

How the NSW Attorney-General misleads by omission on the framing of Roseanne Catt

Bob Debus misrepresented the quashing of Rose's convictions when he told parliament's general purpose standing committee on Sep 8, 2006:

What Debus said	What he left out
"A new trial was ordered"	<ul style="list-style-type: none"> The Appeal Court ordered a retrial at the request of the DPP but left the onus on the DPP, which told the court in Oct 2004: "If your honours quash anything ... the matter should proceed to a new trial."
"DPP simply elected not to proceed with the retrials that had been recommended by the Court of Criminal Appeal"	<ul style="list-style-type: none"> The Appeal Court transcript of Oct 2004 says: "It is for the DPP, not this court, to order retrial." The court then listed reasons why there should not be a retrial.
"On 22 September 2005 the Director of Public Prosecutions directed that no further proceedings in relation to the matters for which the Court of Criminal Appeal had ordered new trials should be taken."	<ul style="list-style-type: none"> The DPP's letter to Rose said that it was abandoning only five charges, leaving two hanging over her head. Those two charges were brought by a detective and her estranged husband whose evidence was referred for perjury charges after Judge Davidson, in a review of Rose's case, found significant evidence of conspiracy. The DPP has not acted on those recommendations.
"It was a reasonable and sensible act of compassion [by the DPP not to proceed because Rose was freed so close to the end of her non-parole period]."	<ul style="list-style-type: none"> Judge Davidson said all eight of her convictions should be overturned. The sentences quashed by the Court of Appeal total 12 years, 3 months, which equals her original total sentence. She had already spent 10 years in jail – almost all in maximum security.

Supporting documents

Hansard *See highlighted text*

Court of Criminal Appeal's full judgement and orders *See highlighted text*

Judge Davidson's judgement and summary

Extract from Davidson transcript "DPP threat to retry.doc"

Letter to Rose "DPP decision not to retry.doc"

The dates of Rose's eight jail sentences "Sentencing graphic.doc"

Second misrepresentation

Bob Debus also misrepresented the quashing of Rose's convictions when he wrote to the *Blue Mountains Gazette* on Oct 4, 2006 saying:

What Debus wrote	What he left out
"Of the eight original convictions, Ms Beckett [Catt] was acquitted of one charge.	<ul style="list-style-type: none"> • Her appeals against 6 of 8 convictions were upheld. • Her total sentence of 12 years 3 months was quashed after she had served 10 years.
"A new trial was ordered in respect of five matters. [Two] convictions ... were confirmed."	<ul style="list-style-type: none"> • The Appeal Court transcript of Oct 2004 says: "It is for the DPP, not this court, to order retrial." The court then listed reasons why there should not be a retrial. • No new evidence was offered on the other two charges, both of which were laid by the corrupt, malicious Det Sgt Thomas, who according to Judge Davidson: <ol style="list-style-type: none"> 1. Gave and procured false evidence 2. Probably planted a gun on Rose 3. Pressured eight crown witnesses
"Ms Beckett has not been ... found to be a 'victim of a conspiracy'."	<ul style="list-style-type: none"> • The Court of Appeal judgement said: "The evidence now available ... adds significantly to the evidence which could support ... a conspiracy between Det Sgt Thomas and Barry Catt." • Judge Davidson rejected evidence from the arresting officer and Rose's estranged husband and referred it to the DPP for perjury charges. • Judge Davidson asked the DPP and police to investigate phone records showing hundreds of phone calls that crown witnesses made to each other despite specific instructions not to. • An internal police memo to the commissioner in 2001 said "Thomas may be corrupt and ... Mrs Catt may be have been wrongfully imprisoned".
"Allegations that [Catt and Newell] fraudulently obtained [\$89,000 in] victims' compensation ... have been referred to NSW police."	<ul style="list-style-type: none"> • Victims' Compensation Tribunal documents show Catt and Newell were initially rejected and then won on appeal even though there was no medical evidence to support their application. • The DPP prosecutor in Rose's trial was named by Catt in official documents as suggesting to him that he should apply for compensation.

