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14 January 2021

To Chief Magistrate Terry Gardiner

I am writing about a case I recently had heard at Brisbane Magistrates Court.

STATE OF QLD vs SIMON HICKEY court 17 level 4, 0900 before Magistrate Suzette Coates Tuesday 12 January

There are several areas of concern I have regarding the way this matter was handled. I know that the Chief Magistrate cannot alter a decision. I must appeal to a superior court if I wish to do that. I am not writing for this purpose.

The reason that I am writing, is to draw your attention to serious misconduct by one of the Magistrates at your court. I believe she intended to fix the trial against the defendant in two ways. First by assuming jurisdiction of Queensland courts, despite the fact that the offence occurred in New South Wales. The law is clear in this regard, no element, event, or any part of the offence happened in Queensland, and as such, only New South Wales courts have jurisdiction.

Secondly, Coates refused to accept, or consider important evidence that had been tendered for the defence. She then found against the defendant due to having no evidence supporting his statements. I will elaborate further to give you the entire picture.

The charge was that Simon Hickey had breached a court order by posting material to the internet about one Siobean Dash. The police admitted that the offence could only have occurred in New South Wales, as that was where I was living. The internet is not based in Queensland. This states residents must use a network of cables to view internet content because 99% of all online content is hosted outside Australia. Queensland computer users must travel electronically overseas to view any material on google, yahoo, facebook, youtube and word press servers. The website in question was hosted on word press. Magistrate Coates stated that because the internet is everywhere, Queensland Courts have jurisdiction. Nonsense. Only one example is needed to prove her wrong :

If the Herald Sun publishes material in breach of the law, where would the case be heard? It could not, under any circumstances be held in Brisbane. If someone wanted to commence legal action against Herald Sun, *it must occur in Victoria*. It doesn't matter if someone buys a paper and brings it to Queensland for us to read. Queensland courts have no jurisdiction over what happens in Victoria. **The trial – if there is one – must take place in the same state or district where the offence occurred.**

The same thing applies here. I was in New South Wales.

Magistrate Coates declared Queensland had Jurisdiction on Tuesday, because she was intent on convicting me.

The second verifiable, and even more serious perversion of justice occurred when Magistrate Coates refused to accept the documents I had tendered to the court, to prove facts in the case. The documents were genuine invoices, receipts and emails from a company located outside Queensland, who were involved in the maintenance and repair of my company's website. SITE LOCKED and I had exchanged numerous emails, proving their involvement. I had paid them to fix my website during 2019, because it was

broken beyond repair. I could not fix it with my poor IT skills, so this company specialising in malware, virus removal and word press troubleshooting were contacted *and paid* to fix my broken website. They were given admin level logins, and had total control of the website during this period.

Further to that, invoices satisfy every criteria of admissibility under section 93 of the evidence act.

**They were prepared by someone during the course of their business. That someone had direct knowledge of the matter at hand, and the same someone is located outside Queensland.**

I was also prepared to give evidence as to the origins of this material. I first asked that it be marked for identification and I would tender it to the court once I had given my oral evidence as to its relevance, and origins. I spoke with a barrister at length prior to going into this trial, and in court I did everything right. My material, by law, should have been accepted. It wasn't. Magistrate Coates refused to accept legitimate and obviously important material to support the defence. Here is Section 93 of the evidence act :

**93 Admissibility of documentary evidence as to facts in issue in criminal proceedings**

- (1) In any criminal proceeding where direct oral evidence of a fact would be admissible, any statement contained in a document and tending to establish that fact shall, subject to this part, be admissible as evidence of that fact if—
  - (a) the document is or forms part of a record relating to any trade or business and made in the course of that trade or business from information supplied (whether directly or indirectly) by persons who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in the information they supplied; and
  - (b) the person who supplied the information recorded in the statement in question—
    - (ii) Is out of the State and it is not reasonably practicable to secure the person's attendance; or

I have left out only paragraphs that have no bearing on our matter today. When you read what's above, it's clear my material should have been accepted, and considered before any decision to convict.

There are only two possible scenario's explaining what happened that day.

1. Magistrate Coates made a mistake in her decision to refuse this evidence. She didn't know the law in question, and made an honest error based on her belief at the time.
2. Magistrate Coates did know the evidence act. She also knew that my evidence was legitimate, and should have been accepted by the court. She refused it because her intention was to convict me all along, despite what the evidence showed.

**Neither of these explanations is acceptable.**

If it's number one, then why is this woman a sitting Magistrate? Judge MCGill doesn't think too highly of her legal knowledge, so others must be aware of her failings.

If it's number two, then what she did is corruption of the highest order. Aggravated by the fact she is in a position of trust. No two ways about it.

These statements may seem bold, I accept that, but every word is true. My conclusions are logical and rational. There is no other explanation for her behaviour. I repeated over and over in court that the invoices were created during the course of someone's work, and I was cut off each time. One can only argue with a Magistrate so long. Had she any doubts about the law in question, she could have easily checked. Had she any doubts about the documents, these could be verified by contacting SITE LOCKED. When they were refused, my case was shot, but I had to move on.

The recording of the trial held by Auscript will prove what I am saying (about the trial procedure and refusal) to be true. I won't be ordering the transcript because Auscript alter their records to suit Queensland courts. I won't be filing an appeal because the higher courts just cover for the lesser courts. I won't ask you to overturn the decision because I know you can't. I know all this because of repeated exposure to what really goes on in the Queensland justice system.

**I made an attempt to bring this kind of disgraceful conduct to the attention of the Australian people and I was jailed for it. You know who I am.**

If what I was saying was untrue, I would have been ignored. Now its become clear to me that the Queensland judiciary will not give me a fair trial no matter where I go. What is a man to do?

I will at least write and bring this to your attention, though I am certain nothing will be done. The incident will be going in my book, and other records of all these events. Hopefully someone in the future will know what went wrong and understand why men lost interest in supporting, defending and contributing to a society which holds them in absolute contempt.

If you are able to look into the matter, then please do. If Magistrate Coates would like to comment on my complaint, then I would welcome any reply. If you can find the law that Magistrate Coates was referring to when she found that my evidence was inadmissible, then I would be interested to see it. Of course, if that law existed, then all of the prosecutions evidence would have been inadmissible too.

If I ignore the law, and do my job incorrectly, whether knowingly or not, I can lose my license, job, be fined, prosecuted and possibly jailed. Especially if the end result is an injury. And I am only a local tradesman. The same standard must apply to those in positions of authority. Even more so. I had a strong case. I should have never been convicted. But then, the same thing can be said for every one of my Queensland convictions.

One might think that the best way to refute my allegations of corruption, bias and the fixing of trials against political opponents, would be to treat me the same as everybody else. Give me a fair trial, and be seen to be doing the right thing.

Is that really too much to ask?

Obviously it is.

Thank you.

Simon Hickey