T R A N S C R I P T

LEGISLATIVE COUNCIL LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Victoria's Criminal Justice System

Wangaratta—Wednesday, 30 June 2021

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Ms Fiona Patten—Chair Dr Tien Kieu—Deputy Chair Ms Jane Garrett Ms Wendy Lovell Ms Tania Maxwell Mr Craig Ondarchie Ms Kaushaliya Vaghela

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WITNESS

Ms Lee Little.

The CHAIR: I can declare open the Legislative Council Legal and Social Issues Committee's Inquiry into Victoria's Criminal Justice Systemin. We really appreciate, Lee, you being with us today. As I mentioned, this is our first day, so it is really setting the tone for where this inquiry will go.

I am Fiona Patten, the Chair; joined by Tien Kieu, the Deputy Chair; Kaushaliya Vaghela; Tania Maxwell; and Sheena Watt.

These are just some formal words that I must say, by the way. All evidence taken today is protected by parliamentary privilege as provided by the *Constitution Act* and by the standing orders of the Legislative Council. This means any information that you provide, anything that you say during this hearing, is protected by law, and you are protected against any action against you for what you say here. Of course if you were to go outside this room and repeat that, we may not be able to offer the same protection. Any deliberately false evidence or are misleading of the committee may be considered a contempt of Parliament, not that that is a problem in this case.

As you can see, we are recording today, and you will receive a transcript of this session today. And I would encourage you to have a look at it and just make sure that we did not misunderstand or mishear you or misspell something that you may have told us today.

We have all received your very thoughtful submission to us, as well as the judge's ruling in that case. We would welcome you to maybe give us some opening remarks for 5 or so minutes, if you like, and then I will open it up to a committee discussion.

Ms LITTLE: Okay. Thank you all for inviting me, because I really, really need to speak about my daughter and about the justice system, and about the whole lot. Would you like me to read my transcript or—

The CHAIR: I think, because we have all got it, if you would like to maybe just point out the top points of what we need to change and what we really need to understand, that would be terrific—your recommendations.

Ms LITTLE: I am Alicia Little's mum. She was 41 years old. Her life was taken by her partner through domestic violence, I believe. And the justice system did not bring the domestic violence into it at all. And when I asked the prosecutors, I was told that murder was greater than domestic violence.

Now, every bone in my daughter's body, every organ was smashed—smashed. And he has got away with not just murder, he has got away with domestic violence. And he has got no record whatsoever on domestic violence in Victoria. Domestic violence, to me, should be a national database, and I really, really believe, and I am fighting for it. Because he had previous criminal records in New South Wales that were not used. They were seen, but they were not used. He nearly tried to murder his wife by strangling her. I do not know how many times he tried to strangle my daughter, and she ended up in hospital with broken ribs and everything like that. And all that was recorded. But because he put a plea in for driving offences and not the murder charge or the manslaughter—we were told that if they could not get him for murder, they would get him for manslaughter, 100 per cent—and then he put the plea in, and then the prosecutors accepted the plea.

When we went to the meeting with the prosecutors, I had my family there. I had my sons there, her sons there, my sisters there, and one of the things that came up was that they wanted our point across, but they already decided, before we even walked into the room, what their decision was going to be.

The other thing I needed to just say on this is that judge at the time—she praised his references, praised them. And I know one of the references, one of the people that did the reference, got done for culpable driving. So, you know, the justice system needs to be revamped, it needs to be upgraded, especially for domestic violence and especially when it is a fatality. You know, we have lost our only daughter. We are never, ever going to get her back.

And now I have her two older sons living with me. One is 22, one is 21. They did not go through the grieving process. They are only just going through it now. Because they kept on saying to me, and it used to break my heart, that their mum was on holidays. At Christmas time the oldest son went missing for $2\frac{1}{2}$ days. He got his

swag and he was sleeping up at the cemetery with his mother, because he had just recognised that she is not coming home anymore.

We need to put a lot of things in place to help other families, and if I can help do that, I want to do it. And a domestic violence database, a national database—like paedophiles, like arsonists—should be in place in Australia. And the New South Wales one is going down that track. But we need to, you know, look at it. We need to do something about it.

