

A.

Summary of Evidence

Office of Public Prosecutions

V

Paul DALE

"THIS DOCUMENT DOES NOT PURPORT TO SUMMARISE ALL THE RELEVANT EVIDENCE IN THIS CASE. IT IS PROVIDED ONLY AS AN AID TO THE PROSECUTOR AND DOES NOT FORM PART OF THE EVIDENCE OR THE HAND-UP BRIEF"

This summary incorporates two investigations, the Major Drug Investigation Division's 'Operation GALOP' and the Ethical Standards Department's 'Operation NUTATION'. Whilst these investigations were undertaken at different times the events they shed light upon occurred simultaneously, one providing impetus to the other. 'Operation GALOP' focused on a syndicate manufacturing and trafficking large quantities of ecstasy tablets and 'Operation NUTATION' was an investigation that commenced when the burglary was committed by the accused at the Operation GALOP target address of [REDACTED] Dublin Street, Oakleigh East.

Background of the Accused

Paul Noel DALE (DALE) was born on [REDACTED] and joined Victoria Police on 14 November 1988. DALE worked in Metropolitan Melbourne as a uniform member and then as a Detective. In 1998 DALE commenced duty at the Homicide Squad and was seconded to the 'Lorimer Taskforce' in August 1998. On 25 September 2000 DALE was promoted to the rank of Sergeant and to Detective Sergeant on 10 February 2002. DALE commenced duties at the Major Drug Investigation Division on 17 June 2002 as a supervisor of a team of Detectives.¹

¹ Exhibit 446 - DALE Record of Service

Co Accused

David Anthony MIECHEL (MIECHEL) was born on [REDACTED] and joined Victoria Police on 24 April 1989. MIECHEL worked in Metropolitan Melbourne as a uniform member and then as a Detective. On 4 August 1996 MIECHEL was promoted to the rank of Detective Senior Constable and commenced duties at Keilor Downs Crime Investigation Unit on 29 December the same year. MIECHEL commenced duties at Major Drug Investigation Division on 26 May 1997.

Co Accused

Terence Bernard HODSON (deceased, HODSON) was born on [REDACTED] in England. In 1974 HODSON immigrated to Australia with his family, wife Christine HODSON (hereafter referred to as Christine) and three children, Mandy, Andrew and Nicole HODSON (hereafter referred to as Mandy, Andrew and Nicole).

Relationship of Accused

Major Drug Investigation Division Taskforce KAYAK commenced in mid October 2000, targeting numerous prolific drug traffickers. MIECHEL joined the 'KAYAK' Taskforce in late 2000. DALE was not a member of the original 'KAYAK' Taskforce however some of his later duties included assisting investigations falling within its scope.

The 'KAYAK' Taskforce was separated into numerous investigations, one of which, 'Operation YACHT' directly targeted the HODSON family. Initial attempts by investigators to target HODSON himself had been unsuccessful. In October 2000 investigators changed tacts and commenced 'Operation YACHT' targeting HODSON's children, Mandy and Andrew.

'Operation YACHT' concluded on 24 August 2001 and resulted in the arrest of Andrew and Mandy HODSON for trafficking 1500 MDMA (Ecstasy) tablets and the arrest of HODSON for possession of approximately 0.5 grams of Cocaine.

Following the arrest of HODSON, MIECHEL with former Detective Sergeant Wayne STRAWHORN, were responsible for cultivating HODSON as a police informer. This was done by using the charges against his children as leverage. MIECHEL was the informant responsible for both Mandy and Andrew HODSON's trafficking charges. MIECHEL was also responsible for the handling of HODSON on a day to day basis.

HODSON was registered as a police informer on 6 September 2001, 2 weeks after his arrest by MIECHEL.

DALE transferred to Major Drug Investigation Division (MDID) on 17 June 2002 becoming MIECHEL's direct supervisor and the co-handler of HODSON. DALE met HODSON for the first time on 21 June 2002 in the company of MIECHEL.²

HODSON was an active informer, providing information to MIECHEL and DALE on numerous high profile targets which led to a number of very successful MDID investigations. A significant number of arrests were made in relation to serious drug related offences as a direct result of the information he provided.

From the date of HODSON's arrest, MIECHEL began to form a close relationship with HODSON and the HODSON family. DALE, on his arrival at the MDID was introduced to HODSON and also developed a close relationship with him.

MIECHEL's relationship with HODSON's daughter Mandy developed into a sexual relationship in late 2002. This relationship continued throughout 2003 and even after MIECHEL and HODSON were arrested. HODSON's loyalty to MIECHEL only ended when HODSON became aware that MIECHEL had been maintaining a relationship with Faith ROPER (ROPER), at the same time as with Mandy.³

DALE was aware of MIECHEL's close relationship with HODSON and commented to one of his crew members, Detective Senior Constable JENNINGS (JENNINGS)

² Exhibit 339 – Informer Management File

³ Statement of Mandy HODSON 22/1/2004

when she commenced duties at the MDID, that MIECHEL had a gig who had kept them very busy over the last two years and who treated MIECHEL like a son.⁴

DALE's crew at MDID on his arrival consisted of MIECHEL, a short time later they were joined by Detective Senior Constable Belinda KAY who moved from DALE's crew in April 2003 prior to the commencement of Operation GALOP. At the commencement of Operation GALOP through to its completion, DALE's crew consisted of MIECHEL, Detective Senior Constables JENNINGS, Reece CAMPBELL (CAMPBELL), Liza BURROWS (BURROWS), and assignees Senior Constable Martin STEWART (STEWART), and Constable Sean NICHOLSON (NICHOLSON).

HODSON stated during his involvement with MIECHEL and DALE he obtained three series of mobile telephones so they could have covert communications with each other. HODSON revealed during the first series DALE provided his covert telephone number to a girlfriend and was therefore told to dispose of the telephone and was not included in the second and third series of telephones. Enquiries have identified supporting evidence of HODSON's claim and have identified the three series of telephones between 19 April and 27 September 2003. Each series of telephones consisted of three mobile telephones which were used solely to communicate with the other covert telephones. It is believed the change of telephones from the second to the third handsets coincided with the planned burglary.

Enquiries into these telephones reveal the following:

- Series 1:
 - Three mobile telephones were purchased by T. HODSON from Camberwell Optus on the 17 March and 3 April 2003.
 - SIM cards connected in fictitious details were used in the telephones during the periods of usage.
 - Two of these phones were located by police during the warrant phase.

⁴Statement of JENNINGS 2/10/2003

- Telephone records, analyses and the seizure of these two phones shows they were used by MIECHEL and HODSON to communicate with each other.
 - The third telephone was not used to contact the other covert telephones and appears to have only been used on 25 May 2003. It is believed this was the telephone used by DALE.
- Series 2:
 - Two of the telephones were purchased from Camberwell Optus on 28 April 2003 and were located by police during the warrant phase.
 - Telephone records, analyses and the seizure of these two phones shows they were used by MIECHEL and HODSON to communicate with each other and the third covert telephone.
 - SIM cards connected in fictitious details were used in the MIECHEL and HODSON telephones.
 - The third telephone is believed to have been used by Mandy HODSON and was not located by police.
 - These telephones were last used on 21 September 2003.
- Series 3:
 - It is believed these three telephones were purchased from Bela Imports at the Victoria Market on the lead up to the burglary on 27 September 2003.
 - These telephones were used solely to communicate with the other handsets between 23 and 27 September 2003.
 - Telephone records and analyses of these telephones support the belief they were used by MIECHEL, HODSON and Mandy HODSON.
 - The MIECHEL handset was located during his arrest.

'Operation GALOP/NUTATION' (Overview)

In June 2003 the Major Drug Investigation Division commenced 'Operation GALOP', an investigation targeting the large scale manufacturing and trafficking of ecstasy tablets. The GALOP syndicate sourced large amounts of ecstasy tablets from

suppliers in New South Wales which they would collect by car or by chartered flight. The tablets would then be re-pressed in Victoria at [REDACTED] Dublin Street, Oakleigh East.

'Operation GALOP' was initially headed by Detective Sergeant Graeme SAYCE with the nominated informant, JENNINGS.

In June 2003 investigators from the Major Drug Investigation Division received information a female had approached a company trading as Tempo Toolong at [REDACTED] Swifts Way, Dandenong South. This company manufactured precision tooling for the public. The female used the name of Colleen O'REILLY and placed an order for Tempo Tooling to manufacture a hydraulic stainless steel press apparatus, which she stated was used for making confectionary. O'REILLY also ordered two stainless steel plates to be engineered to fit the hydraulic press. The press was capable of pressing 500 tablets with every compression. Two stainless steel plates were manufactured at the request of O'REILLY to contain 250 heart motifs and 250 dove motifs. O'REILLY paid \$25,000 cash for the hydraulic press and plates.

This information formed the basis of 'Operation GALOP'. The main targets were identified as.

- Azzam AHMED (hereafter referred to as AHMED)
- Colleen O'REILLY (hereafter referred to as O'REILLY)
- Abbey HAYNES (hereafter referred to as HAYNES)
- Louise KINSEY (hereafter referred to as KINSEY)
- Matthew KEEN (hereafter referred to as KEEN)
- Justin DEAN (hereafter referred to as DEAN)
- James MAIN (hereafter referred to as MAIN)

MDID investigators discovered AHMED and O'REILLY were in possession of a pill press and manufacturing and supplying large quantities of ecstasy tablets to a syndicate of traffickers including KINSEY, KEEN, DEAN and MAIN. HAYNES was identified as the "baby sitter" for the pill press and drugs of dependence when stored at residential addresses.

Between 20 June 2003 and 15 August 2003, MDID investigators confirmed AHMED and O'REILLY had taken possession of the pill press from Tempo Tooling and were housing it at [REDACTED] Tatra Close, Clayton South.⁵

On 15 August 2003, surveillance identified AHMED removing items, including a black backpack with orange colouring and black trim, from the boot of Mercedes sedan [REDACTED]. At 2.42 p.m. the same day AHMED was observed to remove these items from the boot of [REDACTED] and carry them into Advance Car Rentals. Known associate, Amir MALKA, was observed to leave Advance Car Rentals and walk to hire vehicle [REDACTED] parked in Queensbury Street. AHMED placed a blue suitcase, black over the shoulder bag, basketball, and the black backpack with orange colouring and black trim into the boot of hire vehicle [REDACTED]. MALKA then got into hire vehicle [REDACTED] and drove away.

MDID investigators maintained surveillance of MALKA as he drove on the Hume Highway to Goulbourn, New South Wales. At 9.52 p.m. MALKA's vehicle was intercepted by Goulbourn 207 on the Hume Highway Yass, New South Wales. The driver of vehicle was identified as Amir MALKA of Israel. During the search of the vehicle police located a black coloured sports bag containing \$218,500 in cash.

MDID Investigators alleged MALKA was transporting the cash to New South Wales to purchase ecstasy tablets for AHMED and O'REILLY.⁶

Following the arrest of MALKA on 15 August 2003, MDID supervisors and investigators realised the GALOP targets were accumulating and transporting large sums of money to an unidentified supplier in New South Wales to purchase ecstasy tablets.

