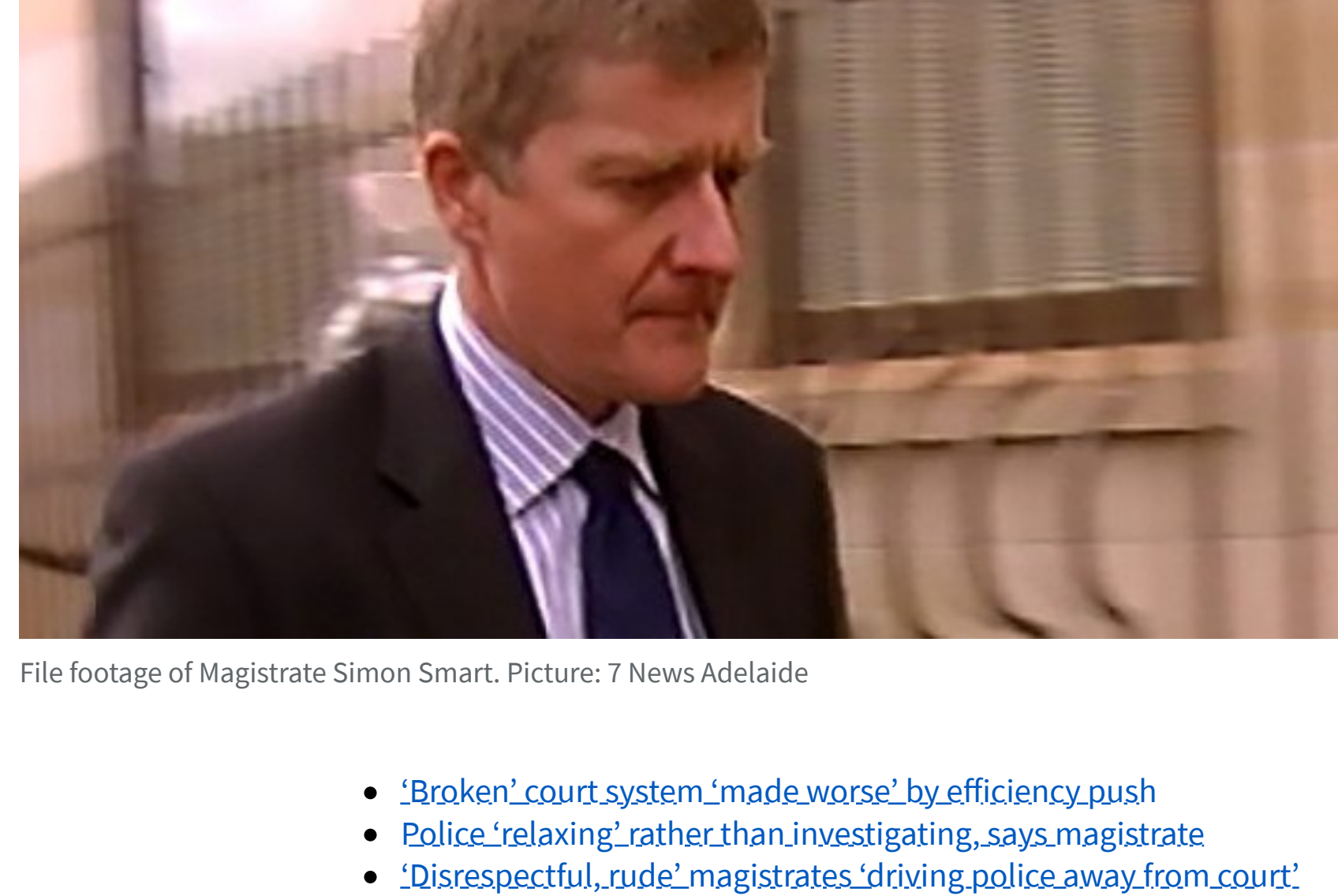


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SA Police officer considering bullying, harassment claim against magistrate following fiery exchange in court over delayed case

A uniformed police prosecutor has stormed out of court under questioning by a magistrate who has chastised her colleagues for delays in processing criminal cases.

Renato Castello and Sean Fewster Exclusive
 December 12, 2018 - 2:27PM The Advertiser



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A uniformed police prosecutor has stormed out of court under questioning by a magistrate who has chastised her colleagues for delays in processing criminal cases.

In an unprecedented move on Wednesday, the prosecutor said "I'm done" and turned her back on Magistrate Simon Smart.

She left the bar table, picked up her bag and exited court 12, the state's main hub for pre-trial matters, leaving a colleague to hurriedly step in.

The incident, sparked by forensic evidence in a firearms case, is expected to further strain relations between the Adelaide Magistrates Court and police officers.

