

AUDIO RECORDING

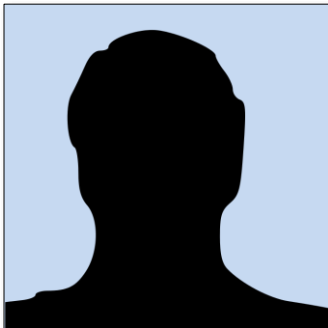
Thursday 12th January, 2006

VPL.2000.0002.4214

SDU & MS GOBBO



MS GOBBO



MR SANDY WHITE



MR PETER SMITH

MS GOBBO: Even the ones that are the toughest people who say "I'll never plead," when you cross-examine them for a few minutes they always crumble. But Tony will not change his mind, you know. And, look, I forget about privilege for a minute. Let's sat hypothetically his lawyers had sat him down and said, "forget about the basic issues of if you plead and get a discount - - -"

MR PETER SMITH: Yep.

MS GOBBO: "- - - for pleading," and blah blah blah. "Back to basics. If you plead, you plead on the basis on some sort of agreed summary where at least the judge is constrained about - - -"

MR PETER SMITH: Yeah.

MS GOBBO: " - - - amounts of money you might've made, or profit or moolah."

MR PETER SMITH: "Yeah, or time frames or whatever".

MS GOBBO: "But you" - yeah. "But you run a trial, the gloves are off and those, the ties that the judge has around his hands to a degree in terms of scale of trafficking - - -"

MR PETER SMITH: Mm'mm

MS GOBBO: " - - - will come off and he will slam you." And let's say hypothetically the advice he'd been given was, "Not only will you be slammed but the effective sentence we can get you would be doubled 'cause the judge will punish you for the bullshit that happened last year with Legal Aid," adjournment thing the year before that. "He knows," you know. "He knows you've been to Versace a few times. He knows you've been on the front page of the Herald Sun winning money at the races. Victorians know that, a jury knows that."

MR PETER SMITH: Yeah.

MS GOBBO: Anyway, he's been told.

MR PETER SMITH: Hypothetically.

MS GOBBO: Huh?

MR PETER SMITH: Hypothetically.

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