

# Groundbreaking series **ON TRIAL**



**FIVE-PART DOCUMENTARY SERIES**  
**STARTS ON THURSDAY, JUNE 2 AT 8.30PM**  
**ON ABC1**

# ON TRIAL

**ON TRIAL** is a groundbreaking five-part documentary series featuring unprecedented access to major criminal trials in Australian courts. For the first time cameras have been granted full access to the Supreme Court of Western Australia and the District Court of NSW where criminal cases are dealt with before judge and jury. The series features a murder trial, a major assault, and a robbery and assault trial..

**ON TRIAL** takes viewers behind-the-scenes as they observe the emotional and legal journeys of the accused. Each case provides key insights into often controversial legal processes, our adversarial legal system, and the day-to-day operation of our courts.

**ON TRIAL** charts the stories of both prosecution and defence as they undertake pre-trial preparations in the tense build-up before going to court. The series covers the process of selecting juries, opening addresses, examination of witnesses, cross-examination and the summing-up to juries and, if found guilty, sentencing. As well as charting the legal journey, the series traces the intimate emotional stories of the characters through observational coverage outside the court. The result is powerful documentary drama.

Produced by Ian Collie and Michael Cordell, the team responsible for **A Case for the Coroner**, **DIY Law**, and **Suspicious Minds**, **ON TRIAL** is another compelling courtroom series that provides a rare insight into the criminal justice system and how people react under pressure.

Production credits:

Produced by Ian Collie and Michael Cordell. Directed by Susan Lambert and Michael Cordell.

For further information contact Kim Bassett on 03 9524 2580 or [bassett.kim@abc.net.au](mailto:bassett.kim@abc.net.au). For images visit [www.abc.net.au/tvpublicity](http://www.abc.net.au/tvpublicity). Available on iView



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## Background Information

Every year thousands of criminal cases are heard before Supreme, District or County courts throughout Australia. These courts are awash with troubled humanity. In the criminal jurisdiction matters can range from unlawful killings like murder and manslaughter to drug offences, armed robbery, sexual assault, white-collar crime, assault with grievous bodily harm and domestic violence. Australian Federal Police drug cases and breaches of anti-terrorism legislation are also heard in the District Court.

The District Court of New South Wales, for example, hears about 80 matters a month although half of these are not billed or a guilty plea is entered. Generally a case will take about four months from committal to commencement of trial. Of the matters that proceed to trial (the average length of a trial is two weeks) only a small percentage are appealed. An appeal takes about two-four months to be heard by the Court of Criminal Appeal, and most appeals tend to be about sentencing.





## **Episode 1 - *Proof or Truth?* (Part 1)**

### **Screens on Thursday, June 2 at 8.30pm, ABC1**

Jason Courtney, a 33-year-old sheet metal worker from Western Sydney, is accused of holding a pistol to a man's head and threatening to shoot him. The stakes are high for Courtney. He could spend the next 14 years behind bars if he is found guilty.

When Jason Courtney first takes the stand in the District Court of NSW he pleads 'not guilty' to three separate firearm charges relating to the incident. So begins a fascinating criminal trial and a unique insight into the workings of Australia's legal system. *ON TRIAL - Proof or Truth?* follows the defence and prosecution teams as they line up against each other at the courtroom bar table. Peter Lavac, colourful defence barrister for Jason Courtney, puts the contest in blunt terms: "It's adversarial. It's a fight to the death."

The trial is heard before Judge Mark Marien S.C. who describes his role as that of an 'umpire' ensuring the contest is fair and held within long established rules. According to Crown Prosecutor Tim Macintosh, "It's a play between proof and truth - it's a particularly well observed game to protect the accused."

After the jury of 12 men and women is selected, the Crown outlines what appears a solid case against Jason Courtney. But when Peter Lavac begins his defence address his mission to cast seeds of doubt in the minds of the jury begins with a startling claim that Jason Courtney was not the aggressor, but the victim.

Difficulties facing the prosecution become apparent when no evidence can be admitted that a shot was actually fired. To make matters worse the defence then attempts to have *all* evidence surrounding the pistol omitted from the trial claiming that blood on the gun was contaminated in the evidence bag and came from another source.

Amidst these legal challenges the prosecution then suffers another damaging blow. After Jason Courtney claims in the witness stand that he has never used or held a gun the prosecution attempts to introduce an old photo of Courtney. It clearly shows him showing off a pistol and appearing in a violent manner. But the prosecution fails to surmount the complicated legalities of introducing the evidence and the jury never sees the photo. In a withering criticism in the absence of the jury Judge Marien says, "You had it (the opportunity) in your hand."

After attempts to have the jury dismissed the two legal teams prepare for the crucial closing addresses. Will the prosecution prove its case beyond reasonable doubt? Will the defence keep their man out of prison? In the words of defence counsel: "It's incredibly stressful at times because you have a person's liberty at stake."

## **Episode 2 – *Where the Truth Lies* (Part 2)**

### **Screens on Thursday, June 9 at 8.30pm, ABC1**



In the criminal trial of Jason Courtney it's the last chance for the defence team to cast doubt in the minds of the jury and keep their client out of prison. Accused of holding a pistol to a man's head and threatening to shoot him, Jason Courtney could face 14 years in jail if found guilty on three separate charges. With closing addresses about to begin, the last battle between the two legal teams is being waged.

