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cc

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Subject Submissin to Inquiry Crimes Act (Mental Unfitness)

SUBMISSION TO VICTORIA LAW REFORM INQUIRY INTO

CRIMINAL LAW (Mental Unfitness to Plead)

From: Patricia Farnell,, [REDACTED]

This submission focusses on the Discussion as it relates to Expert evidence.

I do not have broad knowledge in relation to this inquiry. On the other hand, my observations relating to "Expert Evidence" might be of relevance to the overall discussions and outcome. Also my personal experience of being falsely claimed as "paranoid and delusional" and "mentally ill" even when violence and threats were directed towards me.

Experts on which the Court relies frequently contradict each other and give "Expert" evidence without ensuring they have the full facts. Whereas they, experts, are prepared to say a person is mentally unfit, they seem reluctant to confirm they are not – this is almost certainly because in some cases the fact is they do not really know either way.

My personal experience is that neither lawyers nor judges receive adequate training in analysing and assessing expert evidence and it is sometimes taken out of context with other evidence. More particularly as it relates to this inquiry into mental fitness to plead is the acknowledged difficulty that Experts have in many cases of diagnosing paranoia and delusions and the ease with which it can be faked. Particularly relevant to this inquiry the current process, if I have understood correctly*, where those "proved" to be mentally unfit to plead" are discharged (into the community?) would, I believe give defendants a strong reason for faking mental illness. Clearly a less attractive option needs to be substituted urgently.

. *le **Its too easy to fake and to pull the wool over the eyes of the Court with "Expert" evidence.***

There have been improvements in the handling of expert evidence in recent times, arising from inquiries into the problems with "Expert" evidence, the most recent findings probably being those of [REDACTED] (though I do not agree with his views on DNA as evidence).

Lawyers, as well as Judges surely have a responsibility to seek out all the other relevant witnesses and evidence that proves or disproves the "Expert" evidence, e.g. motive, pre crime signs and relevant witnesses, lying and otherwise that a person is mentally unfit. This is what presents such a danger to the public safety when expert evidence is heavily relied on to the exclusion of all else – especially in view of the strange way some judges seem to make totally unfounded assumptions not supported by obvious facts and the whole system seems geared to assisting criminals rather than victims.

In regards to diagnosis, my understanding from psychiatrists and psychologists is that in the case of people claimed to be "paranoid and delusional" that its easy to fake and that it is also impossible for them to actually diagnose except in extreme cases ie when its too late. They, psychiatrists and psychologists, are reluctant, if not totally unwilling, to claim a person is "not" paranoid and delusional, thus giving the defence a huge and potentially dangerous advantage.

As a cautionary tale, I would also briefly like to point to what happened in my own case. Although it began in 1998, it is just as relevant today and in particular to this inquiry. It gives an indication of the extent of the serious harm and danger to society that occurs when a false claim is made about a person's mental state and the political indifference that trivialises it. (ie the real criminals continue on

their merry way) when a person is claimed to be "paranoid and delusional" and the claim is accepted as true without any supporting evidence. I understand this claim was made in some instances where victims tried to expose paedophilia, corruption, police bashings etc and is claimed by police at times when they don't want to investigate for one reason or another as in my case. . .

At any given moment, there is a sort of all pervading orthodoxy, a general tacit agreement not to discuss large and uncomfortable facts..... Anyone who challenges the prevailing orthodoxy finds himself silenced with surprising effectiveness." George Orwell

In 1999 I was bashed by [REDACTED] the father of my daughter [REDACTED] and received assistance from Victims of Crime. I was suicidal resulting from the terrible loss of my farm as a result of corrupt DNA tests and the destruction of the lives of my daughter and I after she had become the victim of a schizophrenic stalker (the original reason for me seeking her father's help)

I've been involved in science ethics for over 60 years for one reason and another so was able to fairly quickly establish by way of significant research, ethical scientists and evidence there was corruption and collusion in the DNA testing industry. This including meeting up with other victims and putting the facts together, and closely scrutinizing the "expert" evidence including with the aid of ethical "Expert" scientists such as [REDACTED].

The original investigating police officers who I was referred to by less senior country police who knew me and believed me, were [REDACTED] and [REDACTED] at [REDACTED]. [REDACTED] claimed to Victims of Crime the reason they did not investigate my claim was that I was "paranoid and delusional" though [REDACTED] had said to me privately "we don't dob in our mates at the police lab". Had the evidence been properly investigated at the time it would have saved a lot of suffering for other women and put DNA tests in immigration issues under more scrutiny.. A huge cost saving also to the public. Instead things have in fact got worse [REDACTED] false claim was accepted by the case worker without any examination of the facts. Her treatment of me at a time when my life had been so absolutely destroyed is beyond belief and was the subject of a complaint to the then head of Victims of Crime Service, [REDACTED].

