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JH:4

THE SUPREME COURT
OF NEW SOUTH WALES
CRIMINAL DIVISION

MATHEWS J

WOLLONGONG: Friday 21 August 1992.

70162/90 - REGINA -v- IAN STUART JONES

MR FINNANE for the Accused.
MR LAKATOS for The Commissioner of Police.

RETURN OF SUBPOENA

(Mr Finnane advised that he had had discussions with Mr Lakatos and that if time was made available to peruse the documents the issues could be reduced.)

(Mr Lakatos advised that in relation to the subpoena addressed to the investigating police in the trial the names and addresses of informants in the material had been blacked out and that material will be made available to Mr Finnane.)

(Mr Lakatos advised there is a subpoena addressed to The Commissioner of Police, particularly to the investigating police officers in the murder of Wayne George Tonks. Mr Lakatos advised that that murder is an unsolved murder and the thrust of objections to the availability of that material would be that it would prejudice the investigation of that murder. Mr Lakatos advised that he was happy for Mr Finnane to look at the documents and then a decision would be made as to whether there would be any argument.)

(Mr Lakatos handed up a six page document that had been prepared by Det. Sgt. Smith being a resume of the state of the investigations.)

(Mr Finnane submitted that the second murder seems to be so similar in its method that the jury as a matter of commonsense could draw an inference that who did the second did the first and at the time the accused could not have done the second because he was in custody.

Mr Lakatos advised that on his instructions a close consideration of the Tonks murder shows there may not be the relevant similarities that Mr Finnane expects there to be.)

(Discussion ensued in relation to similar fact evidence.)

SHORT ADJOURNMENT

(Mr Finnane sought to vary the accused's bail conditions to allow him to attend church on Sunday at the corner of Albion and Flinders Streets, Darlinghurst with Mr Scrimshaw from 7am until 2pm, enabling him to attend the service and serve breakfast to needy people. Mr Finnane advised that he had raised the matter with the police who had no objection.

Her Honour refused to vary the bail conditions.)

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