Defence barrister Peter Lavac launches into an eight-hour speech that attempts to bring all the evidence together and create serious doubt in the minds of the jury. "The prosecution's case is like a ship," says Lavac in theatrical style. "From the waterline up it looks impressive. But I will show you how this ship cannot possibly remain afloat."

Lavac outlines what he argues are key holes in the prosecution case. Then, half-way through the defence closing address there is suddenly a major problem with Courtney's appearance. When one juror makes an inappropriate remark, the defence team argue that the jury should now be dismissed, having formed a negative view of their client over an incident irrelevant to the case itself. The application is dismissed and the trial continues.

After 13 days of evidence Judge Marien gives final directions to the jury. They have "a grave and important public duty". At stake is a man's liberty and a possible 14-year jail sentence. As the jury retires and the legal teams wait in chambers no-one is prepared for the dramatic turn of events that transpire before a verdict is finally handed down.

Defence barrister Peter Lavac believes the jury has split into two camps. After seeking directions from the judge on the meaning of 'reasonable doubt' and being directed to make a majority decision, the jury finally returns. After scores of days in court and tens of thousands of dollars in legal fees, the legal process finally arrives at a result. Justice is served. Or is it?

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## **Episode 3 – *A Brutal Killing* (Part 1)**

**Screens on Thursday, June 16 at 8.30pm, ABC1**

**\*Please note: An appeal of the Evans trial is pending, due to be heard on May 24, 2011. If the Court of Appeal orders a re-trial, the ABC may exercise its discretion not to broadcast Episodes 3 and 4 of the series in Western Australia and publishers should seek independent advice regarding publication of the trial details.**

Anthony Evans, a 34-year-old mechanic, is accused of murdering his girlfriend, Alana Dakin. The producers have been given unprecedented access to film the controversial case in the Supreme Court of Western Australia. This is the first murder trial filmed in Australian history.

***A Brutal Killing*** is the first episode in the two-part story chronicling the gruesome killing and the battle to prove Evans' guilt or innocence.

## **Episode 4 – *A Difference of Opinion* (Part 2)**

**Screens on Thursday, June 23 at 8.30pm, ABC1**

**\*Please note: An appeal of the Evans trial is pending, due to be heard on May 24, 2011. If the Court of Appeal orders a re-trial, the ABC may exercise its discretion not to broadcast Episodes 3 and 4 of the series in Western Australia and publishers should seek independent advice regarding publication of the trial details.**

The murder trial continues into the brutal killing of Alana Dakin and the defence case begins. Will they convince the jury that Anthony Evans was of unsound mind at the time of the murder, or that he was somehow provoked?

## **Episode 5 – *DNA...DNA***

**Screens on Thursday, June 30 at 8.30pm, ABC1**

DNA evidence has become one of the most potent weapons in the armory of law enforcement. But will DNA evidence convict a young man of robbing and assaulting an elderly taxi driver?



## **Producers' Statement – Michael Cordell and Ian Collie**

Ian and I have made a series of documentaries on the Australian legal system over the last decade or more. We regard legal programming as one of the last frontiers of factual television in Australia. To get to the point where we have now filmed the first murder trial in Australian history illustrates how far we have come. It would be difficult to overstate the difficulties we have encountered securing access to the courts and negotiating the myriad permissions from scores of different parties.

We have been motivated on this long journey by two things: firstly, we believe there is a fundamental inconsistency in the public's right to observe the justice system in motion. We can walk into a courtroom with pen and paper to watch proceedings with great freedom. But as soon as a camera is involved the doors shut down. Surely if a fundamental pillar of our justice system is that justice should be seen to be done then allowing the electronic media into the courts should be a fundamental right. Secondly, we are motivated as simple storytellers. There are few places where human drama plays out with as much intrigue as a courtroom. Here all our faults, foibles, misdemeanours and crimes are on display for the world to see. How society deals with these and dispenses justice is a fundamental measure of civilised society. We hope this series is the forerunner to many more on the operation of our courts.

## **Director's Statement – Susan Lambert**

I have always loved watching courtroom dramas and reading crime, so this series was the perfect match for me. I had previously written and directed the series *DIY Law* with producer Ian Collie for ABC TV, so doing *ON TRIAL* was a natural progression. *DIY Law* was ground-breaking because we filmed in the Family Court for the first time ever. This time, filming *ON TRIAL* in the District Court of NSW, a criminal court, was a major challenge since it also had never been done before. The first challenge was getting a trial at all since it required most of the participants to agree and it had to be an interesting trial. When we finally cracked one, we had to start filming the next day. I had to trust my instincts that it would be a good trial but had no idea how long it would go for, how much access I could get to the main legal teams and whether or not it would have a dramatic turn of events.

The structure of a trial, with the suspense of having a verdict at the end, is a narrative gift for a director, but a gift which could have fallen over at any moment – due to loss of access or a plea of guilty and many other things – so staying alive to what was happening in the moment plus ensuring that I had the material to tell a story, was a juggling act most of the time. But most interesting for me was having entree into the world of the law, and the opportunity to create a series that gives an insight to that world and how it works. For me, that's the achievement of this series.