



NSW Ombudsman

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**Our reference:** C/2006/5002  
R/2007/106

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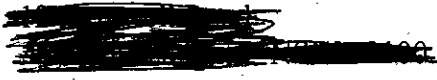
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ABN 76 325 886 267

30 April 2007

Mr Dirk Nierop  


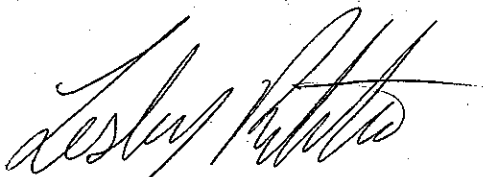
Dear Mr Nierop

**Your complaint(s) about the NSW Police Force**

Thank you for your recent undated letter, which we received on 26 April 2007, regarding your complaint about the NSW Police Force.

This office is assessing the issues raised in your letter and we will advise you of the result of our assessment as soon as possible.

Yours sincerely



**Executive Assistant  
for the Assistant Ombudsman (Police)**



**Our ref:** C/2006/5002 – R/2007/106

**Enq:** Mr Kimber Swan – 9286-1034

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Mr Dirk Nierop  


Dear Mr Nierop

### Your complaints about police

I refer to this office's letter of 30 April 2007, advising you that we are reviewing this matter in light of the issues raised in your recent (undated) letter, received here on 26 April.

I also acknowledge receipt of your letter of 4 May 2007.

To assist us in reviewing this matter, I would appreciate it if you would provide me with the following further information:

1. You have said in your letter of 4 May that you will forward us the transcript of the remarks of the sentencing judge, Judge Finnane. Have you applied for and/or obtained a copy of the transcript of the Judge's decision? Please send me the copy transcript as soon as possible.
2. In your letter of 26 April, you have referred to the transcript of the trial itself. Do you have a copy of that transcript? If so, I would appreciate it if you would provide me with a copy of the transcript as soon as possible.
3. In point 1 of your letter of 26 April (and in previous correspondence), you have referred to the evidence of "the barman". What is the name of the barman? Did you call him to give evidence in support of your defence at the trial?
4. In point 3 of your letter, you refer to five other security officers who, you say, all saw the unprovoked attack on you by Shane Bullock. What are the names of all these security officers (you referred to three of them as "George", "Richard" and "Les" in one of the documents that you provided to us and Inspector Bell)? Did you call them to give evidence in support of your defence at the trial?
5. In point 8 of your letter, you refer to your "only independent witness". I understand from other correspondence that you sent to this office that this witness was Todd Reeves. I also understand from your letter of 26 April that Mr Reeves did give evidence at the trial. Please confirm (or otherwise) that my understanding is correct. Also, did you call Mr Reeves to give evidence in support of your defence at the trial?

6. You have also said in your letter of 26 April that "I doubt that you are aware that Detective Hennessey was as close as you can get to going to jail for attempting to pervert the course of justice. The Judge carefully considered whether or not to refer the matter to the Supreme Court". I would appreciate it if you would provide me with more details of this alleged "attempt to pervert the course of justice" by Detective Hennessey, and more details of how Judge Finnane dealt with the matter – preferably by providing a copy of the relevant part(s) of the trial transcript.

I look forward to receiving the information requested above, to assist us in completing our review of this matter.

Yours sincerely



14.5.07

Kimber Swan  
Senior Investigation Officer (Legal)  
for the Ombudsman

19.05.07

Dear M&S Swan

Thank you for your most appropriate response. It sure has been a long time coming, but I appreciate very much all the same.

I will attempt to answer your questions point by point

1)-Yes I have applied for Juge Finnane's closing/sentencing remarks. As he has gone on holiday for 4 months, and he has to check them before they are released, the prosecutor's shorthand should suffice until he returns and rubber stamps them. I am assuming that you are able to liaise with the district court and the DPP to require these documents.

