

R v TAYLOR

ADVICE ON EVIDENCE

Proof in Litigation

ADVICE ON EVIDENCE

1. Background

- 1.1 I have been briefed to appear for the prosecution against the defendant, Heidi Taylor ("HT"). HT has been charged with the following offences:
- (a) Import a prohibited import, namely 3-4 Methylenedioxymethamphetamine ("MDMA") contrary to section 233B(1)(b) Customs Act 1901 ("the first charge");
 - (b) Possess a prohibited import, namely MDMA contrary to section 233B(1)(c) Customs Act 1901 ("the second charge"); and
 - (c) Attempted to import a prohibited import, namely MDMA contrary to section 233B(1)(b) Customs Act 1901 ("the third charge").
- 1.2 The informant in this matter is Georgina De Stefano who is a Federal Agent with the Australian Federal Police (AFP), currently posted at Southern Region Headquarters ("De Stefano").
- 1.3 Pursuant to section 233B(3) of the Customs Act 1901 ("the Act"), if found guilty of an offence under section 233B(1), HT will be punishable upon conviction as provided by section 235 of the Act.
- 1.4 Further it should be noted that pursuant to section 233B(4) of the Act a person shall not be liable to be punished twice in respect of any one offence.
- 1.5 I confirm that a committal was held in this matter and that HT indicated she intended to plead guilty to the first and second charges, on the basis that she did import, and was in possession of, the drugs handed to De Stefano on 13 June 2001.
- 1.6 I further confirm that this matter has been set down for trial in the County Court of Victoria beginning on Tuesday 18 June 2002.

2. A statement of the prosecution's theory of the case

- 2.1 My task on Tuesday 18 June 2002 is to present for conviction the third charge of attempting to import a prohibited import. The third charge is set out as follows:

(a) That HT attempted to import a prohibited import into Australia via international mail, which was not successful because the prohibited import was intercepted by the Australian Customs Service (“ACS”) upon its entry into Australia. There were in fact three attempts made, any one or all of which form the one charge (I have assumed that it is not necessary to prove each attempt to be successful in the charge, can prove one or all of them), including:

- (i) Attempting to import a prohibited import into Australia in an envelope addressed to “*Heidi Taylor Bayview on the Park Hotel*” from “*London School of Publishing, Game House*” (“the first package”);
- (ii) Attempting to import a prohibited import into Australia in an envelope addressed to “*Bayview on the Park Hotel, Heidi Taylor*” from “*The Method School*” (“the second package”); and
- (iii) Attempting to import a prohibited import into Australia in an envelope addressed to “*Bayview on the Park Hotel, Heidi Taylor*” from “*The London Film Academy*” (“the third package”).

2.2 I highlight to my instructing solicitors that HT will only be found guilty of the offence of attempting to import a prohibited import if:

- (a) Her conduct was more than merely preparatory to the commission of the offence;
- (b) Her conduct was immediately and remotely connected with the commission of the offence;
- (c) She intended that the offence be committed; or
- (d) She intended or believed that any fact or circumstance the existence of which was an element of the offence would exist at the time the offence was committed.

2.3 In my opinion the prosecution must prove beyond reasonable doubt that:

Heidi Taylor knowingly attempted to import a prohibited import into Australia by arranging for the first and/or the second and/or the third package, containing the prohibited imports, to be sent to her, through international mail, at the Bayview on the Park Hotel in Australia.

2.4 The prosecution theory of the case assumes the following:

- (a) That Nobo-Valley Properties (“Nobo”) is a Real Estate Company which leased 18 Cherbridge Gardens, Notting Hill (“the second property”) to HT;
- (b) That the second property was leased to both HT and Timothy Dempster (“Dempster”) (reason for assumption is that HT would not have been given a lease on her own considering her lack of employment and lack of stable tenancy information. I would submit that the attempted payment to Nobo and, the subsequent redirection to Dempster, indicates that she tried to pay the rent directly to the Real Estate Company but because it failed she paid it to Dempster for him to arrange payment to Nobo on her behalf);
- (c) That Mr & Mrs Taylor and HT’s sister did not loan or give HT the \$5,032.37 that HT used to repay her debts on 10 April 2001 and 9 May 2001 in London (This would be confirmed by Mr & Mrs Taylor and HT’s sister prior to trial and I would consider calling them to give evidence of this fact).
- (d) That the TAC pension is \$150 per fortnight (Assume that evidence is given to support this payment. I would tender the relevant the bank statements or I would call independent evidence from an appropriately qualified TAC officer).
- (e) That no evidence is adduced from Dempster on the grounds that he lives overseas and refused to give evidence or make a statement;
- (f) That no evidence is adduced from Basil Aitken (“Aitken”) on the grounds that he lives overseas and refused to give evidence or make a statement;
- (g) That no evidence was adduced from Katrina H (“Katrina”) because she could not be located by either the prosecution or the defence; and
- (h) That there is no issue with continuity of evidence. I have reviewed my procedural chronology and do not observe any area’s where the continuity could reasonably be challenged, apart from the issue of whether or not 3 or 2 packages were taken from McTavish or Bracks by Zanetti to hand to HT. Zanetti states 2 from Bracks and McTavish states 3. The subsequent events favour an argument that 2 packages were collected and delivered so I assume for the purpose of this advice that continuity is not an issue and that this was merely a typographical error.

What is the prosecution's case? (What I will prove and how I will prove it)¹

2.5 The prosecution's case is as follows:

HT is a 26 year old Australian Citizen who has not been employed, or received an income from employment, since 1996 and has been living intermittently in London and Australia since approximately 1999.

During 1999 and 2000 HT has purportedly been relying on a small TAC pension paid fortnightly in Australian dollars and living in free accommodation with friends and her then boyfriend, Aitken at 54 Cadbury Road, Notting Hill ("the first property").

In November 2000 HT was reunited with a past acquaintance Dempster. HT then separated from Aitken and took out a lease in her name for the second property with Dempster. It was at this time that HT found herself unable to meet her bills as they fell due, and in significant debt.

HT, a self confessed user of ecstasy, chose a drug which she was familiar with and devised a plan with Dempster by which she would import ecstasy tablets into Australia, both on her person and through the international mail, with the intention of selling them to solve her financial problems.

HT then acted on this plan and returned to Australia in March 2001. Within 5 weeks HT had transferred \$5,032.37 to Dempster in London. The prosecution intends on proving that HT did not have the money to repay these debts when she arrived in Australia and that she did not borrow the money. (The inference the prosecution wants to make therefore, is that the money was obtained by HT importing an amount of ecstasy into Australia and selling it between March 2001 and May 2001, or at the very least that there is no explanation for how HT obtained the money and therefore the implication is that she must have obtained it illegally).

