

DIVISION: CRIMINAL
REGISTRY: SYDNEY
LIST: N/A

**ASIC v ROBERT GEORGE MCCLELLAND
ASIC v ROADSHIPS CYCCLONE PRT LTD
ASIC v THE ROADSHIPS GROUP PTY LTD**

2nd and 3rd DEFENDENTS CLOSING SUBMISSIONS

INTRODUCTION

These closing submissions are prepared by the 2nd & 3rd defendant's director, Micheal Peter Nugent having retired the engaged legal counsel.

These charges form the basis of, and stem from the ongoing abuse of power, abuse of process and criminal misconduct by employees of the ASIC and all defendants should be found not guilty.

Allegations by the defendants of misconduct by the ASIC are not conspiracy theories, they are documented facts and in over 20 years not one single person, commission, government department, politician or law enforcement officer has denied or rebutted the allegations.

In all of history, no Australian company, directors, shareholders, and trading associates have been subjected to the level of criminal misconduct, abuse of power and abuse of process as the 2nd and 3rd defendant companies and their associated relationships within the Roadships Group by an Australian government commission.

1. Change in 2nd and 3rd defence council to a director acting.

Micheal Peter Nugent, Director acting for the companies under **UNIFORM CIVIL PROCEDURE RULES 2005 - REG 7.1 By whom proceedings may be commenced and carried on**

(2) A company within the meaning of the *Corporations Act 2001* of the Commonwealth--

(a) may commence and carry on proceedings in any court by a solicitor or by a director of the company.

I have been exposed to high level legal action for over 20 years and have the qualified position to know when to retire legal counsel. Engaged legal counsel are extremely reluctant to act against the ASIC especially when criminal misconduct by their employees and agents might need to be exposed.

I am the owner and publisher of the url: www.mpnvictim.com.

2. Facts about the background to this matter.

- (a) In fact, since September of 2000, the ASIC has served over 50 s30 notices directly to our companies and directors.
- (b) In fact, since September of 2000, the ASIC has served over 40 s30 notices to our commercial suppliers.
- (c) In fact, since September of 2000, the ASIC has served over 20 s30 notices to our shareholders.
- (d) In fact, since September of 2000, the ASIC has issued over 20 s19 notices to our directors and associates.
- (e) In fact, the ASIC has been canvassing our shareholders for 20 years with false information.

In fact, every single notice issued by the ASIC from September of 2000 to our companies, directors, shareholders, and commercial suppliers has been complied with.

3. Reason for change in legal representation.

Given the gravity of this case where Mr McClelland is facing a possible criminal conviction and 2 years imprisonment, I firmly believe an explanation for firing legal counsel should be on the record.

- (a). When the time came where I was once again allowed to be appointed as a director of the defendant companies, I did, without question, even though the companies were under criminal prosecution. I then asked [REDACTED] who was corporate council for the 2nd and 3rd defendants, for a referral to criminal defence in Sydney. [REDACTED] stated he could act in the matter and welcomed the engagement.
- (b). [REDACTED] prepared a draft precis of evidence for me and laid out a defence. I agreed and worked on the precis of evidence.
- (c). [REDACTED] canvassed engaging Barrister [REDACTED] and documents were exchanged. [REDACTED] reviewed the brief before going on holiday.
- (d). In chambers the day before trial, [REDACTED] was very stand offish and one could clearly see a change in the legal defence. This is something I am very familiar with having engaged many barristers that have a change of heart after finding themselves in a position of seeing the corruption firsthand.
- (e). Both [REDACTED] and [REDACTED] were retired when the transcript became available.
- (f). [REDACTED] and barrister [REDACTED] are fully paid.

Turning to the transcript:

- 1. At 25 PG 1- [REDACTED] stands before his honour acting for the 2nd and 3rd defendants.
- 2. At 10 PG 2- [REDACTED] raises the inclusion of an unrelated file. This is a trick we have seen from counsel for ASIC many times. Introduce false direction just before trial gets underway.
- 3. At 45 PG 31- [REDACTED] raises an objection which clearly shows he was not prepared and well read on the matter. From my experience, it is a message to say I am not really here.
- 4. At 50 PG 58- [REDACTED] raises speculation issues.
- 5. At 40 PG 59- [REDACTED] introduces monetary issues when he has no basis to think his clients cannot afford the defence.
- 6. At 20 PG 60- [REDACTED] gains oral submissions on the day, which ultimately does not happen.
- 7. At 35 PG 73- [REDACTED] corrects the deliberate misleading of his Honour about bank statements by the prosecutor.
- 8. At 5 PG 74- [REDACTED] introduces notice comparison to a subpoena.
- 9. At 25 PG 74- [REDACTED] begins defence in four straightforward oral submissions. The four straightforward defence submissions were not made.

