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Prosecutors' Chambers  
271 William Street  
Melbourne Victoria 3000

11 November, 1988

MEMORANDUM FOR:

The Solicitor to the Director of Public Prosecutions

Re: R v. Julian KNIGHT

I appeared before His Honour Mr Justice Hampel on behalf of the Director when the abovenamed pleaded guilty to seven counts of murder and forty-six counts of attempted murder, arising out of what has become known as the "Hoddle Street Massacre".

I have been asked to provide a short opinion on whether the Director should consider appealing against the sentence which was passed, namely an effective sentence of life imprisonment for each count of murder and 10 years imprisonment for each count of attempted murder, such sentences to be served concurrently, and a minimum of 27 years to be served before Knight can become eligible for parole.

There has been a great deal of media hype surrounding this case, and particularly surrounding the sentence which was passed, including as it did a minimum term. In my opinion the present state of the law in Victoria is such that it was entirely appropriate for the learned Sentencing Judge to fix a minimum term and, further, that the minimum term that he fixed was one which is not inadequate. During the course of the plea and whilst making submissions on behalf of the Crown, I told the Judge that the Crown did not submit that the fixing of a minimum term would be inappropriate. This decision was made on the following bases, namely -

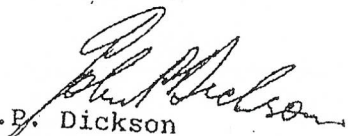
- (a) Knight at the time of the incident was 19 years of age.
- (b) He had no prior convictions.
- (c) He pleaded guilty, thereby saving the State from a trial which would probably have lasted approximately 4 months and re-kindled the emotions of many, many witnesses.

- (d) From the moment of his arrest Knight was entirely co-operative with the police; and
- (e) The Crown had to accept that Knight suffers (or at least on that night was suffering) from a distinct personality disorder.

It has to be remembered that Knight has been sentenced to be imprisoned for the term of his natural life. The minimum term is one which he will have to serve as to every hour of every day and at the conclusion of that 27 years, it cannot be said that he will necessarily be released.

I therefore advise that in my opinion it would not be appropriate for the Director of Public Prosecutions, at this stage at least, to institute proceedings by way of appeal to endeavour to increase the minimum term.

After sentence had been passed, copies of His Honour's sentencing remarks were distributed and I enclose my copy of that material.

  
J.P. Dickson  
Prosecutor for the Queen.