On HT's return to London on 20 May 2001 she and Dempster arranged for the first, second and third packages to be sent by mail to HT at the Hotel in Australia knowing that they contained a prohibited import. The prosecution case is that only Dempster or HT knew where HT would be staying while in Australia and, that HT physically sent the second package (white envelope addressed to "baYVView on the PaRk HoTeL, heiDi Taylor" with postage mark "CA....Mail Centre" from "The meTHod ScHool") to herself in Australia and that she was involved, either physically or by knowledge, in the sending of the first and third packages. The prosecution states that it does not have to prove that each and every one of the packages was imported with

¹ This theory is based upon all of the evidence contained in all three charges and is also based on the fact that evidence of HT's plea of guilty to the first and second charge will be admitted into evidence in relation to the

the knowledge of HT and that HT should be found guilty of attempting to import a prohibited import if the prosecution is able to prove any one, or all, of the attempts.

The prosecution will show that HT is guilty of importing and possessing ecstasy tablets which she imported into Australia concealed in her bra in June 2001 and, that she is therefore an importer of prohibited imports or, that she has a propensity to import and/or attempt to import drugs into Australia.

The prosecution will further show that HT was, at the time she visited Australia in June 2001, planning on setting up a bank account in Australia to facilitate the continuing business of importing drugs into Australia in the future.

The prosecution will also prove that it did everything in its power to identify and locate Katrina, but that these attempts were unsuccessful. It is the prosecution's case that Katrina does not exist and that HT made up the story to deflect any questions regarding Dempster and to avoid being found guilty of the offence.

2.6 Please see Appendix B for an outline of proof for the theory of the case.

The main issues in the case

2.7 The main issues for the prosecution are:

- (a) To establish the relationship between Dempster and HT to demonstrate their collusion and the fact that they devised and acted out the plan together.
- (b) To establish that HT was in serious financial difficulties or that she needed money. To establish that there was a strong motive behind her actions such that it was worth the significant risk of importing illegal drugs into Australia.
- (c) To establish that the tablets contained in the packages were in fact ecstasy.
- (d) To establish that HT knew that ecstasy was a prohibited import and that she was acting illegally by importing it.
- (e) To establish that HT knew that the packages contained ecstasy, that she was involved in sending the first and third packages and that she was in fact the person who sent the second package.

- (f) To demonstrate HT's intention to continue to import drugs into Australia by virtue of the fact that she was attempting to set up a bank account with Westpac. This is to further strengthen the implication that she actively participated in this plan to import ecstasy into Australia and was a willing participant rather than just someone who accepted some packages for someone else.
- (g) To establish the fact that Katrina does not exist.

3. A statement of the defence's likely theory of the case

3.1 The defence could potentially put forward either of the following theories of their case:

- (a) That HT **did not** knowingly attempt to import a prohibited import via international mail. That HT did not know anything at all about the packages and was not expecting to receive them and, was in fact surprised when they arrived.

There would be too many problems with the defence putting forward this type of argument, for example, HT confessed in a ROI on 13 June 2001 that she agreed to accept the parcels on Katrina's behalf. Further, in her e-mail to Deering, HT states "Please hold any documents sent through the post until my arrival" which would be used by the prosecution to indicate that she was expecting packages to arrive. HT could argue that she makes this statement as a matter of course and that it was not unusual for her to request that her mail be held pending her arrival at the Hotel. I do not believe the defence will proceed on this theory as it is not, in my view, supportable.

- (b) That HT **did not** knowingly attempt to import a prohibited import via international mail. That HT's only crime was to agree to accept three packages via international mail on behalf of another person. That HT did not know or suspect that the three packages she agreed to accept on behalf of someone else contained a prohibited import. Further, that HT did not have anything to do with the packaging of any of the three packages and that had HT known that the packages contained a prohibited import, HT would not have agreed to accept them on that other person's behalf (ie a defence of reasonable mistake of fact *Proudman v Dayman*).
- (c) In my opinion the defence will proceed with the second theory, that she agreed to accept three packages on behalf of another person, but that she did not know they contained ecstasy, and was not involved in, the packaging or sending of the three packages. HT will plead that she was ignorant and claim that she did not have the requisite knowledge as required to prove this offence.

3.2 Whilst it remains true that the prosecution must prove beyond a reasonable doubt that HT did knowingly import a prohibited import into Australia, the defence, in putting forward the defence of a reasonable mistake of fact, must also satisfy an evidentiary burden, that is, it must have demonstrated that HT did not know that the packages contained a prohibited import, either by:

- (a) Pointing to the prosecution's evidence which tends to support this defence; or
- (b) Introducing its own evidence that tends to prove this fact.

3.3 One suggested defence theory could be as follows:

That HT is a 26 year old woman who suffered a serious head injury in a car accident when she was 14 years old and as a result is young for her age and very impressionable.

HT has for some considerable years now been travelling around Australia and to London where she has learnt to rely on the kindness of others for accommodation and support.

HT is by her nature a very trusting and open person.

During the time that HT was living in London she met a girl by the name of Katrina at a party held by a mutual friend. HT and Katrina instantly developed a rapport as they were both grew up in Melbourne (Katrina had told HT that she attended Wesley College).

During the course of the party Katrina offered an ecstasy tablet to HT, which HT accepted. The defence would establish that HT is not a regular user of ecstasy and that she only takes them occasionally when she goes out to a party or with friends. The defence could support this argument by establishing that HT can not afford to go out very often or afford to pay for the ecstasy as she relies solely on her small TAC pension (this evidence would be obtained through the evidence of HT).

At the same party HT and Katrina discussed the fact that Katrina and HT were both returning to Australia and that HT would arrive on 8 June 2001, shortly before Katrina was due to arrive. Katrina then asked HT if she would do her a favour and take care of some packages for her until Katrina arrived in Australia. HT agreed as she did not think there was any problem with this and she did not expect that the packages would contain a prohibited import.

HT was expecting that the packages would be in Katrina's name and that Katrina would call HT and collect the packages as soon as she arrived in Australia. HT did not take her contact details as it was understood that Katrina would call her at the Hotel when she

arrived to arrange to collect the packages (the defence would attempt to prove this through the evidence of HT and, if they were able to locate her, Katrina. Alternatively, if they were unable to locate Katrina the defence would consider calling other people who may have been at the party and who saw Katrina and HT together, or introduced them to establish that they did not know each other before that night).

Later that same night Katrina, HT and some others went to a nightclub called “Heaven The Arches”. The club handed out advertising fliers at the door on entry. HT remembers handing her flier to Katrina at some point during the night and states that this explains how her fingerprint came to be on the packaging of the third package, that Katrina must have put the flier inside the package after HT handed it to her at the nightclub (the defence would need to obtain further evidence from the nightclub or others at the party to support this proposition. If this type of evidence were unavailable then the defence would introduce it through the evidence of HT).

At the end of the night Katrina offered HT some ecstasy tablets for free. HT does not know why she gave her 50 tablets but claims that Katrina told HT that she got them cheaply and that she only paid 50P for them. The defence would submit that perhaps Katrina felt that by providing HT with the tablets she was repaying the favour that HT was doing by looking after the packages until Katrina arrived in Australia. The defence should be very careful with this argument however, so that it is not construed that the gift of the ecstasy tablets was payment to HT for accepting the packages and therefore payment for importing a prohibited import.

