

Secretary
Adult Parole Board
DX21-1768
MELBOURNE

Mr Julian Knight
Barwon Prison
DX21-7020
VIC COUNTRY

Att: Mr David Provan

8 October 2006

RE: REMORSE

Dear Mr Provan,

I am writing to you in furtherance to my appearance before the Board, chaired by His Honour Justice Kellam, on 14 July 2006.

In response to Justice Kellam's comment to me during the aforementioned review that he found nothing in my file to indicate that I had shown any remorse, I have enclosed with this letter a document titled "Remorse". This document consists of references and documentary evidence of the remorse that I have shown for my crimes, and statutory and judicial references to the subject of remorse. I would appreciate it if you would both add this document to my APB file and bring it to His Honour's attention.

I would also appreciate it if you would bring the following personal views to the attention of His Honour:

In response to His Honour's observation that he could find no indication in my APB file that I had shown any remorse, I say that I was surprised that this is the case. The enclosed document should rectify that deficiency if such deficiency does, indeed, exist.

As His Honour Winneke P stated in *R v Whyte* (at [21]),

"It has been said, in my opinion properly, that it is rare to find convincing evidence of genuine remorse. Indeed, remorse is an elusive concept which is not to be confused with such emotions as self-pity."

I submit that it is not possible, or fair, to put a prisoner to the proof of whether his remorse is genuine or not. Any expression of remorse whilst in custody can be counteracted by an accusation that the expression is one not of genuine remorse but of self-pity. To put it in the vernacular, "You're not sorry for what you did, you're only sorry that you're in prison." As Dr Bartholomew stated during my plea, "the word 'remorse' is very different when you are dealing with a chap who is in prison and comes into this court at some stage or other where you can be very remorseful when you are there, quite apart from what you have done to get you there." How is it possible to convincingly prove otherwise whilst in prison?

The question that I pose to the Board is this: "What is a genuine indication of remorse?" Does not any such indication leave the prisoner open to the easily made - and near impossible to disprove - accusation outlined above that the behaviour in question is motivated simply by self-pity?

The question can be re-phrased as, "How do you show remorse?" Again, does not any such action leave the prisoner open to the response that the behaviour is motivated by self-pity? I have yet to receive from the Board, or anyone else, any indication or explanation as to what showing remorse is? I have often had the accusation leveled at me that, "You haven't shown any remorse?" In reply I ask, "What do you mean by "show remorse'"? I have yet to receive an answer.

The Board stated to me that I should have requested individual counseling with the prison psychologist. As I indicated to the Board at the time this statement was made to me, I am as yet unclear as to what purpose such counseling is designed to serve. Even so, I have taken the Board's advice and I have submitted the necessary request form (see the enclosed photocopy of the *Programs/Services Referral* form dated 17 July 2006). I am yet, however, to receive any such counseling.

The fundamental problem I have with counseling by a prison psychologist or any similar activity is that it smacks of grandstanding or, to put it simply, putting on a show. My fundamental position is that remorse is something that is an issue between me and my victims, not something that is put on display to third parties. It is for this reason that my letter to Mr Vitkos was something I attempted to do on a confidential basis and, so as to ensure beforehand that Mr Vitkos was prepared to accept the letter, only involving a carefully chosen intermediary.

Furthermore, I firmly believe that remorse is something that should be unsolicited and not something that is shown on demand or on command. It is certainly not an emotion or attitude that needs to be displayed to anyone other than my primary and secondary victims. To suggest otherwise is to assert that I need to show remorse to individuals not affected by my crimes on behalf of individuals who were .

As stated above, I would appreciate it if you would convey the above comments to Justice Kellam and to the members of the Board.

Please note that I have yet to obtain copies of the audio cassette tapes referred to in the index to the document "Remorse". I will furnish the Board with copies of the tapes as soon as I am in a position to do so.

I have also enclosed with this letter photocopies of the *Programs/Services Referral* form that I submitted on 17 July 2006, and the Clinical Services Screening Response Form that I received on 10 August 2006.

I have also enclosed photocopies of a review of the book "Shot", and the response that I received from the Ombudsman's office in relation to the complaint I made regarding the refusal of Barwon Prison to issue me with a copy of this book. I would appreciate it if you would add these documents to my APB file and if you would bring them to the attention of the Board.

On 5 July 2006 my mother left a copy of the book "Shot" at the prison for me. The book, however, was placed in my property at the prison store. On 7 July 2006 I submitted an application to have this book released to me. On 16 July 2006 I repeated this request in a letter to Operations Manager (Security) Russell Reed. On 28 July 2006 I submitted another application to have this book released to me.

On 14 August 2006 I included the retention of the abovementioned book by Barwon Prison management in a general complaint regarding seized property that I made to the Ombudsman. On 24 August 2006 the Director of the Investigations Unit at Ombudsman Victoria, Mr Stephen Mumford, replied to my complaint and referred me back to prison management.

On 31 August 2006 I meet with Operations Manager Reed and Executive Officer Tracey Tosh regarding various issues concerning my property, including the retention of the aforementioned book. Mr Reed informed me that the then General Manager of Barwon Prison, Mr Paul Spadano, had conferred with the General Manager of the Major Offenders Unit, Mr Shane Kelly, and that both of them had concurred that the book in question was an "inappropriate" book for me to have.

In light of the offences for which I am undergoing sentence, and given that the book in question deals with shooting victims have coped with being shot, I would have thought that this book would have been recommended reading for me.

On 3 September 2006 I resubmitted my complaint to the Ombudsman with respect to the retention of this book by prison management. A photocopy of Mr Mumford's response to my complaint, dated 22 September 2006, is enclosed with this letter.

Finally, I would also appreciate if you would provide me with a copy of the Adult Parole Board Annual Report for 2005/2006.

Yours sincerely,

JULIAN KNIGHT
PRISONER 49821