The CHAIR: Absolutely, absolutely. Thank you so much, Lee. I find it just extraordinary that your daughter had been in hospital a number of times; there was obviously violence happening in that home. Did anyone speak to her in hospital? Was there any opportunity for that? I would have thought there was mandatory reporting in those areas.

Ms LITTLE: The first time that he did it, he actually rang 000, and I did not know anything about it until the informant told me, Leigh. Because I had done my statement, and in my statement I was telling Leigh about the first time. She was actually on the phone to me, Alicia, and she was asking me for a recipe. He had come home from work and he walked in the door and he said, 'Who are you talking to?'. And she said, 'My mum. I'm just getting a recipe to cook this for tea'. And the next minute I heard him come for her. She threw her phone, but it did not click off, and I heard the whole lot. And I told Leigh in my statement about that situation. He rang 000 while he had her on the ground trying to strangle her, and you can hear on the 000 call, 'I can't breathe, I can't breathe, get off me'—all of that—and he was swearing at her something chronic, and he told her she was better off dead. That was the first time. Then the police came and took her away. Not him, because he rang 000 first. And the only way she could get off him was to bite him, and she ran. And then he found her again, and then the police came.

So they took her away, and they took her to the police station. They charged her with assault—before getting into the 000 call or anything like that. And then they called the ambulance and she went to hospital. She rang me from the hospital. I was there within 2 hours. When I got there, we had an iPad, and I said to her, 'What's going on?'. And she was black and blue—black and blue. Her eyes were black, her cheeks were black, she had bruises all around here. She had bruises from her hips to her shoulders where he had been kicking her. I said, 'What have the doctors done?'. The doctor came in and I said, 'Have you taken photos of all this?'. He said, 'Oh, we've taken photos of this'—the head part. I said, 'Get your clothes off, Alicia. We need to look at it'. So when she took her clothes off, I took photos of her from head to toe, front to back, sides, and then the doctor asked me could I send them to him because they had not done it. And they discharged her.

That night we went to a friend's place and stayed. The next day my oldest grandson was with her. We had to get him out of the situation. And then the next time I brought her home. She stayed three or four weeks. He lured her back. We changed her phone number. We took her to a domestic violence unit here in Wangaratta. She had gone to the doctors. She had broken ribs. She had a fractured cheekbone. You know, and all of those records are there in black and white. Moving on from that, he even tried to strangle Ariki. He is the one that was up at the cemetery. He tried to strangle him. And Ariki does not get very mad very much. He is a pretty placid kid, but he got that angry that day after he tried to strangle him he actually went inside where he was living—he was living in a caravan at the property—and he picked up an aluminium bar, which he thought was steel, and he came outside and he hit him with it and cut him. And then he said to him, 'I'm going to charge you with assault', and bluffed his way through it. Ariki at the time was only, I think, 15 or 16. And this kept on continuing. He kept on luring her. I do not know what it was.

The CHAIR: I think there is certainly, again, this lack of communication. Did anyone explain why those reports of family violence were not included by the prosecutor?

Ms LITTLE: I did not follow it through after I was told, 'Murder is greater'. And we always thought that he would be done for murder, not for driving offences. That is another thing—the driving offences. He got more for his drink driving than for killing somebody. He got four years— $2\frac{1}{2}$ years served and 12 months parole. He got five years for his disqualification for drink driving. You know, I really cannot figure out the justice system. It is all new to me, I will tell you. And when we walked in there, if I did not have Jackie to explain things to me, I do not know where I would be. I probably would not be here.

The CHAIR: No. I think that does go to that point—you know, you made this recommendation that the DPP needs to inform you of the process so you are clear about it.

Ms LITTLE: Yes. You know, Fiona, when I spoke to the prosecuting office and the liaison person, they would always say to me, 'Oh, well, we've got to check that. We'll have to go back to the file' or 'Leigh might know something', which is the informant. So most of our information came from Leigh.

The CHAIR: I will move on, but thank you so much. Tien.

Dr KIEU: Thank you, Lee, for your appearance here today. We are very sorry about what happened and your loss. It is deeply traumatising. We are exceptionally distraught by what you have said. I mean, you have mentioned about the lack of communication, the lack of cultural understanding and the victim foremost. Did you have a chance to present a victim impact statement in court?

Ms LITTLE: Yes.

