving them vulnerable to attack.

### **Things to Keep in Mind if Going to Court**

Security officers have the [power to confiscate](#) anything they believe is a restricted item or offensive implement. 'Offensive implement' covers a very broad category, including anything that could be used to cause damage or injury to a person.

Although it might seem a bit over-the-top, this means they can confiscate many things that you might not consider to be a threat. Examples include keychain pocket knives and scissors.

It is an offence to film or take photos inside a courthouse without permission. Security officers are permitted to [confiscate any recording device](#), including its film, along with anything else that's been used to unlawfully record. This is to protect the safety and identity of those involved in cases.

Sheriff's Officers may ask for your name and address, if this is unknown and if they believe on reasonable grounds that you are carrying a restricted item or have committed an offence. They are required to show their identification before exercising powers of confiscation. They're also required to provide the reasons for exercising power, and a warning that refusal to comply may be an offence.

Any confiscated items must either be returned to you when you leave the courthouse, unless they are deemed illegal and required as evidence.

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# Another Police Brutality Case Before Downing Centre Court

Police brutality is a serious issue around Australia, with cases of vicious and dangerous assaults by members of police forces being regularly captured on smartphones and reported in social and mainstream media.

Just last week, a senior police officer appeared before Sydney's Downing Centre Local Court charged with Assault Occasioning Actual Bodily harm – an offence which carries a maximum penalty of 5 years imprisonment, or 2 years in the Local Court.

Leading Senior Constable Shaun Moylan from Dee Why police station on Sydney's Northern Beaches, is alleged to have [brutally assaulted a man in police custody in April 2015](#).

32-year-old Mark Adamski was arrested on Anzac Day for an alleged domestic assault at Narrabeen. He was taken to Dee Why police station, where it is alleged he was assaulted by LSC Moylan in the charge room.

It is alleged the Constable became verbally abusive towards Mr Adamski, then violently pushed him backwards twice, causing him to hit his head on a concrete wall. During the second push, Moylan also grabbed Adamski around the throat.

Mr Adamski suffered injuries to his head and neck as a result of the assault. He repeatedly pleaded with police to call an ambulance, but no medical help was offered. Mr Adamski instead had to catch a bus to Manly Hospital following his release.

CCTV footage played in court captured the incident – and Mr

Adamski's version of events was supported by other police officers who witnessed the attack.

One of the officers, Senior Constable Daniel Gill, testified that Moylan had 'cupped his hand' around Adamski's throat when pushing him the second time. He described the force used by the officer as 'significant,' and conceded that Adamski had requested medical attention.

Another officer, Constable Brendon Kitchener, told the court that he was so concerned with the force used that he reported it to other colleagues.

Yet Constable Moylan maintains his innocence, with his lawyer suggesting to Mr Adamski in cross-examination that he 'downplayed [his] role significantly' and 'exaggerated [Moylan's] role' – statements which Mr Adamski has strenuously denied.

The hearing has been adjourned to a later date, where Mr Moylan's fate will ultimately be determined by Local Court Magistrate Susan McIntyre. In the meantime, he has been suspended from duty on full pay.

Mr Adamski, on the other hand, has been found not guilty of all charges brought against him.

### **Other Police Brutality Cases at Downing Centre Court**

The Downing Centre has heard several cases in recent times involving allegations of [police brutality and misconduct](#).

In 2014, Magistrate Michael Barko determined that police had used [excessive force in apprehending 18-year-old Jamie Jackson Reed](#) during the annual Mardi Gras parade.

Mr Reed made headlines after video went viral of a Sydney police officer slamming his head into the concrete pavement and stepping on his back.

But it was Mr Reed – rather than the officer behind the brutal attack – who was charged with assault.

In dismissing the charges against Mr Reed and awarding him \$40,000 in costs, Magistrate Barko noted that he had been ‘brutalised’ by police.

And, just days ago, another police officer, who cannot be named for legal reasons, [appeared before the Downing Centre court charged with numerous assaults and stalk/intimidate](#) for incidents involving his now ex-wife.

The officer is alleged to have repeatedly abused and threatened his former partner – a domestic violence liaison officer – over several years, telling her that she would not be believed if she reported her concerns to police.

