

**IN THE HIGH COURT OF AUSTRALIA**  
**BRISBANE REGISTRY**

**B26 of 2011**

**DALE CHRISTOPHER HANDLEN**  
(Appellant)

**AND**

**THE QUEEN**  
(Respondent)

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**APPELLANT'S CHRONOLOGY**

**Part I:**

This chronology is in a form suitable for publication on the internet.

**Part II A:**

<b>DATE</b>	<b>EVENT</b>	<b>AB page reference</b>
<b>August 2005</b>	<p>Matthew Reed was working with Rayz Computer Recycling 'RCR' in Vancouver Canada where the computer monitors used in the importing were sourced.</p> <p>Reed discussed with a colleague TJ his idea that the lead in the monitor screens would probably enable drugs to pass through customs screening.</p> <p>TJ introduced Reed to Handlen Reed told Handlen about his idea and described for Handlen the lead content in the screens and how the casings came off There were discussions, firstly at RCR and then at Wendy's restaurant about using monitors to conceal things in to get to Australia through customs.</p> <p>Handlen was given sample monitors from RCR.</p> <p>Reed prepared a document with a list of costs to ship a container to Australia, to rent a warehouse in Vancouver, to rent a warehouse</p>	

	<p>in Australia, freight costs, airline tickets and packaging materials. He claimed this was done at Handlen's request</p> <p>Reed presented this plan to Handlen and a person named Tom at a meeting a couple of weeks later.</p>	
<p><b>November 2005</b></p> <p><b>January 2006</b></p>	<p>Reed had further contact with Handlen in November 2005. Reed ordered a load of more than 450 monitors through a broker. Reed paid the deposit. He claimed that Handlen had given him the cash for the deposit.</p> <p>TJ rented a warehouse in Vancouver through his company Cyberdesk in Vancouver. Reed paid for the balance of the monitors and arranged for them to be delivered to the warehouse. Reed claimed to have obtained this money from Handlen.</p>	
<p><b>Late February or early March 2006</b></p>	<p>Reed, TJ, Handlen, Paddison (Doc) and Paddison's father-in-law came to the warehouse to pack the monitors. Reed said that he, along with TJ, Handlen and Paddison started picking out the best monitors for the task which were Sun Microsystems brand.</p> <p>According to Reed, Handlen, Paddison and Paddison's father-in-law arrived with the small vacuum packed packs containing pills</p> <p>Reed and TJ shifted the monitors which were to be cut to Paddison and his father-in-law who took the casings off and cut into the monitors, with Handlen's assistance. The vacuum sealed packs were packed inside the monitors, and liquid cement was used to seal them.</p> <p>Reed purchased airline tickets to Australia for himself and Handlen through a travel agent. He claimed that he obtained the money from Handlen</p> <p>Reed had experience with overseas shipping and he arranged for the freight of the monitors to Australia.</p> <p>Reed travelled to Australia to arrange the business side at this end. Reed had a friend, Kelsey Nerbas who lived and worked in Brisbane with whom he kept in regular contact.</p>	

<b>6 April 2006</b>	Reed travelled to Brisbane with Handlen on 6 April 2006. (Travel records Ex 112).	
<b>Between 10 April and 21 May 2006</b>	Reed arranged for accommodation in Brisbane with Ronald Eric Dowling manager of Spring Hill Manor. Reed and Handlen stayed at Spring Hill Manor. Dowling gave evidence that he received the rent from Handlen although rent receipts were issued to Reed.	
<b>24 April 2006</b>	Reed arranged for the registration of a company "Reliable Computer Conversions Pty Ltd" "RCC" which was established for the purpose of receiving the computer shipment. Reed and Nerbas were the directors and shareholders (Ex 60)	
<b>15 May 2006</b>	Reed leased warehouse at Unit 18/388 Newman Road Geebung (Ex 61-64). The real estate agent Cameron Heim gave evidence of showing properties to Reed and his friend 'Dale'.	
<b>Around May 15 2006</b>	Reed claimed Nerbas was told by Handlen about the monitors containing drugs coming into the country, at a dinner at Spring Hill.	
<b>May 2006</b>	According to Reed, Nerbas paid the costs initially with Handlen to arrange for money to be deposited in Nerbas' account. Bank records showed deposits made from Paddison's account and the account of his defacto wife (Ex 111). These records were disputed by Paddison.	
<b>20 May 2006</b>	Reed engaged Australian Customs Professionals, a customs brokerage firm run by Trent Barratt and Nick Wallace to assist with customs clearance and continued to liaise with this firm. Barratt's evidence was that Reed was the person he dealt with and he spoke with Nerbas only to relay information to Reed. Neither Wallace nor Barratt ever met Handlen or Paddison or had dealings with either of them. Reed said that the funding of the shipping container in Canada was paid for by TJ and the customs clearance fees paid from Nerbas' account.	