Dr KIEU: How was it taken?

Ms LITTLE: I thought it went well.

Dr KIEU: And the result was that it was culpable manslaughter rather than the murder charge.

Ms LITTLE: No, not manslaughter—culpable driving.

Dr KIEU: Culpable driving, yes.

Ms LITTLE: Dangerous driving causing death.

Dr KIEU: So in your understanding and your belief, it should be the other way. Did you or have you had a chance to have other avenues to appeal to the sentencing?

Ms LITTLE: Yes, we did. He is already out of jail. He is on parole in New South Wales. Yes, we did. We asked were they going to appeal it, and the prosecutors told us that they got a conviction and they were happy with that, because he had made a plea.

Dr KIEU: Okay. So your point of having a domestic violence disclosure scheme for a national database is something that we very much appreciate. It will be forming some of the considerations.

Ms LITTLE: I have actually got a Change.org. I have been around this town, I have been to Benalla and I have been to Corowa and within 100 k's of where we live, and we have got 86 000 signatures.

Dr KIEU: Do we have that on record?

The CHAIR: We will get it.

Ms LITTLE: I have got handwritten ones and I have got Change.org ones. We have got three different Change.orgs: we have got one in Sydney, we have got one in Adelaide and we have got one here in Victoria.

Dr KIEU: The Parliament also has a mechanism for petitions to be tabled in the Parliament as well if you want this put on there.

Ms LITTLE: Yes, 100 per cent.

Ms MAXWELL: Thank you, Chair. Lee, thank you for coming.

Ms LITTLE: Thank you for inviting me.

Ms MAXWELL: I have been working with Lee for some time, and I actually have the AustLII court transcript in my hands. I find it astounding that the sentence was for dangerous driving causing death and failing to render assistance after a motor vehicle accident; there is a plea of guilty; and then the next comments are 'remorse' and 'good prospects for rehabilitation'.

Ms LITTLE: There was no remorse, Tania.

Ms MAXWELL: How is that determined, with the history that has been given of what happened to Alicia—that violent history—and those medical records? This makes me wonder where and how does such a

gap come before a court that that evidence was not all appearing in this court transcript. I read also somewhere else that there was a police pursuit. So I guess my question, Lee—I mean, this makes me so angry for you, as you know—is what do you think could have been done differently to save Alicia in the first instance, and then in the court proceedings?

Ms LITTLE: I look at it now, Tania, and I look back. I do not know if anybody is aware here, but I actually spoke to Alicia 15 minutes before she died, and—

The CHAIR: She was packing.

Ms LITTLE: Yes. And her son spoke to her half an hour before she died, and she was that calm, cool, collected. The last words I said to her were, 'Do you want me to come?', and I mean I did that all day on the 28th: 'I'll bring Ariki. We'll bring a little truck; we'll get all your stuff'. Her last words to me were, 'Mum, I've got this. There's no respect. I'm leaving. My bags are packed; they're at the door'. And she said, 'I love you'. I said, 'I love you'. I just said to her—because I could hear him in the background ranting to bring her brothers and bring her uncles, and he was an Evans and he would go through the effing lot of them. And I knew he was an angry man. I knew he was an angry man, but she loved him. And she thought that she could pick up the broken pieces and fix him, and you cannot fix anybody like that.

Ms WATT: I will give you a moment. Thank you for speaking to us with such honesty and truth today. I am truly very grateful, as I am sure we all are. I wanted to ask a question about cultural protocols and some of the concerns you raised around lack of cultural understanding from the police and the coroner around your cultural practices, particularly in a time of grief and loss. And I know that certainly from the Aboriginal and Torres Strait Islander community—understanding that that is my community—there have been real challenges in coronial inquests and access to knowledge of families and undertaking cultural protocols in that time. So I just wanted to give you an opportunity to speak to what you think could be some improvements around understanding culture—cultural practice, customs and protocols—and how we might consider that in some of our recommendations about the future of the justice system.