That hearing has been adjourned until May.

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## **School Excursions to the Downing Centre: Which Courts Are the Most Exciting?**

Lawyers, defendants and their families are not the only ones who attend the Downing Centre – it is also a popular destination for school excursions.

Since courts are open for anyone to enter and watch, students are free to wander in and out of courtrooms – with the exception of the Children’s Court and ‘closed courts’, which will have a sign on the door.

The Downing Centre is the busiest courthouse in NSW, so

there's usually something interesting going on inside at least one of the courtrooms.

Visiting the Downing Centre is a great chance to see how our criminal justice system works – but some courtrooms aren't generally as exciting as others.

Some interesting cases are reported in the media – and you will often see film crews set up outside the entrance of the Downing Centre, eager to film famous or notorious defendants as they enter and leave. If there is a particular case you want to see, noticeboards are on display which list the names of defendants in alphabetical order.

The main District Court noticeboard is on ground level directly ahead after you enter the courthouse, and the main Local Court noticeboard is on level 4, outside the lifts.

### **In the District Court**

If you want to see a trial with a jury, this is the place to go. You may get to see a jury deliver a verdict, witnesses being cross-examined or other fascinating parts of a trial.

Many serious cases are heard in the District court, and if a person is pleading 'not guilty' a jury will ordinarily determine their innocence or guilt. This court is generally more formal than the Local Court, so you will see Judges and Barristers in their wigs and robes. Unlike Local Court Magistrates who wear black robes and no wigs, Judges wear wigs and robes with red on them.

The District courtrooms are located on five levels, from lower ground to level 3. Courtroom 3.1 (on level 3) is probably best avoided, especially in the morning. It is often packed and many short procedural matters are heard there. The courtroom is frequently so busy in the morning that you may have a hard time squeezing in, let alone taking in what is happening!

Trials may be held in any of the courtrooms from lower ground to level 2; but be warned, jury trials are not like on TV – they often take weeks or even months to complete and you may only get a snippet of the proceedings, and may not have enough information to understand what is going on.

So perhaps the best bet is to look for a courtroom without a jury, as you may get to see a defendant's sentencing proceeding from start to finish. A sentencing is where a person pleads guilty or is found guilty and the Judge decides their penalty.

### **In the Local Court**

Less serious cases are generally heard and finalised in the Local Court. Unlike District Court trials, Local Court cases are finished within a day; in fact, many sentencing proceedings take just 10 or 15 minutes.

Courtroom 4.4 is a Registrar's court, which means it is presided over by an administrative officer rather than a Magistrate. It is where adjournments and other procedural matters occur, so you are more likely to see an interesting case in another courtroom.

Courtroom 4.5 gets plenty of action – it is where many short sentencing cases and mental health applications are heard, so you will be able to quickly get an idea of what the case is about, and can observe several defendants receiving penalties for their offences.

On Tuesdays and Thursdays, courtroom 5.2 hears relatively serious Local Court cases, which have been taken over from the police by the Office of the Director of Public Prosecutions (or 'DPP'). Although the courtroom is often busy with short procedural matters in the mornings, you may be able to see people being sentenced later in the day.

If you would like to see witnesses being asked questions on



the witness stand, your best bet is to head into one of the many hearing courts; such as 4.1, 4.2, 4.7 and 4.8. The questioning of witnesses occurs during 'defended hearings', which is where a defendant pleads not guilty and the Magistrate must decide their guilt or innocence.

If you want to hear about cases involving domestic violence, courtroom 5.2 hears those types of cases on Wednesdays.

Commonwealth cases, such as Centrelink fraud and tax evasion, are heard in courtroom 5.5.

### **Court Opening Hours**

The [Downing Centre opening hours](#) are 8:30 to 4:30pm, Monday to Friday. However, Judges and Magistrates do not sit the whole time. Most court proceedings start at 9:30 or 10am. There is a break for morning tea between 11.40am and 12noon, and for lunch between 1pm and 2pm. The final sitting period for the day is 2pm to 4pm.