<b>20 May 2006</b>	<p>Reed said he was given Dave Perry's contact details by Handlen as someone who could arrange to get the container cleared through customs quickly. Reed passed Perry's details to Customs broker Trent Barratt.</p>	
<b>27 - 29 May 2006</b>	<p>The container arrived around 27 May 2006 and was delivered to the warehouse on or about 29 May 2006.</p> <p>Reed said that he, Nerbas and Handlen were present when the container was delivered to a warehouse at 18/388 Newman Road, Geebung.</p> <p>Reed said that tools – knives screwdrivers and tape - were purchase to unpack. Nerbas' bank records show purchase which the prosecution alleged to be tools.</p> <p>Reed operated a forklift and with Nerbas operating a pallet jack inside the warehouse unloaded the monitors with some assistance from Handlen who had a shoulder injury.</p>	
<b>Around 6 June</b>	<p>Reed said that a week later Nerbas drove Reed and Handlen to the warehouse. Reed operated the pallet jack, bringing the pallets over and cutting the plastic wrap and removing the empty monitors which were on top of the packaged monitors.</p> <p>Reed described a process of removing the casings of the monitors and using a small hammer to break the opening that had been glued in place so that the packages could be removed. Reed said the packages were the same ones he had seen packed in there in Canada.</p> <p>Reed said there were also other packages that he didn't recognize which were 6-8 inch x 4 inches x 2 inches thick square-shaped packages wrapped in silver with red around them, and also four larger foot-long cylindrical packages with red wrapping.</p> <p>The process of unpacking took one day. Reed said that he and Nerbas and Handlen left the warehouse together. Reed said he saw Handlen put some of the smaller packages into a green shopping bag and take two of the big</p>	

	<p>red ones.</p> <p>Reed said he saw Handlen put some pills into smaller zip lock bags and said these were later given to a person named John. An older Asian man Reed understood to be "Frank" visited their hotel suite and left with the green shopping bag.</p> <p>Reed purchased a duffel bag (he claimed at Handlen's request) and the packages were put into duffel bags at Unit 18 by Reed, Nerbas and Handlen.</p> <p>Reed said that two Asian males came to Reed's suite at Oaks North Quay and collected the packets of pills. Reed counted the packages, and what was in the packages, communicated with "Frank" by phone and handed over a piece of a Canadian five or ten dollar bill to the Asian male that arrived as arranged. He obtained a luggage trolley, put the duffel bags on them, looked inside and wrote the count on a piece of paper, took the trolley in the elevator and to the van waiting outside where the bags were loaded. Reed claimed to have done all this following communications with Handlen.</p>	
<p><b>7 July 2006</b></p>	<p>Reed obtained a sailing schedule from the customs broker Nick Wallace (Ex 12 and 13). He claimed to have done this because Handlen contacted him after Reed and Nerbas had returned to Canada. Reed understood there would be two more shipments, based on advice from Frank to Handlen that there should be a second shipment with just monitors, as Customs would be more likely to check the second shipment.</p> <p>Reed attended a meeting with Handlen and TJ in a diner in Abbotsford (Canada) to discuss the next shipment.</p> <p>Reed sourced another load of monitors and saw them delivered.</p> <p>Reed was involved in transport arrangements for the second and third containers and shipping arrangements.</p>	

	<p>Reed said that the preparation of the monitors for the third shipment was done at Paddison's house at Abbotsford, British Columbia. Reed took the monitors to the Abbotsford place in Handlen's mini-van with TJ and Handlen. Reed said he saw one package of cocaine.</p> <p>Reed said he and Paddison and another person, Kyle, loaded monitors into Handlen's van. Handlen was not present. Reed drove his vehicle behind Handlen's van containing the monitors as they were later transported from the Abbotsford address to the warehouse.</p>	
<b>10 August 2006</b>	Reed flew to Australia (flight records Ex 112).	
<b>11 August 2006.</b>	Reed hired a Kennards storage unit at 20 Northlink Place Virginia together with Nerbas (Ex 43).	
<b>20 August 2006</b>	<p>Reed and Nerbas flew to Sydney returning the following day. According to Reed the purpose of the trip was to collect \$50,000 from the Asian man named Frank (Shen). Reed claimed this was done on Handlen's instructions. Reed gave half in cash to Nerbas to reimburse him for the rent on the Geebung warehouse. Reed requested Shen to transfer another \$10,000 to Nerbas' account. (Bank Records for Nerbas show deposit of \$24,800 on 22 August 2006 and a further deposit of \$10,000 on 30 August).</p> <p>Reed was in Australia when a second container (without drugs) arrived and he helped unload it.</p>	
<b>4 September 2006</b>	Paddison arrived in Australia.	
<b>6 September 2006</b>	Handlen arrived in Australia (Ex 112) Reed said he received a phone call from Handlen who told him he was in Sydney. A Stamford Hotel employee Lauren Callery confirmed Handlen's wife Rose Moschetti had rented a room (Ex 49, 50) with a man matching Handlen's description, and had been visited by a man she identified from a photoboard as Shen (Ex 51).	
<b>8 September</b>	Customs officers examined the third shipment	

