

Marc Steven's Multi Country Traffic Fine Project

Oz Newsletter

No. 3-2013

Tuesday 26th March 2013 No. 36

For Victorians and Australians and anyone, anywhere on planet Earth taking an interest in Marc's Traffic Fine project. The information in this newsletter should be confirmed by independent research before relying on its accuracy and does not contain legal advice.

G'day everyone,

Court dates this week.

If you would like your court appearance details added, please email the details as early as possible.

Wednesday, 27th March 2013

This information just received:

Christodoulou, Panagioti (Peter) v VCAT (Smithers, Jonathon & Ors)

Case no. SC I 2013 00827

Directions Hearing

to be heard by Associate Justice Lansdowne

Supreme Court, Court 2 Ground Floor 436 Lonsdale St. Melbourne.

10.30am Wednesday 27th March 2013

Peter lodged an **application** for a **Judicial Review**. This is listed at the **Supreme court** as a **Directions Hearing**. Peter seeks a ruling and clarification on the meaning of sections of several federal and state statutes including **Freedom of Information** statutes. Including, where court documents appear to be exempt from FOI requests. Peter also seeks to have the Supreme court rule on the legitimacy of public signs on the VCAT building stating recording devices are not permitted in VCAT and the legitimacy of VCAT security personnel escorting people from the VCAT premises who have attempted to enter the premises with recording devices.

Peter's application is the result of negative decisions by **VCAT 'Senior member', Mr. Jonathan Smithers**. For out of state readers, VCAT is short for Victorian Civil and Administrative Tribunal and is part of court structure of the Department of Justice. It appears to be the forum for taking a government department to task if they refuse a FOI request. Peter has also lodged an application for a **stay against a Warrant to Arrest** which the Sheriff's Office claims exists against Peter.

Peter has presented several statutes in his affidavit and seeks a court ruling to clarify the meaning of certain sections of these statutes including the well known **s109 Commonwealth of Australia Constitution Act 1901** especially when considering 2 similar Freedom of Information Acts, (Federal and Victorian versions of the Acts).

Peter has broadcast an email requesting attendance for moral support. If you can attend, please make the effort.

Kathleen Penev v County Court and Ors
4.15pm Wednesday 27th March 2013, Judicial Review
Supreme Court of Victoria, Justice Karin Leigh Emerton
Court 14, First floor, 210 William St, Melbourne.

Justice Emerton is due to present her judgment. The hearing took place before Justice Emerton in the 4th quarter of 2012 at which time she adjourned the matter to a date when she would present her decision.

This is a case where Kathy was brought before the Victorian court system by the then **Chinese Medicine Registration Board of Victoria** and successfully fined for using the word **acupuncture** on her website where she was advertising **laser acupuncture**. The board used an obscure, recently created Victorian statute declared permission was needed from the Board to use words such as **acupuncture** in any advertising. The board sent one of their employees to Kathy's place of work pretending to be a potential client with the apparent aim to entrap Kathy. Kathy lost her appeal to the County Court. She then lodged an application for a **Judicial Review** with the Supreme Court.

In contrast to the US, in Australia, we don't seem to have anti entrapment statutes.

Marc doesn't mince words with a judge

From Marc's NSP radio broadcast

In a recent case in which Marc was representing a client, the judge ordered **applicability of the code (statute), jurisdiction** and **presence within the State of New Hampshire** were facts which the prosecution was not required to prove and would not allow the issues to be discussed at all.

When the Judge said '**jurisdiction is off the table and outside the scope of the hearing**'. Marc responded to the Judge: '**You do understand you just cut off your nose to spite your face. You cannot now make a determination there is jurisdiction. You just said it is outside the scope of the hearing!**'

When summing up in such a case, Marc advises: state '**no evidence was provided to prove these items**'.

How to determine if a prosecutor's question is 'Relevant'

From Marc's NSP radio broadcast

The prosecutor has to show a connection between the question and an element of the crime and identify the element. If you cannot see the connection, '**objection sir, irrelevant**'. No matter what the prosecutor states to convince the relevancy of his question, keep asking "**how does the question connect to proving an element of the 'crime'**".