### **Tips on Court Etiquette**

Court is a formal place, and there are rules which everyone must follow when entering or leaving a courtroom. These include:

- Making sure your phone is switched off before entering the courtroom,
- Bowing your head when you enter or leave the courtroom if a Registrar, Magistrate or Judge is sitting,
- Standing when a Registrar, Magistrate or Judge enters or leaves,
- Not taking photos or using recording devices while inside a courthouse (in fact, this is a criminal offence). However, you are permitted to take notes or draw pictures,
- Not taking drinks or food inside the courtroom, and
- Not talking or making noise when inside the courtroom.

If you must talk, keep it to a minimum and whisper.

Learning some of the legal jargon used inside the courtroom may help you to understand what the lawyers, Magistrates and Judges are talking about. [Click here](#) to learn the basics.

We hope you enjoy your visit to the Downing Centre!

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## **Sports Star Cleared of Domestic Violence Charges**

After a three-day hearing, Sydney Roosters NRL star Shaun Kenny-Dowall has been cleared of all allegations that he engaged in illegal violence against his former girlfriend, Jessica Peris.

The charges related to alleged assaults and threats to Peris, as well as the destruction of her property.

Facing eleven charges in total, the legal battle overshadowed the star's day-to-day life and football career. The specific allegations included head-butting his girlfriend, pushing her, pulling her hair, putting her in a deadlock, destroying her mobile phone and causing a bruise by grabbing her arm tightly.

The proceedings took a heavy toll on Mr Kenny-Dowall, who had to deal with suspicions of guilt, relentless media attention and even criticism from the NSW Premier Mike Baird, who saw fit to put in his two-cents worth by saying Kenny-Dowall should stand down. After the charges were laid last year, the devastated 28-year-old attended hospital to help him cope with the stress.

During the hearing in [Downing Centre Local Court Sydney](#), Mr Kenny-Dowall was accused of being jealous and overprotective of his girlfriend. He admitted locking himself in the bathroom and going through his partner's phone because he suspected her of cheating on him. Ms Peris alleged that when he finally came out, he threw her phone at the wall, pinned her to the side of the room and punched a hanging picture. She claimed to have sustained a bruise as a result of the incident.

But Mr Kenny-Dowall said he was acting in self-defence after Ms Peris got angry and attacked him.

In the midst of the proceedings, the Sydney Roosters were criticised for allegedly trying to keep the allegations under wraps. The court heard that Ms Peris contacted the club after the breakup in June last year in order to negotiate terms for her silence, leading to speculation she had fabricated her version of the events to make money. Evidence was given that Ms Peris moved out of Mr Kenny-Dowall's apartment following the breakup, and then contacted Brian Canavan, CEO of the Roosters, asking for accommodation, the use of a car for six months and one-month's income.

The court also heard that Ms Peris was offered accommodation and a car for one month, but ultimately turned it down and went to police. Peris testified that she was given a brown paper bag filled with \$5,000 "in lieu of wages".

[Magistrate Grogin was not impressed with the demands Ms Peris made of the football club, stating:](#)

*"if a labourer or a lawyer or an apprentice were to have committed a domestic violence offence, would one expect the victim to approach the employers for such material support? I think not."*

He found Ms Peris' to be an unreliable witness and did not accept her version of the events, concluding:

*“Without any evidence of immediate complaint [about the abuse], without explanation in relation to the bruise on her arm... and in light of her extremely unusual approach of going to the Roosters before the police... we are left with nothing more than suspicion.”*

Since guilt must be proved beyond reasonable doubt, Mr Kenny-Dowall was found not guilty of all eleven charges.

With the court case behind him, it is hoped Mr Kenny-Dowall can get on with doing what he does best, playing footy.

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## What Happens in Each Downing Centre Courtroom?

The Downing Centre is a large court complex located on Liverpool Street in the city.

While some smaller courthouses have just one or two courtrooms, the [Downing Centre](#) has dozens of courts distributed over seven levels.

The best thing to do when you arrive at the Downing Centre is to look for your allocated courtroom on the relevant noticeboard.

If you are going to the District Court, there will be a noticeboard straight ahead after you go through the security screening on ground floor.