<b>2006</b>	<p>and located packages of drugs. AFP were alerted by Customs. AFP located 135.kg of powder containing cocaine, and 121,291 tablets which contained a mix of MDMA and methamphetamine. Police removed all the drugs from the monitors and replaced with placebos.</p> <p>After discovery of the drugs AFP commenced surveillance and obtained telephone interception warrants. The calls recorded for Handlen, Paddison and Reed apparently concerned the progress of a container through Customs. Handlen communicated by telephone with a person alleged to be "Frank" (Shen) about the progress of the container. Reed communicated with the Customs brokers regarding the delays in the delivery of the container and informed Handlen of its progress.</p>	
<b>12 September 2006</b>	<p>Reed told Paddison there had been a problem with the paperwork from the shipping company, later advised him that the container had cleared, was going to be fumigated and would be available on Thursday.</p> <p>Telephone calls recorded on 13 and 14 September between Reed and Paddison discuss delays with the clearance of a container. Reed kept Paddison up to date with delivery times.</p>	
<b>14 September 2006</b>	<p>Reed and Nerbas visited the Eye Spy Shop (surveillance) and the assistant was overheard to say they didn't have "anything that detects government GPS".</p>	
<b>17 September 2006</b>	<p>At Coolangatta Reed obtained money from Handlen for payments to Customs Brokers and capital expenses, and according to Reed, Handlen negotiated a payment to Nerbas of \$100,000. Surveillance officers observed Handlen Reed and Nerbas together at Twin Towns.</p> <p>Reed subsequently paid \$5,000 to the customs brokers. This was confirmed by the evidence of Nick Wallace.</p>	
<b>18 September</b>	<p>Handlen met with David Perry the union official</p>	

<p><b>2006</b></p>	<p>at the Colmslie Hotel. Prior to this meeting Reed said he gave Handlen details of the container and the ship which Handlen took to the meetings</p>	
<p><b>18 September 2006</b></p>	<p>Reed took the train with Paddison to unload the third container (surveillance) . Reed and Paddison walked towards Geebung Railway Station and got into a car (Audi 964-JDL) driven by Nerbas.</p> <p>Reed observed that the container was packed differently to when he had last seen it in Canada. Reed telephoned Handlen Reed telephoned Nick Wallace the customs broker about the contents being disturbed. Nerbas conducted computer searches regarding Customs drug busts. Reed told Handlen at a meeting at Gambaros restaurant that he and Nerbas thought it unlikely that Customs would have searched the container and left the contents disturbed. Reed said that Handlen seem to accept this theory.</p> <p>According to Reed, Handlen instructed Reed and Paddison to make an inspection of the monitors.</p> <p>Reed and Nerbas arranged for a suitable rental vehicle to transport the drugs once they were unpacked.</p> <p>Reed and Paddison completed unloading. The next day they went back to the warehouse, on Reed's version, to determine whether the packages of drugs were still there.</p> <p>Reed and Paddison purchased luggage to carry the goods and purchased cleaning supplies which Paddison was observed to be carrying to the warehouse. They caught the train to the warehouse. They were under AFP surveillance. Police had installed a camera in the interior of the unit which recorded the activities inside.</p> <p>Reed said he saw Paddison look inside a monitor, shake his head and put the casing back on. Paddison's fingerprints were located on the inside of the casing of one of the</p>	