Who is actually on trial?
You?, Or the prosecutor's case?

From Marc's NSP radio show broadcast 9th March 2013 (edited and expanded)

A BIG thing to remember:

Whether you're in or out of court or resolving these conflicts, the thing about a trial or a hearing is **not** to try the **defendant**. I don't think that's the correct way to look at it (I am not claiming this is an original thought of mine, not by a long shot. I have mentioned this on the show before, it's not some thing I have just cooked up).

But the trial is to put the prosecutor's case on trial.

The thing is to take his allegations, the complaint and subject them to the fact finding process and to see if there is evidence sufficient to prove (the allegation) beyond a reasonable doubt; to prove the accusations are true. So it's the prosecutor who is really under pressure, he is the one in the 'hot seat'.

The prosecutor is supposed to have evidence to **prove every element beyond a reasonable doubt** before he walks his butt into that court and files a complaint against you. That is his obligation. When a prosecutor signs and files the complaint submitted to court, even if it electronically signed, he is certifying it is true and accurate based on a reasonable accusation, the facts are true and the statute is current.

Keep in mind no matter what the prosecutor presents to court, we are subjecting everything they present to scrutiny. That's the be all, end all of what we do.

I asked a woman in New York this week: '**Can you verify there is evidence of jurisdiction over my client?**' She could not answer. She could not say yes or no. She just dodged the question.

If I am wrong about this point of view, someone will be able to point this out to me.

[Court reports](#)

Case no C12723343 LS/Con Mele, L. v Kyriazis, V. (Bill)
Mention Hearing 13th December, 2012, 9.30am Magistrate's Court, Heidelberg, Vic.
Heard by **Peter Mithen**, a judicial registrar.

Case no C12723332 LS/Con Mele, L. v Kyriazis, V. (Bill)
Mention Hearing 13th December, 2012, 9.30am Magistrate's Court, Heidelberg, Vic.
Heard by **Peter Mithen**, a judicial registrar.

Case no C12737403 LS/Con Mele, L. v Kyriazis, V. (Bill)
Mention Hearing 13th December, 2012, 9.30am Magistrate's Court, Heidelberg, Vic.
Heard by **Peter Mithen**, a judicial registrar.

The above 3 cases were grouped together (to be heard in one hearing), by a court registrar without Bill's consent, even though the incidents took place in 3 different locations and dates. All 3 are **Victoria Police Traffic Camera exceed speed limit fines**. Bill did not attend the court hearing but instead mailed a letter to the court stating he would not be attending and requested a contest hearing date and stating he wanted **no plea** to be entered into the case file. On the day, judicial registrar **Peter Mithen** complied with Bill's written request. The hearing was adjourned to a **Contest Hearing** to be heard on the 23rd of January 2013.

Contest Hearing
23rd January, 2013 Heidelberg Magistrate's Court
Heard by judicial registrar **Peter Mithen**

Readers who know Bill will not be surprised to learn Bill openly records any court hearings in which he is one of the parties. Bill placed the voice recorder on the Bar table and Peter Mithen told him to switch it off. Bill refused.

Peter Mithen then threatened Bill with 5 years jail
if he did not switch off his recorder citing the **Evidence Act** by name and section.

Cont:....

Bill replied citing the **Listening Devices Act** which Bill states: permits us to record to '**protect our lawful interests**'. Peter Mithen stated as the **Listening Devices Act** is a **Commonwealth Act** it doesn't apply in State courts. Bill responded by pointing out the Act is a Victorian Act not a Commonwealth Act. Peter Mithen would not back off so Bill stated '**I can't get a fair and impartial hearing here today so I am leaving**'.

Bill left the courtroom and Peter Mithen continuing with the **contest hearing** in Bill's absence (**ex parte**) and ordered Bill to pay the fine. Bill then lodged an application for a **rehearing**.