On 18 and 19 August 2003 due to operational necessity a decision was made to transfer the informant JENNINGS and 'Operation GALOP' to DALE's crew.⁷

⁵ Operation Nutation Appendix A – Operation Galop Brief – Exhibits 535 to 542

⁶ Op Nutation Appendix A – Op Galop Brief – Ex 3, 17-20, Videos 3-5 and 7 & NSW Police Brief of Evidence, Ex 17

On 25 August 2003, targets AHMED and HAYNES moved to what became the main target address of [REDACTED] Dublin Street, Oakleigh East. Enquiries confirmed this property was rented by the 'babysitter' HAYNES.⁸

Throughout the remainder of 'Operation GALOP' targets AHMED, O'REILLY and their associates took part in hundreds of lawfully monitored drug trafficking related phone calls discussing the manufacturing, sale and use of thousands of ecstasy tablets and the trafficking of various drugs of dependence including cocaine and amphetamine.

On 27 August 2003, at approximately 10 p.m. MDID investigators conducted surveillance on [REDACTED] Dublin Street, Oakleigh East and heard a loud metallic squeaking noise coming from the rear bedroom of the address. This noise was heard every 10 – 15 seconds and was consistent to the sound of a hand operated tablet press.⁹

On 8 September 2003, between 12.19 and 12.20p.m. AHMED and O'REILLY discussed organising a chartered flight to Sydney.

Investigators allege on 8 September 2003, at about 12.25p.m. DALE and MIECHEL met HODSON at Romeo's Restaurant Toorak Road and began conspiring with HODSON to commit the burglary. At this meeting HODSON handed MIECHEL a sample of ecstasy he had obtained from "Lucky" (Lakis PANTELOPOULOS).

HODSON stated he believed this meeting occurred on about 9 September 2003. HODSON confirmed he provided DALE and MIECHEL with the samples provided by "Lucky" before DALE suggested they move outside. DALE and MIECHEL explained to HODSON the details of Operation GALOP. DALE explained the targets had been travelling between Melbourne and Sydney buying ecstasy tablets. MIECHEL indicated there would be a large amount of both cash and ecstasy at the

⁷ Refer to DALE statement 02/10/2003 (Exhibit 293) & JENNINGS statement 02/10/2003

⁸ Operation Nutation Appendix A – Operation Galop Brief - Exhibit 24 and 25

⁹ Operation Nutation Appendix A – Operation Galop Brief - Exhibit 25 and 139

target address. DALE asked whether HODSON would do the job with them to which HODSON replied "yes".

The precise extent of DALE and MIECHEL's involvement in the burglary was not detailed to HODSON. DALE and MIECHEL informed HODSON the address to be burgled was being baby sat by a 21 year old female (HAYNES) and they would know when the address was empty by monitoring the telephone intercepts and a surveillance camera which was due to be installed near the house. Following the burglary any cash and proceeds obtained from the sale of the stolen drugs would be split three ways. MIECHEL stated HODSON would sell the ecstasy for \$21 each and they would make approximately \$1 million cash from them. DALE stated the ecstasy tablets would be high quality, approximately 30 to 35% MDMA. MIECHEL stated they expected there to be \$200,000 to \$250,000 cash, 50,000 ecstasy tablets, cocaine and amphetamine in the house and the ecstasy samples HODSON had obtained from "Lucky" originated from the GALOP targets and the address to be burgled.¹⁰

At 12.51 p.m. on the same day O'REILLY telephoned MAIN and discussed O'REILLY organising to travel interstate to collect ecstasy tablets, referred to as coca cola's. O'REILLY rang to let MAIN know in case he had to see anyone. The phone call suggested O'REILLY would be collecting the vicinity of 20,000 ecstasy tablets.¹¹

On 9 September 2003, a Covert Operative known as Sue attended at the offices of Professional Helicopter Services in Moorabbin and met 'GALOP' target KINSEY. Sue discussed the purchase and price of drugs of dependence with KINSEY. Throughout the remainder of Operation GALOP Covert Operative Sue had numerous meetings and telephone conversations with KINSEY arranging and purchasing drugs of dependence.¹²

On 11 September 2003, telephone monitoring confirmed O'REILLY and DEAN had left Melbourne on route to Sydney in an unknown 4WD just after midnight. At this time DEAN contacted a male friend and told him not to tell anyone that he had gone

¹⁰ HODSON statements (Ex 419, 426), DALE Diary entry (Ex 362) & MIECHEL Diary entry (Ex 363)

¹¹ Operation Nutation Audio Disc (Ex 353) - TI calls 1394, 1395, 1397

¹² Op Nutation Appendix A & Operation Galop Brief Exhibits 26, 27, 34, 35, 41 to 44, 51 to 54

to Sydney. At 10.43 a.m. DEAN informed a male, Geoff, that they were 10 mins out of Sydney and had to meet someone. At 10.59 p.m. O'REILLY telephoned AHMED and informed him DEAN was driving and everything was fine. AHMED told O'REILLY that he couldn't sleep until she got home. MDID investigators believed O'REILLY and DEAN drove a large sum of cash (later stated by AHMED to be \$200,000) to Sydney to exchange for 20,000 ecstasy tablets.¹³

On 12 September 2003, DALE and his crew were aware 20,000 ecstasy tablets had been delivered to [REDACTED] Dublin Street, Oakleigh East.

On 13 September 2003, at 9.29 p.m. during a telephone call HAYNES and AHMED discussed the location of drugs at [REDACTED] Dublin Street, Oakleigh East. Ecstasy was referred to as 'bats' and 'coke bottles'. The location of ecstasy was described by AHMED as being in the freezer and cupboard and HAYNES mentioned the range hood fan.¹⁴

On 14 September 2003, between 12.30 p.m. and 8.17p.m. O'REILLY had a series of telephone calls with Moorabbin Flying School in which she arranged for a flight to NSW at 9.00p.m. and obtained directions to the airport.

At 9.43 p.m. the same day O'REILLY telephoned AHMED and discussed MAIN. Discussed 'paperwork' (money) and that MAIN'S money was coming through late. O'REILLY told AHMED she had collected 5 or 6 (\$50000 - \$60000).

On 15 September 2003, at 12.58 a.m. and 12.59 a.m. AHMED had a monitored conversation with an unknown male. They discussed how the unknown male was on his way back to the airport and that he would be home in about 2 hours. It was believed this related to a return flight from NSW to Victoria.¹⁵

¹³ Op Nutation App A & Op Galop Ex 535 (Call 1502 1504,1514,1515,1519,1522,1525,1526,1545

¹⁴ Op Nutation Appendix A & Op Galop Brief Ex 540 (TI Call 209)

¹⁵ Op Nutation Appendix A & Op GALOP Ex 36 and 37. Ex 535 Warrant 70133.00 (O'REILLY) Calls 1661, 1662, 1663, 1666, 1667, 1676, 1677, 1681. Ex 536 Warrant 70134.00(AHMED) Call 574. Ex 540 Warrant 2066 (AHMED) Calls 290, 299, 300, 320,338, 346, 347, 350, 351, 352. Ex 537 Warrant 70150.00 (O'REILLY) Call 111

DALE and his crew monitored the GALOP targets return to Melbourne and were aware another large amount of cash had been transported to Sydney and exchanged for ecstasy tablets.

On 16 September 2003, at approximately 3 p.m. DALE, MIECHEL and STEWART attended [REDACTED] Street, Oakleigh East which was referred to as the [REDACTED] [REDACTED] Dublin Street, Oakleigh East. From there they observed a trailer in the rear of the address with a large object on it that was identified as a pill press. DALE spoke to Sergeant [REDACTED] (SSU) and requested assistance. Surveillance units were assigned to assist DALE and arrived at the address at approximately 5.15 p.m.

DALE and MIECHEL made no further entries in their Official Police Diaries or Day Books regarding their contact with the SSU or the activities at [REDACTED] Dublin Street, Oakleigh East that night.

[REDACTED] and [REDACTED] from the SSU stated their interaction with DALE and MIECHEL and the manner in which they were instructed to carry out their duties on this day was strange and not normal practice.

[REDACTED] stated they were briefed by DALE and MIECHEL in relation to monitoring any movement of the trailer and pill press from the target address. [REDACTED] stated it was [REDACTED] for the SSU to have a SSU member [REDACTED] target address and provide details of any vehicles coming or going. [REDACTED] was told by DALE and MIECHEL that they had an observation post that they were watching the address from and the SSU didn't need to [REDACTED] the address. The SSU were instructed to [REDACTED] ^{PII} the address and DALE and MIECHEL would provide details of vehicles as they came and went. The SSU attempted to provide DALE and MIECHEL with a radio to communicate with them, which they refused and stated they would use their own mobile phones. [REDACTED] thought their request was strange and not in line with normal procedure. As a result [REDACTED] directed one of his members to have [REDACTED] of the address unbeknown to DALE or MIECHEL.

██████████ stated, on a number of occasions the SSU observed vehicles or suspects moving to and from the address and DALE or MIECHEL failed to inform the SSU of these movements. ██████████ formed the opinion DALE and MIECHEL were being selective in briefing them with the facts about what was happening with their operation. ██████████ phoned his supervisor, Senior Sergeant ██████████ and expressed concerns as to what was happening. ██████████ stated after speaking to ██████████ he ceased surveillance.¹⁶

Investigators believe DALE and MIECHEL did not want additional SSU present as they were attempting to identify opportunities to commit the burglary. Their actions as detailed by the SSU were consistent to those provided by the informant JENNINGS in regards to the events on the following evening.

On 17 September 2003, MDID members conducted surveillance of ██████████ Dublin Street, Oakleigh East. Phone records for DALE's personal mobile telephone number reveal a call was made to HODSON's mobile telephone at approximately 12.30p.m. This contact was not recorded in HODSON's Informer Management File, DALE or MIECHEL's Official Police Diaries or their Daybooks. Investigators believe during this call DALE arranged to meet HODSON later in the evening.¹⁷

At approximately 9 p.m. the same day MDID members DALE, MIECHEL, NICHOLSON and CAMPBELL completed surveillance duties and cleared from ██████████ Dublin Street, Oakleigh East. Prior to leaving, DALE phoned JENNINGS and instructed her to clear for the night because they had been working long hours and she could get an early start the next day. JENNINGS stated she told DALE that she and BURROWS were going to remain for another hour to conduct surveillance because she was concerned the targets were going to move the pill press. JENNINGS was insistent and told DALE they were going to remain. JENNINGS felt DALE and MIECHEL did not want anyone conducting surveillance on the address.¹⁸

¹⁶ JEFFREY, BREEN and JACKSON Statements

¹⁷ CCR Data GELFE Telstra Ex 374

¹⁸ JENNINGS statement 09/05/2012 (Exhibit 365) & BURROWS statement 28/05/2012

Phone records reveal that at approximately 8.57 and 9.00p.m. on 17 September 2013, MIECHEL's covert telephone (Series 2) contacted HODSON's covert telephone (Series 2). Investigators believe during these contacts MIECHEL advised HODSON that they were heading to the planned meeting.¹⁹

HODSON stated on 16 or 17 September 2003, DALE and MIECHEL arrived at his address unexpectedly at approximately 11.30 p.m. while his wife Christine was in bed. HODSON described both as wearing dark clothing, carrying guns and it was explained to him that they had been doing a job for Detective Sergeant SAYCE. They explained a surveillance camera was to be installed at the address they were going to burgle but it was to be [REDACTED] and would be poor quality. They stated the burglary had to be committed on the coming weekend. DALE stated MIECHEL and HODSON would go through the house and he would keep lookout outside. DALE told HODSON to bring a pair of gloves, beanie, dark clothing and his gun.²⁰

It is believed this meeting occurred on 17 September 2003. Enquiries that support the occurrence of this meeting are as follows: the surveillance camera was installed [REDACTED] on 19 September 2003²¹; surveillance on 17 September was for Operation GALOP, an investigation previously supervised by SAYCE; DALE and MIECHEL both had Operational Safety Equipment²²; DALE and MIECHEL's telephones contacted HODSON's telephone on this day and they failed to record this contact; and, the Motor Vehicle FBT (Fringe Benefit Tax) Log Book completed by DALE showed unaccounted for kilometres²³.