The defence could point to the following prosecution evidence and use it to support their argument that HT was merely holding the packages on Katrina’s behalf (it should be noted that none of these items of themselves support the proposition, however when read together the argument would be that they support the defendant’s case. They are therefore strands in a cable):

- (a) That the packages were delivered to HT by Zanetti at 11.00am on 13 June 2001 [FT of Zanetti].
- (b) That the packages remained unopened between 11.00am when they were handed to HT, and 8.00pm, when they were seized by the AFP, on 13 June 2001 [FT of Barton and McTavish that during the time they were monitoring the second package no alarms went off to indicate that the second package was being opened or moved. It would be further supported by FT of Ballack that the equipment was installed and tested and in full working order This would be further supported by

the expert evidence of Garland, and EB/13, that after the second package was seized from HT, he was handed a sealed plastic bag containing the second package and that upon examining the second package he found it was still sealed.

- (c) That at 3.10pm on 13 June 2001, HT attended at Westpac and requested a telegraphic transfer to Dempster for 250 pounds. The transfer stated “Hi see you soon, Heidi” [FT of Koutsoukianis and EB/15].
- (d) The inference that the defence would have the jury draw from these items of evidence is that HT did not open the packages because they belonged to Katrina, and that it is likely that, if the prosecution’s case is correct and that HT and Dempster devised this plan to import drugs into Australia, HT would have referred to the packages in some way on her telegraphic transfer ie. You would have expected her to write “they arrived” or “got packages” or something similar to let Dempster know that she had received the packages. HT did not write any such message or refer to the packages at any time.

4. An evaluation of the strengths and weaknesses of the opposing cases

4.1 The prosecution case:

(a) Weaknesses

- (i) There a quite a few assumptions which have been made. Hopefully these will be reduced by the date of the trial.
- (ii) Some of the prosecution evidence is circumstantial at best and as such can only lead to an inference about issues in fact. Obviously this is not the strongest form of evidence.
- (iii) The prosecution has made several generalisations that may not be perceived as having the strongest possible inference.

(b) Strengths

- (i) The continuity of the real evidence makes it difficult for the defence to make any challenges to its authenticity and to the veracity of the statements made by the prosecution’s expert witnesses who have relied on that evidence.
- (ii) The documents which the prosecution uses to support its case are credible and authentic which make it difficult for the defence to challenge them.

(iii) The theory is believable.

4.2 The defence case:

(a) Weaknesses:

(i) There is little or no documentary evidence to strengthen the case.

(ii) HT lied in her ROI which may draw an adverse inference in respect of credibility.

5. Any other matters worthy of discussion

5.1 It does not appear that there is a contention about whether or not it was in fact HT who took the trips on 25 May 2000, 30 March 2001, 20 May 2001 or 8 June 2001. The defence may wish to raise an argument that someone else was travelling on HT's passport, however, the prosecution could use Bolte's testimony regarding practice and procedure in relation to the passenger cards to discredit this argument. It is assumed this is will not be an issue.

5.2 In De Stefano's statement she refers to a videotape being tendered, however this document is not listed in the exhibit list. I assume that this is merely a typographical error and not significant.

5.3 The question may be asked by the defence if the AFP took anything from Mr & Mrs Taylor's house in Hawthorn. None of the AFP who were present when the search warrant was executed (Zanetti, McTavish and Neville) make any statement or tender any evidence regarding any items seized from the property. I assume that the AFP did not find anything of relevance to the investigation however this question needs to be asked of the witnesses for completion sake and to ensure the defence do not argue that the AFP are hiding any evidence that may exonerate the defendant.

5.4 The description of EB/04 provides the incorrect account number and I assume this is a typographical error.

5.5 I would suggest that a handwriting expert may be called to give evidence that the handwriting on the packages was HT's. Foster's observations can not be used as expert testimony. The defence may try to illicit evidence from Foster as to handwriting on basis that she works with mail every day and observes handwriting on a daily basis makes her qualified to give her comment, however, I would object that her opinion evidence is not permitted as she is not an appropriate expert.

- 5.6 I would query Park about why he did not put into evidence the photo's of latent fingerprints found on plastic wallet? I would make further enquires with Park about the fingerprints he took from both the plastic wallet and the rubber glove. Park does not make any statements about whether they belong to HT or to someone else and it is certainly something that should be resolved prior to trial.
- 5.7 I would also question Park in relation to when and how he identified the fingerprint on the card as being that of HT. He does not make mention of this in his statement and whilst it can be inferred from the specific wording of his statement that he did do it I would question him prior to trial to ensure that there are no surprises later.
- 5.8 I would like to resolve the inconsistency between McTavish and Zanetti in relation to the number of packages collected and delivered.

6. Indication of the likelihood of conviction

- 6.4 In my view it is very difficult to assess the likelihood of conviction in this case. I have identified various areas in the prosecution case which require further investigation or evidence and in my view without those investigations the prosecutions case will not be as strong as it could be. Equally the defence's case leaves several questions unanswered. The question will therefore be for the jury to decide which theory it believes and whether or not the prosecution has met its particularly onerous burden of proving, beyond reasonable doubt, that HT did in fact knowingly attempt to import a prohibited import. The jury must also have to decide whether the defence, assuming that they put forward the *Proudman v Dayman* defence, have satisfied their evidentiary burden, that is, that they have demonstrated that HT did not know that the packages contained a prohibited import, either by pointing to the prosecution's evidence which tends to support this defence, or that they have in fact introduced evidence of their own that tends to prove this fact.
- 6.5 A significant portion of this case will turn on whether or not the jury believes the statements made by the defence witnesses. I would submit that the prosecution has a definite advantage over the defence in this area as HT is a young woman who, by her own admission, is receiving a TAC pension for a head injury. I have watched the video of HT at the record of interview on 13 June 2001 and do not believe that the jury will find HT to be a totally credible and/or reliable witness.
- 6.6 Based on all of the evidence provided to date, and assuming that my instructing solicitors attend to the various further evidence issues I have identified in this advice prior to the trial, it is my

opinion that the prosecution will be successful in proving that HT did knowingly attempt to import into Australia a prohibited import to which section 233B(b) applies.