Bill later checked the section of the **Evidence Act (Vic)** cited by Peter Mithen and found the section had nothing to do with audio recordings. More bluff and bluster from those who are well practiced masters at misdirection.

Application for a Rehearing
21st March, 2013 **Heidelberg Magistrate's Court**
Heard by magistrate Michael Wighton

Bill had a 'next friend' at the BAR table with him. The magistrate was not happy with this but Bill stood his ground and the magistrate backed off and allowed the 'next friend' to remain at the BAR table.

Bill had previously telephoned the courthouse and advised court staff he would be recording the hearing. **On the day, he placed his recorder on the BAR table in plain view.** A court police officer (or possible security guard) approached the bench clerk and alerted the clerk of the presence of the recording device. The bench clerk then whispered something to Mr. Wighton who did nothing about the device nor raised the subject with Bill.

Mr. Wighton ordered a **Rehearing** for **June 13th 2013** at the **Heidelberg Magistrates Court.**

S/Con. Bartels, Sven v Kyriazis, V. (Bill)
Appeal against sentence. County Court, Melbourne. 27th February 2013
Appeal adjourned to September 6th 2013

Bill is **appealing** a fine for not having a car properly secured to the trailer being towed by the car he was driving. Bill advises the hearing was to approve or deny his application for an appeal. Bill's application was approved by **Justice Graeme Hicks** who adjourned the matter to September. (Seems like an abnormally long delay).

[Updates on our Traffic Fine efforts](#)

Matt. Welcome to Marc's traffic fine project.

ACT Road Transport Authority: fined (ACT) Stopped on a path/strip in a built up area.
In Early February, Matt received an infringement Notice: \$83 fine. Matt has been checking out Marc's website and wants to fight the RTA (Road Traffic Authority) over this fine.

Matthew G. fined (QLD) for driving unlicensed. A court report will be included with the next newsletter.

Brian. (VIC) **Parking fine, City of Port Phillip.** No updates received. Brian's intention is to fight this through to the courts if necessary.

Parking fine (VIC), City of Stonnington Corporation. No updates received. Brian's intention is to fight this through to the courts if necessary.

Gary (SA) fined for not wearing a seat belt issued by South Australia Police. Gary provided the following information:

Update with my seat belt thingy:

1. Nov - First letter to Fines Branch; request for extension - **Rejected**
2. Nov - Second letter to Fines Branch; request for factual evidence - **Ignored**
3. Dec - Third letter to Fines Branch; request for factual evidence - **Ignored**
4. Dec - Fourth letter to Fines Branch; demand for factual evidence - **Ignored**
5. Jan - Summary Judgement \$750.00 (includes penalties)
6. Jan - Letter Registry; Form 51 - Review of summary judgement by special justice without my presence - **Accepted to be decided on 4 March 2013 (not known yet)**
7. Feb - First Letter to Police Ombudsman complaint failure to respond to request for factual evidence - breach of "natural justice" (procedure fairness) - **Rejected**
8. Feb - Second Letter to police ombudsman request review of first rejection - **Rejected also notice "will not respond to you again"**
9. Feb - Receive notice of demerit points loss - **No loss of licence**
10. Mar - First correspondence to State Ombudsman - who do I complain to about Police Ombudsman - **No response yet**

Robyn (VIC) Victoria Police traffic fine. Robyn's daughter is charged with performing an Unsafe U Turn. More details in a later newsletter. It sounds to me like a false charge right from the get go.

There has already been a hearing with the police prosecutor hinting to Robyn her daughter will win at the contest hearing. The police prosecutor appeared to not want to pursue the charge. He can probably smell the false charge and is only continuing with it under duress from his superiors.

Keith. (VIC) '**Apparent Failure to Vote Notice**'. Wodonga City Council elections.

I have received a letter from one Glenda Frazer of the **Victorian Electoral Commission** who claims to be a '**prosecution officer**'? In her letter, she falsely claimed I had offered an invalid reason for not voting. (I offered no reason at all and made no admissions).

