

THE DISTRICT COURT
OF NEW SOUTH WALES
CRIMINAL JURISDICTION

5 JUDGE ELLIS

PARRAMATTA: THURSDAY 23 NOVEMBER 2006

06/22/0689 - IN THE MATTER OF THE APPEAL OF JOHN WILSON

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The Appellant appeared unrepresented
Mr Ragusa for the Commonwealth Crown

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HIS HONOUR: Mr Wilson you're appearing for yourself are
you sir?

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APPELLANT: I am myself and I'm speaking my own words.

HIS HONOUR: And do you intend to do that at the appeal?
You won't have a lawyer?

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APPELLANT: No I wouldn't go anywhere a lawyer thank you.

RAGUSA: Your there's a matter that arises in this matter
in relation to the appellant's right to appeal. The
defendant was convicted in his absence after leaving the
Court part way through the hearing and under s.11(1)(a)--

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HIS HONOUR: Of which Act?

RAGUSA: The Crimes Local Courts Appeal Review--

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APPELLANT: Nothing can be decided here--

HIS HONOUR: Just wait a moment.

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APPELLANT: There are only issues before a jury.

HIS HONOUR: Just wait a moment Mr Wilson.

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APPELLANT: You have no jurisdiction to make any decision
whatsoever. I have not given my consent to be without a
jury. There is one paramount issues here--

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HIS HONOUR: Mr Wilson I said just wait one moment. You
can speak for yourself but only when I tell you to. All
right. There are rules and you will comply with them.
I'm not really--

APPELLANT: You will comply with the rules too--

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HIS HONOUR: --the best--

APPELLANT: It's called the rule of law--

HIS HONOUR: You just sit there at the moment and be quiet

and then I'll give you a chance. Now sorry, Mr Crown?

5 RAGUSA: Yes your Honour, under subsection 11(1) any
person who has been convicted or sentenced by Local Court
may appeal to the District Court against the conviction or
sentence, but subsection (1)(a) says "subsection (1) does
not apply in respect of a conviction if the person was
10 convicted in the person's absence or following the
person's plea of guilty." And this - the appellant was
convicted in his absence. He may seek leave to appeal
under s.12 but not where he's entitled to make a s.4
application.

15 HIS HONOUR: Yes. All right Mr Wilson I'll explain what's
been said then I'll allow you--

20 APPELLANT: There's no need to because there was no
conviction, there was no Court. The Court had no
jurisdiction to proceed summarily. I did not give my
consent to go without a jury. The whole issue is about
the right of Australians to trial by jury which is an
inalienable, inherited and constitutional right. No judge
can judge a person unless the person gives consent not to
25 have a jury, so it's a simple issue and--

HIS HONOUR: It is a simple issue and the simple answer is
you're wrong.

30 APPELLANT: No, well I challenge--

HIS HONOUR: The matter's been challenged. The matter's -
that very issue has been taken all the way to the High
Court.

35 APPELLANT: It's never been to a Court ever.

40 HIS HONOUR: The issue of whether you have a right to be
tried by a jury for matters of this type has in fact been
taken all the way through.

45 APPELLANT: It has never because there has never been a
Court with a jury for the jury to decide that.

HIS HONOUR: The jury doesn't decide that. That's a legal
question.

50 APPELLANT: The jury does decide - we have a democracy
here--

HIS HONOUR: Juries never decide legal questions--

55 APPELLANT: Oh yes they do. They--

HIS HONOUR: They do not.

APPELLANT: You are wrong.

HIS HONOUR: All right, let's just go back to is this your

appeal?

APPELLANT: This all goes back--

5 HIS HONOUR: Is this your appeal, you are appealing to this Court, is that correct?

APPELLANT: I've written out a basis of appeal--

10 HIS HONOUR: No is that correct, have you appealed to this Court or not?

APPELLANT: When I get a Court which is properly constituted.

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HIS HONOUR: What's the point in appealing to me if you say that I'm not properly constituted?

20 APPELLANT: Because you are trying to impose penalties on me and you've got no authority to do so.

HIS HONOUR: I'm not trying to do anything. You've lodged the appeal.

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APPELLANT: Yeah.

HIS HONOUR: It's your appeal and you come here saying I'm appealing but I'm saying you've got no jurisdiction. That seems like nonsense.