7. Appendix A – Event Chronology

8. Appendix B – Outline of Prosecution’s Theory

Appendix A – Event and Procedural Chronologyⁱ

Date	Time	Event	Source	Miscellaneous
17/07/75		HT born	Record of interview with HT (EB/27)	
1996		HT's last job as a waitress in a cafe	Record of interview with HT (EB/27)	
July 1999		HT began dating Aitken in London	Record of interview with HT (EB/27)	
Dec 1999 to May 2000		HT lived in Australia. Lived at Beaconsfield Parade, Middle Park and travelled around Australia.	Record of interview with HT (EB/27)	
24/05/00		HT left Sydney on FlightTG992	FT of Bolte DE introduced through Bolte (Exhibit No. EB/08 & EB/09)	It does not appear that there is a contention about whether or not it was in fact HT who took this trip or any of the other trips listed in this chronology. The defence may wish to raise this type of argument, however, prosecution would use Bolte's testimony to discredit this argument. It is assumed this is not an issue.
May 2000 to October 2000		HT stayed with Aitken at 54 Cadbury Road, Notting Hill on and off.	Record of interview with HT (EB/27)	
Nov 2000 to March 2001		HT lived at 18 Cherbridge Gardens, Notting Hill in a house rented in her own name. Rented to a friend for April and May while in Australia. Lease then finished in May 2001.	Record of interview with HT (EB/27)	We don't know how the friend was. Prosecution's contention is that it is Dempster because of international money transfers ie infer that they are for rent and bills? Should try and get some further proof of the relationship between Dempster and HT if possible.
30/03/01		HT arrived in Sydney on Flight AC3133	FT of Bolte DE introduced through Bolte (Exhibit No. EB/07 & EB/09)	
10/04/01		HT applies for international money transfer for \$1,991.08 (670 pounds) to the benefit of Dempster in London.	FT of Sully DE introduced through Sully (Exhibit No. EB/01)	
09/05/01		HT applies for international money transfer for \$3,041.29 (1090 pounds) to the benefit of Nobo-Valley Properties in London (default Dempster).	FT of Sully DE introduced through Sully (Exhibit No. EB/02)	
11/05/01		CBA advice that international money transfer dated 9 May	FT of Sully DE introduced	Who provided the instructions to re direct to

Date	Time	Event	Source	Miscellaneous
		2001 was not successful because of invalid account number. Instructions to redirect to Dempster.	through Sully (Exhibit No. EB/02).	Dempster? Assume HT as she arranged the transfer.
20/05/01		HT left Melbourne on Flight BA18	FT of Bolte DE introduced through Bolte (Exhibit No. EB/06).	
31/05/01		The Hotel received an e-mail confirming a reservation for HT to check in on 8 June 2001 and check out on 9 June 2001. E-Mail stated "Non-smoking room requested. Please hold any documents sent through the post until my arrival"	FT of Deering DE introduced through Deering (Exhibit No. EB/10)	Room paid for by Master Card 5353 1652 7343 8088 (HT's card)
03/06/01		The Hotel received an e-mail confirming a reservation for Dempster to check in on 7 June 2001 and check out on 8 June 2001. E-mail stated "I have made a booking for the 8/6/01, but due to arrive early on morn of 8/6/01, guest name Heidi Taylor"	FT of Deering DE introduced through Deering (Exhibit No. EB/11)	Room paid for by Master Card 5345 8901 5567 9876 (not HT's and different from one above) so whose Master Card is it? Assume it belongs to Dempster?
04/06/01		The Hotel received an e-mail from Dempster stating "the reservation is actually for HT who is arriving at 6:00am on 8/06/01".	FT of Deering DE introduced through Deering (Exhibit No. EB/12)	
07/06/01	2:30pm	<p>Package from London School of Publishing, Game House addressed to HT at the Hotel was identified by the ACS and:</p> <ul style="list-style-type: none"> It was x-rayed & opened 270 off-white tablets with "W" logo imprint discovered conducted iron scan test on one tablet which produced positive reading for MDMA <p>ACS then identified two further packages as follows:</p> <ul style="list-style-type: none"> one addressed to Heidi Taylor at the Hotel from The Method School; and one addressed to Heidi Taylor at the Hotel from The London Film Academy. <p>Both packages were x-rayed and appeared to contain ecstasy tablets but packages not opened. Observed handwriting on all three envelopes appeared different and used different pens.</p>	FT of Foster	<p>Suggest handwriting expert may be called to give evidence that handwriting could have been, or was, HT's.</p> <p>Foster's observations are not by way of expert testimony on handwriting.</p> <p>The defence may try to illicit evidence from Foster as to handwriting on basis that the facts she works with mail every day and observes handwriting on a daily basis makes her qualified to give her comment, however, I would object that her opinion evidence is not permitted as she is not an appropriate expert.</p>
07/06/01	4.35pm	AFP (Noyce & Houghton) attended at Melbourne Airmail	FT of Noyce Continuity	

Date	Time	Event	Source	Miscellaneous
		Transit Centre and observed three white envelopes containing white tablets. The one open envelope contained approximately 200 ecstasy tablets with a "W" logo on one side. Two envelopes were addressed to Heidi Taylor and one to Heidi Tailor. Only one opened.		
07/06/01	4.45pm	AFP (Noyce) took possession of the three envelopes. They were transported to the Melbourne Airport AFP office and placed in AFP audit bags numbers B 123672, B123673 and B123674 and sealed.	FT of Noyce Continuity	
07/06/01	5.30pm	Audit bags secured in the AFP Airport safe.	FT of Noyce Continuity	
08/06/01		HT arrived in Melbourne on Flight BA7316. HT departed London on 6/6/01, arrived Bangkok 7/6/01, departed Bangkok 7/6/01, arriving Melb 8/6/01. Neville located the ticket when searching the room at the Hotel.	FT of Bolte DE introduced through Bolte (Exhibit EB/05 & EB/09). FT of Neville DE introduced through Neville (EB/PSR 0017214)	Exhibit list refers to card dated 6 June 2001 but assume this is an error and not important.
08/06/01		HT stayed at the Hotel	FT Deering	
09/06/01		HT stayed at the Hotel	FT Deering	
10/06/01		HT stayed at the Hotel	FT Deering	
11/06/01		HT stayed at the Hotel and paid her telephone account for the period 8/6/01 to 11/6/01.	FT Deering DE introduced through Deering of telephone calls made on 12/6/01 (Exhibit EB/12A)	
12/06/01		HT stayed at the Hotel	FT Deering	
12/06/01	8.15am	AFP (Johnson & Bracks) attended at the AFP Drugs and Property Registrar.	FT Johnson	Bracks doesn't refer to this in her statement.
12/06/01	8.30am	AFP (Johnson) took the three packages which were sealed within audit bags no. 123674, 123672 & 123673 and gave them to AFP Physical Evidence Unit (Garland).	FT Johnson. EFT Garland	
12/06/01	9.00am	AFP (Garland) deconstructed the packages which were in audit bags 123674, 123672 & 123673 and took a series of photographs. Johnson and Foster in attendance. Garland then sealed each of the tablet bulks from audit bags and put them in audit bags no. B123672, B 123673 & B 123674.	FT of Johnson EFT Garland DE introduced through Garland (Exhibit No. EB/13) Continuity	Note here that the postage mark on item 3 was unreadable but stated "CA...Mail Centre". In HT's record of interview she refers to this being from Cambridge not London – how would she know this if she didn't send it? Also note that all items contained the same black cardboard and were