	<p>monitors Paddison gave evidence that he had assisted Reed in Vancouver to move some computer monitors, including the backs of monitors, which were stacked on pallets in a warehouse.</p> <p>Reed said that he and Paddison took the gloves off, turned the lights off, locked the storage unit and returned to the railway station (surveillance).</p>	
<b>20 September 2006</b>	<p>Handlen met with David Perry and another associate Taylor at the Jubilee Hotel (surveillance)</p>	
<b>20 September 2006</b>	<p>Reed and Paddison were arrested at the station.</p>	
<b>20 September 2006</b>	<p>Handlen arrested.</p>	
<b>20 September 2006</b>	<p>Search warrant by AFP officers at Rentaustralia offices which had been occupied by Nerbas. Files were seized and the AFP computer examiner examined the computer hard drive and located an internet search history including a number of search items including "Australian customs drug bust" on 18 September 2006.</p>	
<b>21 September 2006</b>	<p>Police searched the warehouse and seized the computer monitors. Subsequent examination for fingerprints by Gerritsen (and identification of left middle finger of Paddison [Ex 75] on inside of outer casing of Computer monitor. In one of them a packet of tablets similar though not identical to those seized from this shipment was located.</p>	

**Part II B:**

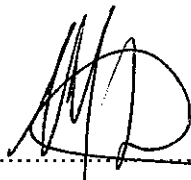
<b>DATE</b>	<b>EVENT</b>	<b>AB page reference</b>
8-9 May 2008	Pre-trial hearing.	

24 November 2008	Crown opened its case.	
25 November 2008	Application by Handlen to for discharge of Juror 7 (who knew MUA officer).	
26 November 2008	Question from the jury: <i>"Your Honour, could you please read through the charges laid against each of the defendants? Could we please have the charges printed on to a piece of paper? Can you please clarify the defendants are linked by association; do we take this into account?"</i>	
26 November 2008	Judge answered question from jury.	
29 November 2008	Question from the jury: <i>"Your Honour, can you please clarify the charge of attempting to possess and the definition of this charge as compared to possession."</i>	
2 December 2008	Judge raises issue of the meaning of 'import' with counsel.	
4 December 2008	Application on behalf of Nerbas for discharge of the jury.	
4 December 2008	Nerbas re-arraigned and pleaded guilty to counts 1, 3, 4, 5.	
5 December 2008	Application by Handlen to discharge jury – refused.	
5 December 2008	Crown case closed.	
5 December 2008	Handles elects not to give or call evidence.	
5 December 2008	Paddison elects to give evidence.	
8 December 2008	Application by Mr Mumford for leave to withdraw as Handlen's counsel.	
8 December 2008	Reasons given for refusal to grant application to discharge jury on 5/12/08.	
8 December 2008	Mr Mumford granted leave to withdraw.	
9 December 2008	Mr Richards appears for Handlen.	

9 December 2008	Application by Mr Richards on behalf of Handlen to discharge jury – refused, reasons given.	
9 December 2009	Application by Mr Richards to discharge jury refused.	
9 December 2008	Application by Mr Richards to withdraw as counsel for Handlen – granted.	
12 December 2008	Application by Handlen to recall crown witnesses - refused.	
12 December 2008	Application by Handlen to declare a mistrial on the basis of refusal to recall witnesses – refused.	
12 December 2008	Counsel for Paddison joins application for mistrial on instructions from client – refused.	
12 December 2008	Counsel opens case for defence (Paddison).	
12 December 2008	Paddison gives evidence.	
15 December 2008	Application by Mr Gundelach to withdraw as counsel for Paddison – granted.	
15 December 2008	Reasons given for rulings on 12 December 2008 in relation to refusing an application for a mistrial.	
15 December 2008	Paddison address.	
15 December 2008	Crown address.	
16 December 2008	Handlen address.	
16-17 December 2008	Judge's directions.	
17 December 2008	Jury retired 10:33am.	
18 December 2008	Verdicts 4:53pm.	
15 January 2009	Notice of Appeal filed in the Court of Appeal for Handlen.	
20 January 2009	Mentioned and adjourned.	
4 June 2009	Sentencing submissions.	

23 June 2009	Notice of Appeal filed in the Court of Appeal for Paddison.	
5 June 2009	Sentences imposed <u>Handlen Sentence:</u> Life imprisonment – non parole period of 22 years. <u>Paddison – sentence:</u> 22 years non parole 14 ½ years.	
4 – 5 August 2010	Hearing of <i>R v Handlen and Paddison</i> [2010] QCA 371.	
23 December 2010	Delivery of judgment in <i>R v Handlen and Paddison</i> [2010] QCA 371.	
23 December 2010	Delivery of order in <i>R v Handlen and Paddison</i> [2010] QCA 371.	
24 May 2011	Order granting Special Leave to Appeal for Handlen and Paddison to the High Court of Australia.	
27 May 2011	Notice of Appeal for Handlen and Paddison to the High Court of Australia.	

Dated 15 JUNE 2011



Name: Peter Davis SC