If your case is in the Local Court, a noticeboard will be straight ahead after you exit the lifts on level 4.

### **District Court**

The District courtrooms are located on five levels, from lower ground up to level 3.

### **Courtroom 3.1 – Short Matters List and Callover Court**

Courtroom 3.1 is possibly the most crowded courtroom in the Downing Centre.

It deals with a range of short matters from adjournments, to 'callovers' (to determine whether trials are ready to proceed), to short appeals, applications for release (bail) and sentencing cases.

The Chief Judge will often sit in the courtroom and distribute cases to other District courtrooms.

But beware, even a relatively short court appearance can take a considerable amount of time when the queue in 3.1 is long.

The courtroom was also the scene of the [infamous Downing Centre escape by Ali Chahine](#) last year.

Other District courtrooms are often used for sentencing hearings, appeals and, of course, jury trials.

### **The Local Court**

The Local courtrooms are located on levels 4 and 5 of the Downing Centre.

### **Courtroom 4.4 – Registrar's Court**

This is where many case that come before the court for the first time will start off.

A registrar will sit on the bench (rather than a magistrate), and they will deal with procedural matters such as granting adjournments for legal advice, dealing with subpoenas, recording pleas of 'guilty' or 'not guilty', setting 'timetables' for police to serve the evidence upon the defence and listing cases for hearing.

If you wish to plead guilty and receive your penalty the same day, the Registrar will send your case to a magistrate in another court – usually courtroom 4.5 next door.

### **Courtroom 5.1 – Hearings List**

If your case is listed for a defended hearing, your case will usually be listed in courtroom 5.1 together with a bunch of others.

If your case is ready to proceed, the magistrate will usually send your case to another courtroom for the hearing.

### **Hearing Courts**

Many courtrooms are capable of dealing with ‘defended hearings’ – which is where the witnesses attend court and the magistrate decides guilt or innocence.

Hearings often take place in courtrooms 4.1, 4.2, 4.3, 4.7, 4.8, 5.3 and 5.4.

### **Courtroom 5.2 – DPP and Domestic Violence cases**

All cases start in the Local court – no matter how serious they are.

More serious cases, which are likely to eventually go to the District Court, will normally be taken over from police by the [Office of the Director of Public Prosecutions](#) (DPP).

DPP cases are dealt with on Tuesdays and Thursdays in courtroom 5.2.

On Wednesdays, 5.2 is used for domestic violence-related cases and other matters involving Apprehended Violence Orders (AVOs).

### **Courtroom 5.5 – Commonwealth Cases**

The majority of criminal cases in NSW fall under NSW laws, but

there are many Commonwealth (federal) offences too.

If you are charged with a Commonwealth offence, your case will most likely be listed in courtroom 5.5.

### **Courtroom 5.8 – Domestic Violence Women’s Cases**

On Wednesdays (which is AVO day at the Downing Centre), courtroom 5.8 functions as a support room for women who are PINOPs (Persons In Need Of Protection)

Cases are not heard in the courtroom at this time. Rather, it is a place for female complainants to get support and wait until it is time for their cases to be heard.

### **Finding Out Your Courtroom Before the Court Date**

You can check the details of your upcoming case in advance by looking online.

The [NSW Online Court Registry](#) can be used to determine the date, courthouse, courtroom and sometimes the judge, magistrate or registrar who will be sitting in your upcoming case.

Whether you are attending the Downing Centre for your upcoming court date, a school excursion or just as an observer, we hope your experience is as pleasant as it can be.

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## **FAQs about Downing Centre Court**

The Downing Centre is NSW’s busiest courthouse, a bustling metropolis of local and district courtrooms, news crews and

reporters trying to get a story from prosecutors, and a wide range of criminal justice services.

Our firm is located just across the road from the Downing Centre, and we represent clients in the courthouse just about every day.

Here are the answers to some of the most frequently asked questions by those who are going to Downing Centre Court.

## **1. Will I Have to Talk in Court?**

Going to court can be extremely stressful, and the thought of having to answer questions by a magistrate or judge in front of a packed courtroom when your future is at stake can send shivers down many a spine.