Ms Frazer stated an Infringement Notice (fine) will be sent to me. I will respond with a Notice of Dispute.

WA Police. Fined (WA) '**Insufficient Tread**' on one tyre. Issued Dec, 2012. Last week, I received a response from Infringement section WA Police to my Notice of Dispute. I was advised the matter will now proceed to court.

Sheriff of Victoria Warrant to Arrest

The 3 fines listed in this text box have now been converted to a combined Warrant to Arrest. I received a letter claiming to be from '**the Sheriff**' of Victoria demanding I pay up or be arrested. This week, I sent a letter to the Sheriff of Victoria **Brendan Facey** asking for a copy of the 'warrant'....

Keith cont:

.....I sent a separate letter to the Magistrate's Court of Victoria asking for the name of the Magistrate who authorized the warrant. I am confident the warrant was not issued by Magistrate and the Sheriff's Office will deny my request for the warrant claiming they can't send it to me. Why? I suspect there is no warrant and it is nothing but a scare tactic by bullies and tyrants.

City of Port Phillip Corporation parking fine. I have received a reply from the Sheriff's Office to my Notice requesting the Warrant. Their letter claims they cannot send me a copy of the Warrant but as usual with these responses from the Sheriff's Office, the author failed to explain why.

City of Melbourne Corporation Parking fine. Parked for 4 hours paid and fined for their claim I was parked 8 minutes over the 4 hours. This matter was sent to the Infringements court and converted to an infringements Warrant.

Victoria Police Traffic Camera Office. 'Excessive' speed. (55 km/h in a 50 km/h zone). The Traffic Camera Office sent this matter to the Infringements Court ignoring my letter asking for evidence to support their claim.

City of Stonnington Corporation Parking fine. (VIC) Contest Hearing took place in the Melbourne Magistrate's Court, 18th December, 2012 and was heard by Sharon McRae (a Judicial Registrar—not a magistrate). I could not attend due to living in Western Australia. I had requested an adjournment so a video link at the local courthouse (where I am currently living) could be organized. Kylie Walsh (the prosecuting lawyer) telephoned me during the case and advised me my application for an adjournment was denied.

In early January, I received a strange document appearing to be issued by court staff stating I was fined \$73 and \$2,000 cost awarded against me. The document has what seems to be a hastily scribbled signature of an unnamed person, no letterhead from the court, no ABN, no court seal (stamp) and no judgment document.

I sent a request for a copy of the judgment document but so far have received no reply. Last week, I faxed thru a 3rd letter requesting the judgment document. Finally got a non responsive reply with a **Notice of Judgment** created and issued by a court registrar (office worker) but no **Judgment Document with Sharon McRae's name or signature or court seal** (stamp).

[Court dates for April](#)

In date order. If you would like your court appearance details added, please email the details as early as possible. **Please be aware court hearings are subject to changes in times, dates and venues so as the hearing date approaches, check for updates.**

Traffic Camera Office (?) v Christodoulou, P

Case no. D10469579, Application hearing.

9.30am, 10th April, 2013. Moorabbin Magistrates Court, Nepean Hwy Cheltenham, VIC

No plea taken. No other details available

Melbourne City Council (?) v Christodoulou, P

Case no. D10890588 Application hearing

1.00pm 15th April 2013, Melbourne Magistrate's Court.

No other details available

Brimbank City Council (?) v Christodoulou, P

Case no. D10692304 Application hearing

9.00 am 18th April 2013, Sunshine Magistrate's Court.

No other details available

Court dates for May

In date order. If you would like your court appearance details added, please email the details as early as possible. **Please be aware court hearings are subject to changes in times, dates and venues so as the hearing date approaches, check for updates.**

VICTORIA POLICE INFRINGEMENT (?) v Christodoulou, P

Case no. 20130875, Application hearing.

9.30 am, 8th May, 2013. Melbourne Magistrates Court, 233 William St. Melbourne VIC

No other details available

LS. Con Mele, L. v Christodoulou, P

Case no. D10180307, Mention hearing.

