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OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS
QUEENSLAND

Director of Public Prosecutions - R N Miller QC Deputy Director - Michael Byrne QC

Name: R N Miller QC
Telephone: 3239 6114
Our Ref: RNM:amp

THE SERIOUS ERROR

1 February, 2000

“They include three counts of rape allegedly committed on three of the complainants”

The Honourable Justice Paul de Jersey
Chief Justice of Queensland
Chief Justice’s Chambers
Law Courts Complex
George Street
BRISBANE Q 4000

**THERE WAS ONLY ONE
COMPLAINANT OF
RAPE !!**

Dear Chief Justice

Re: The Queen v William Theodore D’Arcy.

No doubt you are aware that William Theodore D’Arcy has now been committed for trial on about 50 charges relating to alleged sexual offences committed on children. Upon all such matters he was committed to the District Court for trial.

Several indictments against him have been drafted by Crown Prosecutor David Bullock and one of them (of which a copy is enclosed) I propose should be presented in the Supreme Court at Brisbane, the remainder to be presented, at least in the first instance, in the District Court at Brisbane.

Subsection (3) of section 560 of the Criminal Code confers the power of indicting in the Supreme Court on me and I have not taken the decision lightly. I have considered that the complexity of the case - there are four complainants, the events the subject of the charges occurring now almost 35 years or so years ago, the seriousness of the alleged offences (they include three counts of rape allegedly committed on three of the complainants who were all school children), the particular importance of the case - former politician attracting very considerable media attention, and last of all the need for decision making at the highest possible judicial level with respect to joinder charges, propensity evidence as it is now called, mutual corroboration, and a most careful and detailed summing up to the jury, taken together more that call for the charges in this indictment to be tried in the Supreme Court.

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Although the discretion to indict in the Supreme Court is conferred on me I nevertheless would be open to be dissuaded from adopting this course should you wish to put before me any matters you consider should be weighed in the scales.

Yours faithfully



R N MILLER QC
DIRECTOR OF PUBLIC PROSECUTIONS





CHAMBERS OF THE CHIEF JUSTICE
SUPREME COURT
BRISBANE

FROM CHIEF JUSTICE PAUL de JERSEY

Your Ref: RNM:amp
Our Ref: 1:61

4 February 2000

Mr R N Miller QC
Director of Public Prosecutions
DX 40170
BRISBANE UPTOWN

Dear Mr Miller

The Queen v William Theodore D'Arcy

I acknowledge with thanks your courtesy in writing with relation to your inclination to present an indictment against Mr D'Arcy in the Supreme Court. You have the right to present such an indictment in the Supreme Court although it concerns charges falling within the jurisdiction of the District Court, under s.560(3) of the *Criminal Code*, although there is provision for change of venue in s.64(1) of the *District Courts Act*. I appreciate your reference to relevant considerations, in the context of s.560(4):

I am concerned however whether, apart from the particular feature that it concerns a former politician, the case is sufficiently distinct from any other cases of this character which now come before the District Court, sufficiently distinct to warrant proceeding in the Supreme Court. Cases of this general character coming regularly before the District Court frequently involve many of the considerations to which you refer. The case of Carroll, which is now in this Court although it concerns a charge which could have been dealt with in the District Court, is of course different, in that the current charge arose out of a murder trial which actually proceeded in this Court.

I have said to you previously that I believe that high profile cases of particular complexity and wider community significance should not be barred from this Court because they concern charges within the jurisdiction of the District Court. But I am not immediately persuaded that this is one, and I invite your further views.

Yours sincerely

The Hon P de Jersey
Chief Justice

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OFFICE OF THE
DIRECTOR OF PUBLIC PROSECUTIONS
QUEENSLAND

Director of Public Prosecutions – R N Miller QC Deputy Director – Michael Byrne QC

Name: R N Miller QC
Telephone: 3239 6114
Our Ref: RNM:amp

10 February, 2000

The Honourable Justice P de Jersey
Chief Justice
Chambers of the Chief Justice
Supreme Court
Law Courts Complex
George Street
BRISBANE Q 4000

Dear Chief Justice

Re: The Queen v William Theodore D'Arcy

Thank you for your letter of 4 February in response to mine of 1 February.

I would ask you to reconsider the opinion expressed by you that you were not immediately persuaded that this case is sufficiently distinct from other cases as to warrant it being heard in the Supreme Court.

In my letter to you I did mention the complexity of the case and particularly the need for decision making at the highest possible judicial level. It is in the interests of both the prosecution and the defence that this case be tried with the least possible risk of material error and it is my belief that a substantial number of finely balanced decisions will have to be made. This case is but one of several against the one person and it could safely be said that it will provide the guiding light so far as the other indictments are concerned.

I therefore earnestly hope that you will reconsider your views and objections to the indictment being presented in the Supreme Court in the very near future.

Yours sincerely

R N MILLER QC
DIRECTOR OF PUBLIC PROSECUTIONS

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CHAMBERS OF THE CHIEF JUSTICE
SUPREME COURT
BRISBANE

FROM CHIEF JUSTICE PAUL de JERSEY

Your Ref:
Our Ref: 1:61

11 February 2000

Mr R N Miller QC
Director of Public Prosecutions
5th Floor
State Law Building
BRISBANE QLD 4000

Dear Mr Miller

The Queen v William Theodore D'Arcy

Thank you for your letter of 10 February. You have obviously given this matter very careful consideration, and regard the case as sufficiently distinctive to warrant its proceeding in this court. I take the force of the additional matters you have raised, and confirm now that I will raise no objection to the matter proceeding in this court.

Yours sincerely

The Hon P de Jersey
Chief Justice

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