Fortunately, the caseworker sought out an alternative psychologist, believing the first one, who was saying I was not mentally ill, was wrong. This second psychologist was [REDACTED] who has always recognized the truth ie that I am not. Feel free to contact [REDACTED] as he probably has a record of these events and is certainly very familiar with the devastating consequences..

Since that time I have been bashed on two other occasions, been in various threatening situations where police have attended, and I have from time to time felt extremely threatened by the strong and sinister motive my daughter's [REDACTED] father had for getting my daughter and I out of his life by ensuring DNA test results were false. They, police, continue to this day to refuse to do anything about violence against me and claim to assailants etc that they shouldn't go near me, that I am the problem because I am "paranoid and delusional" "mentally ill" etc. virtually blaming me rather than the guilty party. Having moved back to the area where these events took place, suffering from increasing age, poverty and recurring cancer, I still have a fear of this lack of police support when I am in danger of violence .

Now, to bring you to the relevance or otherwise of this and of expert evidence in relation to mentally unfit to plead. When I first went to a Community Legal Centre seeking assistance to try to get confirmatory DNA testing by [REDACTED] at the lab known to be honest, [REDACTED], (where several women had already been able to get opposing (positive) paternity test results, they actually rang [REDACTED] who apparently made the same claim, so the lawyer said I would have to see their psychologist.

At this one and only first visit, the psychologist, after I had said that there was corruption and collusion in the DNA testing industry and that the police were covering up, claiming I was mentally ill, he too claimed to the legal center that I was delusional so they refused to take the case on. No interview or questions or evidence were examined.

The serious consequences of this false diagnosis of other women who say police claimed they were delusional as well as my daughter and myself are far more extensive than is realised because had the facts been investigated at the time, or even better understood after various inquiries, the problems and therefore the real solutions in the legal profession, courts and especially the DNA testing industry would

have been better understood, the collusion and coverup would have been nipped in the bud, or at least minimized.

As it is lack of genuine investigation as to if I was "mentally ill" even though there are cases where opposing results have been obtained, ensures ignorance indifference and injustice prevail in criminal matters as well as paternity issues. There have been at least three secret inquiries relating to the police lab. – yet I have never been interviewed and in fact, when I wrote to the then Commissioner, ██████ seeking a joint eyeball to eyeball meeting with the police and police lab scientist making misleading claims including on oath, the response was threats of legal action!

Corruption is a lot like cancer, the links are hidden and one never knows where they lead – in the case of expert evidence –it eats into the very heart of the justice system, yet there is a naive belief that none exists.

That Experts are contradicting each other and that police as well as the police lab are covering up the problems in the testing industry, including deliberate fudging and error, would be obvious if there were not such ignorance and inability to ask "why" in even proven cases such as convicted murderer Lloyd Clark Fletcher see www.democraticjustice.org "Cases" – where the problem was that "Experts" *rightly* claimed there was no error in a negative DNA test result but after two more rapes and murders, further DNA tests proved the wrong sample had been tested originally. The relevance to this inquiry being the dangers of relying on the Experts without taking everything else into consideration.

After the Black Saturday fires when I was once again homeless due to the huge rise in rents in this area, I became extremely depressed and suicidal. I tried another psychologist nearer where I reluctantly moved to in Gippsland. He too, for reasons which escape me, decided I was paranoid and delusional. Luckily at the time my doctor at Eltham ██████ was able to get funding for ██████ renewed.

After I moved back to Hurstbridge after a long period of homelessness, difficulty and illhealth, at first I worried quite a lot about the behavior of the police when Ive been bashed etc. before and believed there must be something on a "secret" file that claims I am paranoid and delusional even though a top psychiatrist, ██████, spoke direct with the police to say I am not. With the intention of making one final attempt to get justice via the Court, having been utterly failed by the justice system, and more recently the government over claims we would be having a functional, transparent Crimes & Corruption process, I have written to the psychiatrist concerned, ██████, (Encl.1) asking him if he would put the events surrounding false claims I am mentally ill by the police in writing. But I had tried to get other psychiatrists to put in writing that I am not paranoid and delusional before now because of concerns I may be declared a "vexatious witness".** This is partly how I know how unwilling they are to say a person "isn't" mentally ill, even though there is considerable support for the fact I am not.