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APPELLANT: No, because a Court is a place where justice is administered--

HIS HONOUR: Well if you think that--

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APPELLANT: Let me finish, justice is the protection of rights and the punishment of wrongs. Unless a Court is protecting the people's rights, it ain't no Court. So I am trying to establish the right to the trial by jury of myself and me fellow Australians.

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HIS HONOUR: What do you want me to Mr Wilson. If I've got no jurisdiction what do you want me to do?

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APPELLANT: I want you to empanel a jury.

HIS HONOUR: Yes.

50 APPELLANT: So the right to trial by jury can be determined by a jury. It cannot be determined by a judge.

HIS HONOUR: I am not going to do that, so now what do you want me to do?

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APPELLANT: You intend to empanel a jury do you?

HIS HONOUR: I don't intend to empanel a jury. So what do you want me to do now?

APPELLANT: Well I challenge the jurisdiction of the Court.

5 HIS HONOUR: Well in that case I'll deal with the Appeal and then you can appeal against--

10 APPELLANT: No, no, when a challenge to the jurisdiction of the Court is made all proceedings must stop, until that jurisdiction is determined by a special jury. That is the law.

HIS HONOUR: Good.

15 APPELLANT: Even the Bible says that the judges must know the law.

HIS HONOUR: Yes.

20 APPELLANT: And fear God too. So unless you know the law, you are incompetent. The law says that when a challenge to the jurisdiction is made all proceedings must stop, halted, until the jurisdiction is determined by a special jury.

25 HIS HONOUR: All right.

30 APPELLANT: In other words the people will decide if the people have the right to trial by jury. It would not be done by a parliament. It would not be done by a judge. It will be done by the country. Trial by jury.

35 HIS HONOUR: All right. I note that I have no jurisdiction in this matter and the matter is taken out of the list. Thanks Mr Wilson. Thank you Mr Ragusa.

APPELLANT: I was told I'm entitled to a transcript of that illegal hearing in the Local Court.

40 HIS HONOUR: You are entitled to a transcript at a Local Court yes.

APPELLANT: You're mumbling, I can't hear.

45 HIS HONOUR: You are entitled to that yes. All you need do is to apply to the--

50 APPELLANT: I was told at the Registry that once I made that Registry application I would be getting any transcript.

HIS HONOUR: If you speak with the transcript about that, providing one's been prepared, there's no reason why you shouldn't be provided with it.

55 APPELLANT: At no cost?

HIS HONOUR: There should be no cost associated.

APPELLANT: So what will happen with that illegal judgment from that illegal Court?

5 HIS HONOUR: Well it's still there. You've said I have no jurisdiction.

APPELLANT: No, our laws say petition of right which is constitutional law, which says that--

10 HIS HONOUR: Mr Wilson--

APPELLANT: --any ..(not transcribable).. during these proceedings--

15 HIS HONOUR: Mr Wilson I am not your lawyer. You appealed to this Court--

APPELLANT: I don't want you as my lawyer--

20 HIS HONOUR: Don't interrupt me--

APPELLANT: You are on the opposition.

25 HIS HONOUR: Don't interrupt--

APPELLANT: You are trying to promote a totally illegal system, a totally corrupt system.

30 HIS HONOUR: Mr Wilson--

APPELLANT: I am here to defend my right and everybody's right, your right, your children's right, to trial by jury. We do not have a totalitarian state here. We have a democracy. We have the right to trial y jury.

35 HIS HONOUR: All right you've told me that. Are you finished?

40 APPELLANT: No, there's a long way to go yet.

HIS HONOUR: Off you go then. You've indicated I have no jurisdiction, so there's nothing I can do or say for you--

45 APPELLANT: I'm challenging your jurisdiction--

HIS HONOUR: Don't interrupt me. I don't have any more time to give to you because there are other people who are waiting.

50 APPELLANT: And they should know their rights too. Everybody should know--

HIS HONOUR: I'm sure they do.

55 APPELLANT: --that they have the right to trial by jury--

HIS HONOUR: Mr Wilson you can leave now unless you want me to have you removed.

APPELLANT: --you must give your consent not to have a trial by jury.

5 HIS HONOUR: Unless you want me to have you removed you can make your own way to the back door.

APPELLANT: I'm sure you will remove me because you don't like the truth no.

10 HIS HONOUR: You've told everybody so off you go now. You've done it. They're not silly. They heard you the first time. You can go out and tell everybody outside now.

15 APPELLANT: I'll tell everybody I can, internet, everybody.

HIS HONOUR: That's fine. I've given you the order you wanted so you can leave now.

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ADJOURNED

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