Enquiries into the kilometres travelled by DALE on 17 September 2003 reveal the following:

1. DALE utilised vehicle [REDACTED] from 3.30p.m. until the end of his duties²⁴.

¹⁹ CCR data WICKS Optus, Exhibit 375

²⁰ Christine HODSON statement 12/01/2004 & HODSON statement 25/10/2003 Exhibit 419

²¹ Surveillance Footage Exhibit 394

²² David RADOJECVIC Statement 29/2/2012

²³ FLYNN Statement 29/2/2012, FBT Log Books (Ex 368) and Overnight Car Sheets (Ex 371)

²⁴ DALE Diary entry 17/9/2003 (Ex 362)

2. During this period DALE diarised that he travelled from the St. Kilda Road Police Complex to [REDACTED] Dublin Street, Oakleigh East and then from Dublin Street to his home at [REDACTED] Street, Coburg.
3. The most direct route as per DALE's diary notes would've been 52.78 kilometres and if he had dropped NICHOLSON home on the way it would've been 58.23 kilometres.
4. The Vehicle Log Book indicates DALE travelled 82 kilometres.

Investigators believe NICHOLSON was driven home by MIECHEL and DALE and MIECHEL's vehicles would've taken the same route to Moreland Road, Pascoe Vale²⁵. It is believed:

5. DALE took the usual route to give the impression to NICHOLSON that he was driving to his Coburg home.²⁶
6. DALE stopped in the first side street to the north of Moreland Road being Beresford Road, Pascoe Vale and waited at this location until MIECHEL returned.
7. When MIECHEL returned they drove in convoy to the meeting at HODSON's home and then DALE drove back to his home at [REDACTED] Street, Coburg.

If DALE had taken the most direct route from Beresford Road to HODSON's home and then to his Coburg home he would've travelled 80.49 kilometres. Due to start and end odometer readings listed in the Vehicle Log Book the kilometres detailed by DALE could've been in the range of 80.1 to 82.9 kilometres and would therefore be consistent to the distance of 80.49 km.^{27 28}

Vehicle Log Book for the vehicle utilised by MIECHEL, [REDACTED], reveals MIECHEL travelled only 15 kilometres. If MIECHEL drove from [REDACTED] Dublin Street Oakleigh East to his home at [REDACTED] Street, Essendon West as detailed in his diary he would've

²⁵ MIECHEL Diary entry 17/9/2003

²⁶ NICHOLSON statement 3/11/2011

²⁷ VAUGHAN statement 5/6/2012

²⁸ Geographical Charts (Exhibit 373)

travelled 35 to 39 kilometres. It is believed the inaccuracy of the Vehicle Log Book was an attempt to disguise the meeting with HODSON on 17 September 2003.²⁹

On 19 September 2003, an optical surveillance camera monitoring movements at the front of 23 Dublin Street Oakleigh East was installed. The timing of the install was consistent to the information provided by HODSON from the meeting on 17 September. Investigators monitored the optical camera once a day removing the recorded video and inserting a new blank video.³⁰

HODSON stated on 21 September, 2003 at approximately 4 p.m. he received a phone call from MIECHEL on his home phone. MIECHEL asked him to meet at 9.30 p.m. across the road from the location where MIECHEL had lost a video camera. HODSON knew the location as the Fitzroy Gardens near the Hilton Hotel because a video camera had been stolen from MIECHEL's police vehicle at this location earlier that year.³¹ Telephone records reveal at 2.41p.m. on this day MIECHEL's covert telephone (Series 1) called HODSON's covert telephone (Series 2). Investigators believe this was the call detailed by HODSON as there was no identified calls to HODSON's home telephone.³²

On 21 September 2003, O'REILLY had a series of telephone calls with Moorabbin Air Services in which she arranged for a flight for one person to Bankstown Airport departing 9 to 9.30p.m. on 22 September 2003. At about 6.59p.m. during a telephone call MAIN asked O'REILLY if they were going tonight.³³

On 21 September 2003, MDID investigators DALE, JENNINGS and BURROWS were working an afternoon shift and were aware of the GALOP targets intention to charter a flight to Sydney the next afternoon to purchase ecstasy. DALE made a diary note about the charter flight to Sydney on this day.³⁴

²⁹ FBT Log Books (Exhibit 367) and MIECHEL Diary entry 17/9/2003 (Exhibit 363)

³⁰ Surveillance Footage (Exhibit 394)

³¹ MIECHEL Stolen Property Reports (Exhibit 312) & HODSON Statement 25/10/2013

³² CCR data TBA – SUTTON (Exhibit 376)

³³ Operation Nutation Appendix A & Operation Galop Exhibit 537 (TI Call 413)

³⁴ DALE Diary entry 21/9/2003 (Exhibit 380)

Telephone records reveal at 8.27p.m. on this day MIECHEL's covert telephone (Series 1) called HODSON's Series 2 covert telephone (Series 2). It is believed this contact related to the planned meeting on 21 September 2003.³⁵

HODSON stated at approximately 9.10 p.m. he met MIECHEL in the Fitzroy Gardens where they discussed the burglary. MIECHEL stated he wanted to do the burglary that night but DALE didn't have his alibi ready. HODSON complained he wasn't happy he didn't know anything about the address and the people they were going to burgle. MIECHEL stated the address was Dublin Street, Oakleigh and they would do it on Wednesday (24 September). MIECHEL gave directions to a football oval on the Princes Highway near a McDonalds stating they would meet there at 11.30 p.m. A security guard, MADISON, patrolling the Fitzroy Gardens on this evening observed two males seated on a park bench and recorded MIECHEL's motorbike's registration [REDACTED]³⁶ MIECHEL failed to diarise or record this meeting with HODSON.

On 22 September 2003, MDID and New South Wales Drug Squad members monitored O'REILLY's trip to NSW.³⁷ At 9.00p.m. O'REILLY attended the Moorabbin Airport carrying a small black handbag and a black suitcase on wheels. She boarded the chartered aircraft. At 11.55p.m. the aircraft arrived at Bankstown Airport and she waited at the airport with her suitcase and handbag.

On 23 September 2003, at 12.25a.m. O'REILLY took a taxi to [REDACTED] Vicar Street and gave her suitcase to an unknown male. At 12.28a.m. the unknown male opened the suitcase and removed a white coloured box about 30cm x 60cm in length. O'REILLY then attended an unidentified unit at [REDACTED] Vicar Street with the male. At 2.25a.m. the male loaded the suitcase in a taxi's boot and O'REILLY left in this taxi. At approximately 3.14a.m. O'REILLY arrived back at Bankstown Airport and boarded the aircraft with her suitcase. At 6.54a.m. the aircraft returned to Moorabbin and O'REILLY put the suitcase in her vehicle's boot and drove off.

³⁵ CCR date TBA – SUTTON (Exhibit 376)

³⁶ HODSON Statement 25/10/2003 (Ex 419), MADISON Statement, Security Patrol Log 21/9/2003 (Ex 313), Vehicle Extract (Ex 322)

³⁷ DALE Diary entry 22/9/2003 (Exhibit 380)

At 7.05 a.m. the same day O'REILLY telephoned AHMED and told him that the weather was bad, the flight took 4 hours and she was on her way.

At 7.21 p.m. O'REILLY was observed to park in the driveway of [REDACTED] Dublin Street, Oakleigh East. AHMED got out of the driver's seat of Mercedes [REDACTED] parked in front of O'REILLY's vehicle. AHMED went to the boot of O'REILLY's car, removed the black suitcase and carried it into the house followed by O'REILLY.³⁸

Investigators allege on Wednesday 24 September 2003, DALE and his crew were aware a large quantity of ecstasy tablets had been delivered to [REDACTED] Dublin Street, Oakleigh East.

On 24 September 2003, at approximately 1.55 p.m. DALE recorded in his Official Police Diary that he had spoken to Detective Inspector Damian BEAUFILS of the New South Wales Police Drug Squad. DALE recorded the NSW Police would not allow 'Operation GALOP' targets to convey drugs out of NSW and the NSW Drug Squad would arrest them on their next trip. Investigators allege this motivated DALE, MIECHEL and HODSON to commit the burglary prior to the next trip to Sydney.³⁹

On 24 September 2003, telephone records show at 10.53p.m. there was an attempted call from the public phone box in State Street Oakleigh East to Mandy HODSON's mobile telephone. At about 10.54p.m. there was a telephone call from this phone box to Terry HODSON's home telephone.⁴⁰ It is believed this was to confirm the planned meeting and burglary for later in the evening.

HODSON stated that at about 11.25p.m. on this day he arrived in Dublin Street, Oakleigh, for the meeting with DALE and MIECHEL. HODSON waited there until approximately midnight before leaving and returning home. HODSON stated he got home at approximately 12.30 a.m. A short time after getting home he received a phone call on his home phone which Christine answered and handed to him stating "I think it's Dave". Investigators have been unable to identify this incoming call.

³⁸ Op Nutation Appendix A & Op Galop Brief Ex 47, 48 (Exhibit 535) (TI Calls 1842 and 1843)

³⁹ DALE Diary entry 24/09/2012, Exhibit 380

⁴⁰ CCR data - Public Phone State Street, FOSTER (Exhibit 376)

HODSON stated approximately half an hour after the call MIECHEL arrived at HODSON's address asking him "are you coming or not?" HODSON stated MIECHEL was angry and explained he should have been waiting at the football oval near McDonalds. MIECHEL wasn't happy that he'd had to phone HODSON because if something went wrong at the burglary it could be traced.

HODSON stated following MIECHEL's visit, he left his address and drove back to the Princes Highway Reserve oval next to McDonalds and met DALE and MIECHEL. When HODSON arrived DALE told him it was too late. DALE and MIECHEL explained the burglary had to be done when the babysitter (HAYNES) was out so when she returned and realised there had been a burglary she would contact the other targets using her mobile phone. DALE would then be informed by the telephone intercept monitors. DALE stated he had to be home within 30 minutes of the burglary being committed so MIECHEL would drop him off on his motorbike. Investigators believe DALE planned to leave the pager and his telephone at home and when he was notified by the monitors he would need to respond. MIECHEL was therefore going to drop DALE home on his motorbike to reduce the time it took for DALE to respond and the tower location of the telephone would assist in disguising DALE's physical location at the time of the burglary.

HODSON stated DALE told him the job could not happen that night as the babysitter had gone out and come home and the opportunity was lost. MIECHEL rode off on his motorbike returned a few minutes later and stated "she's back it's too late." DALE stated they would meet at the oval again at midnight on Thursday 25 September, 2003.

