**ANONYMISED AND ADAPTED FOR EDUCATIONAL PURPOSES**

Court Reference: CR-ZZ-XTCS

IN THE COUNTY COURT OF VICTORIA

AT MELBOURNE

CRIMINAL JURISDICTION

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

**–v–**

**HARRISON COOKSON**

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| Date of document: |  |
| Filed on behalf of: | The Director of Public Prosecutions |
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**SUMMARY OF PROSECUTION OPENING**

**OVERVIEW**

1. The offender Harrison COOKSON was born in 1990 and is aged 26. He was aged 23 at the time of the offending.
2. Mr COOKSON is pleading guilty to one charge of Attempting to pervert the course of justice in relation to acts committed on 12 March 2014 and 21 October 2014.
3. On 18 July 2013, Mr COOKSON and a co-offender Zac PYKE, were involved in a traffic incident which lead to Mr PYKE, as the driver of a car, being breathalysed and subsequently charged with exceeding PCA and driving whilst disqualified.
4. On 12 March 2014, Mr COOKSON signed a false statutory declaration stating that he was the driver of the car on 18 July 2013.
5. On 21 October 2014 Mr COOKSON and Mr PYKE both lied in court under oath that Mr COOKSON (not Mr PYKE) was the driver of the car on 18 July 2013.

**BACKGROUND**

1. On 17 July 2013, Mr COOKSON and Mr PYKE went to the Rising Sun Hotel where they consumed alcohol. At 12:45 am the following morning they left the hotel in Mr PYKE’s girlfriend’s car, a white Land Rover Discovery. Mr PYKE was driving the car and Mr COOKSON was sitting in the front passenger seat.
2. After travelling for a while they stopped at traffic lights at the intersection of Prahran Highway and East West Bypass. While they were stopped at the lights a man from another car approached their car and smashed the front passenger side window with a tyre lever. Mr PYKE sped off in a northerly direction along the East West Bypass with the other car following them. Whilst they were driving Mr COOKSON called 000 on his mobile phone. After driving north for a few minutes they turned and parked in a nearby street. By this time, the driver of the other car had ceased following them.
3. A short time later, in response to Mr COOKSON’s 000 call, police arrived and spoke with Mr COOKSON and Mr PYKE. At this time both men were standing outside the parked car however they both nominated Mr PYKE as the driver of the car. They were taken back to a Police Station where they both made statements regarding the incident. Both confirmed in written statements that Mr PYKE had been the driver of the car and Mr COOKSON had been sitting in the front passenger seat.[[1]](#footnote-1)
4. Mr PYKE was breath tested and found to have a BAC reading exceeding the legal limit. It was also ascertained that he was a disqualified driver at the time of the incident. He was subsequently summonsed to appear at the Prahran Magistrates’ Court on charges of exceeding the prescribed concentration of alcohol and driving whilst disqualified.

**OFFENDING**

1. On 12 March 2014, Mr COOKSON and Mr PYKE attended at the Good Medicine Pharmacy in Aberfeldie. There, in the presence of pharmacist, Mr COOKSON signed a statutory declaration stating that on the morning of 18 July 2013 he was the driver of the white Land Rover Discovery and that at no stage was Zac PYKE driving the vehicle.[[2]](#footnote-2)
2. On 1 September 2014, Mr COOKSON and Mr PYKE attended the Prahran Magistrates’ Court regarding Mr PYKE’s charges of driving in excess of the prescribed concentration of alcohol and driving whilst disqualified. Mr PYKE told police prosecutors he wished to contest the charges. Mr COOKSON also spoke with police prosecutors and told them he would be giving evidence that he was the driver of the Land Rover Discovery on 18 July 2013. Police prosecutors urged both Mr PYKE and Mr COOKSON to seek legal advice given their signed police statements. The charges against Mr PYKE were adjourned for a contested hearing on 30 September 2014.
3. On 30 September 2014, Mr PYKE and Mr COOKSON again both attended the Prahran Magistrates’ Court and confirmed that they were still maintaining that Mr COOKSON was the driver of the car 18 July 2013. Both men were again urged to seek legal advice. The contested hearing was adjourned to 21 October 2014 as Mr COOKSON was feeling unwell.
4. On 21 October 2014, the matter proceeded as a contested hearing at the Prahran Magistrates’ Court. Mr PYKE represented himself. Mr COOKSON was called as prosecution witness. He entered the witness box and made an affirmation. He then proceeded to give oral evidence that he was the driver of the Land Rover Discovery on 18 July 2013. Under cross-examination from Mr PYKE, adopted the statutory declaration made on 12 March 2014. He said the original statement he made on the 18 July 2013, in which he stated Mr PYKE was the driver of the car, was false and he said he made that false statement to avoid being charged himself.[[3]](#footnote-3)
5. Mr PYKE also entered the witness box and took an oath on the bible. He gave oral evidence that Mr COOKSON was the driver of the Land Rover Discovery on 18 July 2013. He said the original statement he made on the 18 July 2013, in which he stated he was the driver of the car, was false and he made it to protect Mr COOKSON.[[4]](#footnote-4)
6. At the conclusion of the evidence, the Magistrate announced he did not believe the sworn evidence of Mr PYKE and Mr COOKSON and found the prosecution case proven. He found Mr PYKE guilty of the charges of driving in excess of the prescribed concentration of alcohol and driving whilst disqualified. He convicted and sentenced Mr PYKE to 6 months’ imprisonment.

**Arrest and interview**

1. On 30 December 2014, Mr COOKSON was arrested and interviewed in relation to the offending. He made full admissions stating:
	* the statement he made on the 18 July 2013 was true (Q/A 54)
	* months later Zac came to his home and said he needed him to sign the stat dec which Zac had written (Q/A 57, 67, 103)
	* he felt pressured into signing the stat dec and didn’t want to sign it (ROI Q/A 31, 58)
	* he was scared because Zac told him his uncle was in a gang (Q/A 93, 96)
	* Zac drove him to a chemist to sign it (Q/A 72)
	* the contents of the stat dec were false and he was not driving the Land Rover Discovery on the night (Q/A 127 -129)
	* he lied in court that he was the driver because he was scared of Zac’s uncle (Q/A 230)
	* the first time he read the stat dec was when he was in the witness box (Q/A 297)

**Timing of Plea**

1. The matter resolved at a committal mention hearing on March 2017. The prosecution concedes that Mr COOKSON pleaded guilty at the earliest opportunity.

**Co-accused**

1. Mr PYKE is currently pleading not guilty to the offences which will be the subject of a contested committal hearing in 2018.

**Maximum Penalty**

1. Attempting to pervert the course of justice – Level 2 imprisonment (25 years maximum) pursuant to s.320 *Crimes Act* *1958*.

**Pre-Sentence Detention**

1. Nil

**Criminal History**

1. Mr COOKSON has no criminal history, subsequent matters or matters pending.

**Forensic Sample Order**

1. The prosecution seeks a Forensic Sample Order pursuant to s.464ZF *Crimes Act 1958*.

Plea Prosecutor

1. See depositions pp 40 - 45 [↑](#footnote-ref-1)
2. See depositions pp 47 - 48 [↑](#footnote-ref-2)
3. See depositions pp. 80 - 90 [↑](#footnote-ref-3)
4. See depositions pp. 90 - 101 [↑](#footnote-ref-4)