If you have a lawyer, their job is to do the talking for you.

If you are pleading guilty and being sentenced in the local court, you will normally be asked to stand up at the start of the proceedings so the magistrate can identify you, then again at the end when he or she is imposing the penalty. The lawyer will do all the talking, submitting the factors in your favour and attempting to persuade the magistrate to impose the most lenient penalty possible. The magistrate may ask you a question or two at the end, but you will normally only need to say 'Yes, Your Honour' or 'No, Your Honour'.

If you are pleading not guilty and your case reaches a 'defended hearing' in the local court – which is when the witnesses attend court, are asked questions, and the magistrate decides your guilt or innocence. The prosecution witnesses will go first, and you cannot be forced to take the witness stand and testify. However, it may be in your interests to do so – especially if the evidence given by the prosecution witnesses is strong.

The same applies in the district court; but some district



court judges will look more favourably on those who take the stand and 'give evidence' (testify) during their sentencing proceedings. In either case, your lawyer will prepare you for court and inform you about the questions you are likely to be asked.

## **2. What Are My Chances?**

Clients will often want to know the result in their cases in advance; and why wouldn't they?

Although it is completely understandable to want to know the result, it is impossible to guarantee what any magistrate, judge or jury will decide in any particular case.

Experienced lawyers will advise on likely outcome, but should never give any guarantee.

In fact, if a lawyer says they can guarantee a particular result, our advice is to run as they are probably just after your money and will make excuses if there is an unfavourable outcome.

## **3. Will Other People be in the Courtroom?**

Many people assume they will be the only one in the courtroom apart from the magistrate, prosecutor and their lawyer (if they have one), but this is hardly ever the case.

People are usually walking in and out of courtrooms all the time. Magistrates often have dozens of cases to get through each day, and courtrooms are usually full of people. Indeed, anyone is allowed to come and watch court proceedings – unless it is a 'closed court'; for example, if a child is testifying or the case is otherwise of a particularly sensitive nature.

That said, experienced lawyers will often employ techniques to ensure that as few people as possible will be in attendance when their client's case is heard; especially if the allegations may be especially damaging.

#### **4. Will My Case Be Publicised?**

This question is sometimes asked outside the [Downing Centre](#) – when clients see camera crews hovering around the entry.

The media is usually there to film and attempt to interview high profile defendants, or those whose ‘newsworthy’ cases have been leaked to the media by police or court prosecutors.

Unless your case falls into one of these categories, it is unlikely to make the media – and we are of the view that it is a breach of a lawyer’s fiduciary duty to a client to ever leak such information to anyone; although not all lawyers share this view.

#### **5. I Want to Plead Guilty but Don’t Agree with Everything in the Police Papers. What Should I do?**

A good criminal defence lawyer will often be able to have the police allegations amended so they accord more closely with the client’s instructions.

Alternatively, you can enter a plea of guilty and the case can be set down for a ‘disputed fact hearing’ – where witnesses are asked questions and the facts of the case are determined by the magistrate.

#### **6. Will a Parking or Speeding Ticket Breach my Good Behaviour Bond?**

The answer to this question is generally no.

However, like many areas of criminal law there are exceptions. One of these is when a magistrate imposes a condition on your bond that you are not to have any ‘moving traffic violations’. This is sometimes called a ‘[good behaviour licence](#)’ and can be imposed in drink driving cases as a condition of a ‘section 10 bond’ (now [conditional release order](#) without conviction); which is a good behaviour bond without a criminal conviction, licence disqualification or fine.

Another exception is speeding by over 45km/h where police elect to take the matter to court rather than issue an infringement notice.

A parking fine will never breach a good behaviour bond.

## **7. Does a Fine Come with a Criminal Record?**

A court-imposed fine in a criminal case comes with a criminal record.

The only way to avoid a criminal record if you are guilty of a crime is to achieve a '[section 10 dismissal](#) or [conditional release order](#)' – which means no criminal conviction, no fine and – in traffic cases – no licence disqualification.

Unlike in Queensland, defendants in NSW criminal cases cannot get both a fine and a non conviction order – it must be one or the other.