Ms LITTLE: Look, I know it is very hard with culture. My culture is Chinese and my mum is Irish, so I have got this. Our culture in Chinese is that we stay with the person that has passed away until whoever comes to pick them up. And I do not know if anybody is aware, but the coroner did not come until 11 o'clock the next day—11 o'clock. She was lying there from 5 o'clock until 11 o'clock just with a sheet over her. And we could have been sitting there with her. We know that she was gone, but we did not know how she died. We had no idea. We were not told. Our culture is that we stay with the person that has passed. But I also know that there is an investigation going on. I also know that all of it has got to be tied in. But I can tell you this—and I have been thinking about this, and I never wrote it in here—

Ms WATT: Please tell us now.

Ms LITTLE: On the day after Alicia died and she was picked up—that was the Friday—on the Saturday at 1 o'clock we were asked if we wanted to go out to the property because we had never been because she had only just moved in there with him. But she was living with him prior, and this was the first time they had actually got a house together. So we were asked if we wanted to come out there. And I said, 'Definitely. A hundred per cent'. I took her brothers, and her two sons came and a son of my nephew, and I said, 'Look, we're going to pack her stuff up, because it's all at the door, most of it, and we'll just pack it up and take it with us', which we did. Leigh showed us where Alicia had passed away, but we did not know how. We knew there was a vehicle involved. And then I just said, 'This is so unfair. I can't understand it. We could've been here with her'. And I think that caused more trauma to me, knowing that she was there on her own. And the anxiety that it has caused my husband and the two boys that I have got with me is unbelievable. And they are men; they do not want to talk to psychologists, they do not want to talk to counsellors. Until you find that right person to click with—and thank God I have got Jackie, because we clicked straightaway, and I love her dearly. I do not know where I would be if I had to deal with all of this on my own. And talking about that in itself, my two sons and their families, their victims of crime coordinators rang them and spoke to them but did not follow up with them, because they are men-'Yeah, we're all right'. And then they fall in a heap. There is nobody there to pick them up except our family-good old Mum. Dad has got a brain injury, so we cannot tell him. So the culture thing is very important to me. My family comes from Bendigo. They are in the Chinese museum, so everything there is very important to me.

The CHAIR: Of course. Thank you. Kaushaliya.

Ms VAGHELA: Thanks, Chair. Thank you very much, Lee, for your time today, and I am very sorry to hear about the tragic loss of your daughter.

Ms LITTLE: Thank you.

Ms VAGHELA: And thanks, Jackie, for providing support to Lee.

Lee, you mentioned about the victim assistance program. They contacted your son. At any point did they contact you for providing support?

Ms LITTLE: Jackie is my victims-

Ms VAGHELA: So Jackie is the person.

Ms LITTLE: Yes.

Ms VAGHELA: Okay, so you have got that support. What I am trying to understand over here is, as Ms Maxwell mentioned, there were a lot of gaps identified. If we go to before Alicia died, there were a few gaps there, because there were several incidents of family violence.

Ms LITTLE: Yes.

Ms VAGHELA: Do you think if the family violence issues were part of the court case the outcome would have been different?

Ms LITTLE: One hundred per cent.

Ms VAGHELA: Now, at any stage did you want that to be part of the court case, or you did you not know, or were you advised not to make it part of it? Where did we miss that?

Ms LITTLE: I asked at the beginning about the domestic violence: was it going to be brought into the case? I was told that murder was greater than domestic violence, and they did not bring it in. It is a gap there, and being a victim—look, I could tell you so many stories, but I know that I have only got this amount of time. Since this has happened it has certainly opened my eyes to a lot of things, and if I can help one family—you know, I have helped many families since Alicia died from domestic violence. I have helped them get out of the situation. I know you are on that cusp; you have only got that certain amount of time. You are packing. You are going—'Let me come and get you. Let me hide you'.

Ms VAGHELA: Yes. You mentioned that when she spoke to you on the phone—and you also mentioned in your submission—that she was packing to leave. He knew that she was going to leave him. That is why you reckon he—

Ms LITTLE: Yes—snapped.

Ms VAGHELA: did what he did.

Ms LITTLE: Yes. I think something happened two weeks prior to this situation, to the event that happened, because two weeks prior I had sent Alicia a really, really beautiful poem about mother and daughter. I had sent it by iPad, and I rang the next day and I said, 'Oh, Babe, did you get that thing I sent you? I think it's beautiful'. And she said, 'No. You didn't send me anything, Mum'. She said—and the exact words were—'The dickhead has wiped out everything, all my photos, everything off my iPad'. He completely wiped out everything on her phone, so she never got it.

