

Statement of facts in lieu of attendance for court hearing BEAGLEY v PRICE case
M17333/06 on the 27th October 2008 in the Brisbane Magistrates Court

I have been unable to attend the court hearing due to being overseas, and my applications to have the hearing adjourned or to have my evidence or statements submitted has been ignored or not dealt with. The administrative staff of the Brisbane Magistrates court have been particularly unhelpful, giving me conflicting legal and procedural advice, and not filing my statements submitted by me or my representative with my case.

My representative is unable to attend the hearing, and I am unable to afford a representative. I have prepared a statement in response to each of the points or evidence submitted by the defendant, which has been passed on to my representative, and to the defendants before the trial. I am unable to have my statement witnessed, but I am hopeful that a statement from my representative asserting it is from me will be sufficient.

Response to Annexure A

I was awarded a default judgement against the defendant in 2006, for contract work not paid. The defendant has a habit of moving between cities collecting deposits and not doing work. I submitted evidence to the court and it was not necessary to attend. I won a default judgement as the defendant did not show up. I have since been in contact with many other victims of the defendant, whom are owed far more substantial monies and can attest to the behaviour of the defendant.

I was notified by the court via email that a hearing date was set for the 8th of August, 2008 to attempt to have my judgement for case number M17333/06 set aside. I was only informed of this information by emailing the court to ask what was happening. I am currently residing in Germany of which I notified the court and the defendant.

I was not informed or served with any documents, by way of electronic mail or post regarding the chamber hearing or the subsequent hearing. The Civil Procedure rules state that since I am not a defendant, I must still be served regardless of my being overseas. The defendant seems to have waited until I left the country which he had prior knowledge of, before bringing any action. I have asked for the court date to be adjourned until I have received the documents, but my request was ignored as far as I am aware and the hearing is proceeding.

It should be noted that the defendant has seemingly made an intentional attempt to make sure I did not receive my documents, misspelling my street address and adding Georgia to the address, when the court and defendant were well informed of my address at least 3 months ago.

The defendant had ample time to show up at the original court hearing after being served, or to have a new court date sought. Simply being absent shows a lack of respect to the judicial system, and to myself, and was in no way a valid reason to have the judgement overturned, especially when his representative and/or agent remained in the country.

I would like to point out the second last email in my attachment which shows the defendant's attempts to evade the judicial system. I would also like to point out that I, and many others who are able to provide witness statements, have attested that the defendant was working and not overseas or ill at the time of the court case.

The defendant had ample time to file a defence against a minor debt, but waited until I was at a disadvantage. Further proof of this fact is in that the defendant hired a solicitor, one Luke Wolsey to defend the case who I was contacted by for some time. During this time the defendant could have filed a motion to defend, in the accepted time period. I have attached email evidence of the defendant's and Luke Wolsey's email correspondence which was forwarded to myself.

The evidence presented to have my judgement set aside, or to defend against the minor debt claim has no bearing on the court case and does not relate to the work that I am claiming I was not paid for, but to allegations that have happened since then that do not relate to the original judgement in any way. Any evidence that does relate to the court case is either fabricated or twisted to no longer reflect the facts. It is on the grounds that the defendant had ample time to file a defence and that the evidence presented is not relevant that I ask that the motion of the judgement being set aside be reversed.

Response to Annexure B

All work was done for the defendant personally, not for or through his business. It was noted he would use the work for his business, but all contracts were between the defendant and myself directly. My attached emails will attest to the fact that I was contacted directly and was working in the capacity as a third party contractor.

All my invoices are legitimate, as each of the companies I was doing work for on behalf of the defendant will confirm. I have attached copies of email conversations that will attest to this in part, and the companies themselves will attest. As asked by the defendant's agent, I provided PDF file copies of my invoices by email, in the hopes of arranging a payment schedule.

These PDF file copies were created at a much later date than the original word documents, as I do not keep my copies in PDF forms originally. As a PDF file is a new file created from an original word processing document, it will have a different time from the original file. The same way that printing many documents of varied times and dates can have a same print time and date. The times of the PDF files were used as evidence, and should not have been accepted.

The defendant claims that he has no idea who the company referred to as Valet Goldcoast are, or that I was ever requested to do this website. The emails in my attachment on page 39 illustrate this point to be false. Throughout the emails, The name Valet is interchanged with Leighton or Breen, referring to the project by company name, surname or name.

