

SUPREME COURT OF QUEENSLAND

CRIMINAL JURISDICTION

ATKINSON J

Indictment No 139 of 2016

THE QUEEN

v.

OMAR SUCCARIEH

BRISBANE

12.08 PM, TUESDAY, 26 JULY 2016

RULING

RESTRICTED ACCESS TRANSCRIPT

HER HONOUR: The defence has applied for the exclusion of a conversation between the defendant, his mother, his brother, and the defendant's wife, which took place when he was in prison on 27 January 2015. The Crown seeks to lead it as evidence which suggests that the defendant was asking for evidence to be
5 manufactured and, therefore, could constitute an admission or consciousness of guilt.

The defence's primary submission is that the evidence, which is sought to be led, is not capable of permitting the conclusion the defendant was asking for evidence to be manufactured and, because of that, it was not capable of amounting to admission and
10 not capable of amounting to a lie showing consciousness of guilt.

I do not agree with that defence submission. In my view, the evidence as led, particularly when listened to, is capable of permitting the conclusion that the defendant was asking for evidence of his brother Abraham working for an aid
15 organisation to be manufactured. Whether or not that is what the defendant meant is inevitably a jury question, but it is capable of bearing that meaning. Accordingly, it is not inadmissible.