If you are going to court and have questions about court procedure and the likely outcome, it is a good idea to contact a specialist criminal defence firm for a [free first conference](#) and get the information you're after, even if you ultimately intend to [represent yourself in court](#).

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# **Jurors Behaving Badly in Downing Centre Court**

Not many people are thrilled to be selected for jury duty – but some have their own ways of livening the opportunity; whether it is a seemingly harmless game of Sudoku, the

occasional snooze or a flirtation.

Here are some of the ways jurors have been caught misbehaving in trials at [Downing Centre District Court in Sydney](#).

## **Solving Sudoku**

After sitting through a gruelling three months of trial – including the testimony of 105 witnesses – it came to the Downing Centre District Court judge's attention that [several jurors had been completing Sudoku while in the jury box](#).

It wasn't until one of the defendants in the commercial drug trial saw the jury forewoman doing what appeared to be a Sudoku that the jury's behaviour came under the radar. The conduct was also observed by the co-accused; and on that basis, the defence barristers made a successful application to discharge the jury, and the whole trial had to be started again – with a new jury.

The forewoman admitted in court that she and four other jurors had been solving the numbers puzzles, instead of concentrating on the evidence in the trial. She admitted spending more than half her court time on the puzzles each day. The jurors had been bringing Sudoku sheets with them to court and photocopying them using court facilities, then comparing results during breaks.

The judge was understandably less than impressed, telling the jurors they had let down everyone involved in the trial. But despite the disruption and wasted cost, the jurors had not committed any offence – as there is no law against playing games in the jury box!

## **Flirting with the Defendant**

Another trial was aborted last year when it was discovered that the jury forewoman had been flirting with the defendant.

The case was drawing to a close when the foreperson was

observed flicking her hair, raising an eyebrow and nodding in a 'suggestive manner' towards the defendant.

Again, the Presiding judge was unimpressed, stating ['discharging a juror for flirtatious behaviour is fortunately not something that happens all that often.'](#)

## **Independent Investigations**

Back in 2004, jurors in the infamous sexual assault trial of Bilal and Mohammed Skaf decided to conduct their own investigations outside the courtroom.

A few of the jurors got together and scoped out the location and lighting conditions of the alleged crime scene – a move which was specifically against the judge's directions. As a result, [the verdict of 'guilty' was overthrown and a new trial was ordered.](#)

It is against the law for jurors to undertake their own investigations, whether visiting alleged crime scenes, talking to others outside the courtroom or undertaking online research. The [maximum penalty for this offence is 2 years imprisonment and or a fine of \\$5,500.](#)

## **A Little Snooze**

One man used his jury duty as an opportunity to catch up on some extra Z's.

The assault trial of two bouncers was aborted on the second day, after the judge noticed that the man had been dozing off. Before discharging the jury, His Honour stated 'one of your number has not been paying attention... we are concerned the juror may not be able to give a proper verdict.'

A similar incident occurred in the NSW Supreme Court, where [a juror in a murder trial was discharged after he continued to fall asleep in the juror box.](#) The frustrated judge told the man to pack up and go home after he turned up late to court,

following days of sleeping on the job. A good way to get out of jury duty, but an enormous waste of court time and resources.

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## Some Drinks Get You Drunk Faster than Others

Drink driving is the most common offence that is heard in NSW courts, including the Downing Centre.

While most of us know it is a crime to drink and drive, trying to assess whether you are below the legal limit is fraught with problems – as there is no accurate formula to calculate how many drinks will push you over.

### Not All Drinks Are the Same

Popular Australian scientist, Dr Karl Kruselnecki, has publicised a fascinating finding about alcohol: [diet mixers can get you drunk faster than full-sugar ones](#).

He uses the example of two hypothetical identical twins who each have the same diet and exercise regime. On a particular night, the twins have three standard drinks over the course of a night. The only difference between the drinks is that one is mixed with a sugary soft drink, while the other has a zero-calorie sweetener.

Kruselnecki says that if both twins are tested, the one who had the full-sugar drink would have blown 0.034, which is well under the legal limit of 0.05, while the other would have come in at 0.053 – resulting in a low range drink driving charge.

