

## Charge H6459XXXX – Extract from Police and Court Case

**Important Note: As a martial arts practitioner (First Qyu), I am bound by strict rules of engagement - I cannot misuse my karate-do or act in a violent manner. I train Shotokan Karate at PCYC in Falcon Road, North Sydney.**

### Real timing of events on 14 May 2017

1. My mobile phone records can prove the event started at around 14:51 hours on 14 May 2017.
2. CCTV shows that I appeared at the door of the office at 00:45 minute of the 8-minutes recording. Hence, I was not in the office, and not connected to Mr. XY in any form, for the first 45 seconds of the event.
3. CCTV shows that Mr. XY started looking in direction of side-window of the office and visually followed somebody from 0:41 minute to 0:45 minute - that "somebody" was my wife and me, who just came out of lift and were preparing to join our friends on carpark in front of the complex.

CCTV shows that Mr. XY continued to sit comfortably, undisturbed by my appearance, in spite of advanced knowledge that I wanted to speak to him.

4. CCTV shows that I entered the office at exactly 1:00 minute of the 8-minutes recording. Hence, I was not in the office for the additional 15 seconds of the event.
5. CCTV shows that I left the office between 06:00 and 06:42 minute of the recording (standing outside, in a very calm manner, during which time I also received a phone call from a friend). Hence, I was not in the office for the additional 42 seconds.
6. CCTV shows that I received a phone call from a friend who was waiting in the visitors' carpark in front of the complex at 6:31 minute of the 8-minutes recording (wall clock seemingly displayed local time as around 14:51 hours). This is disputed by my mobile phone evidence - telecom uses high-precision Stratum 0 or Stratum 1 reference clocks - the real time when the call occurred was 14:57.
7. CCTV shows that I left the office PERMANENTLY at 07:17 minute of the 8-minutes recording. Hence, I was not in the office, and not even connected to Mr. XY in any form, for the additional 43 seconds.

Wall clock seemingly displayed local time as around 14:52 hours - accurate clock time by my mobile phone evidence: 14:58 hours.

8. The total time during which I was NOT in the office, based on the CCTV 8-minutes recording, amounts to 145 seconds (2 minutes and 25 seconds).
9. The total time from when I first appeared at the doorway, during which I was OUTSIDE the office, amounts to 100 seconds (1 minute and 40 seconds), and Mr. XY could have left the room at any time at will.
10. CCTV shows that Mr. XY actually followed us outside at 07:22 minute of the 8-minutes recording, closed the door to the office, and continued to yell and make threats towards my wife and me.
11. CCTV shows that Mr. XY stayed outside the office yelling at us, in a very comfortable position and confident of himself, and returned to the office at 07:32 minute of 8-minutes recording.
12. When Mr. XY re-entered the office, he appeared very composed and calm in last 28 seconds of the recording from the CCTV camera.
13. Total event during which I was PHYSICALLY in the office lasted 5 minutes and 35 seconds.
14. Evidence of events between 14:58 and 15:00 hours, and shortly after 15:00 hours is missing.
15. In those two minutes, Mr. XY, based on documents submitted by the Police, did not feel fear, was not stalked, and there was no common assault (Police and him claimed that the alleged common assault and attempt to stalk/intimidate intend fear or harm happened ONLY from 15:00 hours onwards).
16. Any evidence of events (stalking, intimidation or attempted intimidation, or threats in any form towards Mr. XY) between 15:00 hours on 14 May 2017 and 07:47 hours on 15 May 2017 is missing.

## **Crucial verbal communication statements by Mr. XY**

In the early stages of the event, straight after he pushed me back for the first time, in response to my persistent question about stalking my wife he stated something along the following lines: "Why would I do this? I have a wife". I responded that it had no relevance to his behaviour.

During verbal communication (he was yelling and vigorously pointing hand in my direction most of the time), when I asked him if he had provided the same door-lock checking like he did for Lot 202, he responded by asking me "why are you picking on innocent old people?" and then continued by saying he "would protect" older members of the Executive Committee (practically confirming one of the previous events he attempted to scare my wife when two EC members were present in front of our garage). He then suggested that I should find somebody my own size to deal with and pointed towards himself, clearly suggesting that he was "my match". He used F-off word in every phrase he uttered.

During verbal communication he told me that "I was nobody and nothing in Australia"!?.

During verbal communication, he yelled many obscenities.