The Optical Device supports HODSON's account in that at 12.49a.m. on 25 September 2003 a vehicle returns to ■ Dublin Street, Oakleigh, a person enters the address and vehicle remains overnight.⁴¹

⁴¹ HODSON Statement 25/10/2003 and Surveillance Footage 24/9/03 Disc 1 (Exhibit 394)

On Thursday 25 September, 2003 at 1.39 p.m. a monitored telephone conversation between AHMED and an unknown male revealed they discussed ecstasy tablets and travelling to Sydney on the weekend.⁴²

Investigators believed DALE was aware of the intended trip to Sydney and NSW Drug Squad's intention to arrest the targets. DALE created diary notes to this affect.⁴³

HODSON stated on Thursday 25 September 2003, at approximately 3.30 p.m. he received a phone call on either his mobile or house phone from MIECHEL. MIECHEL indicated they needed to meet so he could be reimbursed money for the samples he had previously supplied. MIECHEL instructed him that it would take him ten minutes to get to the Fairfield Park Boathouse and he (MIECHEL) would phone him ten minutes beforehand. Phone records reveal at 3.25p.m. HODSON's mobile telephone received a call from a fixed line at the St. Kilda Road Police Complex.⁴⁴

HODSON stated he received a phone call on his house phone from MIECHEL at approximately 4 p.m. the same day instructing him "We'll be there." HODSON stated he drove to the Fairfield Park Boathouse arriving at approximately 4.10 p.m. and could not locate DALE or MIECHEL so phoned MIECHEL to confirm the meeting location. Telephone records confirmed at 4.04p.m. there was an outgoing telephone call from MIECHEL's mobile telephone number to HODSON's mobile telephone number. At 4.28p.m. HODSON's mobile telephone number made an outgoing call to MIECHEL's mobile telephone number.⁴⁵

HODSON stated at about 4.30 p.m. MIECHEL arrived at Fairfield Park and they walked together from the top car park to the Boathouse. As they walked MIECHEL explained DALE had arranged for two mobile phones for them to use for the job which DALE would get rid off afterwards. Investigators believe the two mobile phones were for DALE and MIECHEL to covertly converse with each other.

⁴² Op Galop Brief Exhibit 541, Warrant 2066-04 Call 1123

⁴³ DALE Diary Entry 25/9/2003 (Exhibit 380)

⁴⁴ CCR Data ??? Exhibit ???

⁴⁵ Refer to CCR data FINLAY, WICKS, Exhibit 374

HODSON stated while they walked he tried to give MIECHEL a mobile phone that Mandy had purchased. MIECHEL would not accept the phone as he was fearful they were under surveillance and instructed HODSON to give it to him later that night. HODSON stated DALE met them at the Boathouse and told them the job had to be done that coming weekend as a listening device and camera were due to be installed in the house. HODSON indicated he was not paid any money and the reimbursement for a sample was just an excuse for the meeting.⁴⁶ DALE told HODSON he had just come from getting a cocaine sample analysed that a [REDACTED] had purchased from a member of [REDACTED] PII Enquiries into this meeting reveal the following:

1. The meeting with HODSON at the Fairfield Boathouse was recorded in both DALE's and MIECHEL's Official Police Diaries and they both claimed they had paid HODSON \$270 for a previous sample.⁴⁷
2. There is no record of [REDACTED] or [REDACTED] payments for [REDACTED] and the diary entries are fictitious.⁴⁸
3. DALE diarised contact with the Technical Support Unit (TSU) in relation to installing a listening and optical device inside [REDACTED] Dublin Street on 24 September 2003⁴⁹ and it was proposed to be installed from Monday 29 September 2003.⁵⁰
4. DALE and JENNINGS attended the Forensic Science Laboratory to analysis ecstasy and cocaine purchased by [REDACTED] PII from the target [REDACTED] PII earlier in the day.⁵¹

Investigators allege HODSON had intimate knowledge of the investigation due to the information provide by DALE and MIECHEL.

HODSON stated, on Thursday 25 September 2003, at approximately 11.55 p.m. he attended at the football oval on Princes Highway next to McDonalds. A short time later HODSON heard and saw a motorbike arrive and park behind the oval's pavilion.

⁴⁶ HODSON De-brief 7/10/2003 Questions 1098-1102 and Statements 25/10/2003 & 8/1/2004.

⁴⁷ DALE daybook 25/9/2003 (Ex 385) and MIECHEL daybook 25/9/13 (Ex)

⁴⁸ [REDACTED] (Ex)

⁴⁹ DALE daybook 24/9/2003 (Ex)

⁵⁰ TSU Log 23/9/2003 (Ex 381)

⁵¹ JENNINGS Statement 2/10/2003 & [REDACTED] Statements

MIECHEL and DALE walked from behind the pavilion. MIECHEL stated "she's still there" which HODSON took to mean the babysitter was at the address.

Surveillance footage from Thursday 25 September, 2003 shows a vehicle believed to be driven by HAYNES arriving at the target address at 10.53p.m. and then remaining until the morning. It also showed a person believed be AHMED coming and going from the address between 11.15p.m. on 25 September and 12.29a.m. on 26 September.⁵²

HODSON stated MIECHEL instructed him where to park before driving from the oval to Dublin Street, Oakleigh East. DALE stated he would go with HODSON while MIECHEL rode his motorbike. The three travelled to the vicinity of Oakleigh Street and parked at the Amsleigh Primary School. HODSON stated he handed MIECHEL a mobile phone still in its box which Mandy had purchased, the same phone he had attempted to give MIECHEL at the boathouse earlier that afternoon. Investigators alleged this was MIECHEL's Series 3 covert telephone.⁵³

HODSON stated, DALE instructed MIECHEL to turn off his mobile phones. MIECHEL went to the address and conducted surveillance, returning to confirm someone was there. The three returned to the [REDACTED] address of [REDACTED] Street, Oakleigh East and conducted surveillance. MIECHEL stated the "Lebo" (AHMED) was at the address manufacturing pills, he could see there was a suitcase containing a large amount of ecstasy and he had seen the Mercedes arrive.

HODSON stated, at approximately 1.30 a.m. he suggested they leave. MIECHEL jumped the fence and looked in through the kitchen window of [REDACTED] Dublin Street, Oakleigh East for approximately 10 minutes, on returning he stated he thought the occupants were leaving to do a delivery. HODSON stated at approximately 3.30 a.m. a car arrived at the address. DALE went to check and returned stating the "Lebo's brother" had turned up. Surveillance footage shows at 2.21a.m. a Holden Statesman believed to be driven by AHMED's brother attended at the address.⁵⁴

⁵² Surveillance Footage 25/9/2003 Disc 3 (Ex 394)

⁵³ HODSON statement 08/01/2004 Exhibit 426

⁵⁴ Surveillance Footage 25/9/2003 Disc 3, Exhibit 394

HODSON stated sometime after the vehicle arrived MIECHEL went into the rear of [REDACTED] Dublin Street, Oakleigh East and spent approximately 5 minutes looking through the kitchen window. When he returned MIECHEL stated there were two males and a female in the house.

HODSON stated when MIECHEL returned they moved to the very rear of the [REDACTED] garden and discussed what to do. They stayed in this position for a further 30 minutes before leaving because it appeared the premises would be continually occupied. HODSON stated they waited until approximately 4.00 a.m. before leaving. HODSON stated DALE went with him in his car rather than go with MIECHEL on his motorbike because he wanted to stay out of the cold. HODSON drove DALE to the intersection of Harp Road and Burke Road, Kew to meet MIECHEL. HODSON stated DALE told him MIECHEL would travel back via the Monash Freeway and Burke Road. HODSON stated he travelled back with DALE via Warrigal Road, left into Canterbury Road, right into Balwyn Road and left into Belmore Road which becomes Harp Road, Kew. Telephone records show at 3.49a.m. there was a call from MIECHEL's covert telephone (Series 3) to HODSON's covert telephone (Series 3) and MIECHEL's telephone utilised a cellular tower in Balwyn North.⁵⁵ Investigators believe due to the time of this call HODSON, DALE and MIECHEL had left the target address prior to the 4.00a.m. departure described by HODSON. At the meeting point HODSON was told they would all meet again at 1.00a.m. on Saturday 27 September 2003.

HODSON's knowledge of the movements of the targets to and from [REDACTED] Dublin Street on 25 and 26 September 2003 supports his account and presence at the target address on this evening.⁵⁶

On Friday 26 September 2003 at 5.24a.m., during a monitoring telephone conversation AHMED told an unknown male that he would come there (Sydney) either Monday or Sunday and the unknown male would check to see what his partner had left for

⁵⁵ CCR Date McSHERRY, TURLINGTON – CONSIDINE Exhibit 379

⁵⁶ HODSON Statements and Audio recording/transcript 23/12/2003 (Ex 422, 423)

AHMED to pick up. AHMED stated he would have at least 6 or 7 hundred (\$600,000 to \$700,000) and wanted the male to keep them for him (ecstasy) (Call 1209).⁵⁷

DALE and MIECHEL commenced duties at 5.45a.m. and 5.50a.m. on this day.⁵⁸ JENNINGS stated when she saw DALE and MIECHEL at the MDID offices on this morning she thought they had been out all night drinking because they looked so tired and exhausted. It is believed their appearance supported HODSON's account of the overnight surveillance.⁵⁹

At 5.55a.m. on this day, Sergeant JOHNSTON, the supervisor responsible for the personnel monitoring telephone intercepts noted in the 'Supervisor Occurrence Register' that investigators needed to be notified of Call 1209 from Warrant Number 2066-00. At 8.00a.m. the 'Supervisor Occurrence Register' was updated by Sergeant DALY to indicate the GALOP investigators had been informed of Call 1209⁶⁰ and DALE diarised that he was updated by the Special Projects Unit at this time.⁶¹ It is believed DALE was aware of the intended trip to Sydney on either Sunday or Monday and that the targets would be in possession of \$600,000 to \$700,000.

During the shift on this day MIECHEL meticulously reviewed the surveillance footage from [REDACTED] Dublin Street, Oakleigh East from the previous nights and made notes. BURROWS stated this previously had been solely her responsibility and MIECHEL had never reviewed the footage. It is believed MIECHEL conducted these duties to identify movement patterns and blind spots to assist with the burglary.

In the afternoon of this day, MIECHEL volunteered to review foreign language phone calls as they were interpreted. JENNINGS stated MIECHEL had not previously listened to many intercepted phone calls and when she indicated she wanted to listen to the calls DALE told her MIECHEL would do it. It is believed DALE and

⁵⁷ Op NUTATION Exhibit 359, 360 & Audio Disc Ex 353 (TI call 1209)

⁵⁸ DALE Diary entry (Ex 389), MIECHEL Day Book entry (Ex 384) & NICHOLSON Diary entry

⁵⁹ JENNINGS Statement 6/6/2012

⁶⁰ Dave DALY statement 08/03/2012 & SPU Occurrence Register Exhibit 393

⁶¹ DALE Diary entry 26/9/03 (Ex 389)

MIECHEL were attempting to sanitise the release of information to persons outside the burglary team.⁶²

At about 1.35p.m. on this day DALE diarised that NSW were still planning to arrest the GALOP targets when they returned to NSW.⁶³

At about 3.30p.m. on this day DALE left work to collect his son from childcare. MIECHEL dropped DALE home at approximately 4 p.m. and returned to work. Prior to leaving work DALE conducted the following:

- 1) Instructed the investigators to take off the next day, Saturday 27 September.
- 2) Instructed JENNINGS to return to work on Sunday 28 September, 2003 in order to prepare search warrants and for the GALOP targets' trip to NSW.⁶⁴
- 3) He took possession of the SPU pager from JENNINGS. SPU used the pager to get investigators to contact them for operational updates.

JENNINGS stated DALE taking the pager was strange because she held the pager and monitored the phone lines the majority of the time. JENNINGS believed she should have been the one updated of any developments as she was responsible for using any new information to update the lapsed search warrants.⁶⁵ Investigators believe DALE took the pager so he could monitor the movement of the targets, identify the opportunity for the burglary, the timing of the planned trip to Sydney and so he could limit the intelligence provided to the other crew members.

