



AUSTRALIAN ADVOCACY INSTITUTE

Director of Public Prosecutions

v

Peter Partridge

Bail Application

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Prepared by Prof. the Hon George Hampel AM QC

Format SW 2018

INSTRUCTIONS

The Defendant is charged with one count of trafficking in heroin.

The hearing of this matter has been tentatively set for three days in four months time.

You are instructed to make an application for bail to the Magistrates' Court.

You have been provided with the Police Brief which includes:

- the Statement of Senior Detective Boris Harston
 - the Record of Interview with the accused
 - a list of previous convictions
-

SENIOR DETECTIVE BORIS HARSTON, stationed at Central City, states:

At approximately 8.30pm last Saturday, as a result of information received I attended at the Public Bar area of the Central Hotel where I observed a person I now know to be the Defendant in this matter.

I observed several persons approach the Defendant and engage him in conversation and on several occasions observed an exchange between the Defendant and these persons but was unable to see precisely what was handed to the Defendant at this time.

I approached the Defendant and identified myself as a Police Officer and requested him to accompany me to the Police Station.

He agreed to do so and was subsequently interviewed in the form of a taped Record of Interview which I possess.

At the Police Station the Defendant was requested to empty his pockets and did so, revealing \$800 in cash and a bag with 8 packets of white powder, which I believed to be a drug of dependence, namely Heroin.

I have been informed by the Forensic Science Laboratory that I will be unable to receive an analysis of the drugs found in the Defendant's possession for at least twelve weeks.

RECORD OF INTERVIEW BETWEEN PETER PARTRIDGE and DETECTIVE SGT. BORIS HARSTON

AT THE CENTRAL CIB OFFICE LAST SATURDAY,
ALSO PRESENT DETECTIVE S/C CORBY.

INTERVIEW COMMENCES 8.54 pm

Q1. What is your full name?

A. Peter Alan Partridge.

Q2. What is your address?

A 16 Dallas Avenue, West Central.

Q3. What is your occupation?

A. Mechanic.

Q4. I am going to ask you some questions about an allegation of drug trafficking at the Central Hotel earlier this evening. Before you say anything I must warn you that you are not obliged to say anything but whatever you do or say may be given in evidence. Do you understand that?

A. Yes.

Q5. I must also warn you that you have the right to contact a friend or family member or lawyer if you wish to do so and that I shall cease this interview to permit you to do so if you require.

A. Thank you.

Q6. I must also indicate that if you are a foreign national you are entitled to contact your Embassy and that an interpreter will be obtained if you require the services of one.

A. OK.

Q7. This interview will be tape recorded and you will be given a copy of the recording made and any transcript subsequently made of the same. Do you fully understand these rights?

A. Yes.

- Q8. Are you agreeable to being questioned here today?
A. Yes.
- Q.9 Where were you earlier this evening?
A. At the hotel.
- Q10. Which hotel is that?
A. The Central Hotel.
- Q11. Why did you go there?
A. You know why I went there.
- Q12. I put it to you that you went there to get drugs?
A. That's right.
- Q13. What sort of drugs were you after?
A. Smack.
- Q14. Do you have a habit?
A. Not much of a one now. I just sort of use it when I get depressed.
- Q15. Where do you obtain the drugs from?
A. A bloke at the Pub.
- Q16. What is his name?
A. I can't tell you that.
- Q.17 Why not?
A. I'd be dead if I did.
- Q18. How much money did you have on you?
A. About eight hundred dollars.
- Q19. How much would that buy?
A. About twelve caps.
- Q.20. What were you going to do with it?
A. Use some myself and sell a bit to cover my costs.
- Q.21 Who were you going to sell it to?
A. Just friends.

- Q.22 Who are these friends?
A. I'd rather not say.
- Q.23 When you were arrested you had in your possession \$800 in cash and 8 packets of white powder. Is this true?
A. Yes.
- Q.24 What is this powder?
A. Smack.
- Q.25 Do you mean heroin?
A. Yes.
- Q.26 What effect does it have upon you?
A. It makes me feel sleepy.
- Q.27 How much were you going to sell the drugs for?
A. About eighty a cap.
- Q.28 How were you going to get paid?
A. My mates would pay me cash.
- Q.29 I have received information that you have been selling drugs at the Hotel for the past three months. Would you care to comment on this?
A. Only to people who wanted the stuff, not to kids. Anyway, I didn't really make a profit I just sort of covered my costs.
- Q.30 I have received information that you have also sold cannabis?
A. Only when I had a bit extra, the money's not there.
- Q.31 Do you have any signs on your arms or body that you are a heavy drug user?
A. No.
- Q.32 How do you explain this?
A. I stopped injecting years ago. I snort it now.
- Q.33 You do not appear to me to need the drug?
A. I said I don't take it all the time, only when I get depressed.