4. The Raid on the Robert McClelland's residence.

- (a) There was no justifiable reason to take 9 ASIC employees and 5 Federal Police officers to raid McClelland's residence given the compliance in fact of all notices previously served.
- (b) We have in our possession numerous damaging items to the ASIC gathered legally over the past 20 years. One of these items is a folder given to me in a s19 hearing that shows the ASIC person changed the accounts of that company to suit their narrative.
- (c) One can comfortably draw a clandestine approach to gather such items.

5. Other charges in this matter.

Both of my sons were charged with similar offences at the same time and the court found there was a no case to answer, a not guilty and 2 further charges dropped on the eve of the trial.

6. Deliberate legal confusion.

- a. The ASIC has a history of misdirection and deliberate confusion when making application to the courts. They make application under various acts between civil and criminal codes. This places onerous responsibility on legal counsel as to defending cases.
- b. Our group experienced this in the ASIC v Cyclone Magnetic Engines Inc. matter whereby counsel for the defendant stated it was a criminal case and the applicant needed to prove their case. The matter somehow wound up a civil case post-trial and Justice Martin stated the onus was on the defendant to prove their defence.

In fact, in the ASIC v Cyclone Magnetic Engines matter, Barrister S Kiem stated before Martin J that it did not matter if we were compliant with prospectuses and corporate law, his client, the ASIC does not allow us the law or the protection of being compliant with the law. In his findings Martin J disagreed.

- c. This matter is under s63 of their own act and places the onus on the defendants to prove they are innocent.
- d. This burden of proof has been met and the defendants should be found not guilty.
- e. No evidence of hidden or destroyed documents has been placed before the court.

7. Referring to the Prosecutions Outline of Closing Submissions.

1. This is the first time Mr McClelland has been on the witness stand.
2. In fact, Mr McClelland did photocopy the registers in the company folders and hand them up. Mr McClelland's confusion on the witness stand does not negate the fact that they were handed up.
3. In fact, all changes to the registers were filed in line with statutory rules and are in the possession of the ASIC.
4. In fact, the ASIC made it very clear to our group how to manage share registers when they sent us over 20 formal letters in the Roadships Logistics Limited matter where the CFO, Jon McArthur fired the registered agent, then engaged Computershare and tried to transfer control of the company to another director, Oliver Douglas. When Computershare denied the transfer, the CFO established his own register in his home garage and proceeded to transfer (steal) the controlling shares under the blessing of the ASIC.
5. In fact, the 2nd and 3rd defendant companies along with many other companies and around 900 honest hard working Australian citizens have made many changes, kept funding, kept supporting and legally worked forward on their projects, Roadships and Cyclone Magnetic Engines which explains the amount of funds passing through bank accounts over many years.
6. In fact, I was criminally removed as the CEO of Roadships Logistics Limited with the ASIC aiding and abetting the perpetrators.

I refer to Federal Magistrates Court of Australia, Tree v Roadships Logistics Limited, [2009] FMCA 882, SYG 2770 of 2008 finding of Lloyd-Jones FM.

At 51. On this information alone, Roadships Logistics Limited is in breach.

7. If Mr McClelland and the defendant companies are found guilty, it will be a further miscarriage of justice ongoing.

CONCLUSION

The Prosecution has not proved their case. The 2nd or 3rd defendants have proven and shown there was no intent or any reason not to comply with any notices served and the prosecution has not shown one single piece of evidence to support a guilty finding.

Charges should be levelled at those who have carried out criminal acts, aided and abetted those who have committed crimes and those that have gained from the crimes now placed before the court.

A handwritten signature in black ink, appearing to read 'Micheal Nugent', with a stylized flourish at the end.

Micheal Nugent

13 March 2023

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