

INQUIRY INTO CORONIAL JURISDICTION IN NEW SOUTH WALES

Name: Mr Robert Wade

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The Inquest into Bryson Anderson followed an appeal to the High Court against his resentencing to a lesser sentence.

I gather that was in the belief that a Coroner may prejudice criminal proceedings against an accused.

That practice should be reviewed, or inconsistent Inquest findings should be a ground for re-trials of any criminal verdict.

The Barbieris were gaoled on remand for nearly 2 years. On the day their trial was to commence, the charges against Fiona Barbieri were significantly reduced and both pleaded guilty.

Their sentencing was on the basis they'd killed a policeman performing his duties.

The subsequent Inquest accepted that Anderson was not performing his duties: he was disobeying a direction of the officer in charge, disobeying 18 paragraphs of police rules, and at no time had any right to break into the locked home. It isn't known whether the Barbieris knew those facts when pleading guilty.

Such Inquest findings completely inconsistent with a criminal trial should justify setting aside those convictions.

During the two year remand, media regularly reported that police had claimed in courts that the Barbieris had fired arrows at them. They were never charged with that, and the claim was dropped as soon as they pleaded guilty. That appears to be a successful perversion of the course of justice.

I attach a letter to the coroner dated 30 August 2017: page 5 and Appendix B.

Letters to the Coroner before the Inquest mistakenly refer to the siege as lasting 2 hours, and to Anderson arriving to take charge, both known to be incorrect following the findings.

Yours sincerely
Robert Wade

"site can't be reached error" so will try without the file attached

It's improbable that homicides can now arise without some law having been broken.

Coroners should have a duty to discuss apparently relevant laws which - if observed - may have prevented a homicide.

Coroner Teresa O'Sullivan in Bryson Anderson relates police preparing to deal with the Barbieris' dogs with capsicum spray and one officer with his hand on his gun, and how officers were affected by capsicum spray.

Such unnecessary cruelty must have been criminal. The Coroner should have at least pointed out that obeying such laws would have completely prevented Anderson's ludicrous death.

Yours sincerely
Robert Wade

Coronial findings should volunteer some discussion of where the findings sit within other NSW findings.

Particularly where the findings are inconsistent with earlier findings on the same or related matters.

Inconsistency should be explained.

Findings on Roberto Laudisio Curti were published containing severe criticisms of violence by the NSW Police Force:

responsibilities cast aside
reckless
careless
dangerous
excessively forceful
an abuse of police powers
thuggish
no attempt by police to consider mental state
an ungoverned pack mentality
with no concern for the value of life
behaving out of control.

Three weeks after those findings were published and featured in the media, Bryson Anderson and 5 other police attacked Fiona Barbieri and her son Mitchell.

Curti was running from police in a public place, with some police mistakenly believing he'd committed an armed robbery, and had attempted to break into a locked car.

The Barbieris were locked safely in their own home, the police had access to information on their mental state, and there was no urgency or right to physically attack them at any time.

In findings on Bryson Anderson, Coroner Teresa O'Sullivan praised the violent police, and repeatedly criticised the officer actually in charge - who had explicitly forbidden that violence.

Police anger, shame, embarrassment over Curti or the findings on Curti may have motivated Anderson's violence, and Scipione's deceit over "neighbour dispute" rather than "mental health incident."

I attach a letter to the coroner, prior to the findings on Bryson Anderson, which illustrates just how out of step those findings are.

Yours sincerely
Robert Wade