- Q.34 How often would you buy drugs at the Hotel?
A. About three times a week.
- Q.35 How could you work as a mechanic if you are at the Hotel for this period of time?
A. I only work part time there.
- Q.36 Do you agree that the powder found in your possession was weighed and found to be four grams in weight?
A. I suppose so.
- Q.37 How pure is this drug?
A. I really don't know.
- Q.38 I do not believe that you are obtaining the drug for other people. I believe that you have been trafficking in a drug of dependence for profit. Is there anything which you wish to say?
A. You've got it all wrong.
- Q.39 You will be charged with trafficking in a drug of dependence. I must warn you that you are not obliged to say anything in answer to these charges and that anything you do say will be written down and may be given in evidence against you at a later date. Do you fully understand this?
A. Yes.
- Q.40 Do you want to say anything?
A. No.
- Q.41 You will be given a copy of this taped interview and will be notified of the results of the drug analysis when the same become available.
A. Thank you.

Interview concluded 10.45pm.

POLICE RECORDS: SCHEDULES OF PRIOR CONVICTIONS

F/print classification: 26/34looAMI/12/21

Date: 10 September 20XX.

PhotoBook Nos. VSR12/60, VSR12/74, VSR123/79, VSR40/80

BR No. 110098764533526791

Docket No. 3.675/76

Date of birth: 9.5.19(-34)

Record of Convictions against: PARTRIDGE, PETER ALAN

Court	Date	Offence	Sentence
Melbourne	16 years ago	Use of drug of dependence	Convicted and Discharged
Oakleigh	12 years ago	Cultivate drug	Fined \$500
Preston	11 years ago	Traffick drug	Fined \$1000

INSTRUCTIONS FROM PETER ALAN PARTRIDGE

West Central, Mechanic, States:

I am 34 years old and have been charged with trafficking in drugs.

What happened was that the Police caught me at the Central Hotel when I had about \$800 in cash and about twelve caps of heroin in eight small packets.

I go there a couple of times a week and buy the stuff because I still use a bit myself, but basically I just sell enough to cover the cost and whatever I use myself. I have a friend who works in the Central Hotel. She has told me previously about a middle aged guy who frequents the Hotel and goes by the nickname of "Pigeon" who deals heavily in heroin and other hard drugs.

A lot of blokes in the garage where I work use the stuff but they don't want to get involved, so it suits everybody if I go and get the stuff and dish it out.

I've been doing this for about three months on and off, but I'm not a heavy dealer or anything. The Police wanted me to tell them who my source was and who I was selling to, but I couldn't do that or I'd be dead within the week.

I've had a bit of trouble in the past for drugs, but nothing heavy. The cultivate was one plant of cannabis in the washhouse and the trafficking, one cap of speed which a mate and I chipped in to buy for his twenty-first birthday. All this trouble was many years ago when I was single and in and out of various jobs. Since then, I have completed my apprenticeship as a mechanic. I have held down my present job for three years.

I always turned up on bail and I always pay the fine, so there's no worry about my not doing it this time. I'm pretty sure that my wife Dolores could go surety for me. We're buying our own home in East Central and have about \$1000 in the Bank, so I'm not going anywhere, particularly as she is expecting our second child.

We have one other child, she's 8. She has a hearing impairment and I have to take her to Central City to the School for the Deaf every Saturday.

That's what I meant when I said that I got depressed at times, but I didn't want the coppers to know about that unless it is really necessary.

My wife has been told that my job is still available to me and my boss will confirm this.

I'll lose my job if I go to prison and that means we'd lose the house.

I have now been in custody for a few days and I don't want to go back. I think I have learnt my lesson and will not do this again. I think I will have to plead "guilty" and hope to get a community based order.