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Melanie-Jane  
One Hartley Court  
Mildura Victoria

13 February 2024

Honourable Magistrate  
Mildura Magistrates Court  
56 Deakin Aveune  
MILDURA VIC 3500

Re: Response to Summons – Raymond PAVILACH

Dear Honourable Magistrate,

I am writing regarding Raymond PAVILACH, in response to the summons dated 30<sup>th</sup> April 2024 concerning the allegations of two counts of driving an unregistered vehicle, one out of littering, and one count of failing to give way on the 31/01/2024.

In addressing these charges, it is imperative to apply the principles of Australian constitutional law and common law to ensure a fair and just legal process. Firstly, I draw attention to the maxims of law, such as “Ignorantia juris non excusat” (ignorance of the law excuses not) and “Fiat justitia ruat caelum” (let justice be done though the heavens fall). These maxims underscore the importance of upholding the rule of law and ensuring justice is administered impartially.

Furthermore, the doctrine of Crown assent, as established in *Russell v. The Queen* (1977) 139 CLR 294, mandates that criminal proceedings require prior authorization from the Crown or its representative. Any failure to obtain such assent renders the charges null and void from their inception.

The Magna Carta, a cornerstone of legal principles, emphasises fundamental rights such as due process, fair treatment, and protection against arbitrary state actions. These principles are integral to the Australian legal system and must be upheld.

The Australian Constitution, particularly sections 58 and 92, imposes obligations on legal proceedings to adhere to prescribed procedures and guarantees freedom of interstate trade and commerce, respectively. Compliance with these constitutional provisions is essential for the validity of legal proceedings.

Moreover, the “do no harm” principle, inherent in common law, mandates that legal proceedings must not cause undue harm or injustice to any party involved upholding this principle ensures fairness and equity in the legal process.

Additionally, the 12 presumptions of law, including the presumption of innocence and the presumption against self-incrimination, guide legal proceedings and underscore the burden of proof placed upon the prosecution.

High Court rulings, such as *Coco v The Queen* (1994) 179 CLR 427, emphasise that statutes and acts can be deemed unlawful if they contravene fundamental principles of the constitution or common law. This principle necessitates careful examination of legislative enactments to ensure their legality.

Furthermore, Road Safety Act has been subject to legal challenges, with precedents such as *Johnstone v transport* (2020) HCA 32 raising questions about the lawfulness of certain provisions.

Based on these legal principles and precedents, it is evident that the charges against Raymond PAVILACH may be afflicted with procedural irregularities and lack substantive legal foundation. Therefore, I respectfully request that the prosecution withdraw the summons and dismiss all charges against Raymond PAVILACH.

Upholding the principles of justice, fairness, and the rule of law necessitates a meticulous examination of the legal and factual basis of the charges. I trust that this esteemed court will ensure that justice is administered in accordance with the higher standards of legal integrity.

Moving forward, it is Raymond's intention to live and drive/travel peacefully without hindrance, menace, or harassment from any public servant.

Thank you for your attention to this matter, I wait your favourable timely consideration.

Yours sincerely,



Melanie-Jane