During verbal communication he even mentioned "Columbian mafia" and it is unclear in which context it was used.

During verbal communication, he told my wife and me that "we were bad parents because, apparently, children left us". CCTV recording shows that my wife and I almost laughed at such tragic, ill-informed statement by Mr. XY, not having any information what our children went through in the previous year. That statement hurt us a lot, was uncalled-for, and not related to my wife's stalking and bullying by Mr. XY.

At the end of the event, I offered my mobile phone to call the Police together, which he declined.

## Missing information

1. Before the event, my wife and I did not even know the last name of Mr. XY. He was a cleaner, not at our level of education and cultural richness. He was of no importance to us UNTIL evidence of strata complex mismanagement surfaced, and stalking and bullying of my wife followed.
2. Confirming that the real start time of the CCTV recording is 15:51 hours, it is very clear from the same recording that Mr. XY was in the office at that time; he then comfortably sat in his chair, alone and undisturbed, for the first 45 seconds of the 8-minutes recording.
3. CCTV shows that Mr. XY started looking in direction of side-window of the office and visually followed somebody from 0:41 minute to 0:45 minute - that "somebody" was my wife and me, who just came out of lift and were preparing to join our friends on carpark in front of the complex.

CCTV shows that Mr. XY continued to sit comfortably, undisturbed by my appearance, in spite of advanced knowledge that I wanted to speak to him.

4. The Police alleges that I stood in the doorway of the office and began to yell. CCTV recording shows that I was composed, confident, and did not raise my voice at all.
5. The Police alleges that I wanted to discuss with Mr. XY an "issue regarding the victim allegedly following the accused's wife a couple of month prior".

This statement is misleading, inaccurate, and misconstrued - as confirmed both by my wife's and my statements to the Police and previous attempts to reason with Mr. XY personally, his manager, EC members, and strata manager.

I carried out my conduct in a manner trying to defuse the situation, as I strongly believed it was necessary:

- a) To defend my wife and prevent serious health issues due to her fragile health and the stress caused by Mr. XY's past actions and continuous, deliberate, and calculated attacks and attempts to intimidate her only because they wanted me to stop dealing with investigative work in regards to misappropriation of common funds, mismanagement of the strata complex, religious prosecution, and even criminal activities.
- b) To prevent and terminate the unlawful deprivation of my and her liberty,
- c) To protect common property from unlawful taking, destruction, damage and interference of investigation into long-term mismanagement of my complex,
- d) To prevent direct threats my family and I received in the past, and
- e) To remove (in figurative terms) a person committing a criminal trespass (like protecting others who commit crime).

I had three additional topics to, in loose terms, "cross-examine" (or as some would say, interrogate) Mr. XY to find the answers:

- f) Who ordered or asked him to follow my wife,
  - g) On what basis he felt the need to "protect older EC members from my wife and me",
  - h) Since he was fully aware of mismanagement of the complex, what was his agenda?
- Mr. XY, in one incident, deliberately stood BEHIND my wife, without any space between them, while she was washing the car in carwash bay. When she turned around, frightened and stressed, he slightly stepped back and continued to snoop on her activities in clear act of intimidation and looked over her shoulder into the contents of the booth. Then he moved towards the side of bay and continued to watch for a while, before moving to check lock on townhouse 202 (EC member with unique benefit that no other owner enjoyed - Mr. XY provided for him personal garbage cleaning).
  - In another instance, while my wife was in the garage, Mr. XY stood opposite her uninvited, and in a defiant manner with his hands on his hips, told two EC members (Mrs. Maureen MacDonald and Mrs. Sandy Quick) that "he was there to protect them", directly and unambiguously implying that it was addressed against my wife and me. Both EC members laughed loudly and made my wife very upset and uncomfortable.

For the record, one of those EC members, Mrs. Sandy Quick, was involved in stalking and bullying of my wife on 20 November 2011. Ms. Quick held my wife literally locked in our own garage (she prevented my wife to exit) for almost an hour.

The event was witnessed by staff member of Universal Strata Services, who tried to help. Police officer was talking to Mrs. Quick during that period on the phone, trying to defuse the situation. Police Event details never provided to my wife and they never took formal statement from my wife or the offender.

In another incident, whilst Mr. XY again suddenly showed up in front of my wife while she was walking around the complex, my wife told him that "she had a feeling that he was always close to her wherever she went". His response was that "it was his job".

