

# Magistrate says missing court documents affected assault sentence 'Appalling' police work

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A MAGISTRATE has slammed police investigating officers after a court heard of "appalling" work and "non-sense" reasons for charges being made.

Magistrate Matthew McLaughlin voiced concerns about several cases which were heard at Noosa Magistrates Court on Tuesday.

He said a police prosecutor not bringing a brief of evidence to court impacted the way he sentenced Amos Carpenter who grabbed a teenage girl outside her Tewantin home in September last year.

The police prosecutor said

she had requested a full brief of evidence, including a statement from the victim, but it wasn't provided before Carpenter pleaded guilty to one charge of common assault.

"I don't have a statement from her ... one may possibly have been taken but it wasn't provided," the prosecutor said.

"I just believe over the Christmas period the officer hasn't been on shift ...

"There has been some concerns expressed by prosecutions in relation to that not arriving."

Duty lawyer Joshua Bradbury told the court he had been given a full brief of evidence and tendered the teenager's statement to Mr McLaughlin.

"What an appalling piece of police work," Mr McLaughlin said.

"You (police prosecutor) won't have any submissions about it because you've never seen it."

The police prosecutor said she was still seeking a term of imprisonment for Carpenter despite being unable to make submissions about the impact the incident had on Carpenter's intentions.

"When I'm left in a vacuum such as this, one of the basic principles of criminal sentencing is that if the court doesn't know an answer about the matter it must assume the version of facts most favourable to the accused person,"

Mr McLaughlin said.

"As it presently stands I have to sentence on the basis that he meant no harm to this person, he didn't do anything terrible to her even though he might have frightened the life out of her, it wasn't like he was going to abduct her or anything of that nature."

Carpenter was fined \$600 and the conviction wasn't recorded.

Mr McLaughlin also raised concerns about a matter where a car was searched by police at Eumundi on December 3 because passenger Nicholas Ferris appeared as though he was under the influence of drugs.

Ferris, 42, pleaded guilty to possessing dangerous drugs,

possessing a utensil and obstructing police.

The court heard police told Ferris to hand over his phone "for safe keeping" and he refused to do so.

"I now have concerns about all three of the charges, obviously the basis of the search for the first two and whether the police had any lawful right to demand the phone purely for safe keeping ... it's non-sense," Mr McLaughlin said.

"I have grave concerns about police behaviour in this case. It's for that reason ... I've made it a fine."

Ferris was fined \$1000 and the convictions were recorded.

Mr McLaughlin also questioned police work in the case

of Gavin Roy Kilgour, 28, who was jailed for attempting to steal from Woolworths.

He said it was Kilgour's "lucky day" as he should have been charged with stealing which could have given him a six-month prison sentence.

He was given a three-month prison sentence to serve one month and the conviction was recorded.

Sunshine Coast Acting Superintendent Jon Lewis said he was making inquiries into each case.

"We are reviewing the circumstances surrounding the reported comments to determine if any action is warranted to ensure our processes meet the required standards."

## Plaza says Hello to new Harry

MATTY HOLDSWORTH  
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AFTER five successful years among the hustle and bustle of Ocean St, one of Maroochydore's favourite burger joints has moved across town.

National burger chain Hello Harry has relocated its flagship store to a new premises within the redeveloped Sunshine Plaza.

The purpose-built store is in the new section of the Coast's biggest shopping centre, part of Cornmeal Promenade where more upgrades will be unveiled in coming months, including a new high ropes course, outdoor children's play areas and more dining options.

Hello Harry franchise director Rob McCue said given the rapid growth of the chain the decision was taken to build a training, development and franchisee support store at Sunshine Plaza.

"Hello Harry was one of



YUM YUM: Jasmine Clement shows off some of the burgers on offer at the new Hello Harry restaurant at Sunshine Plaza. INSET: The Plaza's new high ropes course.

Picture: Patrick Woods

the first stores to open when Ocean St was revamped as part of the Big Top redevelopment in 2014, and over the past five years has grown to 11 stores ..." Mr McCue said.

"We also like the fact that we will be closer to the new Maroochydore city centre.

"It's directly in front of the Plaza's high ropes main tower so there will be significant

foot traffic just outside our store and we'll also have a massive alfresco area so diners can enjoy their burger while taking in the ambience of the shopping promenade."



## Briefs

### Crash halts traffic

DRIVERS experienced lengthy delays on the Bruce Highway yesterday after a three-vehicle crash on the Sunshine Motorway off-ramp at Sippy Downs. Emergency services were called about 9.50am and took one person to Nambour Hospital in a stable condition with minor injuries.

### Kids rescued

LIFEGUARDS rescued two children from a rip while outside the flags at Maroochydore beach yesterday morning. The pair had been bodyboarding at the time and were brought to shore unharmed.

### Triathlon fundraiser

ENDURANCE specialist Corey Lum will travel the distance of more than five Olympic triathlons over two weekends this month for a cause very close to his heart, the National Child Abuse Awareness Week. Mr Lum will leave Suttons Beach on Saturday, walking overnight to Kings Beach. There he will be welcomed by a traditional indigenous closing ceremony about 10am Sunday. After that there will be an ocean swim as well as a community barbecue.

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