Date	Time	Event	Source	Miscellaneous
				wrapped in similar manner leading to the inference that they were all sent by the same person.
12/06/01	11.10am	<p>AFP (Park) took items of packaging material from packages in audit bags for fingerprinting.</p> <p>Latent fingerprints were developed on a plastic wallet and photographs taken.</p> <p>This packaging material was returned at 12.30pm by Park.</p>	EFT of Garland EFT Park Continuity	Why does Park not put into evidence the photo's of fingerprints? Do they match HT's fingerprints? Inference is that they belonged to someone other than HT and defence might use this to bolster their case.
12/06/01	11.20am	AFP (Ballack) took the black cardboard A5 portfolio items for package 2 (B123672) and 3 (B123673) to install recording devices.	FT Johnson EFT Garland FT Ballack Continuity	
12/06/01	11.40am	All narcotics removed from packages and they were resealed separately in the audit bag no. 123674, 123672 and 123673 and taken away by Johnson	FT of Johnson EFT Garland Continuity	
12/06/01	11.50am	Audit bags re-lodged with Drugs and Property Registrar at AFP Headquarters (Johnson)	FT Johnson Continuity	
12/06/01	12.30pm	AFP returned the items of packaging material	EFT Garland Continuity	
12/06/01	1.00pm	AFP (Ballack) installed and tested equipment capable of capturing and transmitting sound into the black cardboard for package 2	FT Ballack	
12/06/01	1.30pm	AFP installed and tested equipment capable of capturing and transmitting sound into black cardboard for package 3	FT Ballack	
12/06/01	2.15pm	Ballack returned the black cardboard A5 portfolio items from items 2 (B123672) and 3 (B123673).	EFT Garland. FT Ballack Continuity	
12/06/01	2.50pm	Ballack tested all equipment installed into the black cardboard and found it working.	FT Ballack	
12/06/01		The packages were reconstructed using substitute tablets but all original documents and heat-sealed in a plastic bag and secured in Forensic Services Exhibit Store.	EFT Garland Continuity	
13/06/01	8.25am	Three substitute packages were collected by AFP (McTavish)	EFT Garland. FT McTavish	McTavish states it was 9.05am. McTavish agrees he took three packages.
13/06/01	9.30am	McTavish claims he handed three packages to Zanetti	FT McTavish	Zanetti says he got them from Bracks, not McTavish and that there were only two packages.

Date	Time	Event	Source	Miscellaneous
13/06/01	9.45am	McTavish obtained a search warrant for the Hotel and also 26 Hawthorn Ave Hawthorn from Justice O'Dwyer.	FT McTavish DE introduced through McTavish (Exhibit No. EB/17 & EB/18)	
13/06/01	10.00am	AFP (Zanetti) collected two envelopes addressed to HT at Federal Police HQ Melbourne (Bracks)	FT Zanetti Continuity	Zanetti states that he only took possession of item 2 and 3. What happened to the third envelope?
13/06/01	10.40am	McTavish and Barton commenced monitoring two envelopes previously handed to Zanetti	FT McTavish FT Barton Continuity	McTavish acknowledges only monitoring two packages.
13/06/11	11.00am	Zanetti handed the two packages to HT after she signed for them.	FT Zanetti DE introduced through Zanetti (Exhibit No. EB/14).	What happened to the third envelope? Assume this is a typo and that only two packages were collected and handed to HT.
13/06/01		\$750.00 withdrawn from CBA ATM located at 77 Fitzroy Street, St Kilda. List of Transactions on MasterCard account no. 5353 1652 7343 8088 will show.	FT of Sully DE introduced through Sully (EB/03).	We do not know what time this was but this would be shown on the statement. Assume it was between 11.00am and 3.10pm.
13/06/01	3.10pm	HT attended at Westpac and requested a telegraphic transfer to Dempster for 250 pounds. The transfer stated "Hi see you soon, Heidi". HT paid for \$700 in \$50 bills and advised bank she was staying at the Hotel while in Australia. HT asked questions about what cash amount she could transact on before bank required identification - \$10,000. HT advised she would be back later to open account as she was coming in and out of Australia and would need a bank account.	FT Koutsoukianis DE introduced through Koutsoukianis (Exhibit No. EB/15 & EB/16)	Inference here is that she used the \$700 cash that she withdrew from the ATM to pay for the transfer.
13/06/01	5.00pm	Barton ceased monitoring the envelopes and left the monitoring devices in McTavish's possession	FT Barton FT McTavish Continuity	
13/06/01	5.45pm	McTavish ceased monitoring the envelopes	FT McTavish Continuity	Did any of the alarms etc go off? No mention in statement. If not were they working? Evidence of Ballack suggests that they were working.
13/06/01	5.50pm	AFP (McTavish, Barton, De Stefano, Bracks, Neville and Zanetti) arrived at the Hotel. Bracks spoke with Deering.	FT McTavish FT Barton FT Bracks FT De Stefano	
13/06/01	5.55pm	AFP (McTavish) served warrant and occupier's rights on HT at the Hotel. Search was conducted.	FT McTavish DE introduced through McTavish (EB/17 & EB/PSR)	

Date	Time	Event	Source	Miscellaneous
		De Stefano conducted taped conversation with HT – HT said no comment and she was informed of procedure. McTavish located e-mail to Si. Neville located Airline Ticket, Business card for Dempster, Red Exercise Book and a Passport for HT. HT told Bracks she had ecstasy in her handbag & De Stefano then searched her handbag and located white rubber glove containing white tablets. De Stefano asked HT how many were in the glove, HT told her about 50. De Stefano asked what it was, HT replied “Ecstasy”.	0017222) FT Barton DE introduced through Barton (EB/19) FT Neville DE introduced through Neville (EB/PSR 0017214, EB/PSR 0017217, EB/PSR 0017218 & EB/PSR 0017221) FT Bracks DE introduced through Bracks (EB/24 & EB/25) FT De Stefano RE introduced through De Stefano (Exhibit EB/26) DE introduced through De Stefano (EB/27 & EB/28)	
13/06/01	6.00pm	Johnson arrived at Bayview on the Park Hotel	FT Johnson	
13/06/01		De Stefano seized a white rubber glove from HT’s handbag containing a number of white tablets.	FT Bracks FT De Stefano DE introduced through De Stefano (EB/26)	
13/06/01	6.08pm	Bracks conducted taped record of conversation with HT in the Hotel recording admissions by HT.	FT Bracks DE introduced through Bracks (EB/24 & EB/25)	
13/06/01	6.12pm	Recorded conversation with HT was suspended at the Hotel	FT Bracks DE introduced through Bracks (EB/24 & EB/25)	
13/06/01	7.05pm	AFP ceased searching room and removed certain items of property identified in the search	FT McTavish FT Barton DE introduced through Barton (Exhibit No. EB/19) FT Neville FT De Stefano	
13/06/01	7.15pm	Zanetti, Neville and McTavish left the Hotel and went to 26 Hawthorn Ave Hawthorn	FT McTavish FT De Stefano	
13/06/01	7.15pm	Bracks left Hotel and returned to AFP Headquarters	FT Bracks	
13/06/01	7.20pm	AFP (Johnson and De Stefano) left the Hotel with HT to take her to AFP Headquarters.	FT Johnson. FT De Stefano	
13/06/01	7.20pm	Barton returned to AFP Headquarters with all of the seized property.	FT Barton	
13/06/01	8.00pm	Barton transferred custody of all property seized to De Stefano	FT Barton FT De Stefano	

