

Australian Federal Police
- Case Report -

CASE NOTE : Direct contact from Defence Barrister to Police (Log No. 880)

Date/Time Actioned: 04/10/2022 17:06
Created By: FRIZZELL, Emma Louise (AFP12896)

On Thursday 29 September 2022, defence lawyers attended the Winchester Police Centre, Belconnen, ACT for the purpose of viewing the two Evidence in Chief Interviews of Ms Higgins as per normal procedures and legislative requirements.

Whilst in attendance, Defence are provided a room and access to the recordings however Police do not remain in the room. As a result, Defence were provided the work contact number of SC Emma Frizzell should they require anything as they had no access to any parts of the Police Station.

On Sunday afternoon, SC Frizzell had a missed call from a mobile number now identified to belong to Steven Whybrow, Defence Barrister in this matter.

SC Frizzell later received a series of text messages from Mr Whybrow as follows:

Legislative restriction

About 9.06am on Monday 3 October 2022, received further correspondence as follows:

- 'Hi Emma, Steve Whybrow here' Legislative restriction

Legislative restriction

Above may be duplicated however phone was off overnight and cannot determine.

About 9.38am, response sent and DPP contacted who advised they would review and would provide advice:

- 'Good morning, Apologies for the delayed response - I'm not at work today but am forwarding your request on. Kind regards, Emma.'

In response, My Whybrow sent:

- 'Hey Emma cheers'
- 'Have worked out it is a bloke called [REDACTED] Do you know if he was ever spoken to by anyone?'

Response received from DPP advising their position is that this is part of the application, ground 1a) which is being dealt with by Keegan Lee. Any request for Legislative restriction should be requested through him as part of the application and not be going through AFP.

DPP queried as to whether they would advise Defence of their stance or whether ACTP do. DPP advice in receipt to query was that as Mr Whybrow contacted ACTP, please notify him. If he wants to discuss it, inform him to message DPP.

As a result, following message sent:

- 'Good afternoon, Your request re Legislative restriction was forwarded to DPP for action who have advised it is part of the application 1a) which is being dealt with by Keegan Lee. If you require any further information, we can provide it via Keegan. In regards to the second query re: [REDACTED] I will endeavour to confirm first thing tomorrow morning when I return to the office. Kind regards, Emma.'

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Response received:

- 'On phone to Keegan now. Thanks'
- 'DPP less than keen to provide disclosure of anything that might assist from my perspective'.

On Tuesday 4 October 2022, upon commencement of shift, enquiries made re: [REDACTED] involvement in matter and advice provided to DPP to on forward to Defence should they wish.

Response from DPP via email is uploaded. Request stop communicating. Confirmed not communicating with Mr Whybrow outside of the advice to respond to him, nor do intend to.

Senior Constable Emma FRIZZELL [REDACTED]
Unsolved Homicide Team