?am, 8th May, 2013. Melbourne Magistrates Court, VIC

Victoria Police Traffic Camera. No other details available

LS. Con Stefaniw, P. v Christodoulou, P

Case no. C12016707, Hearing (possibly contest hearing). No plea.

9.30am, 8th May, 2013. Melbourne Magistrates Court

No other details available

LS. Con McLeay, F. v Christodoulou, P

Case no. C11182449, Hearing (possibly contest hearing). No plea.

9.30am, 8th May, 2013. Melbourne Magistrates Court

No other details available

LS. Con Dowell, C. v Christodoulou, P

Case no. D10186386, Mention Hearing

9.30am, 8th May, 2013. Melbourne Magistrates Court

No other details available

S/Con. ? v O'Bryan, D.

Appeal, possibly County Court Melbourne. (to be confirmed)

Darryl is appealing a Magistrates Court fine for driving whilst unlicensed.

Set to be heard **May 2013**

Court dates for June and beyond

In date order. If you would like your court appearance details added, please email the details as early as possible. **Please be aware court hearings are subject to changes in times, dates and venues so as the hearing date approaches, check for updates.**

LS/Con Mele, L. v Kyriazis, V. (Bill)

9.30 am, June 13th, 2013, Case no C12723343 Magistrate's Court, Heidelberg, Vic.
Application hearing for a rehearing. Victoria Police Traffic Camera exceed speed limit fine

LS/Con Mele, L. v Kyriazis, V. (Bill)

9.30 am, June 13th, 2013, Case no C12723332 Magistrate's Court, Heidelberg, Vic.
Application hearing for a rehearing. Victoria Police Traffic Camera exceed speed limit fine

LS/Con Mele, L. v Kyriazis, V. (Bill)

9.30am, June 13th, 2013, Case no C12737403 Magistrate's Court, Heidelberg, Vic.
Application hearing for a rehearing. Victoria Police Traffic Camera exceed speed limit fine

S/Con. Bartels, Sven v Kyriazis, V. (Bill)
Appeal against sentence. County Court, Melbourne. September 6th 2013

Bill is appealing a fine issued by the Magistrate's Court Kyneton, for not having a car properly secured to the trailer carrying it whilst he was driving.

Quotes and Sayings

'The more corrupt the state, the more it legislates'
Tacitus, AD 56-117, Senator and historian, Roman Empire

**'All contact I have had with politics has left me feeling
as though I had been drinking out of spittoons.'**
Ernest Hemmingway, 1899-1961 US author and journalist

**'When plunder becomes a way of life for a group of men living together in society, they
create for themselves, in the course of time, a legal system that authorizes it,
and a moral code that glorifies it.'**

Frederic Bastiat, 1801-1850. Member of the French Assembly (parliament)

Notices:

CLRA Meeting
Wednesday 27th March 2013

For First Time Guests: 7:00 pm for a beginners introduction
Start time: 7:30 pm Duration: Approximately 3 hours.
Tea, Coffee and snack are available for a gold coin donation.

Entry is \$7, we welcome your donations to assist with the cost of hiring the room and providing the refreshments and any printed materials.

Location: Church, **4 Renown Street Burwood VIC 3125** parking available behind the church.

To take part in Marc's traffic fine project or if you want more information on how to defend an attack by Government Enforcement Agencies:

Email **Marc Stevens**: marcstevens@mail.com and/or myself (email address below).

To listen to Marc's weekly **No State Project** radio broadcast live, use this web address:
<http://lrn.fm/> **Sundays Aussie Eastern Standard (Daylight) Saving Time 9am-12noon**
(Summer months) (US Eastern Standard Time Saturdays 4-7 pm).

You can check out Marc's website: <http://marcstevens.net>

Til next time, from Keith: dudleykrf@gmail.com

If you observe any mistakes, errors or anything misleading in this newsletter, please let me know and I will add your input to future newsletters.

This newsletter is formatted for printing onto A4 paper.