

Affidavit of Facts of DENNIS JOHN McKENNA:

I, Dennis John McKenna, currently a prisoner at Acacia Prison, Great Eastern Highway, Wooroloo, in the state of Western Australia, being duly sworn, make oath as follows:

1. I am the creator of this affidavit.
2. I was born in the state of Western Australia. My date of birth is 6 February 1945. I am 72 years old at the time of preparing this affidavit.
3. The facts contained in this affidavit are, except where expressly stated to the contrary, within my personal knowledge and belief, and are both true and correct. Where matters contained in this affidavit are outside my personal knowledge, I believe them to be true and have identified the source of my information and belief.
4. On the event of being charged with 66 counts of sexual behaviour, I engaged lawyer PATTY CHONG to represent me.
5. During three separate recorded phone discussions via prison phone, I told Patty Chong on each occasion that I could not plead guilty to many of the charges made by alleged victims. The acts I was being charged for simply did not occur. I also learned from family and others on the outside at the time that people were being encouraged to jump on the 'Redress' bandwagon for the money. All they needed to do was make a statement for police. This was being encouraged on Facebook accounts and other web sites belonging to the original accusers. I routinely instructed Patty Chong to secure prints of the Facebook comments but she refused to do so.
6. The initial charges, being 14 charges, had been made by five men.
7. About a year later an additional 16 charges were laid against me as more people jumped on the 'Redress Express'.
8. In late 2012, while at Acacia Prison, I met a fellow prisoner named JOHN VICTOR RAMSES, an American. I was distraught and overwhelmed by then due primarily to the almost daily negative media attention from the Seven West / West Australian news paper and was getting no real help from my lawyer. Mr. Ramses offered to assist me in what way he could by helping me prepare a response to the charges by recording a plea to each charge in writing. He also assisted me in preparing faxes and writing related letters to Patty Chong.

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9. In my response I pleaded guilty to those acts of which I had actually committed some 20+ years prior. I pleaded not guilty to those which I did not do. Mr. Ramses prepared and typed my response accordingly, which I then faxed to Patty Chong.
10. Patty Chong made only one in-person visit to me while in prison to discuss my case. During that meeting Ms. Chong informed me that if she is going to continue to represent me I had to plead guilty to ALL charges. Ms. Chong also informed me that the DPP (prosecution) had insisted that ALL 16 alleged victims must be included. This is despite the fact that some of these accusers were never at the hostel during that era and were obviously making false statements, which could have been proven if Patty Chong had followed my instructions to secure that evidence.
11. Patty Chong was less than pleased that I would not simply plead guilty to all charges as per DPP's insistence. She gave me the impression that she was actually on the side of the DPP and not truly interested in representing me. My case was deliberately extremely high profile in the media and I felt that Patty Chong had taken my case only for the publicity on herself.
12. Nonetheless, I informed Patty Chong that I intended to maintain my pleas with respect to the document I had prepared regarding the charges and that I would not, could not plead guilty to acts I didn't commit.
13. Some time later, before sentencing, I met with a psychologist who had been instructed to make a pre-sentencing assessment on me for the court. The psychological evaluation was requested by Patty Chong with my approval.
14. During this assessment meeting that psychologist said to me: "Dennis, are you aware that the charges have been changed?" She told me that additional charges had been of 'carnal knowledge and penetration' had been included I was not aware of this and had not been told. I became quite upset. I felt that the DPP had made up those charges to punish me for not pleading guilty to all the other charges, and include all 16 accusers, as they had insisted I do.
15. The psychologist advised me that I must get a copy of the new charges to review and address because they were 'significantly damning'.
16. Again, with the help of Mr. Ramses, we prepared a fax to Patty Chong. In that fax I explained what the psychologist had told me and that I demand to see the changed charge sheet, as was my right. In a follow-up phone call (recorded), Patty Chong informed me that the "changes are trivial and nothing significantly new had been added." Carnal knowledge is not a trivial matter.

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17. Moreover, I Patty Chong refused to provide me with a copy of the changed charge sheet, regardless of how 'trivial' in her mind the changes were. I was not given any opportunity to review the new charges nor to address them with any plea. Patty Chong simply refused my requests to see the charge sheet.
18. During the sentencing hearing in late January 2013 (highly anticipated by the media), the charges (about 32-34) were read out in the public court. When the charges of 'carnal knowledge' were read out (which I had never been given opportunity to review), I made challenged them, stating I had not pleaded guilty to any such charge. The sentencing judge sternly told me: "Mr. McKenna, you pleaded guilty to these charges and will be sentenced on the plea of guilty". I was effectively shut down and silenced before the crowd of public onlookers and media (including alleged victims). I was unlawfully sentenced on those charges I had never seen nor pleaded to, but which acts had never occurred.
19. These charges had been fabricated by the DPP in order, I believe, to provide media with a 'big bang' after such a long and costly media campaign against me and my brothers to 'jump start' the 'Redress Scheme' for the Barnett government. I had been told by the arresting officer at the time of arrest that I had been "selected to jump-start Redress due to prior convictions on sexual offences." And that because of those convictions 20+ years prior "the public would easily believe I am guilty regardless of evidence." I was deeply appalled by this and knew then that I, and subsequently my brothers, were merely expendable assets to promote a questionable scheme and agenda.
20. I therefore state here and now in this affidavit that I never pleaded guilty to those charges of 'carnal knowledge - which caused the lengthy sentence - , nor to many of the other charges. The 'pleas' provided to the sentencing judge were deliberately falsified by the DPP, knowing I had no help or support, not even from my own counsel. The public had been grossly lied to. The DPP merely wanted to close out the McKenna-Katanning 'circus' (Patty Chong's description) with a bang ahead of the elections in March.
21. The State of WA, namely the DPP, cannot provide any proof whatsoever that I ever pleaded guilty to the said charges, no signed confession, no video confession. Moreover, when a confession is being made it must be recorded on video as per legislation (s118 of the Criminal Investigation Act [WA]). No confession in any form was ever made by me to the said charges of 'carnal knowledge'. The DPP should, however, have a copy of my typed pleas as I had provided to Patty Chong.
22. A subsequent attempt to appeal the sentence (through Simon Watters, lawyer) was immediately met with an onslaught of negative media as if

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orchestrated to put pressure on the judges to dismiss the appeal, which they did do.

23. I have since made exhaustive inquiries as to the name of the psychologist who first informed me of the changes to the charge sheet, but have been completely ignored. Naturally, pursuit of this case to the high court would open a nasty can of worms, but it hopefully will be pursued in time. The public were lied to and as a result, it has cost the taxpayer tremendously. If I was used to start this draconian 'Redress Scheme', which has since seen hundreds of men wrongly imprisoned on an accusation alone, costing taxpayers millions in 'compensation' payouts to alleged victims, I feel I must do whatever I can to set the record straight.
24. I am hopeful that some media outlet or journalist with integrity like the ABC would investigate this case and this entire Redress Scheme that is costing public taxpayers millions of dollars and putting hundreds of innocent men in prison.

Sworn by the said
DENNIS JOHN McKENNA
at Acacia Prison
Wooroloo, in the state of Western Australia

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Date: 30 / 11 / 2017

Before me:



Date: 30 / 11 / 2017

Justice of the Peace
8504
Western Australia