At about 4.10p.m. on this day Detective Acting Superintendent John SHAWYER (SHAWYER) phoned DALE. SHAWYER stated DALE told him he was working the next day and he would contact NSW to discuss any issues. DALE would update SHAWYER with any developments arising from the telephone intercepts. SHAWYER instructed DALE to ensure all the necessary outstanding paper work relating to the search warrants for 'Operation GALOP' were completed.⁶⁶

⁶² JENNINGS statement 6/6/12, BURROWS statement 28/5/12 & MIECHEL Daybook 26/9/03 (Ex 384)

⁶³ DALE Office Diary 26/9/03 (Ex 380) & NSW Police Investigation Log 26/9/03 (Ex 390)

⁶⁴ DALE statement 2/10/03 & Search Warrant 23 Dublin Street 26/8/03 (Ex 392)

⁶⁵ JENNINGS statements 2/10/03 & 6/6/12

⁶⁶ SHAWYER statements 27/4/09 & 28/5/12

At 8.32p.m. on this day AHMED had another telephone call with an unknown male in which he discussed money transfers. AHMED discussed organising money to go to Sydney on Monday 29 September 2003 and referred to 6 or 7 (\$600,000 or \$700,000). AHMED explained he would come up with the bulk and then send the rest (money).⁶⁷

No entry was made in the 'Supervisors Occurrence Register' at the Special Projects Unit and therefore it is believed DALE was immediately paged and updated by monitors in relation to this significant call. It is believed DALE was now aware the trip was planned for Monday.

HODSON stated on Saturday 27 September, 2003 at approximately 12.50 a.m. he attended at the meeting location at the football oval on Princes Highway and waited for DALE and MIECHEL to arrive. After waiting a short time he thought that he might have gone to the wrong meeting spot so drove to Amsleigh Primary School in Dublin Street to check for MIECHEL but nobody was there. HODSON returned to the oval and waited until approximately 1.30 a.m. but neither DALE or MIECHEL arrived so he decided to return home. At approximately 2.00 a.m. shortly after arriving home HODSON stated MIECHEL rang his house phone which he answered and recognised MIECHEL's voice. MIECHEL instructed him to "meet me out there" which he took to mean the football oval.

Phone records revealed that between 2.11 and 2.48a.m. MIECHEL's covert phone (Series 3) made four calls to HODSON's covert phone (Series 3). During each call MIECHEL's telephone used a cellular tower near his home in Essendon West.⁶⁸ It is believed these calls supported the account provided by HODSON.

HODSON stated he drove back to the oval on Princes Highway arriving at approximately 3.15 a.m. MIECHEL arrived on his motorbike alone at approximately 3.20 a.m. and indicated to HODSON to follow him. HODSON parked his vehicle in Oakleigh Street and met MIECHEL in the car park on the southwest corner in Amsleigh Primary School. MIECHEL told him DALE was supposed to ring him at 11 p.m. but hadn't so MIECHEL overslept. MIECHEL stated he only woke up because his housemates had woken him up when they returned home by taxi.

⁶⁷ Op NUTATION Ex 360 & Audio Disc Ex 361 - Warrant Number D02066-05 (AHMED) call 1429

⁶⁸ CCR data McSHERRY, TURLINGTON - CONSIDINE Exhibit 379

MIECHEL's housemate, STASKEVICIUS, would later confirm with investigators that she returned to the home by taxi between 2a.m. and 2.30a.m.⁶⁹

HODSON stated MIECHEL informed him he had tried unsuccessfully to get in contact with DALE. MIECHEL stated he wanted to meet and speak to HODSON to explain what had happened because he knew he would have been out at the meeting spot waiting for them. MIECHEL told HODSON the burglary had to be done by Sunday night, Monday morning or it was a "walk away", meaning it would be too late. MIECHEL explained the NSW police were going to arrest the "Lebo" or his mule when they travelled up there and the job would be over. Investigators believe DALE had provided MIECHEL with the confirmed travel day of Monday as per call 1429 at 8.32p.m. on 26 September because this would put a deadline on the burglary.⁷⁰

HODSON stated MIECHEL informed him that DALE had been tired that day and he had to be home by 4.30 p.m. to pick his boy up. MIECHEL stated DALE had probably planned to go and see his girlfriend when he'd got home and that explained everything. HODSON believed this was the reason that DALE had not phoned MIECHEL to meet that night. It is believed HODSON could only have known about DALE leaving work to collect his son if he had been told by MIECHEL.⁷¹

HODSON stated that whilst they were in the primary school having this conversation he heard a motor vehicle drive into the car park where MIECHEL's motorbike was parked. MIECHEL checked to see what the vehicle was doing and stated not to worry it was just a couple. HODSON and MIECHEL agreed to meet again at 6.45 p.m. later that day at the Amsleigh Primary School. [REDACTED] and [REDACTED] were later identified as the couple and they indicated they saw a motorbike which fit the description of MIECHEL's in the car park and heard it leave at about 4.30a.m.⁷²

⁶⁹ STASKEVICIUS statement 29/01/2004

⁷⁰ Op NUTATION Ex 360 & Audio Disc Ex 361 - Warrant Number D02066-05 (AHMED) call 1429

⁷¹ DALE statement 2/10/03

⁷² [REDACTED] and [REDACTED] statements

On Saturday 27 September 2004 at 5.40a.m. AHMED discussed with a male, illicit drugs and indicated he was sending a friend by plane to Sydney on Monday 29 September. AHMED discussed the previous arrest of MALKA on 15 August 2003.⁷³

At 9.20a.m. on this day Sergeant SMITH of the Special Project Unit noted in the 'Supervisor Occurrence Register' that the investigators had been informed of call 1458 at this time.⁷⁴ It is believed DALE was the investigator who was updated. Phone records reveal that at 9.22a.m. DALE used his personal mobile telephone to make a 68 second call to the Special Projects Unit.⁷⁵

DALE failed to update SHAWYER, the informant JENNINGS or NSW Police of the intended travel date and this development.⁷⁶ If SHAWYER and JENNINGS had been notified this would have impacted on the planned burglary in that the targets and target address would've been scrutinised by surveillance on the lead up to their departure and the investigation team would've conducted live monitoring of phones.

JENNINGS stated that at an unknown time on the morning of Saturday 27 September she received a text message from DALE telling her he was not working that day and he did not have a car. DALE also asked who was changing the surveillance tapes. JENNINGS stated she replied via text message stating that MIECHEL was. Following this contact with DALE, JENNINGS had no further contact with work colleagues until after the burglary. DALE failed to update JENNINGS of the developments. Phone records assist in providing a timeframe for this contact in that they showed at 11.15a.m. DALE's personal mobile telephone sent an SMS to JENNINGS's mobile telephone.⁷⁷

MIECHEL's girlfriend, Faith ROPER (ROPER) stated MIECHEL told her he had to work that Saturday night but would ask DALE if he could get out of it. ROPER stated she went to MIECHEL's house on Saturday 27 September, 2003 at about 10.30 a.m., MIECHEL and she stayed until approximately midday and then they attended

⁷³ Op NUTATION Ex 360 & Audio Disc Ex 361 - Warrant Number D02066-05 (AHMED) call 1458

⁷⁴ Dave DALY statement 8/3/12 & SPU Occurrence Register Exhibit 393

⁷⁵ CCR data GELFE Telstra Exhibit 374

⁷⁶ NSW Police Investigation Log 26/9/03 (Ex 390) & DALE statement 2/10/03 (Ex 293)

⁷⁷ DALE statement 2/10/03 (Ex 293), JENNINGS statement 6/6/12 & CCR data GELFE Telstra (Ex 374)

DALE's address. ROPER stated she remained in the car while MIECHEL went and spoke to DALE for approximately 20 minutes.⁷⁸

DALE stated the visit by MIECHEL was unexpected and during this meeting MIECHEL told DALE he was going over to exchange the surveillance tapes, offered DALE his work car and asked if DALE wanted a lift to work the next day.⁷⁹

Phone records for MIECHEL's personal mobile telephone number reveal a one minute call was made to DALE's personal mobile telephone number at 11.34a.m. on this day. At 11.35a.m. there was a second 30 second call from MIECHEL's personal mobile telephone number to DALE's personal mobile telephone number.⁸⁰

Investigators believe during these calls MIECHEL arranged to meet DALE in person to avoid discussing the final plans for the burglary over the telephone. There was no legitimate reason for the meeting due to the two telephone conversations.

After attending DALE's house MIECHEL and ROPER went to Amsleigh Primary School and arrived at approximately 1.30 p.m. MIECHEL then left ROPER and went and exchanged surveillance tape 8 with 9 at [REDACTED]. The time of this attendance has been ascertained via the commencement of the recording on video tape 9 (1.35p.m.) and witness accounts from ROPER and [REDACTED]. [REDACTED] indicated MIECHEL enquired about his movements over the next few days and due to these questions [REDACTED] got the feeling someone might be back later in the day. [REDACTED]

[REDACTED] 82

HODSON stated he had no contact with MIECHEL or DALE during the day on Saturday 27 September 2003. HODSON indicated MIECHEL called him at approximately 5.45p.m. and told HODSON, "I'll meet you". HODSON then met

⁷⁸ ROPER statement 1/10/03

⁷⁹ DALE statement 02/10/2003, Exhibit 293

⁸⁰ CCR Data HUTCHISON Exhibit 395

⁸¹ Video tape 8 (Exhibit 287) and Video tape 9 (Exhibit 394)

⁸² [REDACTED] Statement 4/10/2003

MIECHEL at Amsleigh Primary School.⁸³ ROPER stated MIECHEL left his Essendon home on his motorbike at about 5.30p.m.⁸⁴

Phone records reveal that at approximately 5.40p.m. on 27 September 2013 MIECHEL's covert telephone (Series 3) contacted HODSON's covert telephone (Series 3). Investigators believe during this contact MIECHEL arranged the aforementioned meeting with HODSON. Phone records reveal at approximately 6.42p.m. there was a second call from MIECHEL's covert telephone (Series 3) to HODSON's covert telephone (Series 3). Investigators believe the second contact related to MIECHEL arriving at the meeting place.⁸⁵

HODSON stated at approximately 6.45p.m. he arrived in his vehicle in Oakleigh Street, Oakleigh, and he observed MIECHEL arrive from Huntingdale Road. MIECHEL acknowledged him as he rode past and then rode back up Oakleigh Street and turned left into Huntingdale Road. HODSON stated he took his gloves, balaclava and .45 colt handgun from a hidden compartment in the boot of his vehicle. He placed the gloves and balaclava in a black backpack along with a pinch bar, screw driver and dog repellent and wore the handgun in a holster on his waist. HODSON stated MIECHEL saw him carrying his .45 colt handgun. HODSON stated he walked into Amsleigh Primary School's car park where he'd previously met MIECHEL. He observed MIECHEL walking down State Street from the direction of Curran Street and met him in the school grounds. MIECHEL had a long black Mag light. HODSON stated he asked MIECHEL where DALE was. MIECHEL told him DALE couldn't come as he had guests around that evening, but DALE didn't have any objections to them doing the job. HODSON questioned why DALE was not there and stated he would not get any of his (HODSON's) share. MIECHEL stated when he had approached DALE two weeks earlier and asked if he was happy with a 10% share DALE had stated no as he was in. MIECHEL questioned whether HODSON was going to do it or not? HODSON stated he said "lets do it" and believed DALE would get his share whether he was there or not.⁸⁶

⁸³ Audio recording & Transcript 06/10/2003 Exhibit 415, 416

⁸⁴ ROPER statement 1/10/2003

⁸⁵ CCR data McSHERRY, TURLINGTON - CONSIDINE Exhibit 379

⁸⁶ HODSON statement 25/10/03 pg 9-11 (Ex 419) & HODSON statement 08/01/04 pg 3 (Ex 419)

HODSON stated MIECHEL told him he had ridden past the address earlier and it appeared no one was home. MIECHEL then went on foot, checked [REDACTED] Dublin Street and ascertained that nobody was home.

