

Sentencing Summary

This is a summary of the sentencing transcript, dated 3rd May, 2007 of Judge Finnane, District Court of NSW Criminal Jurisdiction, Darlinghurst; in the case of Regina versus Dirk Nierop involving Shane Bullock of Narrabeen.

In Judge Finnane's sentencing speech, he told the court that Mr. Bullock and his wife, Schye Bullock, were intoxicated when they arrived at the Surf Rock Hotel in the evening.

It was acknowledged by Judge Finnane that Mrs. Bullock began arguing with other women upstairs and that "Evidence establishes that Mrs Bullock has frequently been escorted out of this place and of other places". Club CCTV footage shows Mr. Nierop escorting Mrs. Bullock from the dance floor area without using any force.

Judge Finnane said "I am satisfied that at the relevant times, Mr Nierop did not have his hands on Mrs Bullock.", noting that Mr. Bullock both approached and made contact with Mr. Nierop's body, and "demanded in strong language that Mr. Nierop take his hands off his wife".

Judge Finnane noted that Mr. Nierop and other security guards attempted to persuade Mr. Bullock to leave the club without using physical force, but Mr. Bullock refused and attempted to make it "as difficult as possible", opting to engage in a "physical argument".

Judge Finnane stated that he was "satisfied beyond reasonable doubt that he (Mr. Bullock) struck at Mr Nierop, flailed around with his arms and attempted to make it as difficult as possible for them (Security) to restrain him."

He acknowledged that Security at the premises "were under an obligation to remove him (Mr. Bullock) from the premises in view of the way in which he was going on"; Judge Finnane said "They were doing no more than their duty."

Judge Finnane told the court, "I am satisfied beyond reasonable doubt that he (Mr. Bullock) struck Mr Nierop on the jaw and caused him some harm."

Judge Finnane said that when a barman came to help, "Mr. Bullock and the barman became somehow tangled with one another and fell or tripped down the stairs". "Mr. Bullock struck his head against a large jar on the landing". Mr. Bullock was found to "suffer from a broken nose and broken eye socket. It is clear to me ... that he suffered those injuries as a result of his striking that heavy object, which was full of dirt and apparently a small tree of some kind."

Judge Finnane said his opinion was based on the court proceedings which included the testimony of witnesses, doctors and police, video recordings and photographs.

He said the jury, by its verdict, agreed with his opinion. "Their verdict is consistent with injuries having been caused in that way and is inconsistent with Mr Nierop having done anything to cause any injuries to his nose or eye socket.

"I make this plain because there was some press coverage of the matter which suggested that Mr Bullock was the victim of a violent and vicious assault in which his nose and eye socket were broken. That is just not so."

Judge Finnane said security guards exchanged punches with Bullock and his group then "Mr Nierop's punches rendered him temporarily unconscious." The other guards then removed Bullock from the club. "There is no doubt that the effect of the blows struck by Mr. Nierop did not have any serious consequences for him at all."

Judge Finnane dismissed the offence and said Mr Nierop did not have a conviction, adding "I think it was most unfortunate he was brought before this court."