

Context of Mr Phuong Ngo Case

Mr Phuong Ngo has been in jail for nearly 25 years for the murder of John Newman, his political rival, which he still denies. The verdict is considered unsafe by Ngo supporters despite multiple trials. He was the main suspect from the outset and was named by Mr Ken Chapman who was a Newman supporter. Anonymous 'Bob' gave a detailed account of the murder six weeks after the event, but never appeared in court.

Ngo was convicted in his third trial under Justice John Dunford with a life sentence. He was compelled by the law to do so but regretted that he was unable to give a long sentence with an ultimate parole period and accepted his good behaviour and community work.

Justice Wood in an earlier trial decided that only if the shooter was convicted should others involved be prosecuted. This was not done, and Phuong Ngo was convicted of murder by joint enterprise. No others who were charged were convicted. Justice John Dunford's stated belief was that the crime was motivated by naked political ambition and impatience. This belief is hard to reconcile with the evidence given by Mr Della Bosca, Mr Graham Richardson and Ms Reba Meagher. The evidence is conflicted with dispute over the meaning of the word "next" and Ms Meagher giving evidence that differed from that of Mr Della Bosca. If the evidence of Ms Reba Meagher is correct, Judge Dunford's belief in motivation is wrong.

Justice David Patten conducted a judicial inquiry confirming the verdict of Justice John Dunford and with scathing comments about the rudeness and unreliability of Phuong supporters but did not question the two crown witnesses.

Justice Patten was severely criticised by three Supreme Court appeal judges in a separate hearing three weeks after the Phuong Ngo decision, stating Justice Patten showed failure to understand the significance of some crucial evidence and failed to engage in intellectual analysis of the evidence.

A large number of some 50 New South Wales police, headed by detective Nicholas Kaldas were involved with task force GAP and the New South Wales Crime Commission, which had draconian powers. Kaldas was involved in a 10 year dispute with his fellow deputy police commissioner requiring the intervention of the ombudsman and the police integrity commissioner.

Kaldas neglected to provide one of three reports of interviews with Mr Della Bosca.

The NSW police reputation at that time was bad, with an ABC interview claiming every police commissioner since the last war was corrupt until the advent of Commissioners Lauer and Avery.

Mark Standen was an independent witness in an interview with Phuong Ngo, and is currently serving a long sentence for drug importation and conspiracy after reaching high office in the Crime Commission, and his record scarcely inspires confidence.

The Crown Prosecutor Mr Mark Tedeschi was insouciant when two of his prosecution witnesses were shown to be liars in a separate court case. His successful prosecution of Mr Gordon Wood, over a suspected murder at the Watson's Bay Gap, was overturned on appeal and his attitude could not be described as objective in the Phuong Ngo case.

The New South Wales Labour party initially elevated Phuong Ngo to star status for fundraising and party recruitment. However, he was dropped like a hot cake when charges were made against him.

John Newman had questionable friends and was described by one staff member as "the closest thing to the devil I know" and "an evil man".

The 16 person sentencing Council was established by Mr Bob Debus in 2003 to protect the Labour Party electorally from media and opposition of criticism that it was soft on crime. But the 'life means life' sentencing (1996 s.431B was inserted into the Crimes Act) may conflict with UN recommendations. NSW is the only state with this legislation. The New South Wales sentencing Council of 16 was chaired by Justice Peter McClellan, who had previously refused the right to appeal by Mr Phuong Ngo. The Council in recent years approved the current legislation and Justice McClellan must accept responsibility for this continuing.

The UK, Scotland, Norway and New Zealand all have a review mechanism which is explained in detail by Professor Graham Zellick, who chaired the UK Criminal Case Review Committee for 5 years and was Vice-Chancellor of the University of London. He warmly endorses the concept of a review mechanism which could easily be adopted by New South Wales.

A letter to Mr Mark Speakman MP, a previous Attorney General of New South Wales, about long-term sentencing principles, received a bucket of white-wash by delegating a reply to an anonymous subcommittee, who answered none of the questions asked.

Police, politicians, the judiciary and the media are jointly responsible for the present situation which stains the New South Wales justice system – which urgently required a criminal case review committee. Phuong Ngo deserves a Governor's Pardon.