SA Police Association president Mark Carroll said the officer was now deciding whether to file a formal complaint with the state's chief magistrate.

"These most recent allegations are no trivial matter," he said.

"Police prosecutors are thick-skinned but creating a courtroom culture in which allegations of bullying and intimidation are made is a matter to be taken very seriously.

"The court is a workplace and people should not be terrified to go into any workplace or have to deal with combative behaviour."

There have been numerous in-court clashes between Mr Smart and prosecutors working for police, the Director of Public Prosecutions and RSPCA. He has accused police of trying to "noble" bail applications, of "relaxing" rather than investigating and asking for "extraordinary" adjournments.

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In August, he suggested to an RSPCA prosecutor that a man who beat a 5.5kg dog to death with his bare hands may have been "provoked" because the animal bit him.

The friction has intensified since court efficiency reforms were implemented in March and police took a greater role in the early stages of prosecuting major cases.

Last month, the [Police Association called for "rude and disrespectful"](#) magistrates to stop "condemning" and "tearing down" its members.

On Wednesday, Mr Smart dismissed two cases — including that of an alleged violent home invader — because of delay.

He also criticised police in another matter for seeking a "third-of-a-year" adjournment while an alleged offender was in custody.

The officer, who would later leave court, sought a four-week adjournment over an aggravated charge of possessing a prescribed firearm without a licence.

Mr Smart required her to justify that request, asking a series of questions about forensic procedures, DNA and fingerprints.

"Do you want me to state the whole case?" she responded, and then proceeded to do so.

When Mr Smart's questioning continued, she replied she "just" wanted a four-week adjournment, which was not opposed by the defence.

He then asked a further question, to which the prosecutor replied, "I'm done" and left court.

Another prosecutor followed her woman out into the public lobby to offer support — Mr Smart later adjourned the matter until next month.

Mr Carroll said magistrates and prosecutors should work together to ensure courts ran smoothly.

"Instead, it seems that some magistrates are waging a crusade upon the entire system," he said.

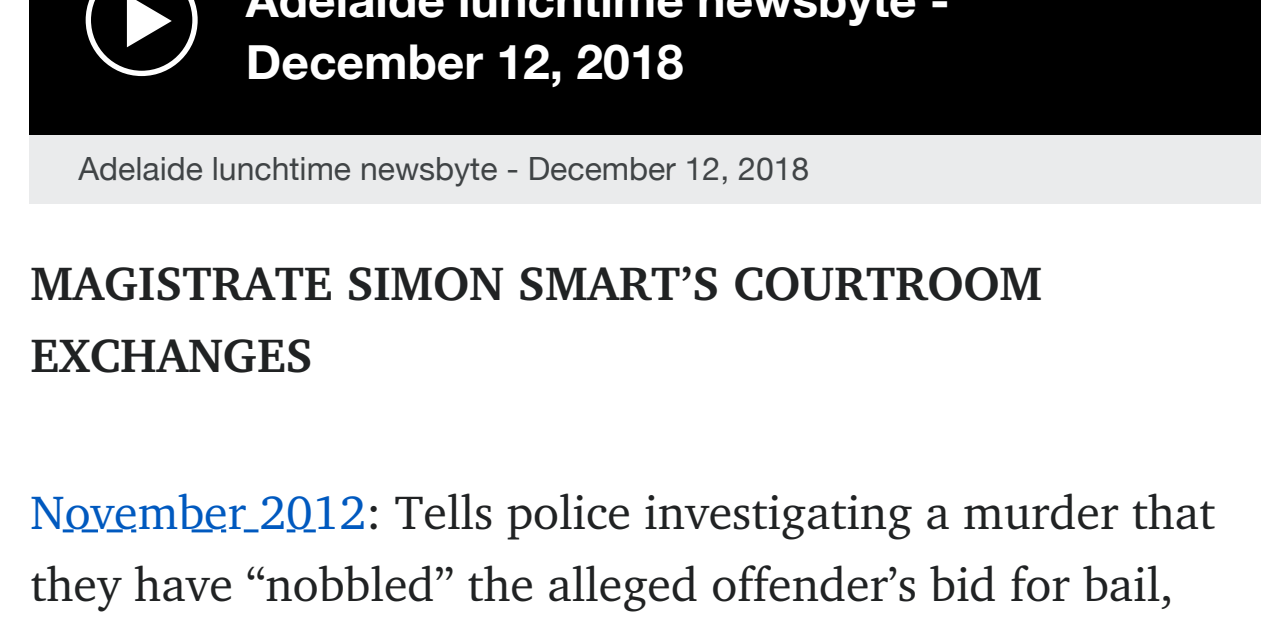
"It is alleged that some are unfairly targeting police prosecutors who are simply carrying out their duties in line with legislative requirements.