Date	Time	Event	Source	Miscellaneous
13/06/01	8.00pm	Zanetti, Neville and McTavish served a warrant and occupiers rights on Prudence Taylor and Bob Taylor at Hawthorn address.	FT McTavish DE introduced through McTavish (Exhibit No. EB/18) FT Neville	
13/06/01	8.11pm	De Stefano conducted taped record of interview with HT	FT Bracks FT De Stefano DE introduced through De Stefano (EB/27 & EB/28)	In De Stefano's statement she refers to a videotape being tendered, however this document is not listed in the exhibit list. I assume that this is merely an error and not significant.
13/06/01	8.28pm	De Stefano ceased taped record of interview	FT Bracks	
13/06/01	8.30pm	Zanetti, Neville and McTavish left the Hawthorn address	FT McTavish FT Neville	Did they take anything? Assume because there is no record of it that they didn't find anything of relevance.
13/06/01	9.00pm	Barton recorded HT's fingerprints, Johnson recorded HT's details on the fingerprint records and they were handed to De Stefano	FT Barton DE introduced through Barton (Exhibit EB/20) FT De Stefano.	
13/06/01	9.25pm	Bail hearing conducted at which time Bail Justice Young remanded HT into custody until 14 June 2001.	FT Bracks FT De Stefano	
13/06/01	10.00pm	De Stefano locked all property into secured AFP overnight safe and kept possession of the keys to the safe.	FT De Stefano Continuity	
13/06/01	10.30pm	De Stefano and Bracks escorted HT to Moonee Ponds Police Station where she was processed and remanded into custody.	FT Bracks. FT De Stefano	
14/06/01	9.00am	De Stefano handed all of the property to Barton for lodgment into AFP Drugs and Property	FT Barton FT De Stefano Continuity	
15/06/01	9.00am	AFP (McTavish & Ballack) delivered a plastic bag containing envelopes to Forensic Services. Testing was conducted and photographs taken which resulted in an expert determination that the envelopes were the substitute packages	EFT Garland DE introduced through Garland (EB/13)	
15/06/01		Park obtained off-white latex glove from Garland for fingerprint testing. Latent fingerprints were developed on the glove and photographs were taken. Park states that in his view the fingerprints taken by Barton on 13 June 2001 are the same as fingerprints found on a card	EFT Park DE introduced through Park (Exhibit EB/29)	Why does Park not put into evidence the photo's of fingerprints from the glove? Do they match HT's fingerprints? Inference is that they belonged to someone other than HT and defence might use this to bolster their case. Further Park does not actually refer in his

Date	Time	Event	Source	Miscellaneous
		“Heaven” which he states formed part of the packaging of item 3.		statement to developing the fingerprints on the card. Further questions would need to be put to Parks about when he identified the fingerprint on the card.
21/06/01		HT booked on a flight departing Melbourne 21/6/01, arriving Bangkok on 21/6/01, arriving London 22/6/01	Record of interview with HT (EB/27) DE introduced through Neville (EB/PSR 0017214)	HT lied about stopping in Bangkok for a month in the record of interview. She was already booked onto flight all the way back to London. Plus she said in her telegraphic message to Dempster on 13/6/01 that she would see him soon indicating she was planning on returning to London soon thereafter.
26/06/01	11.00am	De Stefano signed out exhibits 777199 and 666250 and attended at AFP Physical Ev Unit for analysis of the white tablets by Garland	FT De Stefano Continuity	
26/06/01	11.20am	Tests were conducted at Forensic Services on original tablets and AFP seizure 777199 in HT’s possession. Photographs were taken. Tests indicated presence of MDMA.	EFT Garland. DE introduced through Garland (EB/13)	
26/06/01	1.10pm	AFP (Park) removed the off-white latex glove for fingerprinting analysis from Forensic Services	EFT Garland Continuity	
26/06/01	2.45pm	Forensic Services compiled two sets of samples of the tablets and sealed them in 8 audit bags and handed them to De Stefano	EFT Garland Continuity	
26/06/01	2.45pm	De Stefano returned the AFP Drugs and Property Registry and signed back in exhibits 777199 and 666250	FT De Stefano Continuity	
05/07/01		Larsen conducted testing on audit bags B123689, B123687 and identified high levels of MDMA in the tablets.	EFT Larsen DE introduced through Larsen (Exhibit EB/30)	
19/07/01	2.40pm	Neville executed search warrant at CBA and seized documents.	FT Neville DE introduced through Neville (EB/23) FT Sully DE introduced through Sully (EB/03)	
20/07/01	3.00pm	Neville executed a search warrant at Bank of Melbourne and talked to Koutsoukianis	FT Neville DE introduced through Neville (EB/21)	
24/07/01	11.00am	Neville returned to CBA and executed a search warrant and	FT Neville DE introduced	Description of EB/04 provides the incorrect

Date	Time	Event	Source	Miscellaneous
		seized further documents.	through Neville (EB/22) FT Sully DE introduced through Sully (EB/01, EB/02, EB/04)	account number and I assume this is a typo error.

ⁱ I found it very difficult in this case to separate the event chronology and the procedural chronology and found that for the purpose of formulating my theory of the case and analysis of the evidence a combined chronology was required. I recognise the difference between the two chronologies, the procedural chronology usually containing those aspects of the investigation including but not limited to taking HT's finger prints, questioning her, identifying and packaging the relevant documents etc seized from the Bayview on the Park Hotel.

Appendix B – Outline of the Prosecution's Theory

LEGAL CASE: Heidi Taylor knowingly attempted to import a prohibited import into Australia by arranging for the first and/or the second and/or the third package, containing the prohibited imports, to be sent to her, through international mail, at the Bayview on the Park Hotel in Australia.

I intend on proving my theory of the case as follows (please note that paragraph 1.6 is the fundamental paragraph in establishing the legal case):

- 1.1 HT is a 26 year old Australian Citizen (“AC”) who has not been employed, or received an income from employment, since 1996 and has been living intermittently in London and Australia since approximately 1999.
 - (a) Prove she is AC through admission of Passport into evidence (EB/PSR 0017221).
 - (b) Prove she not worked since 1996 (last job as waitress in a café) [Record of Interview (“ROI”) with HT on 13 June 2001 (EB/27)].
 - (c) Prove that HT travelled to London from Australia and, that in July 1999 she began seeing a man in London by the name of Aitken [ROI with HT on 13 June 2001 (EB/27)].
 - (d) Prove that in December 1999 HT returned to Australia and lived in a house in Middle Park Victoria, before travelling around Australia for four months [ROI with HT on 13 June 2001 (EB/27)].
 - (e) Prove that, on 24 May 2000, HT returned to London and moved in with Aitken at 54 Cadbury Road, Notting Hill (“the first property”) and, that HT remained at the first property with Aitken on and off for 5 months until the end of October 2000 [ROI with HT on 13 June 2001 (EB/27), FT of Bolte, EB/09 and Outgoing Passenger Card (EB/08)].
- 1.2 During 1999 and 2000 HT has purportedly been relying on a small TAC pension paid fortnightly in Australian dollars and living in free accommodation with friends and Aitken at the first property.