## **Research**

The Royal Adelaide Hospital tested a group of volunteers, all of whom drank 30 grams of alcohol (the equivalent to about three standard drinks); but half mixed the alcohol with a zero-calorie mixer, while the other half had full-sugar mixers.

Those who had the full-sugar mixer took longer to process the alcohol, thus delaying its entry into the bloodstream. The sugar (or any calories) essentially meant that the alcohol stayed in the stomach for longer, where some of the extra alcohol was broken down by stomach acid before passing through the small intestine and the bloodstream.

## **Honest and Reasonable Mistake**

In 'strict liability' offences like drink driving, a person will be not guilty if they can establish that they were honestly and reasonably mistaken about being over the limit.

Based on the above scenario, it is easy to see how a person caught driving just over the legal limit could have done so honestly believing they were legally capable of driving.

The harder part is proving that the mistake was "reasonable." With the large-scale public awareness campaigns surrounding drink driving for decades, it can be much harder to prove that a person's mistake was reasonable.

## **Drink Driving Generally**

[Drink driving offences in NSW](#) may not be the most serious criminal offence, but it can carry serious penalties. Even those who drive with a low-range concentration of alcohol can find themselves with a criminal record and licence disqualification.

However, there are several steps that a person can take to ensure the best possible result in a drink driving case:

including participating in a [Traffic Offender Program](#), collecting character references and writing an apology letter.

Of course, if you have been charged with a drink driving offence, one of the best things you can do is to get legal advice from a criminal lawyer who has a [great track record in drink driving cases](#). Many law firms offer [free first conferences](#), where you can obtain initial advice and a point in the right direction, even if you wish to represent yourself.

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## **NRL Players Sentenced at Downing Centre Court**

Two NRL players graced the Downing Centre Courts with their presence yesterday, charged with separate offences.

Bulldogs player Jacob Loko pleaded guilty to drug offences, while former Roosters player Willis Meehan narrowly avoided prison time for assault charges.

The men join a long list of NRL players to front Downing Centre Court in recent years.

### **Jacob Loko Sentenced for Drug Possession**

Bulldogs centre Jacob Loko was [sentenced for drug possession](#) after being found with 5 capsules of MDMA at The Star Casino in September 2015.

According to court documents, security guards observed Loko handing a man \$100 in exchange for a small package in a casino lounge at around 6am on September 3. Police were called and conducted a search on Loko, finding the capsules.



The man who apparently supplied Loko with the drugs was arrested and charged with drug supply.

After pleading guilty, NRL star was handed an 18-month good behaviour bond. But perhaps biggest sting is that he will not be re-signed by the Bulldogs this year's season, with the club extinguishing any hopes of his contract being renewed.

This not the first time Loko has been in trouble with the law: in January 2015, he was [charged with high range drink driving](#) after being caught driving with a blood alcohol concentration of 0.189 – nearly four times the legal limit. The offence saw him receive a criminal conviction, 18-month licence disqualification and \$800 fine.

Just two months later, Loko made headlines after being involved in a violent street brawl with fellow NRL player Jorge Taufua.

While he was not charged over the incident, the Bulldogs banned him from playing for four matches, fined him \$10,000 and ordered him to serve 150 hours of community service.

### **Willis Meehan Sentenced for Assault**

Former Roosters player Willis Meehan also fronted the Downing Centre yesterday to be sentenced for assault and larceny.

Meehan was ultimately sentenced to 150 hours of community service for [threatening a cab driver and stealing](#) in July 2015.

Meehan became enraged when he thought the cab driver had taken him the wrong way. He threatened the driver by asking, 'Do you want to die?' while holding two outstretched fingers to the cabbie's temple.

He then stole a pouch of tobacco as well as \$80 in loose change.

[Deputy Chief Magistrate Christopher O'Brien](#) told Meehan that he narrowly escaped a prison sentence for the offence, which put him in breach of a good behaviour bond imposed last year for a separate assault incident where he head-butted a patron at The Star Casino, before stealing the man's watch.

Meehan was fined \$1500 for the breach of the bond and ordered to enter into a further 18 month bond.