Supporting documents

Letter to *Blue Mountains Gazette* "Debus letter to Editor.PDF"

Court of Criminal Appeal's full judgement and orders *See highlighted text*

Judge Davidson's judgement and summary

Solicitor's letter "Power advises Catt to claim compo.doc"

Police memo "Cathi Margherita to commissioner.doc"

Lack of action

Bob Debus has

- Failed to act against former Det Sgt Peter Thomas, estranged husband Barry Catt and friend Adrian Newell despite the Court of Criminal Appeal judgement saying there was evidence that they conspired to falsely convict Rose.
- Failed to act on Judge Davidson's referrals that Thomas, Catt and Newell be charged with perjury and contempt of court.
- Failed to act against Thomas after Judge Davidson found evidence he planted a gun on Rose and participated in the fabrication of other evidence.
- Failed to act against DPP prosecutor Patrick Power, who was personally involved in the Catt children retracting sexual allegations against their father to fit the version of events put up by Thomas.
- Failed to act against Catt and Newell for fraudulently claiming \$89,000 from the Victims Compensation Tribunal.
- Failed to act against Power, who was named by Catt in official papers as suggesting that he apply for the compensation.
- Asked for advice on Rose's request for compensation from the DPP, which has reportedly paid more than \$300,000 in court costs to others acquitted after other prosecutions led by Thomas failed.
- Refuses to meet Rose.

Supporting documents

Court of Criminal Appeal's full judgement and extract *See highlighted text*

Judge Davidson's judgement and summary

Evidence from Rose's 1993 appeal "Patrick Power documents.doc"

Solicitor's letter "Power advises Catt to claim compo.doc"

Report in the SMH "Review ordered.doc" *See highlighted text*

Power and hypocrisy

Bob Debus also

- Claims credit for initiating the Davidson review. However, he chose a section of the Crimes Act that restricted Judge Davidson. As the judge said in his judgement: 'The choice by the Attorney-General ... has important repercussions for my approach to the making of determinations.' It meant he would not have 'the powers, authorities, protections and immunities' conferred on a royal commission.
- Has the power to overturn Rose's last two convictions, which were also laid by Thomas, whose testimony forms part of the significant evidence of a conspiracy found by Judge Davidson.
- Was hypocritical when, as he joined other state attorneys-general to sign the Fremantle Declaration in November, criticised the federal government's handling of David Hicks while meanwhile delaying Rose's compensation for 10 years jail.
- Told NSW parliament, when asked if he supported a general right to compensation for wrongful imprisonment, that people can sue under the law of torts.
- When he became Corrective Services Minister, oversaw Rose's transfer from the auspices of the Parole Board to the Serious Offenders Review Council after six years in jail, contrary to guidelines which say the SORC is only for murderers and violent offenders or if it has been recommended by the sentencing judge or the Commissioner for Corrective Services on entering jail. Rose and her supporters believe a mid-sentence change to SORC has not happened before or since.
- Has received new signatures on a petition calling for the government to compensate Rose for her miscarriage of justice. More than 2000 people have now signed the petition.
- Refuses to meet Rose.
- Said in front of solicitor Bruce Miles and devout supporter Mary Court that he was sick and tired of hearing Rose's name.
- Asked the DPP to investigate itself after Rose applied to have the conduct of the crown investigated.
- Asked the DPP for advice on what to do about Rose's claim for compensation.

Supporting documents

Hansard *See highlighted text*

Judge Davidson's judgement and extract *See highlighted text*

Report in the *West Australian* "Fremantle Declaration.doc"

Solicitor's letter "Power advises Catt to claim compo.doc"

Letter to Judge Moss "Moss meeting.doc" *See highlighted text*

Jail plan contrary to SORC rulings "Roseanne case plan.tif"

Rose's history in jail "SORC timeline.doc"