"As I have highlighted before, if the new efficiency laws are a problem, the judiciary should take this up with the Attorney-General immediately."

The state's chief magistrate, Judge Mary-Louise Hribal, said the effects of the efficiency reforms "continue to be discussed" between courts, prosecutors and police.

"The magistrate is required to consider all of the circumstances in deciding the time to allow for the completion of the preliminary brief and the making of a charge determination," she said.

"In making that decision, the magistrate considers the effect of that decision on Prosecution, Forensic Science, the defendant and the administration of justice."



Adelaide lunchtime newsbyte - December 12, 2018

MAGISTRATE SIMON SMART'S COURTROOM EXCHANGES

November 2012: Tells police investigating a murder that they have "nobbled" the alleged offender's bid for bail, which is "perfectly improper" and "not on".

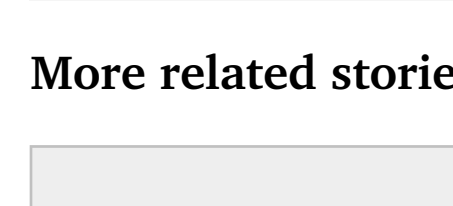
February 2013: Upset by a 4 ½ hour wait for an alleged armed robber to be brought into court, Mr Smart gives police "15 minutes to use modern technology" to have the file faxed into court.

August 2018: Mr Smart suggests a man who beat a 5.5kg dog to death with his bare hands may have a defence of provocation. "The dog had bit him, I expect that his temper had been inflamed ... does that not explain and mitigate the fact he has acted this way?" he asked.

October 2018: Mr Smart declines to adjourn a murder case for 14 months to obtain forensic data, calling the request "extraordinary".

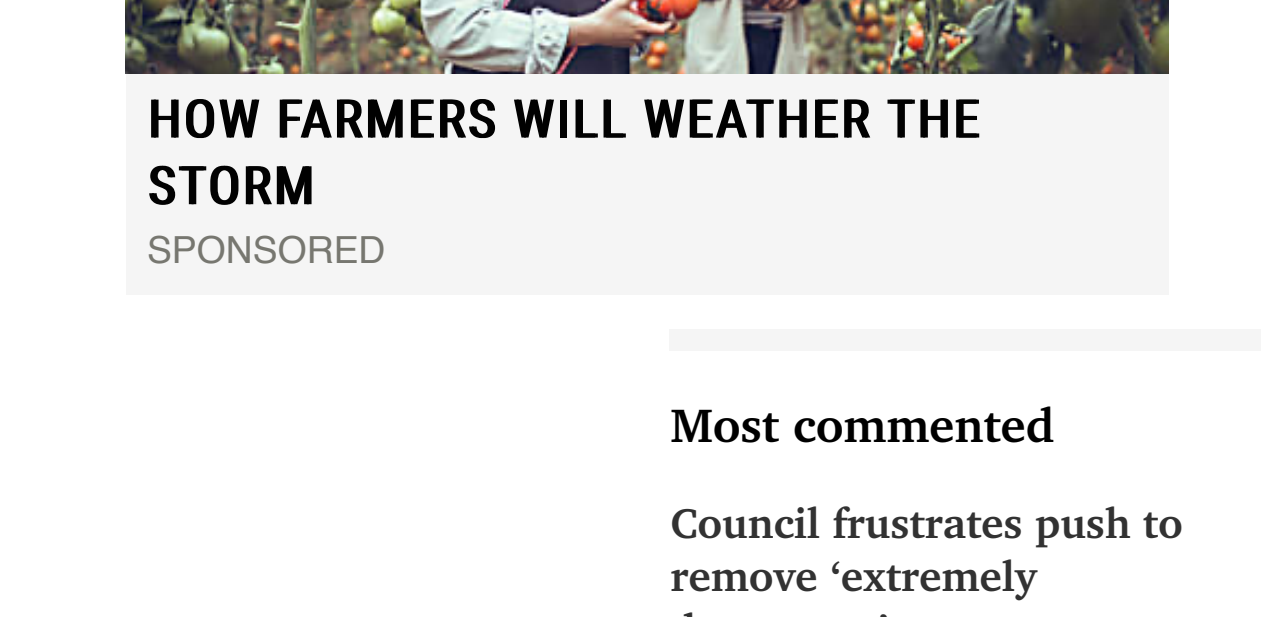
November 2018: Mr Smart dubs police's approach to an alleged murder "unsatisfactory", claiming investigators are "relaxing" and providing key evidence "in any way" they feel like instead of complying with court efficiency rules.

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