Ms VAGHELA: I will come back if there is time in the second round.

The CHAIR: Thank you. I think certainly the recommendations around databases and the like have been well heard by us today. When someone is given the coroner's report—and you were just reading some of the transcript—I would have needed to go to a dictionary to understand some of the information.

Ms LITTLE: Well, I kept it with me for a long time because I would think, 'Okay'. And then in the last few months I took it to the doctors and I said, 'Can you please explain this?'. I did not know up until that stage that Alicia's hips were broken, because they used a different—

The CHAIR: Word. That is right. I want to just get into my head what sort of communication you would have liked throughout this process.

Ms LITTLE: The victims of crime process—I mean, Jackie was in touch with me within hours. The boys had theirs within 24 hours. But there was no follow-up. I think there should be a follow-up one week down the track, two weeks down the track, just a ring: 'Are you okay? Do you still need help?'. Because that was not there, and they did not get followed up. I am not talking about one person; I am talking about families. I am one of 15 children. I have a big family, and the rolling effect that this has done to every one of my family is unbelievable.

The CHAIR: Yes. So certainly I think for your grandchildren just if someone had followed up and said, 'Just checking in. You said you were okay. Is there anything we can do?'.

Ms LITTLE: Yes.

The CHAIR: With the communication you had with the police and the prosecution team, was that adequate? Did you feel like you were part of that process?

Ms LITTLE: I felt that we were part of the process with the police, 110 per cent. It was explained to us that once we handed over to the prosecution office we do not have much say in the matter, and Leigh certainly had plenty of say in the matter. Even when it came to the plea, he said, 'I'm not happy'. I said, 'You're not happy?'. I said, 'My sons are not happy, my husband's not happy—nobody's happy'. I said, 'But I certainly don't want him to walk out the door free'.

The CHAIR: And that was the fear—that they thought they would not be able to get a successful prosecution.

Ms LITTLE: Yes. Because he said he was not there. He never ever made a statement properly. He said he drove out and saw her on the patio or the porch, whatever it was, and then he changed his story so many times. That night when the police came I knew it was Alicia. I saw it on the 5 o'clock news. I was folding clothes up, and I saw the newsflash, and I knew it was her car. I knew she was at Kyneton. I had never been there, but I knew.

The CHAIR: Tien.

Dr KIEU: Given the history of abuse against your daughter, did she ever take out an intervention order against him?

Ms LITTLE: Yes.

Dr KIEU: And was that considered by the court in the evidence?

Ms LITTLE: No, because he had talked her out of pulling it back. So he had spoken to her and told her, 'Don't do that', and then the police said, 'Well, it's up to you'. They both had one on each other, and then they pulled them back.

Dr KIEU: This is a general question, Lee. Have you ever felt that living in a regional area would present some difficulty for you? Would it be different if you were living metropolitan?

Ms LITTLE: I used to live metropolitan. I lived at Ascot Vale in Melbourne.

Dr KIEU: No, for this case.

Ms LITTLE: For this case? I do not think so. I really do not think so, because the case was heard at Bendigo because of Kyneton, and then it was heard from Bendigo into Melbourne. At the committal I felt like I was the one that was violated, 110 per cent, by the defence lawyer. I walked out of there, and they made Alicia's life feel like her life was worth nothing. She was 41. She was beautiful. She lit up a room. She had so much going for her, but she would try to fix broken people, and she did it all her life.

The CHAIR: Tania.

Ms MAXWELL: Thank you, Chair. I would like to just go back to some of the recommendations that you have made. A domestic violence disclosure scheme: can you just talk a little bit more about what that would look like and how you think that would benefit people in the community?

Ms LITTLE: Domestic violence in Australia is rampant, okay? And we live in Australia, but state to state every rule is different for domestic violence. New South Wales and Queensland have taken on board very similar regulations. But I cannot understand why we cannot have a national database. I cannot understand why it has not been done already. How many domestic violence people die of domestic violence situations? How many arsonists do we get a year? How many paedophiles do we get a year? You know, I keep up to date with how many people die, and I do not know if everybody in this room knows, but double the amount of men die from domestic violence in same-sex marriages as women, as children.

