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Carroll & O'Dea Lawyers successful in defending police officer in District Court Trial against charges of false evidence

1 July 2016

Carroll & O'Dea Lawyers were part of the team that successfully defended a NSW police officer against charges of giving false evidence in relation to the death of Mr Adam Salter in 2009.

Carroll & O'Dea's client Emily Metcalfe and three other police officers were acquitted after a seven-week trial in the District Court.

Mr Brent Haverfield, Barrister appeared for Ms Metcalfe instructed by Ms Nadia Baker, Associate at Carroll & O'Dea Lawyers.

"This has been a very long running case and in which Nadia has demonstrated great professionalism, skill and expertise", said Carroll & O'Dea Lawyers' Partner, Hanaan Indari.

"The firm congratulates Nadia, Brent Haverfield as well as the other Carroll & O'Dea staff involved in the matter.

"It is a significant win and culminates a long and complex legal process for our client", said Ms. Indari.

Case Summary

- *On Thursday 23 June 2016, Judge Gregory Woods Q.C. delivered his judgment in the matter of the Crown v Abela, Wilson, Metcalfe and Bissett ('the four police officers').*
- *Judge Woods acquitted the four police officers of the false swearing charges after seven weeks of hearings, including a three week trial proper and a four week hearing of pre-trial issues including applications for judge alone trial, separation of charges, applications relating to the Crown's possession of compelled material and consideration of issues arising from Lee v Queen [2014] HCA 20, R v Baff [2013] NSWSC1205, X7 v ACC [2013] HCA 29.*
- *Mr Brent Haverfield, Barrister appeared for Ms Metcalfe instructed by Ms Nadia Baker, Associate at Carroll & O'Dea Lawyers.*

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- *This case arose out of the shooting death of Mr Adam Salter on 18 November 2009, with the Crown alleging that the four police officers knowingly gave false evidence relating to the circumstances surrounding the death of Mr Salter at hearings of the Police Integrity Commission ('PIC') in 2012.*
- *The charges brought by the Crown were of false swearing, defined as knowingly and intentionally giving a false statement under oath. Further charges of perjury in the Coroners Court were foreshadowed pending the outcome of this trial.*
- *Judge Woods found that it was likely that "Constable Abela did move towards Adam Salter and probably attempted to restrain him", which was at odds with the Crown's version of events that he remained "rooted to the spot near the refrigerator and did not move". Judge Woods found this to be a "central weakness of the Crown case".*
- *Judge Woods also rejected the Crown's allegation that the four officers had "got their heads together" and fabricated their own version of the events. He accepted Mr Haverfield's submission that "there was no time for there to have been even any 'hurried and hushed' agreement in the kitchen".*
- *Judge Woods concluded that he was not "satisfied that it has been proven beyond reasonable doubt that Constable Abela did not attempt physically to restrain Adam Salter" and that he couldn't "conclude against any of the accused that the offence of false swearing had been committed", before returning not guilty verdicts on all five counts.*
- *The not-guilty verdicts end over seven years of proceedings surrounding the incident on 18 November 2009, beginning with the coronial inquest in 2011, a Police Integrity Commission inquiry in 2012 and finally the District Court trial in 2016.*
- *The remaining charges against three of the accused for alleged perjury in the Coroners Court were also withdrawn by the Crown on Friday following the not-guilty verdicts.*

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