- Yet another incident with appearance of stalking was on 14 March 2017 which was reported to Mr. XY's manager Mr. Steve Carbone but no action taken on his side in spite of contractual requirements:

SMS warning to Steve Carbone on 14Mar2017

Mr. XY would come very close to my wife (when I was not around), sometimes at no-gap closeness to her. Usually, he would do it when there were no witnesses or cameras (in casement of the buildings, around the complex, and in the carwash area).

6. The Police alleges that I had my arms crossed and stood touching Mr. XY in the face to face stance. Actually, at NO TIME or ANY MOMENT, I initiated physical contact with Mr. XY. This statement by the Police is based on assumption and not facts.
7. For the first 20 seconds of my appearance at the door, I was asking Mr. XY to explain his behaviour towards my wife, which he dismissed, used foul language while he was still sitting in the chair, and at 00:59 minute of the 8-minutes CCTV recording used his right hand, trying to brush me off, accompanied by poor language.

I needed to refresh his memory of how my wife felt when HE WAS TOO CLOSE to her, and demonstrated it by coming close to him with my arms folded, without any intention to scare, intimidate, or cause physical or mental harm.

Mr. XY stood up from his chair, as I was approaching him, at 1:03 minute of the 8-minutes CCTV recording, BEFORE I even managed to come very close to him.

8. The Police alleges that after Mr. XY pushed me back at 1:05 minute of the CCTV recording (his physical action was strong with excessive power, to which I did not retaliate, or take any physical action), he told me to leave the office pointing towards the door. That is not a valid statement.

I actually responded by warning him that he had pushed me back (committed physical contact with me), then I made one step forward in period between 1:06 and 1:09 minute of the eight minute CCTV recording, still leaving significant space between us (more than a meter between us), continuing to ask him about his stalking of my wife.

At 1:09 minute of the 8-minutes CCTV recording, Mr. XY raised his left hand in direct threat towards me, index finger pointing towards my face, and had hand in the close-to-full fist formation. That was a typical red-alert sign of an imminent attack on me, based on my past experience in the army, martial arts training, and other work with law enforcement agencies. At the same time, my own hands were with wide open palms, in non-threatening fashion, and I even carried a mobile phone in the left hand, making it difficult to use in any kind of physical confrontation.

I vividly remember his foul language (F-word was predominant at that point and his talk throughout the event). I do not recollect him, and neither does my wife, asking me to leave the office. Instead, he was using F-off word and his hand as a show of power and strong standing. To the best of my knowledge of the

Australian English (I grew up with British English and to this day avoid using Australian slang), F-off is a common colloquial phrase to brush off a person.

Not only Mr. XY was pointing his left hand towards my face, but he continued to move it forward. As I have sight problem, I do not see things coming close to me (especially my eyes), and evaluating the threat coming from his hands, at 1:10 minute of the CCTV 8-minutes recording I made sure to show two quick karate moves to force him to "back-off", by demonstrating that I had skills to defend myself.

It is important to highlight the physics of the eye sight and the velocity of a typical punch. The duration of the eye blink is on average 100-150 milliseconds according to UCL researcher, and between 100-400 milliseconds according to the Hardward Database of Useful Biological Numbers. Depending on which source of information is used, blink of an eye takes between 1/10th to 1/3rd of a second. In that period, an average person can deliver a punch at velocity of around 1.5 meters/second. According to the Guinness World Records, the fastest martial arts punch in the world (Mr. Keith Liddell) is 20.25 meters/second.

In a split second, I did not have time to think if the attack would happen or not. One has to react promptly, and I am trained to do so.

My karate moves were pure demonstrations (like in katas) and defence-oriented, without any physical contact from my side. Karate moves were executed in defence (due to saliva spraying from his mouth and his strong left-hand forward move that looked like possibility of attack on me).

Mr. XY continued to yell, was literally enraged for having to explain his actions against my wife, and whilst I was still calm, at 1:18 minute of the CCTV recording I crossed my arms in an effort to further defuse the situation by showing that no physical threat came from me.

Crossing arms was the "doorway to the body and the self". When I crossed them, they formed a defensive shield, blocking out the outside world. Shield acted in two ways: one is to block incoming attacks, and the other to show non-threatening attitude from myself. The extent of my crossing indicates how firmly closed I was: there was no hostility as my hands were not formed as fists (it is clearly visible on the CCTV recording).

Crossed arms in a folded position just meant I was feeling comfortable, and there was no tension elsewhere in my body. Comfort indicated a lack of fear on my side because I felt sufficiently powerful to handle any attacks as they appeared.