- (a) Prove that the TAC pension is AUD\$150.00 a fortnight by obtaining a copy of HT's bank statement for that period and identifying those payments which are the TAC pension, or I would consider calling evidence from an appropriately qualified TAC officer.
 - (b) Prove that HT has been living in free accommodation with friends and Aitken at the first property [ROI with HT on 13 June 2001 (EB27)].
- 1.3 In November 2000, HT was reunited with a past acquaintance Dempster. HT then separated from Aitken and took out a 6 month lease in her name for 18 Cherbridge Road, Notting Hill ("the second property") with Dempster. It was at this time that HT found herself unable to meet her bills as they fell due and, in significant debt.
- (a) Prove that HT had a 6 month lease on the second property which was in HT's name, [ROI with HT on 13 June 2001 (EB/27)].
 - (b) I have assumed that Nobo-Valley Real Estate ("Nobo") is the Real Estate Company that leased the second property to HT and Dempster jointly. I assume that I have conducted further investigations and had received a copy of the lease from Nobo attaching both HT and Dempster's signatures. If I wasn't able to obtain evidence such as the lease I would rely on the generalisation that, people who **do not** have jobs or any income will not obtain a tenancy lease on their own, to suggest that HT was not living at the second property alone. I would state that it is highly unlikely that HT would have been given a lease to the second property on her own considering her lack of employment and lack of stable tenancy information. Further, I would submit that the attempted International Money Transfer Application (EB/02) addressed to Nobo coupled with the direction issued that the money be redirected to Dempster leads to an inference that Dempster was living at the property with HT and was responsible jointly for the rental payments.
 - (c) I would attempt to obtain documentary evidence from Nobo that the rental payments etc on the property were in arrears (Trying to obtain further evidence to support the allegation that HT was in significant debt).
 - (d) Prove that HT was in debt for her gas, electricity and phone bills for the second property, [ROI with HT on 13 June 2001 (EB/27)].

1.4 HT, a self confessed user of ecstasy, chose a drug which she was familiar with and devised a plan with Dempster by which she would import ecstasy tablets into Australia, both on her person and through the international mail, with the intention of selling them and earning enough money to solve her financial problems.

- (a) Prove that HT is familiar with ecstasy, is a regular user of ecstasy and often takes them when she out at night. HT admitted to taking a tablet the night before she arrived in Australia [ROI with HT on 13 June 2001 (EB/24)]
- (b) Suggest that the Red 48 pages exercise book containing handwritten notes (EB/PSR 0017218) evinces an intention, and actually records her plans, to conduct an ecstasy scam in Australia to make money. The extract refer to undertaking an e scam in Australia with “Jim” and that together they devise a plan to go to Australia with HT carrying ecstasy hidden on her. I would submit that this document is relevant on the basis that it is contemporaneous and may record her state of mind at the time of the importation. I would submit that it should be for the jury to determine the weight that they would give to such evidence.

1.5 HT then acted on this plan and returned to Australia in March 2001. Within 5 weeks HT had transferred \$5,032.37 to Dempster in London. The prosecution intends on proving that HT did not have the money to repay these debts when she arrived in Australia and that she did not borrow the money.

- (a) Prove that HT acted on this plan devised by her and Dempster and that, on 30 March 2001, HT returned to Australia from London [FT from Bolte and Incoming Passenger Card (EB/07)].
- (b) Prove, through HT’s bank statements, that HT did not have enough money to pay her debts in London. I acknowledge that further investigation is required as the List of Transactions for Mastercard number 5353 1652 7343 8088 (EB/04) begins on 20 April 2001. I would obtain an earlier bank statement to prove that at the time of returning to Australia HT did not have any, or sufficient money, to repay her debts in London.
- (c) Prove, through obtaining evidence from Mr & Mrs Taylor and HT’s sister, that they did not lend or give the money to HT. I acknowledge that further

investigation is required as HT may say that she obtained the money from a friend. I would submit however, that as a generalisation, people are unlikely to lend money to a person who does not have a job, does not live in the country and who has not worked since 1996. Further, I would submit as a generalisation that someone who has not worked since 1996 is unlikely to be owed money from someone else.

- (d) Prove that HT transferred \$1,991.08 to Dempster on 10 April 2001 [FT of Sully and the International Money Transfer Application (EB/01)].
 - (e) Prove that HT transferred \$3,041.29 to Nobo (default to Dempster) on 9 May 2001 [FT of Sully and the International Money Transfer Application (EB/02)].
 - (f) Prove that HT transferred \$700.00 to Dempster on 13 June 2001 [FT of Koutsoukianis and the Telegraphic Transfer (EB/15 and EB/16)].
- 1.6 On HT's return to London on 20 May 2001 she and Dempster arranged for the first, second and third packages, which HT knew contained a prohibited import, and which did in fact contain a prohibited import, to be sent by mail to HT at the Hotel in Australia.
- (a) Prove that on 20 May 2001, HT returned to London [FT of Bolte and Outgoing Passenger Card (EB/06)].
 - (b) Prove that HT knew at all material times that it was illegal to import ecstasy into Australia and that ecstasy is a prohibited import [FT of Bracks and ROI with HT (EB/24) where HT states that she is aware that it is illegal to import prohibited substances such as ecstasy into Australia].
 - (c) Prove that after HT returned to London she physically sent the second package (white envelope addressed to "baYView on the PaRk HoTeL, heiDi Taylor" with postage mark "CA....Mail Centre" from "The meTHod ScHool") to herself in Australia. I intend on proving this by the following:
 - (i) Prove that the second package originated in Great Britain and was sent at 5.30pm on 4 June 2001 [expert evidence of Garland & EB/13].

- (ii) Prove that HT was in Great Britain at the time the packages were sent [FT of Bolte & EB/09]. The inference therefore is that HT had the opportunity to send these packages and proving this piece of evidence prevents the defence from suggesting HT wasn't in Great Britain at the time the second package was sent.
- (iii) Prove that at approximately 2.30pm on 7 June 2001 the ACS intercepted the second package addressed to "baYView on the PaRk HoTeL, heiDi Taylor" with postage mark "CA....Mail Centre" from "The meTHod ScHool". Preliminary Iron Scan testing produced a positive reading for MDMA [FT of Foster].
- (iv) Prove that the second package was subsequently deconstructed and the contents analysed on 12 June 2001 [expert evidence of Garland and EB/13].
- (v) Prove that the second package was found to contain a prohibited import and that an Advertising Document for "Heaven The Arches" inside the second package contained a fingerprint imprint which matched that of HT's thumb [expert evidence of Park and PB/29].
- (vi) Prove that the second package was not opened by HT between 11.00am on 13 June 2001 when it was handed to her, and 8.00pm when it was removed by the AFP [FT of Barton and McTavish that during the time they were monitoring the second package no alarms went off to indicate that the second package was being opened or moved. It would be further supported by FT of Ballack that the equipment was installed and tested and in full working order This would be further supported by the expert evidence of Garland, and EB/13, that after the second package was seized from HT, he was handed a sealed plastic bag containing the second package and that upon examining the second package he found it was still sealed (this has to be assumed because we do not have a copy of the exhibit and Garland doesn't discuss this issue in his statement)].
- (vii) Prove that HT had prior knowledge about where the second package was posted from as she identified in the ROI dated 13 June 2001 (EB/27) that the second package was sent from Cambridge and not London.

