

South Australian DPP media conference transcript: 27th July 2011

DIRECTOR of Public Prosecutions Stephen Pallaras has defended the handling of the Rocco Leo saga, saying there is "no chance" of convicting him of fraud charges on the current evidence against him. After calling a media conference today, Mr Pallaras said his department had dealt with the issue in a timely and professional manner after Leo fled to Fiji last year. Today it had told police they do not have the evidence to prosecute. "This case has attracted a fair amount of publicity and has been the subject of remarks by many," he said.

"It has caused some with very little understanding of the strength of the evidence in this case to criticise this office for tardiness or for taking too much time in which to reach a decision."

Director of Public Prosecutions Stephen Pallaras said today a review of the evidence against the Agape Ministries leader had determined there were **no (Pallaras placed emphasis on this word in his televised media conf)** reasonable prospects of a conviction. "Consequently we can give **no** assurance that we would prosecute Mr Leo on these matters should he be the subject of a successful extradition application," Mr Pallaras told reporters. "On the material we have been provided with, our considered opinion; and it has been a *considered opinion*, is there are **no** reasonable prospects of a conviction."

South Australian director of public prosecutions Stephen Pallaras says his department has been liaising with police since receiving an adjudication request from them in May.

No surprise

Police Assistant Commissioner Grant Stevens said the decision from the DPP was **not unexpected**. He said it was not a reflection on the quality of the investigation and was based on the **credibility of witnesses** and the **availability of evidence** in such a complex matter.

28th July 2011

South Australian Director of Public Prosecutions Stephen Pallaras said yesterday he would not recommend the extradition of Rocco Leo, who allegedly defrauded members of his cult, as police had not provided sufficient evidence to give a reasonable chance of prosecution.

"On the material that we have been provided with . . . there are no reasonable prospects of conviction," he said. ***"What we've got at this stage doesn't cut it."***

He said the case had caused people ***"with very little understanding of the strength of the evidence in this case"*** to criticise his office....

Director of Public Prosecutions Steve Pallaras revealed to *The Advertiser* yesterday **police had not asked** if Leo could be charged with serious firearms or explosives offences.

Leo has escaped criminal charges after police withdrew 126 counts of fraud on Wednesday because of a lack of evidence. ***"The question is - scot-free from what,"*** Mr Pallaras said of Leo being free of prosecution.

"I can't charge anyone based on what the media is saying about him - all I can do is decide on what police bring to me."

"We have not been asked to review anything else but if (police) come up with more evidence, it is our duty to look at it and give advice. We haven't been asked to (review firearms offences) and we haven't been given any material relating to that.

"All the material we got since the beginning of May related to one allegation of fraud. I'm very confident there is nothing else in the office that related to Leo on any other charges."

Mr Pallaras advised SA Police **to drop the fraud charges** because there was **"no chance" of a conviction.**

Mr Pallaras said Leo's file remained open but he said he would be **"amazed"** if police had other evidence against Mr Leo that had not been handed to the DPP. "The decision we made was based on evidence as to Wednesday; if more information is produced by police, it clearly would be considered," he said.

"We were looking at evidence in relation to one count only of fraud and in respect to this there wasn't enough evidence to prosecute."

Mr Pallaras rejected criticism his department was slow to review evidence. He told *The Advertiser* on July 14 that police had given him a preliminary brief but not all the evidence against Leo.

The next day police handed over 200 more pages of evidence.

"Once we had that material we needed to speak to **the principal witnesses** that police say supported the case, which we did," Mr Pallaras said. **"The sum total of all that was that this (case) was not a goer."**

Mr Pallaras rejected independent senator Nick Xenophon's call on Wednesday for "an independent review" of evidence, saying it did not make sense.

A spokesman said SA Police would be making **no further comment about the investigations.**

Assistant Commissioner Grant Stevens

Mr Leo..... was not charged over the dozens of firearms and thousands of rounds of ammunition found hidden on a dozen church properties in May last year.

"The people who are responsible for those items ... have been charged with those offences and that doesn't include Leo Rocco," Mr Stevens said.

Assistant Commissioner Grant Stevens says witness credibility and a lack of evidence are responsible for the Director of Public Prosecution's decision regarding Rocco Leo.