2)-Regarding the main transcript, I have approached the district court and they advise me that at \$8.00 a page, a 1473 page transcript will cost me \$11,784.00. However, as I have been completely bankrupted by my false arrest, the officer in charge said I may make an application on the grounds of hardship. I will be applying in the very near future but can't guarantee success. My Barrister has a copy but there is a further complication, some of the proceedings were held in a closed court due to the highly sensitive nature of my attacker's occupation, an elite- T.A.G. East, anti terrorist commando. At times there were up to 3 Commonwealth barristers accompanying the prosecution while Shane Bullock was on the stand in case questions of national security were brought up. After these pages are methodically weeded out, channel sevens "Today Tonight" has been promised an examination as they are first investigating, and then running a story on how an innocent mans life has been torn to shreds due to the blatant actions of corrupt officials. However, once they have finished with it I will happily forward it on to you, however, as with the sentencing transcript, I am just a little puzzled why you are asking me for such expensive material when it must be just a matter of requesting the transcripts from one government department to the other. Especially when the Attorney Generals Department, who has been instructed by the Premier himself to make available all government departments so that a co-ordinated response to my many complaints can be made. I can assure you that the Director General or the representative of the Cabinet Office will instruct the DPP or the district court to make available what you need immediately.

3)-The barman's name is Troy Guilfoyle. Yes he gave evidence at my trial. He stated on the stand that he had told police on the night that he had witnessed me being assaulted by Shane with a king hit and that Shane was assaulting him when I came to his rescue. He stated on the stand that he told a male and female uniformed officer of these facts. He also stated that Shane rugby tackled him down the stairs and that Shane's face hit the pot plant and his face had blood on it from striking the vase before I struck Shane. Even Shane's working colleague, Drew Mitchell, testified that he saw Shane's head hit the pot plant before I came on the scene. In fact, he didn't even see any punches thrown at all. That I had to "call him to give evidence" at all shows the complete lack of impartiality, even to the point of perverting the course of justice, of the investigating officers. They simply did not like what he said, did not right any thing down, and completely ignored him.

4)-The names of the 5 security officers that I was working with that evening were  
Richard Bennett

George Vuki

Les Hill

Shane Macquire

Phil Purcell

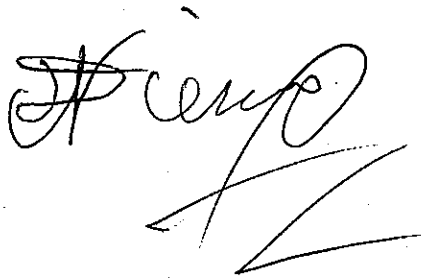
Yes, all 5 officers gave evidence at my trial. Only the top 3 saw Shane king hit me. The lower 2 are the doorman. What I meant to say was that there were 5 witnesses who saw Shane king hit me, not 5 security officers. Again, it shows the complete lack of impartiality, to the point of perverting the course of justice, by the investigating officers in not questioning these 5 men of integrity, who protect persons and property, and are men of good character, and good enough to hold current security licences.

5)-The only truly independent witness, apart from the CCTV, was a gentlemen named [redacted] and yes, despite the best efforts of officer Hennessy, did give evidence at my trial. Again, that he had to come forward of his own volition, at some considerable risk, against the police's best efforts to only get statements off friends of Shane.

6)-Apart from driving him to court and back for several days, highly inappropriate in itself, considering the circumstances, she made many unethical remarks such as previously mentioned, such as they had evidence of Dirk smashing Shane's head down the steps (CCTV clearly shows me not involved in the removal of Shane), that I came in over the top, and that he must have been paid to give his evidence. Not only that, Hennessy and several uniformed police harassed him at home, at night, close to court date. They filled his head with such damaging lies that he even rang my solicitor and asked why he was sticking his head out for a man (me) capable of doing the things that Hennessy was suggesting I did. The Judge closed the court when he heard of this and closely questioned Mr [redacted] whether he would still be able to give his testimony. His honour openly stated that he was considering referring it directly to the Supreme court for perverting the course of action. He retired and on his return, declared that as Mr [redacted] was still prepared to give his evidence, he would let the matter stand. She was very, very lucky. If this man of honour (Mr Reeves) had even hinted that his evidence had been tainted, Detective Hennessy would be facing far more serious charges than I was loaded up with. Again, I think it totally necessary that you examine both transcripts in your investigation, and I believe your resources are somewhat superior to mine

Sincerely yours

Dirk Nierop

A handwritten signature in black ink, appearing to read 'Dirk Nierop', with a large, stylized flourish extending from the bottom right.