Investigators were unable to corroborate MIECHEL riding directly past the address earlier that evening from the surveillance footage. Surveillance footage on Saturday the 27 September 2003 at 5.45 p.m. confirmed a person, believed to be HAYNES, left in a Suzuki Swift and there were no other vehicles present.⁸⁷

HODSON stated MIECHEL and he sprayed themselves with a dog repellent, as it was alleged there were two dogs inside the house. MIECHEL stated he had a stick or similar to deal with the dogs, although HODSON stated he never saw it.

HODSON stated, the plan was to place anything they stole over the back fence into the [REDACTED] Street, Oakleigh East so the surveillance tape would only see two people entering the premises and leaving empty handed. MIECHEL placed the bag brought by HODSON under his jacket. HODSON stated he wore his balaclava and gloves and MIECHEL wore his beanie and gloves.

HODSON stated he and MIECHEL walked up to the front door of [REDACTED] Dublin Street, Oakleigh East where MIECHEL smashed the porch light and forced entry to the house. HODSON described searching areas of the house, dropping a bag over the rear fence and while heading to the front door seeing MIECHEL carrying two bags towards the rear of the address. They then left the house and walked along Dublin Street and crossed State Street into Amsleigh Primary School's grounds.⁸⁸ Surveillance footage of the front of [REDACTED] Dublin Street supported HODSON's account and confirmed two person entered the home at about 7.15p.m. and left at 7.22p.m.⁸⁹

HODSON stated MIECHEL and he waited a few minutes in the school grounds and observed a police van patrolling slowly in State Street. MIECHEL told HODSON to get rid of his gloves and balaclava and they both attended HODSON's car which was

⁸⁷ Surveillance Footage 25/9/2003 Disc 5, Exhibit 394

⁸⁸ HODSON statement 25/10/03 pg 9 – 13 (Ex 419) & HODSON statement 08/01/04 pg 3 (Ex 426)

⁸⁹ Surveillance Footage 27/09/2003 Disc 5, Exhibit 394

adjacent to the school in Oakleigh Street. HODSON stated he placed his pistol, gloves, balaclava and false registration plate into the boot of his car. HODSON stated they could see police activity coming from Dublin Street so they returned to the school grounds. HODSON stated MIECHEL dropped his Mag light into the garden bed and stated he was going to go and get the bags. MIECHEL stated that if HODSON was challenged he was to say he was waiting for somebody. HODSON stated this was the last time he saw MIECHEL. Police would later locate the Mag light in the school grounds and the items detailed by HODSON in his vehicle.⁹⁰

Within a few minutes of MIECHEL and HODSON departing [REDACTED] Dublin Street Oakleigh East, police responding to a report of an aggravated burglary arrived. Two canine units manned by Senior Constable STOW and Senior Constable BONIWELL, commenced patrolling the area. STOW's dog picked up a track in Amsleigh Primary School and observed MIECHEL running through the school car park. MIECHEL was subsequently detained and sustained serious injuries whilst trying to evade arrest. HODSON was arrested by STOW a short time later at approximately 7.40 p.m. in the primary school. HODSON was conveyed to Oakleigh Police Station. Whilst in custody HODSON requested Constable Matt ANDERSON contact DALE for him.⁹¹

Due to the injuries sustained by MIECHEL during his arrest he was placed in an ambulance at the scene to be conveyed to hospital.

At approximately 7.45 p.m. whilst HODSON and MIECHEL were being arrested SHAWYER phoned [REDACTED] of the SSU to confirm the availability and number of surveillance teams rostered for Operation GALOP on Sunday 28 September, 2003. [REDACTED] told SHAWYER no crews had been requested by the investigators. SHAWYER requested crews be rostered for duty on Sunday and stated he had no new information from the telephone intercepts to indicate what the targets' plans were.

SHAWYER stated immediately after the phone call to [REDACTED] he phoned DALE to enquire why no surveillance crews had been arranged. It was at this time DALE told SHAWYER that he had given his crew the day off and had not attended the

⁹⁰ GREGOR statement 30/1/2004 & MANHIRE statement 28/9/2003

⁹¹ STOW statement 28/9/03, BONIWELL statement 28/9/03 & ANDERSON Statement 27/09/03

office to update the lapsed search warrants. DALE stated he would be at the office early Sunday morning with his crew to complete the paper work; there was no new information from the telephone intercepts to indicate what the targets' travel plans were and they had not contacted the charter flight service so the flight could be as late as 12 or 1 p.m. on Sunday.

SHAWYER stated, at approximately 8 p.m. based on the information provided to him by DALE he updated [REDACTED] who rostered two surveillance teams for Sunday 28 September, 2003. SHAWYER stated it was unusual this had not already been done by the supervisor and that he had to make the request himself.⁹² It is believed DALE's failure to request SSU assistance demonstrated his desire for the target address to remain unmonitored during the planned burglary.

Investigators allege during this call DALE was aware of the GALOP targets' intention to travel to Sydney on Monday 29 October, 2003 by virtue of Warrant D2066 calls 1429 and 1458 but did not update SHAWYER due to the planned burglary.

On Saturday 27 September, 2003 at approximately 8 p.m. the Sergeant responsible for the personnel monitoring telephone intercepts at the Special Project Unit noted in the 'Supervisor Occurrence Register', that they spoke to DALE about calls referring to pseudoephedrine and call 1508 from Warrant Number 2066.⁹³

Senior Sergeant Allan MANHIRE (hereafter referred to as MANHIRE) and Sergeant JARVIS were the supervising units for the Oakleigh area and arrived at the scene of MIECHEL's arrest at approximately 8 p.m. MANHIRE observed MIECHEL receiving treatment in the back of an ambulance. MANHIRE attempted to speak to MIECHEL but was asked to wait by the attending Ambulance Officers. A short time later MANHIRE re-attended the rear of the ambulance and observed MIECHEL using a mobile phone. MANHIRE was handed the phone by MIECHEL and had a conversation with DALE.⁹⁴

⁹² SHAWYER statements 27/4/09 and 28/5/12

⁹³ Dave DALY statement 08/03/2012 & SPU Occurrence Register Exhibit 393

⁹⁴ DALE statement 2/10/03, MANHIRE statement 28/9/03 & CULKA (Ambulance) statement 20/11/03

Phone records for mobile phone number [REDACTED], registered to Waverley Ambulance, confirm at 8.11p.m. MIECHEL made a 5 minute and 11 second telephone call to DALE's home telephone number [REDACTED]⁹⁵

DALE diarised that he had spoken to MIECHEL and MIECHEL indicated 'in ambulance and there had been an incident at Oakleigh, been attacked by police dog and handler whilst chasing possible offender'. Investigators believe DALE's notes were untruthful and did not represent the true content of his conversation with MIECHEL.

After speaking with MIECHEL, DALE responded to a page from Special Projects Unit, then phoned MANHIRE back and received further details about the incident.⁹⁶

At approximately 8.30 p.m. before updating his supervisors at MDID, DALE phoned the [REDACTED] at [REDACTED] Street, Oakleigh East on his home phone number. [REDACTED] stated he was at home on Saturday 27 September, 2003 from approximately 5.30 p.m. Between 6 p.m. and 9 p.m. [REDACTED] heard noises in the street but did not pay any attention to them. He stated that during that time he received a phone call on his home phone which he didn't answer and no message was left on his answering machine.⁹⁷

At approximately 8.40 p.m. HAYNES arrived home at [REDACTED] Dublin Street, Oakleigh East to find police outside the address. Uniformed police members informed HAYNES that there had been a burglary at her address. During intercepted telephone calls HAYNES advised AHMED the house had been broken into.⁹⁸

Investigators have established DALE responded to a number pages from SPU in relation to the discovery of the burglary by the GALOP targets.

⁹⁵ CCR data Ambulance WICKS, Exhibit 400

⁹⁶ DALE statement 2/10/03 (Ex 293) & MANHIRE statement 28/9/03

⁹⁷ DALE statement 2/10/03 (Ex 293), DALE Diary entry 27/09/2003 (Ex398) & [REDACTED] statement 4/10/03

⁹⁸ Op Nutation Appendix A – Op GALOP Exhibit 32, Warrant 2066 -04 (AHMED) calls 1511, 1514

At approximately 9.05 p.m. DALE attended the Epworth Hospital and spoke to nursing staff in relation to MIECHEL's injuries. At approximately 9.18 p.m. DALE spoke to MIECHEL by himself and left at approximately 9.30 p.m. to attend the office. DALE diarised that MIECHEL indicated 'he had changed the tapes earlier and dropped back in on the way past to check things out, he had got the injuries from the dog squad'.

As a result of the burglary at [REDACTED] Dublin Street, Oakleigh East it was decided that the MDID's 'Operation GALOP' would be concluded and warrants would be executed. Members of the MDID were recalled to duty at this time.

On Saturday 27 September 2003, at 8.47 p.m. as a result of hearing about the burglary, AHMED telephoned O'REILLY and told her to get everything out of the house, go to the office's secret compartment get money and go to the 'BUCK' (AHMED was referring to his residential address of [REDACTED] Street Moorabbin and for O'REILLY to go to the Buckingham Motor Inn). AHMED told O'REILLY the 'other house' [REDACTED] Dublin Street) had been broken into and 'blue' were there (police).

At 9.15 p.m. AHMED telephoned HAYNES. HAYNES told AHMED that everything was gone. AHMED asked if his bags are there to which HAYNES replied it's all gone. HAYNES informed AHMED the Dog Squad have caught two people from the burglary. AHMED told HAYNES to lock up the house. HAYNES during the call mentioned a box that was still in the kitchen. HAYNES remained at the house and packed the remaining drugs and associated items into two suitcases.⁹⁹

[REDACTED] of [REDACTED] Street, Oakleigh East stated approximately one hour after he had a missed phone call he received another call and spoke to DALE. DALE asked if the tapes had been changed and said the occupants of the house may have been spooked. [REDACTED] stated he had not heard or seen anything and that MIECHEL had changed the tapes earlier in the day. [REDACTED] stated at DALE's request he confirmed the tape was still recording. DALE diarises this call to

⁹⁹ Op Nutation Appendix A – Op GALOP Brief Exhibit 32, Warrant 2066 -04 (AHMED) call 1514 & Exhibit 21, 22, 23 Warrant 70150-00 (O'REILLY) call 723

██████████ at 11.07p.m. Investigators believe DALE was attempting to ascertain if the bags had been discovered in ██████████ Pill garden.¹⁰⁰

At approximately 10.30 p.m. former Detective Acting Senior Sergeant Murray GREGOR (GREGOR) from the Ethical Standard Department arrived at the Oakleigh Police Station.

At 11.08 p.m. members from MDID attended at ██████ Dublin Street, Oakleigh East. They observed the pill press still on the trailer at the rear of address. At this time HAYNES was the only person at the address and was arrested. HAYNES was informed by investigators they were awaiting a search warrant for the home.