9. The Police alleges that I used the right hand to hit Mr. XY's hand away (the hand that Mr. XY was pointing with).

I used short version of "parry-pass" style block, there was no physical contact from my side, as visible on the CCTV recording. I used the karate move as a deterrent, in defence, not attack.

In real situation, "uke-waza" is a technique used to deflect (clear) an obstruction with one hand while attacking with the other hand.

10. The Police alleges that during the confrontation I raised the right leg in a motion that caused Mr. XY to fear he was about to be kicked by me, with Mr. XY "shying away from my leg".

That happened at 1:12 minute of the 8-minutes CCTV recording, and it clearly shows that I carefully executed the Mae Geri (front kick) by deliberately keeping it far away from Mr. XY's body (around 50cm from his body). I easily had full access from my leg to his body, and the front kick would have been delivered had I wanted to fully extend my leg (CCTV recording shows that my leg was in "90-degree" shape, the part of the leg below the knee vertically pointing down).

Mr. XY's hands were in fist formation (clearly ready to fight), and mine were with wide-open palms, very passive and non-confrontational. In addition, my left hand was busy carrying the mobile phone.

Again, my Mae Geri (front kick) was a defence step, to avoid coming too close to Mr. XY when imminent threat from him looked very plausible. Mr. XY did not "shy away".

Had I wanted to do any damage (physical or mental) to Mr. XY, by that time he would have been already down on the floor in a subdued position.

11. CCTV shows that at 01:12 minute of the 8-minutes recording, Mr. XY had both his fists in combat formation, ready to strike. He was "winding up" to execute the attack. I kept at healthy distance of more than a meter away.
12. CCTV shows that from 01:14 minute to 01:18 minute of the 8-minutes recording, Mr. XY used his left hand, almost fully extended, and came close to my face again. I did not retaliate. Instead, I kept emphasizing the event of stalking and threats against my wife in the carwash area.
13. CCTV shows that from 01:18 minute to 01:21 minute of the 8-minutes recording, Mr. XY used his right hand, almost fully extended, to come even closer to my face. I did not retaliate. My arms were crossed with open palms.
14. At around 01:22 minute of the 8-minute CCTV recording, Mr. XY again used left arm in almost full extended form in very close proximity of my face, whilst my arms were crossed with open palms.
15. CCTV shows that from 01:25 minute to 01:33 minute of the 8-minutes recording, Mr. XY had both his fists in close-to-combat formation. I still had my arms crossed, with palms open.
16. CCTV shows that from 01:33 minute of the 8-minutes recording, I moved one half-step towards him, without any threatening move my hands or legs.
17. At 01:35 minute of the 8-minutes recording, my wife tried to push me away, saying that it was useless to talk to Mr. XY as he was neither reasonable, nor willing to talk without aggression. I moved back one step and kept healthy distance from Mr. XY.
18. CCTV shows that from 01:44 minute of the 8-minutes recording, Mr. XY again moved forward and used his extended right hand, with index finger very close to my body. I continued to keep my arms crossed, with open palms.
19. CCTV shows that from 01:49 minute of the 8-minutes recording, Mr. XY extended both arms half-sideways half-forward, and then moved close to my body.
20. CCTV shows that from 01:51 minute of the 8-minutes recording, Mr. XY came even closer to me, less than 20cm away from me. He used fully extended arms as an obvious sign of power and threat towards me. I did not retaliate. I continued to keep my arms crossed, with open palms.

Mr. XY continued to stay close to me, with waving hands until 02:01 minute of the 8-minutes recording.

21. CCTV shows that from 02:02 minute of the 8-minutes recording, I again warned Mr. XY about being too close, and stepped back. My arms continued to be crossed, with open palms. I again took the opportunity to go back to the issue of stalking of my wife at the carwash area.
22. CCTV shows that from 02:07 minute to 02:41 minute of the 8-minutes recording, Mr. XY also crossed his arms, directly facing me. During that time, my wife and I asked him again about all past events related to stalking and bullying of my wife, which he tried to deny.
23. CCTV shows that at 02:41 minute of the 8-minutes recording, Mr. XY opened his arms, and continued to wave in front of me. I did not retaliate. I continued to keep my arms crossed, with open palms.

At 02:47 minute I point towards carwash area incident, insisting that Mr. XY explain his behaviour.

