



Hon Cameron Dick MP
Member for Greenslopes

MC10/1412



**Queensland
Government**

In reply please quote: J/10/00348, 521007/2

**Attorney-General
and Minister for Industrial Relations**

22 January 2010

The Honourable Brendan O'Connor MP
Minister for Home Affairs
PO Box 6022
House of Representatives
Parliament House
CANBERRA ACT 2600

MHA - RECEIVED	
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<input checked="" type="checkbox"/> Priority B	<input type="checkbox"/> Reply by AG
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<input type="checkbox"/> Information	<input type="checkbox"/> Reply by CoS
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28 JAN 2010	INT: ... 29/1

Dear Minister O'Connor

I have received a letter dated 19 January 2010 from the Attorney-General for the State of Alabama, United States of America (copy enclosed). The Attorney-General has requested my assistance in providing "investigative materials" concerning the prosecution of Mr Watson, for the purposes of what he describes as being a review of the case with a view to prosecuting Mr Watson under the laws of the State of Alabama.

As you may be aware, Mr Watson pleaded guilty, in June 2009, to the manslaughter of his wife, Tina Watson, in Queensland on 22 October 2003. Mr Watson is a citizen of the United States, but voluntarily returned to Australia and pleaded guilty to the charge of manslaughter. He was originally sentenced by the Supreme Court of Queensland to four and a half years imprisonment, suspended after twelve months.

I was concerned about the adequacy of that sentence and exercised my power under the Criminal Code of Queensland to appeal the sentence to the Court of Appeal seeking a higher sentence. In September 2009, the Queensland Court of Appeal upheld my appeal and increased the term of actual imprisonment by six months. The head sentence of four and a half years imprisonment remained the same, but instead of the suspension after twelve months imprisonment, the Court of Appeal ordered a suspension after eighteen months.

I am aware that there has been contact between officers of the Queensland Police Service and officers of the International Crime Co-operation Central Authority concerning this matter and, in particular, concerning the role of the Commonwealth under the *Mutual Assistance in Criminal Matters Act 1987* (Cth) ("the Commonwealth Act").

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In particular, there appears to be some material now in the possession of the Queensland Police Service, or the Queensland Director of Public Prosecutions, that was obtained through a request made by the Commonwealth under the Commonwealth Act, to the United States and New Zealand.

I am aware that the Queensland Police Service has received an indication, at officer level, from your department that, apart from the material obtained in response to the mutual assistance request, it is a matter for Queensland as to whether investigative material in the possession of the Queensland Police Service or the Director of Public Prosecutions should be released to the Alabama Attorney-General.

The request for mutual assistance has been made by an elected official seeking to investigate and it would seem, in the ultimate event, to prosecute a criminal matter. Such a request is more than a request for police to police assistance, and it would appear to fall within the ambit of the Commonwealth Act.

As a formal request from the Alabama Attorney-General for mutual assistance has now been received in the attached letter dated 19 January 2010, I am eager to determine the most appropriate response. Given the role of the Commonwealth to date, the international nature of this request by an authority other than a police service, the possibility of charges being laid against Mr Watson in Alabama involving the death penalty, and the firm position taken by the Australian Government concerning mutual assistance and law enforcement co-operation in potential death penalty cases, my view is that the request is now best co-ordinated at the Commonwealth level.

Of course, the Queensland Government is willing to offer every assistance in preparing such a response.

I look forward to your response at your earliest convenience.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Cameron Dick', written in a cursive style.

**Hon Cameron Dick MP
Attorney-General
and Minister for Industrial Relations**

Enc.



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

TROY KING
ATTORNEY GENERAL

January 19, 2010

500 DEXTER AVENUE
MONTGOMERY, AL 36130
(334) 242-7300
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The Honorable Cameron Dick MP
Attorney General & Minister for Industrial Relations
Level 18, State Law Building
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COPY

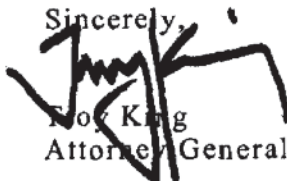
Dear General Dick:

I write to you again on behalf of the citizens of Alabama, and especially the family of Tina Watson, to commend you for appealing the deficient sentence initially levied against Daniel Gabriel Watson. Unfortunately, another injustice is developing. For whatever reason, the promises by your government to assist with our investigation ring hollow. Let me elaborate.

