

State Reporting Bureau



Transcript of Proceedings

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DISTRICT COURT

CRIMINAL JURISDICTION

JUDGE CLARE SC

Indictment No 1666 of 2012

THE QUEEN

v.

DEAN WILLIAM HENRY GILLHAM

BRISBANE

..DATE 26/02/2013

..DAY 6

VERDICT

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

TIME: 12.20 P.M.

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THE JURY RETURNED AT 12.26 P.M.

HER HONOUR: Take the verdict.

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ASSOCIATE: Members of the jury, do you have a speaker?

SPEAKER: Yes [indistinct].

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ASSOCIATE: Members of the jury, are you agreed upon your verdict?

JURY: Yes.

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ASSOCIATE: Do you find the accused Dean William Henry Gillham guilty or not guilty of sexual assault?

SPEAKER: Not guilty, your Honour.

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ASSOCIATE: Do you find the accused Dean William Henry Gillham guilty or not guilty of rape?

SPEAKER: Not guilty, your Honour.

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ASSOCIATE: Do you find the accused Dean William Henry Gillham guilty or not guilty of assault occasioning bodily harm?

SPEAKER: Not guilty, your Honour.

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ASSOCIATE: Do you find the accused Dean William Henry Gillham
guilty or not guilty of corrupting a witness?

SPEAKER: Not guilty, your Honour.

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ASSOCIATE: So says your speaker, so say you all?

JURY: Yes.

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TIME: 2.55 P.M.

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HER HONOUR: The stalking charge remains? Is that to be a plea or is that also a trial, Mr Harrison?

MR HARRISON: That is to be a trial, your Honour. After the jury has gone, that is matter I wish to raise.

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HER HONOUR: Mr Gillham-----

DEFENDANT: Yes.

HER HONOUR: -----I'm sure that your counsel would have advised you that your defence was hopeless. I'm sure that he would have advised you that because Mr Harrison is a very good barrister, and any experienced lawyer would have told their client that the evidence the police had gathered in this case was damning, that your explanation for it was unbelievable.

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Nonetheless, today you've had some unbelievable luck. Before you go, I want to impress upon you just how close you came to getting locked up for a very long time. I was contemplating a sentence for you in the vicinity of eight years' imprisonment, maybe more.

The reason for that is that the allegations on the indictment were very disturbing, very serious, and in a case like that, the Court would need to act for the protection of the community, for the protection of other people.

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You have been lucky today, but I want you to know that you are unlikely to ever be this lucky again. The next time your chances of being this lucky are as high as - are higher than your chances of winning lotto.

I can't make any orders against you, but you should know that you need to stay away from Angela. You need to stay away from women who have daughters and you need to stay away from girls.

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In relation to the stalking trial, I will disqualify myself as judge. Having heard the evidence in this case, I feel unable to sit in that trial. Bailiff, all members of this jury will be excused from the rest of the sittings. They can go.

MR HARRISON: Your Honour, I wish to raise the matter of bail. My doesn't have bail because it was refused in early 2012 by an order of the Supreme Court. My client's situation, given these acquittals, is completely different. He now faces a charge of stalking.

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HER HONOUR: What does that relate to?

MR HARRISON: It relates to text messages. As I recall - I haven't looked at it for a while, text messages to his wife. The most significant of them was that he was contemplating or

threatening to commit suicide and turning up at his daughter's
- that's Sophie's kindergarten or child-care centre and
putting on a display there. It doesn't involve, as I recall,
threats of violence or damage or assault.

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HER HONOUR: I'll just ask Ms Dennis if she has any objection
to bail?

MS DENNIS: Your Honour, without sufficient notice as
required, the position that I have to take is that the Crown
opposes bail. Your Honour would be aware that two clear
business days' notice are required to the Crown for an
application for bail. I understand the circumstances have
changed today. However-----

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HER HONOUR: Well, we knew what the circumstances were
yesterday.

MS DENNIS: Yes. However, the accused is in custody in
relation to a stalking offence. I'm not appropriately
familiar with the circumstances of that offence to make
submissions. There is also a breach of bail condition which
involved his contacting Angela Nelson in breach of bail after
him being charged with-----

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HER HONOUR: Has he been sentenced for that?

MS DENNIS: No, your Honour, he is currently in custody on
that offence.

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HER HONOUR: When would you be in a position to argue bail?

MS DENNIS: I'm really in the Court's hands as to-----

HER HONOUR: Tomorrow?

MS DENNIS: -----the timing. If that's suitable it will give
appropriate time to consider the stalking matter.

MR HARRISON: If your Honour wished to hear further on the
matter tomorrow, I can't oppose that.

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HER HONOUR: What time would be convenient to you?

MR HARRISON: The earlier possible - and I'm happy for my
friend to provide the statements or - any statements or
schedules of fact and the criminal history if that's - my
friend wants to send that through sometime today
electronically.

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HER HONOUR: Thank you, Mr Harrison. If I set it down for 9
o'clock tomorrow, you both will be available?

MS DENNIS: That's suitable, thank you, your Honour.

MR HARRISON: That's suitable for me.

HER HONOUR: Your client may not be here.

MR HARRISON: That's the only problem I can see.

HER HONOUR: Perhaps 9.45.

MR HARRISON: Certainly.

HER HONOUR: Anything else?

MR HARRISON: No, your Honour. Does my client have to be formally discharged?

HER HONOUR: He has been acquitted. He is discharged, and I'll say that if you want me to. I would have thought the acquittal was the discharge of the indictment. What's the number of the indictment?

Given the acquittals by the jury, the accused Dean William Henry Gillham is discharged in respect of indictment 1666 of 2012.

MR HARRISON: Thank you, your Honour. If I might be excused?

HER HONOUR: Yes. Adjourn the Court.

THE COURT ADJOURNED AT 12.37 P.M.

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