24. CCTV shows that starting from 02:51 minute of the 8-minutes recording, Mr. XY again used his left hand to wave in front of me THREE TIMES.

At 02:53 minute of the 8-minutes recording, assessing the seriousness of the situation, I executed "shutō-uchi" (knifehand strike) with my right hand at a safe distance from Mr. XY, purely in defence and last-warning to Mr. XY. No physical contact was established as he quickly withdrew his hand.

At that point in time, enraged and very dangerous, he came close to me again, with wide-open arms, and CHALLENGED ME TO HIT HIM. I continued to keep my arms crossed, with open palms.

25. Mr. XY kept on moving forward and pushed me away in a very violent move (physical contact) without any reason - there was no threat from my side, at 03:02 and 03:04 minute of the 8-minutes recording. I did not retaliate.
26. CCTV recording shows that from 03:09 minute of the 8-minutes recording, I continued to be relax, leaning on the box on the desk, whilst Mr. XY continued to issue threats and wave left hand in front of my face.

He kept on yelling obscenities, moving left hand forward and backward from my body.

At 03:28 minute of the 8-minutes recording, Mr. XY extended his left arm dangerously close to my face again. I did not retaliate.

27. At 03:32 minute of the 8-minutes recording, Mr. XY turned around, trying to dismiss further talk, which I did not accept, and pointed out issues related to my wife, whilst taking a single step forward, still keeping safe distance from him.
28. At 03:40 minute of the 8-minutes recording, Mr. XY again came closer to me, stretching right hand towards me. He kept on yelling, threatening me, and slightly moving back and forth.
29. At 03:50 minute of the 8-minutes recording, I put my mobile phone and left hand it the pocket of the trousers, further trying to defuse the situation and showing that no threat was coming from me.
30. Mr. XY continued to yell, moving back and forth, and using his right hand at 04:05 minute of the 8-minutes recording, and couple of times soon afterwards.
31. In period from 04:08 minute to 06:00 minute of the 8-minutes recording, Mr. XY continued to yell, act irrationally, yell, used hands in waving fashion, fiddled with some phone unnecessarily, and again tried to come close to me.

At that time he even stated that "we were bad parents because, apparently, children left us". We laughed out of desperation as this was so mean statement by Mr. XY, without knowing what was happening with our children in the previous year.

Nevertheless, I did not retaliate.

32. The Police alleges that whilst this was all happening, Mr. XY continued to tell me to leave the office whilst pointing towards the door.

Actually: Mr. XY kept on using F-off word and his left hand with index finger pointing towards me, so the Police misconstrued their statement that he was asking me to leave the office. To the best of my knowledge of the Australian English (I grew up with British English and to this day avoid using Australian slang), F-off is a common colloquial phrase to brush off a person.

33. The Police alleges that I continued to interrogate Mr XY. In true sense of the intended meaning, I was insisting on CLARIFYING the status in regards to his future intentions towards my wife, therefore it was simply a determination to stop his activity from happening ever again. Interrogation was not an act of intimidation, as I tried to do it in a dignified manner and without threats.

Otherwise, every Police interview would be a serious act of intimidation (closed and often confined rooms for interviewing, officers carrying firearms and stun guns, officers with handcuffs, lack of food and often drinks, video and audio recordings, typically more than officer attending, and so on).

34. The Police alleges that towards the end of the incident, Mr. XY walked towards the doorway whilst I was blocking his path.

Actually: at no time I blocked him from leaving the office.

CCTV shows that I entered the office at exactly 1:00 minute of the 8-minutes recording. Hence, I was not in the office for the first 60 seconds of the event.

CCTV shows that I left the office between 06:00 and 06:42 minute of the recording (standing outside, in a very calm manner, during which time I also received a phone call from a friend). Mr. XY was again fiddling with some phone and yelling threats (he actually threatened to call the Police, which I encouraged to do together and waited for it, he then changed his mind and put the phone away in the desk).

I was not in the office for the additional 42 seconds.

35. CCTV shows that I left the office PERMANENTLY at 07:17 minute of the 8-minutes recording. Hence, I was not in the office, and not even connected to Mr. XY in any form, for the additional 43 seconds.

The total time during which I was NOT in the office, based on the CCTV 8-minutes recording, amounts to 145 seconds (2 minutes and 25 seconds) and during that time Mr. XY had every chance to leave the office had he wished so.

Hence, CCTV recording and my accurate timings of events paint a very different picture.