As you are aware, I have been involved in this case from its inception, and have been in communication with your office directly concerning our interest in the prosecution of Watson. Beginning in October of 2009, after the appeal was finalized, we contacted the Queensland Police Service and requested the transmission of the investigative materials from this case to Alabama to allow us to begin our own review. We continue to wait for them to cooperate and comply.

I believed you when you showed concern for this family. Regrettably, in the *Brisbane Times* last week, I read that your spokeswoman stated that a search of your records found no "formal request from Alabama" for assistance. It is this kind of bureaucratic inertia that frustrates the citizens of both our nations. I am greatly disappointed that you did not inform us in any of your other communications with my staff that any such additional "formal request" was needed from this Office to gain your assistance. Nevertheless, by this letter, please know that I am officially requesting your assistance in helping to secure the transmission of the investigative materials from the Watson case to Alabama. Please see the attached copy of our original official request to the Queensland Police Service as well.

Let us both hope that justice is finally served in this case.

Sincerely,

Troy King
Attorney General

TK:TC:oi



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

November 9, 2009

TROY KING
ATTORNEY GENERAL

500 DEXTER AVENUE
MONTGOMERY, AL 36130
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WWW.AGO.STATE.AL.US

Commissioner Bob Atkinson
Commissioner of Police
Queensland Police Service
GPO Box 1440
Brisbane QLD 4001

COPY

Dear Commissioner Atkinson:

I am writing on behalf of Alabama Attorney General Troy King concerning an investigation into the circumstances that lead to the death of Tina Thomas Watson, who drowned in 2003 while scuba diving with her husband, David Gabriel Watson, on their honeymoon in Australia. The Alabama Attorney General's Office, Attorney General Troy King, has assumed the lead role in investigating this matter at this time here in America, and thus we request your assistance.

Law enforcement in America and in Queensland have been in communication ever since 2003, and we are now aware that your community has completed its prosecution of David Gabriel Watson concerning Tina Watson's death. Upon learning that your investigation, inquest, and prosecution has been completed, the appeals process exhausted, and your file on this matter closed, this office has since been in communication with Australian Officers concerning the need to gain access to your materials and casefile in order to conduct an investigation here within our jurisdiction. First-off, I want to say "thank you" to all of your Officers for your cooperation, efforts, and patience thus far.

That said, on October 29, 2009, this office directly requested that Detective Senior Constable Kevin Gehringer travel to the United States in order to present us with a brief of his investigation into this matter and the evidence supporting it. This request was forwarded up Gehringer's Chain-of-Command, and we have since been in communication with Detective A/Inspector Joe Kitching, Regional Crime Coordinator for the Northern Police Region of the Queensland Police Service, who is also intimately familiar with the case. We now respectfully request your cooperation, Commissioner Atkinson.

Specifically, we request that arrangements be made for Detective Senior Constable Kevin Gehringer (and/or any other appropriate Officers, possibly including Detective Gary Campbell) to prepare a report concerning this matter to be forwarded to your Office, and then for your Officer to travel to Alabama to present said report, briefing, and evidence to our Attorney General, Prosecutors, and Investigators. Of course, we are requesting that your Officer travel here with the evidence and materials in order to best preserve the chain of custody.

COPY

It is my understanding that your agencies are ready and willing to assist the State of Alabama in its investigation of David Gabriel Watson and the actions that led to the drowning of Tina Watson. Again, we deeply appreciate your cooperation in this matter.

Once we confirm when your Officer will be available to travel to our jurisdiction, we will be able to finalize the logistics of the trip. As for travel costs, we have been informed that Queensland received some special funding in order to prosecute the Watson case – since he readily traveled there without objection and immediately pleaded guilty, we hope that those funds may still be available for law enforcement purposes concerning this matter. If our agency is unable to secure funding for this travel, please let me know and we will attempt to secure funding from this end.

Your assistance and timely cooperation in this matter is greatly appreciated, and we look forward to speaking with you soon. Should your office need additional information or other assistance to facilitate this request, please contact me at 1.334.242.7355 or by email at tcoker@ago.state.al.us.

Sincerely,

TROY KING, ATTORNEY GENERAL
STATE OF ALABAMA

DONALD G. VALESKA, II
ASSISTANT ATTORNEY GENERAL
DIVISION CHIEF – VIOLENT CRIMES

BY: 
Tina M. Coker
Assistant Attorney General