I hope the foregoing is of assistance in relation to your deliberations on this serious issue and emphatically support the view that an effective deterrent should replace discharge where a person is deemed to be unfit to plead. .

Respectfully, Patti Farnell

**I found this information on the Commission's website so extraordinarily naive as well as the danger to the public that even after reading it several times I'm unsure if I've understood the existing law and process!*

*** After belatedly realising the solicitor appointed by ██████ (Farnell vs Penhalluriack SCVIC2004-2010) had withheld significant scientific evidence and other facts due to a serious conflict of interest I sought to file this evidence in an attempt to avoid the Order made against me for \$16,0000 security bond that prevented me from an Appeal Hearing. I have never understood why in the circumstances the Court refused to allow me to file the material in what was a public interest case with very serious consequences to the justice system generally and I am concerned it may happen again if and when I try to get a new Hearing.*

Attached is my recent letter to ██████ psychiatrist illustrating the difficulty of removing false diagnosis

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

In the hope you will respond to this request at your very earliest convenience, I am writing to ask if you recall a particular incident some years ago when you were telephoned by a police officer, [REDACTED], at [REDACTED]. You were asked if I was mentally ill (paranoid and delusional). It is extremely relevant to the current desperate situation I am in.

I have pursued justice for my daughter and I for many years and in many ways, including involvement in a current law reform inquiry which could enable me to make a new application to the Court. I believe you will understand the difficulties this will still present if you are aware of the legislation relating to "Vexatious Litigants" and that other victims as well as I trying to get justice have had this problem ie being declared vexatious. This is why I am hoping you recall the event.

I've been advised to make an application to F.O.I.as regards ongoing police issues but need your support as regards this incident because it confirms my claim that police are perpetuating the myth I am mentally ill - I have been told this is a large part of the difficulty in pursuing my claim because of how it is damaging my credibility and stops anyone looking any further.

I cannot seem to make myself heard in raising concerns that DNA tests conducted under outmoded methods and inadequate safeguards were tampered with in other cases as well as my own. . The injustice absolutely wiped out everything that matters to me, including my credibility and loss of my farm. I have struggled to survive financially and have faced homelessness, violence and other stressful situations connected on several occasions. Recently I moved into the above Ministry of Housing Unit (the pits) only to find I had recurring cancer. This has exacerbated my anxiety to get justice for others as well as myself. (www.democraticjustice.org)and previously www.cute.com.au/dna)

The circumstances around the phone call to you were that the police officer who rang you was on another line to the [REDACTED] [REDACTED] had asked me "what happened about the investigation into your claims" because [REDACTED] had been the original ones I reported insider tampering with DNA tests . They had to pass it to Regional command (ie [REDACTED] [REDACTED]). He, [REDACTED] had made this false claim to the Ombudsman, Victims of Crime and anyone who queried lack of investigation as the reason my claims were never investigated. It dogs me because of the obvious question of why police and Ombudsman etc refuse to look any further even though there is substantial evidence of my claims. I cannot get past first base without your help even though I am hoping the law will soon be changed in line with other States. .

Other police over the years as well as [REDACTED] continue to claim I am mentally ill, paranoid and delusional, long after you told [REDACTED] I am not and it was suggested to me by the FOI Commissioner that I try to get some evidence of police making this claim before applying to them to confirm if it is actually on police files (which I suspect due to a number of incidents as well as the outcome of the Court).

By way of this letter feel free to speak with the police mentioned if still available and or [REDACTED], my long time physician, or [REDACTED], an equally long term psychologist. This latter is more aware than most of how difficult things are for me and why I need to get the issues resolved.

Clearly it would be especially helpful if you can confirm the incident as you recall it at the time in writing. (including your response – ie that I was determined “obsessed” with trying to get justice”. !) alternatively, and with your verbal confirmation you recall the incident , I can just refer to you in my request to FOI when pointing out the incident. My belief is that it will ensure the case does not have to proceed through the Court if I can get this first link in the Chain of evidence to overcome the coverup by Senior Police of what are of course extremely serious issues.

Needless to say if you wish to have a further meeting before responding I can come down to Gippsland to answer any questions or for further clarification or just phone me at the above...

Respectfully,
Patti Farnell .

Cc. [REDACTED]
[REDACTED]
[REDACTED]