On Sunday 28 September 2003 at 3.10 a.m. members from MDID executed a warrant under the Drugs, Poisons and Controlled Substances Act at ██████ Dublin Street, Oakleigh East. HAYNES was present during the execution of this search warrant. Seized as a result of this warrant:

- 4,174 ecstasy tablets.
- 2 tickets.
- 5.56 grams methyl amphetamine.
- 397.8 grams methyldamphetamine.
- 0.1 gram methyl amphetamine (crystal).
- 0.5 gram methyl amphetamine (powder).
- 0.2 gram methyl amphetamine (solid).
- 0.4 grams methyl amphetamine (crystal).
- 0.1 gram methyl amphetamine (crystal).
- 0.4 grams methyl amphetamine.
- 5.7 grams dimethyl amphetamine / methyl amphetamine.
- 2.5 grams Cannabis.
- A three phase industrial pill press on a trailer.
- A small hand operated pill press.
- \$6,500.

¹⁰⁰ ██████████ statement 4/10/03, DALE Statement 2/10/03 & DALE Diary entry 27/9/03 (Ex 398)

- 27 assorted punches and dyes for pill press machines.¹⁰¹

In the rear yard of [REDACTED] Dublin Street, Oakleigh East was a black plastic baseball bat. Investigators allege the baseball bat was brought by MIECHEL and was the stick detailed by HODSON.¹⁰²

At approximately 3.23 a.m. GREGOR located HODSON's vehicle, a black BMW registration [REDACTED] parked in Oakleigh Street, Oakleigh East. A short time later in the company of Sergeant DACEY from the Crime Scene Unit and DALY a search of the vehicle was conducted. Located in the glove box was a wallet, which contained personal documentation in the name of HODSON. Located in the boot behind a false wooden partition was a number of items including:

- Black coloured balaclava.
- .45 Calibre pistol that contained live rounds in the magazine
- Black "Uncle Mike's" Sidekick gun holster with belt.
- White piece of cardboard with green lettering "BVX 111".¹⁰³

At approximately 5.16 a.m. GREGOR and DALY of the Ethical Standards Department conducted a taped record of interview with HODSON. HODSON stated he was a registered informer for the MDID and was present at the school on the evening to obtain a sample of cocaine on behalf of the MDID. He stated no one from the MDID knew he was obtaining the sample. He denied he had committed the burglary at [REDACTED] Dublin Street, Oakleigh East and stated he had not been with or in the company of MIECHEL. HODSON stated he last saw MIECHEL the previous Thursday in company with DALE. HODSON was released from custody pending enquiries. HODSON made false denials concerning the presence of his vehicle; initially stating it was at his home.¹⁰⁴

¹⁰¹ Exhibits 1 – 108 Op Nutation Appendix A – Op GALOP Certificate of Analysis Exhibit 526 – 532, Exhibits 58 – 166, Video Exhibit 3, Photo Book 1 Numbers 18 -87

¹⁰² Murray GREGOR statement 30/1/04 (Exhibit 282) HAYNES statement 15/10/2003

¹⁰³ Murray GREGOR statement 30/1/04 (Exhibits 259 – 262)

¹⁰⁴ Murray GREGOR statement 30/1/04, HODSON Master Tape and Transcript, Exhibits 264, 265

At about 7.15 a.m. following his interview HODSON was released from custody and driven back to his vehicle in Oakleigh Street, Oakleigh East. Prior to leaving the Oakleigh Police Station HODSON informed the investigators MIECHEL had ridden his motorbike and described where it was parked.¹⁰⁵

GREGOR patrolled the vicinity nominated by HODSON and located MIECHEL's Honda motorbike registration [REDACTED], outside [REDACTED] Curran Street, Oakleigh East. A search was conducted of the motor bike and a number of items were located in the gear sack attached, the most significant being MIECHEL's covert phone (Series 3).

At approximately 10.45 a.m. [REDACTED] of [REDACTED] Street, Oakleigh East went into his backyard and discovered a blue gym bag and another bag on the ground near the rear side fence of his house containing various drugs of dependence.

The two plastic and two canvass bags were on the south side of a bush growing against the fence and were not able to be seen by anyone unless they walked into [REDACTED] back garden. Investigators believe these bags were stolen by MIECHEL and HODSON during the burglary at [REDACTED] Dublin Street, Oakleigh East.

[REDACTED] phoned DALE's home telephone, spoke to a female he believed to be DALE's wife and left a message for DALE to contact him. MDID and Ethical Standards Department investigators attended [REDACTED] address before DALE called back.

At approximately 12.35 p.m. the following exhibits were located in three bags and a Tupperware container in the rear yard of [REDACTED] Street, Oakleigh East:

- 28,645 ecstasy tablets.
- White powder (ecstasy).
- 566 grams of MDMA powder.
- 2.4 grams MDMA powder.
- 351.7 grams of methyl amphetamine / dimethyl amphetamine (crystallised).

¹⁰⁵ Murray GREGOR statement 27/04/2012

- 7.5 grams MDMA powder.
- .7 grams of MDMA powder.
- 29.9 grams of methyl amphetamine / dimethyl amphetamine.
- 27 grams of methyl amphetamine / dimethyl amphetamine.
- 13.4 grams methyl amphetamine / dimethyl amphetamine.
- 373.2 grams methylamphetamine.
- 4165 grams of MDMA powder (enough to make 14,843 ecstasy tablets).
- 4,640 tickets initially believed to be LSD all tested negative to drugs.¹⁰⁶

[REDACTED]
 [REDACTED] of
 [REDACTED]
 [REDACTED]
 [REDACTED]⁰⁷

[REDACTED] provided a statement in which he claimed there was \$700,000 cash for the Sydney ecstasy purchase and approximately 165,000 ecstasy tablets in the house at the time of the burglary. The quantity of cash is consistent to that detailed during intercepted calls on the lead up to the burglary however intercepted calls failed to either confirm or disprove the quantity of ecstasy tablets on hand.

On Monday 29 September 2003, a meeting was held at MDID chaired by Detective Sergeant SAYCE. Members were briefed on how Operation GALOP was compromised and they were thanked for their efforts following the burglary. All members present in the office attended the meeting with the exception of DALE.

Following the meeting JENNINGS observed DALE at his desk ripping pages from his Day Book. Forensic testing conducted on DALE's Day Book confirmed pages to be missing and entries to have been re-written on 27 September 2003. It was believed DALE changed his notes in relation to his telephone contact with MIECHEL whilst

¹⁰⁶ Exhibits 109 – 245, Op Notation Appendix A – Op GALOP Certificate of Analysis Ex 526 – 532. Ex 167 - 298, Photograph Book 1 Photo 88 – 198, Photograph Book 2 Photos 8 – 19. Video Exhibit 3

he was in ambulance and their meeting at hospital in an attempt to disguise the true content of these contacts and to assist MIECHEL's defence.¹⁰⁸

On Monday 29 September 2003, during a meeting held at the Ethical Standards Department a decision was made that Detective Inspector Peter DESANTO (hereafter referred to as DESANTO) would make an approach to HODSON via his son Andrew and defence barrister Nicola GOBBO.

On Monday 29 September 2003, GOBBO rang DESANTO and informed him Andrew and HODSON would attend her chambers the next day and Andrew stated his father was very scared of police or 'others'.¹⁰⁹

On Tuesday 30 September 2003, a 465 Crimes Act Search Warrant was executed at MIECHEL's home at [REDACTED] Street, Essendon. Located during the search were numerous mobile phones including MIECHEL's covert phones (Series 1 and 2).¹¹⁰

On 30 September 2003, during a series of phone conversations between GOBBO and DESANTO, GOBBO relayed the following information from HODSON:

- Mandy HODSON and Dave MIECHEL were in a relationship.
- Another member who was not one of the 'KAYAK Crew' was involved.

DESANTO was aware DALE was not an original member of the KAYAK Crew and as a result of the conversation with GOBBO he formed the belief that DALE was the other police member who was involved in the burglary.¹¹¹

On Wednesday 1 October 2003, HODSON and his son Andrew HODSON (hereafter referred to as Andrew) met GOBBO at the Celtic Club, Melbourne. HODSON instructed GOBBO that DALE was involved in the burglary and GOBBO made a note

¹⁰⁸ DALE statement 2/10/03 (Ex 293), DALE Diary entry 27/9/03 (Ex 398) DEWHURST statement 21/4/09, JENNINGS statements 2/10/03 & 6/6/12

¹⁰⁹ DESANTO statements 8/9/04 & 15/3/12), GOBBO statement 7/1/09, Andrew HODSON statement 5/5/11 & DESANTO Diary Entries 29/9/03-6/10/03 (Ex 408)

¹¹⁰ Ex 285, 286, 292; ONG statement 19/4/12 & OPI Ex 444, OPI Ex 2955 & PIVA statement 28/11/03

¹¹¹ DESANTO statements 8/9/04 & 15/3/12, GOBBO statement 7/1/09, DESANTO Diary Entries 29/9/03-6/10/03 (Exhibit 408)

in her diary. HODSON asked GOBBO to pass a message to DALE. GOBBO stated she had two or three more meetings with HODSON during which they discussed HODSON's legal options and making a statement to the Ethical Standards Department. GOBBO stated she arranged for HODSON to meet with DESANTO. During one of these meetings with HODSON, GOBBO stated she agreed to pass on a message to DALE for HODSON telling DALE that everything would be alright. GOBBO stated she passed this message to DALE. Andrew corroborated meeting GOBBO at an Irish Pub in the city and HODSON discussing DALE's involvement in the burglary with her.¹¹²

Investigators allege following the burglary at [REDACTED] Dublin Street, Oakleigh East, DALE formed a relationship with HODSON's barrister GOBBO in order to keep abreast of any developments involving HODSON and any assistance he was providing investigators.

On Thursday 2 October 2003, DALE made a written statement to the Ethical Standards Department. DALE stated he *"had no concerns relating to the handling of HODSON by MIECHEL"*. JENNINGS contradicted this in her statement *"I asked DALE what was the incentive for this informer to give so much information and he said that the informer thinks of Miech like a son and he wants him to do well. I said that that doesn't sound like a good thing, to treat a policeman like a son, to which he commented, "Yeah I know."¹¹³*

On Friday 3 October 2003, at approximately 1.40 p.m. HODSON attended the World Trade Centre with Andrew and met investigators GREGOR and DESANTO. He provided significant information which later formed the basis for his statements. During this meeting HODSON stated:

- A sergeant was also involved in the burglary, which he indicated by placing three fingers on the table to indicate three stripes.

¹¹² GOBBO statement 7/1/09, Andrew HODSON statement 5/5/11 & GOBBO Diary Entry 1/10/03 (Exhibit 406)

¹¹³ DALE statement 2/10/03 (Ex 293), JENNINGS statement 2/10/03

- Intimated the sergeant was DALE by stating he met him in company with MIECHEL recently and the sergeant had previously worked at Brunswick.
- Stated the burglary was the sergeant's idea and the sergeant was in charge not MIECHEL.
- The sergeant had threatened to kill him and his family if he ever assisted police against them.

Andrew corroborated attending the meeting and stated HODSON told him about the details of the burglary and relationship with DALE after the meeting.¹¹⁴

On Saturday 4 October 2003, at approximately 7 p.m. DESANTO received a phone call from HODSON who informed him he had received a phone call on his home phone from the "three Striper" referring to DALE. HODSON stated he was told "we look after our own, stick together, there's no need to get into go on board with anyone and you'll be looked after", HODSON stated he replied "every things fine."

Phone records reveal at 4.49p.m. on 4 October 2003, there was an incoming 55 second call to HODSON's mobile telephone from a pay phone in the vicinity of [REDACTED] Street, Thornbury.¹¹⁵ DALE's diary revealed he was on a rest day on this date.