The CHAIR: Wow. No, I did not.

Ms LITTLE: So it is broad. It is not just women. It is everybody. And if the federal government could get legal people involved, surely to God state to state and federal—Canberra—can get something on paper, organised, and let us do it, because it has got to happen. I know it might not happen right now, but it has got to happen.

Ms MAXWELL: Sorry, Lee, just quickly: what would that involve? What would it look like? How would you access such a scheme?

Ms LITTLE: Me personally, what I would like—because I know that you cannot get on a national database unless you go to the right people. I think that it would have to be a government body like the police or somebody like that or domestic violence units throughout Australia that can only get to that database. I do not want it to be out there willy-nilly. I want it to be there on record forever, because if this had been on record, he would have got a longer sentence—110 per cent. But because his sentence was in New South Wales—

The CHAIR: And the prosecution did not submit it either.

Dr KIEU: Sorry—against another woman or against your daughter in New South Wales?

Ms LITTLE: His wife.

Dr KIEU: Another woman?

Ms LITTLE: Yes, his first wife. He never used to prey on men. He would only prey on vulnerable people. That was his prey. He is a narcissist in the highest form, and the judge could not see it.

The CHAIR: Sheena.

Ms WATT: You have given me and all of us quite a lot to think about. Thank you so much for putting the time into coming up with some of the recommendations in your submission. I think that was enormously helpful. I did have a question about information for victims throughout that process. I understand you have the recommendation saying that victims should be informed by the DPP about what to expect, even if it means it changes. Talk to me about that, where you have seen that you were really let down by, you know, a lack of information from the DPP and where we might think about improving that as such that—

Ms LITTLE: So the DPP, because I was Alicia's mother—but I believed that our family had to impact on everything that was going on. So everything had to come back via me to get to the boys, and I would tell them to ring Leigh, and Leigh would tell them what was going on. But the DPP—they were not forthcoming with a lot of information. We never got the information we thought we would get. You are going in to a trial—a murder trial—blindfolded, and this is the best way I can put this. You do not know the process. You do not know the justice system. You get told very little. If I did not have Jackie to explain things to me, what the process was—but you do not know where it is going to end. The process, to me, could have been handled a lot differently before we would go into meetings with the prosecuting office—to explain things a lot easier, instead of using what they have decided.

When the prosecutor said to us, 'We've already decided to take the plea', we were all gobsmacked gobsmacked—because we knew in our minds that he had done it. But for them it was like—and this is the way we thought, all of us—because he had the best lawyer in the land and paid top dollar for him and our lawyer's case was the first or second case he had ever done as a murder or whatever, that should be considered in this, that the person that is going to prosecute for you has done a few. I think we should have had legal representation there, and I think that this board should recommend it—that every person that goes to a prosecuting office meeting—

The CHAIR: Has legal representation.

Ms LITTLE: has legal representation. Because we wanted it. I am not rich, but I will tell you I would have found the money. I would have put my house up just to have that.

The CHAIR: Yes, that is a really innovative idea. Kaushaliya, are you okay? Tien?

Dr KIEU: Yes. Very quickly-

The CHAIR: We are out of time, but if you have a quick question, that is fine. Go ahead.

Dr KIEU: Just a comment rather. We encourage you to submit the petition that you have, and also there are avenues for you to get through to the federal government about the national scheme, which is actually outside of your jurisdiction, but that is something you could consider as well.

Ms LITTLE: Beautiful.

Dr KIEU: I have a question, but it may be a bit too long, and also it is not directly involved here, so thank you.

Ms LITTLE: Thank you so much.

The CHAIR: Thank you, Professor. Lee, thank you so much for today.

Ms LITTLE: Thank you.

The CHAIR: And thank you for all the work that you are doing. I mean, you are probably saving lives well, you are—and so thank you very much. As I mentioned, we will send you a copy of the transcript of today. So, please, have a look at it. Feel free to make any changes and give it back to us. Thank you again. Our hearts go out to you. I think it is very brave of you to be able to come in here and share those stories and relive some of those things.

Ms LITTLE: I have got to tell Alicia's story. She was here for a purpose. Thank you.

The CHAIR: Thank you for doing that here. It will not be forgotten.

Witness withdrew.