- (viii) Prove that the second package did not state that it was sent from Cambridge but in fact stated “CA....Mail Centre” [Expert evidence of Garland and EB/13].
- (ix) Prove that the second package was in fact sent from Cambridge and not London. I do not have evidence of this but could obtain expert evidence in relation to postage stamps to confirm that the stamp was a Cambridge stamp. These items of evidence form strands in a cable and lead to the inference that HT knew where the envelope originated because she was the one who posted in on 4 June 2001, that she knew it contained ecstasy because she in fact placed the ecstasy in the package and that she knowingly attempted to import the prohibited import into Australia through international mail.
- (d) Prove that after HT returned to London she was involved, either physically or by knowledge, in the sending of the first and third packages. The prosecution states that it does not have to prove that each and every one of the packages was imported with the knowledge of HT, and that HT should be found guilty of attempting to import a prohibited import if any one, or all, of the attempts is proven. In my view the prosecution will be successful in establishing HT’s knowledge and actions in relation to the second package however, in relation to the second and third packages, it would be useful to:
 - (i) Prove that the tablets contained in the first, second and third packages were identical to each other and identical to the tablets HT was found guilty of possessing and importing on 13 June 2001 [Expert evidence of Larsen and Garland and EB/30 and EB/13].
 - (ii) Prove that the packaging of the first, second and third packages were very similar in the way that the tablets were wrapped and the documents contained inside the packages [expert evidence of Garland and EB/13].
 - (iii) The inference to be made from these pieces of evidence is that the packages were so similar in nature and content that it appeared highly likely that they were constructed by the same person or persons.

- (e) Prove that HT, on returning to London, always intended to return to Australia temporarily in June 2001 to collect the packages. I would prove this by the following:
- (i) That on 31 May 2001 HT makes a reservation for herself at the Hotel to check in on 8 June 2001 and check out on 9 June 2001. This reservation was paid for by Master Card Number 5353 1652 7343 8088 (HT's Account Number for the Commonwealth Bank) and stated "Non-smoking room requested. Please hold any documents sent through the post until my arrival" [FT of Deering and through EB/10 and EB/04].
 - (ii) That on 3 June 2001 the Hotel received a further e-mail booking and paying for a room for Dempster checking in on 7 June 2001 and checking out on 8 June 2001. This reservation was paid for by Master Card Number 5345 8901 5567 9876 (not HT's Master Card Number). This e-mail booking stated "I have made a booking for the 8 June 2001, but due to arrive early on morn of 8 June 2001, guest name Heidi Taylor". Attached to this e-mail reservation was an e-mail from Dempster stating "the reservation is actually for Heidi Taylor who is arriving at 6.00am on 8 June 2001" [FT of Deering and through EB/11 and EB/12].
 - (iii) Prove that HT intended on returning to London via Thailand on 21 June 2001 after collecting the packages [ROI with HT on 13 June 2001 (EB/27) and through FT of Neville and EB/PSR 0017214]. It is important to note here that HT lied in her ROI in that she stated that she was going to spend one month in Thailand but that her ticket was confirmed all the way back to London and that she wrote to Dempster on 13 June 2001 telling him that she would see him shortly [FT of Koutsoukianis and EB/15].
- (f) Prove that HT then acted in accordance with her intention to import prohibited imports by arriving in Australia on 8 June 2001 to collect the first, second and third packages.
- (i) Prove that HT was expecting to receive certain packages at the Hotel and did in fact receive the second and third packages on 13 June 2001 [FT of

Deerinmg and EB/10 which stated “Non-smoking room requested. Please hold any documents sent through the post until my arrival”].

- (ii) Prove that at 9.30am on 13 June 2001 Zanetti handed 2 packages to HT at 11.00am and that she signed for those 2 packages [FT of Zanetti and EB/14]. Further evidence could be introduced through the AFP Property Seizure Record introduced through Barton (Exhibit EB/19).

1.7 The prosecution will show that HT is guilty of importing and possessing ecstasy tablets which she imported into Australia in her bra in June 2001 and, that she is therefore an importer of prohibited imports or, that she has a propensity to import and/or attempt to import drugs into Australia.

- (a) Prove by entering guilty plea on importation and possession into evidence.
- (b) Prove that on 8 June 2001 HT arrived in Melbourne from London via Bangkok [FT of Bolte, EB/05 and EB/PSR 0017214 introduced through Neville].
- (c) Prove that on 13 June 2001 AFP served a warrant on HT and in the search of the Hotel room HT confessed to having in her possession a white rubber glove filled with 50 ecstasy tablets [ROI with HT on 13 June 2001 (EB/24), FT of Neville, FT of Bracks and FT of De Stefano].
- (d) Prove that HT did have in her possession 50 tablets which she confessed were ecstasy and which were contained in a white rubber glove. These tablets and glove were seized by the AFP and retained for testing [ROI with HT on 13 June 2001 (EB/24), FT of Barton, EB/19, FT of Neville, FT of Bracks, FT of De Stefano and EB/26].
- (e) Prove that the 50 tablets did contain high levels of MDMA and that they were a prohibited import [expert evidence of Larson and EB/30].
- (f) Prove that the tablets seized from HT’s possession on 13 June 2001 were identical to the tablets identified in the first, second and third packages [expert evidence of Larsen and EB/30].

- (g) These items of evidence are strands in a cable which combine to prove that HT was guilty of importing and possessing a prohibited import. When these items of evidence are further linked to HT's intention to open up a bank account as she was going to be coming in and out of Australia regularly in the future [FT of Koutsoukianis], and evidence that she had queried Koutsoukianis about what cash amount HT could transact on before the bank required identification (Koutsoukianis advised HT that transactions over \$10,000 required identification), tends to support the inference that HT is an importer of drugs that she has a propensity and intention to import and/or attempt to import drugs into Australia in the future.
- 1.8 The prosecution will also prove that it did everything in its power to identify and locate Katrina, but that these attempts were unsuccessful. It is the prosecution's case that Katrina does not exist and that HT made up the story to deflect any questions regarding Dempster and to avoid being found guilty of the offence.
- (a) Prove that Katrina does not exist through investigation reports which I would have conducted prior to trial.
 - (b) Suggest that it is reasonable for the jury to infer that, as the defence did not call Katrina to give evidence, nor did they offer any substantiating evidence of Katrina's whereabouts or existence, Katrina does not exist.