The Defendant states that the website for AMSS security was requested in March 2006, when as the emails shown on pages 37, 42 and 44 of my attachment demonstrate that it was actually in mid 2005. This work was completed for the defendant, and while the company chose not to continue dealings with the defendant due to his conduct, that does not change the fact that that I did the work.

The Centreline Constructions website was completed. The Centreline Constructions website is also referred to as a project for Gary Collins, the owner of the website and business. The emails on pages 32, 39, 41 and 44 of my attachment demonstrate the work was being done. While the defendant asserts that the work was not completed, which is false, this is not justification for non payment.

The defendant states that his father never authorized the vidguard website, which is irrelevant, as I was doing the work for the defendant. The email on page 40 clearly demonstrates that the defendant was working with me, and had knowledge of the project. This project was completed, and no payment was received.

Invoice number BA0182 which is for network setup and miscellaneous other computer repair servers, were not for myself as the defendant claims, but for the defendant personally. Many times I had travelled out to the defendants home to repair an alleged office computer or restore an internet connection, services for which I charge.

My invoices are well kept and ordered chronologically, without any discrepancies. Copies were submitted to the court and to the defendant. It seems that the defendant must resort to trickery such as deliberately misinterpreting or taking my invoices out of context to have a defence, instead of being able to show that no work was completed.

A point of note, the Secmarit Solutions website was constantly updated and redesigned with the defendants changing needs, while it was not the work that was started last, it is the work which finished last. It should also be noted that the defendant received my invoices via email, so the creation date of the files would be when the file was created by saving to his local computer. It seems the defendant has used a combination of invoices sent in attempt to confuse and deceive the court.

Response to Annexure C

The Defendant has attempted to show as proof that I was paid for my services, by showing proof of two separate payments of \$50 and \$30 respectively. These payments were a repayment for money I had loaned to the defendant, and do not match to any payment owed to me, in whole or in part as per invoices or email correspondence.

Response to Annexure D

The defendant has submitted a website as evidence. This website is the result of many victims of the defendant taking action and attempting to get the word out. It has nothing to do with the original court case, or the matter of monies owed. If the website is to be used to establish a character reference, then I ask that be able to provide additional email evidence and statements from each of the victims of the defendant that have contacted me. There is a facility to leave messages on the website, many of which were negative and left by other victims of the defendant. This part of the website has been omitted, and is therefore not complete evidence.

The defendant has demonstrated a clear below average understanding of computers and the internet, relying on file creation times for locally created files as evidence, and locally saving each version of the website. Nevertheless, the defendant is capable of modifying the saved webpage in Microsoft Word or a similar program, and it stands that the webpage as presented is not as currently displayed, and cannot be verified.

The defendant has also accused me of illegally gaining access to his current website, which is a false. The alleged proof they base this claim on is an unfounded letter from ISP support staff stating that anyone with the knowledge to gain access could do so. Apart from being incorrect, the email is not proof, and does not implicate me in any way. This is yet another lie on the part of the defendant, for which there is no truth behind.

It should also be noted that the defendant is asserting that I am completely responsible for the content of the website, which is false. More than one person has access to change information on this website. The defendant has asserted that I have insulted the court system and the magistrate. This is false, and in any event, not related to the facts of the hearing. It is clear from the defendants past behaviour, outstanding judgements and the second last email in the attachment that the defendant has no respect for the court system, and will stoop to very low levels to avoid paying for his crimes.

Response to Annexure E

The defendant has asserted that I have lied on a sworn affidavit, and that as a result of this I could be capable of lying to a court or indeed that everything I state may be a lie. It should be evident with the provided evidence that I have not lied, and that the defendant has in fact lied about almost everything. The defendant asserts that I claim to have lied about receiving court documents. It should be noted that my signature is not present, and that as stated above, the court documents were purposefully misaddressed. The website should in any event not be regarded as evidence, as it does not relate to the original judgement or claim.

The defendant has lied to the court stating that I met him in May 2005 and commenced work shortly after, when in fact I met him in late 2004, and have email evidence and witnesses who introduced me to the defendant in that time. The defendant also states that I was always paid, which is false as demonstrated in my email evidence. Likewise, the last website work built for the defendant was a “High End Living” website, which is again attested to in my email evidence.

A sworn affidavit is a legal document stating something to be true, and stating false facts is a serious offence, which the defendant has done repeatedly without regard. I can only hope that a fair and just decision is reached, with the defendant realizing he cannot continue to harm society as he has.

Signed

Dated