

WINE VVS

Former cop cleared after leaking video of handcuffed man being bashed in Surfers Paradise

By Tom Forbes

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The Southport District Court has found former Gold Coast sergeant Rick Flori not guilty of misconduct after admitting he leaked CCTV footage showing fellow officers bashing a handcuffed man in custody.

Noah Begic was arrested by police during a night out in Surfers Paradise on January 29, 2012.

The 21-year-old chef was handcuffed and driven into the basement of the Surfers Paradise Police Station car park.

The footage shows one officer drop a knee into Mr Begic's shoulder as he lay on the concrete floor, and then the chef was punched to the head twice.

The CCTV then shows officers placing Mr Begic into the back of a police wagon where he is punched four more times in the head.



PHOTO: Mr Flori's defence said he had not had a vendetta but instead wanted to expose misconduct. (AAP: Dave Hunt)

The court heard Mr Flori was not working on the night of the incident, but he later downloaded the footage and gave it to a journalist.

The sergeant, who resigned from the service last year, pleaded not guilty to two charges of misconduct in public office when the trial began eight days ago, but one of the charges was discontinued on Tuesday.

To find Mr Flori guilty, jurors were told that they had to be satisfied that he was a member of public office, that he accessed and released the footage, and that he did so to dishonestly cause a detriment to a fellow officer.

Flori wasn't promoted

The senior officer on duty the night of the bashing was Senior Sergeant David Joachim, and the footage shows him washing Mr Begic's blood from the floor of the car park after the incident.

Jurors heard Mr Joachim was promoted to a senior position ahead of Mr Flori.

During the trial, Mr Joachim, who retired from the police service in 2013, testified that he and Mr Flori had not got along.

"He was not a friend," he said.

"I found him rather officious since I was a DDO [District Duty Officer]."

During the crown's final address to the jury, prosecutor Todd Fuller said Mr Flori released the CCTV to discredit the senior officer after being overlooked for the promotion.

"This is a course of conduct against David Joachim," Mr Fuller said.

"He knew he wasn't entitled to release it [the footage]."

Flori a whistleblower, defence says

Mr Flori's barrister Saul Holt told the jury that his client did not have a vendetta against Mr Joachim.



PHOTO: The court heard Flori downloaded the footage and gave it to a journalist. (ABC TV News - file image)

"This is an act of whistleblowing and not an act of vendetta," he said.

Mr Holt said his client wanted to expose police misconduct which was a problem among some Gold Coast-based officers at the time.

"Sunlight is the best disinfectant," he said.

"Those who blow the whistle do so at a massive personal risk."

During his final address to jurors, Mr Holt said that his client did not dispute that he leaked the footage, which was a breach of police protocols.

"Sometimes the rules must give way to public interest," Mr Holt said.

"We have to have a police service in which we trust."

'I'd do it again'

Leaving court Mr Flori said he felt vindicated.

"I was very happy that it was going to a jury of my peers and the end result is the way it should be I believe," Mr Flori said.

"I don't regret a minute of it and I'd do the same thing again — over and over again.

"I'd take a job [in the police force] but the only one would be the commissioner's job."

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