### **Other NRL Stars at Downing Centre Court**

The Downing Centre has welcomed many NRL player through its doors over the years – some of whom have been charged with serious crimes.

In 2009, Gold Coast Titans player Greg Bird appeared charged with glassing his girlfriend Katie Milligan and making a false accusation to police after he blamed a friend for the incident.

Magistrate Roger Clisdell sentenced him to a maximum of 16 months imprisonment, with a non-parole period of eight months – but the conviction was [overturned on appeal after his partner admitted instigating the argument and causing Bird to act in self-defence.](#)

Bird found himself back before the courts last year, this time charged with possession of cocaine along with a number of his teammates. The charges were thrown out of court in October after police determined there was insufficient evidence to proceed.

And, in 2010, Manly Sea Eagles fullback Brett Stewart [stood trial at the Downing Centre District Court](#) after it was alleged that he sexually and indecently assaulted a 17-year-old girl.

The girl claimed that she had been smoking outside Mr Stewart's home when he was dropped off in a cab after a late

night, televised event. She claimed that he approached her and attempted to kiss her, before digitally penetrating her.

Stewart vehemently denied the allegations, contending that the girl had in fact made advances towards him after he arrived from the event.

After a two-week trial, the jury returned a verdict of not guilty, clearing Stewart's name and allowing him to continue playing football with the Sea Eagles.

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## **5 Downing Centre Court Cases to Watch in 2016**

There's always something interesting happening behind the walls of the Downing Centre Court complex in the Sydney CBD.

Here are 5 interesting cases to look-out for in 2016.

### **1. Selim Mehajer Faces Voter Fraud Charges**

Deputy Mayor of Auburn, Selim Mehajer, hit the papers in 2015 for his extravagant and controversial wedding, which saw an entire street closed down for the occasion, resulting in traffic chaos.

After his wedding date, Mehajer was once again in the media spotlight, this time facing allegations of forging ballot papers back in 2012. Mehajer, along with seven others, are facing charges of voter fraud, which carries a maximum penalty of ten years imprisonment.

Mehajer [adamantly denies the charges](#), saying it is “all a political game... full of hidden agendas to make me step down”. Together with his seven associates, Mehajer is set to face the Downing Centre in February.

## **2. Man Accused of Spreading HIV**

Telling a partner that you’ve contracted an STI isn’t the easiest conversation to have – but it [is against the law to knowingly withhold this information and then have sex with another person](#).

Last year, a [28-year-old man](#) who passed HIV to his partner was stopped at the airport by Australian Federal Police. He has since been charged with recklessly infecting grievous bodily harm, and is due to face Downing Centre Local Court in coming weeks.

## **3. UK Diamond Thief**

A jewellery store in Sydney’s iconic Queen Victoria Building was the location of choice for diamond lover, UK citizen Matthew Osborne, who is alleged to have stolen a \$145,000 diamond from the store in 2013.

[Mr Osborne was recently extradited from Queensland](#) – where he was convicted of stealing a rare pink diamond worth \$250,000, although the ring has never been found since.

Osborne’s latest case will be heard in Downing Centre Court later this year.

## **4. Partner of Man Haron Monis on Trial for Murder**

Before the Sydney Siege took place, Mr Monis and his partner Amira Droudis were already facing extremely serious charges – including the murder of Monis’ former wife, who was stabbed a total of 18 times before being set on fire in the stairwell of her Sydney home.

Late last year, Ms Droudis pleaded not guilty to the charges, and will be facing trial later this year. [The Crown reportedly alleges](#) that while Monis was the mastermind behind the plan, Ms Droudis carried out the murder.

An application for a judge-only trial was successful, meaning that no jury will decide the guilt or innocence of Ms Droudis. The trial is expected to take place in mid-2016.

## **5. 91-year-old Drug Mule**

A 91-year-old Sydney man was [charged with drug importation after returning to Australia with 4.5kg of cocaine hidden in his luggage](#).

The retired oral surgeon is one of the oldest alleged drug mules in the world. He declared his innocence to the media—saying he was unaware that the soap he carried for someone else contained \$1 million worth of drugs.

The case will continue through the [courts at Downing Centre](#) in 2016.