On Monday 6 October 2003, at approximately 2 p.m. HODSON attended in the vicinity of the Box Hill Hospital and met DESANTO and GREGOR. HODSON:

- Confirmed the details of a phone call he received on Saturday 4 October 2003, and indicated he didn't think it was DALE on the phone but it sounded like him.
- Initiated the use of DALE's name rather than using the term 'three striper'.
- Stated he believed GOBBO was passing information to DALE.

¹¹⁴ DESANTO statement 8/9/04, GREGOR statement 14/7/04, Andrew HODSON statement 5/5/11, Video recording & Transcript 3/10/03 (Ex 410,411), DESANTO Diary Entries 29/9/03-6/10/0 (Ex 408), GREGOR Diary Entries 3/10/03 (Ex 409)

¹¹⁵ CCR data FOSTER, Exhibit 412

- Believed GOBBO was 'fishing' for information for DALE and this was why he received the phone call on Saturday to reinforcing that he should not assist the police.¹¹⁶

On Tuesday 7 October 2003, HODSON attended an undisclosed location and participated in an induced statement with DESANTO and GREGOR. The meeting was video and audio recorded and formed the basis of HODSON's first statement.¹¹⁷

GOBBO stated on a date prior to 9 October 2003, she received a phone call from DALE requesting they meet for a drink. GOBBO's mobile phone bill shows on 8 October 2003, at about 5.41 p.m. she sent an SMS to DALE's mobile phone number. Investigators believe the timing of this SMS supports GOBBO's account.¹¹⁸

On Thursday 9 October 2003, GOBBO stated she met DALE at O'CONNELL's Hotel, in South Melbourne. GOBBO stated she was wary of DALE as they had never been out before and she was unsure of the reason for the meeting. GOBBO's phone bill shows that on this day she send three SMS to DALE's mobile telephone number at approximately 1.31 p.m., 6.15 p.m. and 6.23 p.m. Investigators believe the timing of these SMS supports GOBBO's account. Between 6 and 10 October 2003, DALE recorded in his Official Police Diary that he was on sick leave.¹¹⁹

On Friday 10 October 2003, Detective Senior Sergeant GREGOR and Detective Senior Sergeant SNARE conducted a tape recorded with MIECHEL. MIECHEL replied, 'No comment' to questions put to him and read a prepared statement explaining his presence at the target address and his actions when arrested.¹²⁰

GOBBO stated on a date following her first meeting with DALE, but prior to going on holiday to Thailand on Thursday 16 October 2003, she met with DALE on a second occasion at O'CONNELL's Hotel, South Melbourne. GOBBO stated DALE

¹¹⁶ GREGOR statement 14/7/04, DESANTO statement 8/9/04, Video & Transcript 6/10/03 (Ex 415, 416), DESANTO Diary Entries 29/9/03-6/10/03 (Ex 414), GREGOR Diary Entries 3/10/03 (Ex 413).

¹¹⁷ HODSON statement 25/10/03 (Ex 419), Video Recording & Transcript 7/10/03 (Ex 417, 418)

¹¹⁸ GOBBO statement 7/1/09, GOBBO Phone Bill (Ex 432)

¹¹⁹ GOBBO statement 7/1/09, Diary Entry GOBBO 9/10/03 (Ex 437), GOBBO Phone Bill (Ex 432), Diary Entry DALE 9/10/03 (Ex 438)

¹²⁰ MIECHEL Master Tape and Transcript (Exhibits 302 & 303)

told her he was going to make an entry in his diary about the meeting in case he was ever asked about it. GOBBO did not explain the nature or purpose of this meeting.

DALE's Official Police Diary recorded on Wednesday 15 October 2003, between 1.55 p.m. and 3.10 p.m. he 'met with legal advisor re - personal matters to'.

GOBBO's mobile phone bill shows on 10, 13, and 14 October 2003, she sent four SMS to DALE's mobile phone number. Investigators believe this contact supports GOBBO's account.¹²¹

On Wednesday 15 October 2003, a telephone intercept commenced on HODSON's mobile and home telephone and DALE's mobile telephone.¹²²

On Thursday 16 October 2003, at 10.30 a.m. during a lawfully monitored telephone call Andrew called his father and informed him he had made an appointment for him at 1 p.m. Andrew did not state who the appointment was with. Investigators believe this appointment was with GOBBO for 1 p.m. during the lunch break of HAYNES' bail application.

On 16 of October 2003, GOBBO, DALE, JENNINGS and GREGOR attended the Melbourne Magistrate's Court in relation to HAYNES' bail application. At court both DALE and GOBBO spoke to GREGOR. GOBBO asked GREGOR questions relating to HODSON's cooperation with his investigation and GREGOR told her HODSON was unwilling to assist. GREGOR told DALE the same thing. During this day, GOBBO approached JENNINGS and asked her if she knew "they're looking at another cop being involved in the burg..."¹²³

At approximately 1 p.m. HODSON met GOBBO at Dominos Cafe, Melbourne. HODSON stated; GOBBO:

¹²¹ GOBBO statement 7/1/09, DALE Diary Entry 15/10/03 (Ex 439), GOBBO Phone Bill (Ex 432)

¹²² Exhibits 428-430, 433-455

¹²³ JENNINGS statement 6/6/12

- Passed on a message from DALE that he was standing by MIECHEL, not to worry and he (DALE) would be in touch.
- Asked if he had a message for DALE or MIECHEL to which he replied “just give them my best”.
- Asked whether HODSON was assisting the Ethical Standards Department. GOBBO told HODSON she had spoken to GREGOR at court earlier that day and he (GREGOR) wasn't happy with him because he wouldn't assist them.
- Indicated she was going away for a week, didn't expect to hear anything during that time and DALE would go through her when he wanted to see HODSON.

At approximately 1.19 p.m. during a lawfully monitored telephone conversation HODSON advised GREGOR that he had just met the ‘big lady’ (GOBBO). HODSON explained the nature of the meeting and GREGOR confirmed he had spoken to GOBBO and DALE at court and told them HODSON had refused to assist.¹²⁴

On 16 October 2003, lawful monitoring of DALE's mobile telephone revealed a series of SMS with GOBBO. The following was revealed:

Call 64: At 3.02p.m. GOBBO sent, “Sorry I missed you”.

Call 79: At 6.15p.m. GOBBO sent, “A”.

Call 84: At 7.00p.m. DALE sent, “Sory things have come up at home. Enjoy the holiday call on return. Sory would love to catch up just can't right now”.

Call 85: At 7.26p.m. GOBBO sent, “No probs am at home packing. Had big news. Call/SMS me on [REDACTED] while I am away. Look after yourself x.”¹²⁵

Telephone records reveal [REDACTED] gistered to GW MELDRUM P/L, who

¹²⁴ GREGOR statement 27/4/12, Audio Disc (Exhibit 431)

¹²⁵ GOBBO Phone Bill (Ex 432), D70158 - DALE Audio Disc (Ex 436)

was GOBBO's law clerk. Investigators believe GOBBO wanted to advise DALE of her meeting with HODSON and belief that HODSON was not assisting police.¹²⁶

On Friday 17 October 2003, HODSON met with DALY and GREGOR. During this meeting HODSON discussed the meeting he had with GOBBO on the previous day. HODSON provided further information:

- MIECHEL had told him that DALE was going to supply two mobile phones for use during the burglary.
- GOBBO arranged his meeting with her by phoning Andrew.
- GOBBO was going away on holiday for seven days.¹²⁷

D70158-00 Call 153

On Friday 17 October, 2003 at 3.58 p.m. during a lawfully monitored conversation Carolyn DALE told DALE she was at Northland Shopping Centre. DALE asked her if she walked past the Orange phone dealership to have a look at the different types of phones that Orange have and get a brochure. Carolyn asked why and DALE replied he'd explain when she got home.¹²⁸ Investigators believe DALE was attempting to obtain a new telephone so he could conduct covert conversations with GOBBO.

D70158-00 Calls 274, 275

On Wednesday 22 October 2003, at 1.15 p.m. and 1.17p.m. lawful monitoring of DALE's mobile telephone revealed he received two SMS from GOBBO: "Only 3 days left and it's finally stopped raining for the first time! Hope you're OK. Don't forget to choose.." and "an Orange phone".¹²⁹ Investigators believe GOBBO was telling DALE to get an Orange phone as per Call 153 so they could conduct covert unmonitored conversations.

¹²⁶ Op Nutation Appendix O, MELDRUM statement 28/10/11, Op Nutation Appendix P, Subscriber Details MELDRUM 28/10/11.

¹²⁷ GREGOR statement 27/4/12, GREGOR Diary 17/10/03 (Ex 447)

¹²⁸ D70158 - DALE Audio Disc (Exhibit 436)

¹²⁹ D70158 - DALE Audio Disc, Exhibit 436

On Saturday 25 October 2003, HODSON attended the Ethical Standards Department where he completed a written statement and signed it.

D70158-00 Call 555

On Monday 27 October 2003, at 1.03 p.m. lawful monitoring of DALE's mobile telephone revealed GOBBO sent an SMS: "Suntan is fading. Call when you're free to catch up."¹³⁰

D70160-00 Call 212

On Wednesday 29 October 2003, at 11.44 p.m. during a lawfully monitored telephone conversation HODSON advised GREGOR that he had arranged to meet GOBBO at Dominoes the next day at 12 p.m. HODSON was asked to push for the meeting with DALE.¹³¹

D70160-00 Call 221

On Thursday 30 October 2003, at 1.18 p.m. during a lawfully monitored telephone conversation HODSON told GREGOR he'd had a good meeting with GOBBO and she was going to be seeing him (DALE) tomorrow.¹³²

D70160-00 270

On Wednesday 5 November 2003, at 12.14 p.m. during a lawfully monitored telephone conversation HODSON told GREGOR he had just spoken to her (GOBBO) and she wanted to see him at 3 p.m. HODSON stated GOBBO had spoken with their friend (DALE) but she wanted to speak to HODSON in person. HODSON believed DALE had given GOBBO a message for him. He stated he'd call GREGOR after the meeting.¹³³

Between 3.15p.m. and 4.15p.m. HODSON met GOBBO. HODSON stated during this meeting:

¹³⁰ D70158 - DALE Audio Disc, Exhibit 436

¹³¹ GREGOR statement 27/4/12, D70160 - HODSON Audio Disc, Exhibit 431

¹³² GREGOR statement 27/4/12, D70160 - HODSON Audio Disc, Exhibit 431

¹³³ GREGOR statement 27/4/12, D70160 - HODSON Audio Disc, Exhibit 431

- GOBBO stated DALE was very paranoid and she'd had to meet him the other night at 10 p.m.
- DALE was prepared to meet HODSON but wanted to wait until after he came back from leave in three weeks.
- GOBBO stated she would get a message to DALE through a third party to instruct him to meet HODSON. HODSON believed he would meet DALE on Thursday or Friday and it would take place at GOBBO's office.¹³⁴

D70158-00 Call 983

On Wednesday 5 November 2003, at 4.58 p.m. lawful monitoring of DALE's mobile phone revealed his close friend, Detective Senior Sergeant Tim ARGALL, left a voice message, "it's ARGALL here at 4.30 and to give him a call back as he has a message for him. If he calls him back before he sees him tonight he might be able to return the call as the message is supposedly urgent and to ring from a good phone."¹³⁵ Investigators believe ARGALL was the 'third party' used by GOBBO to get in contact with DALE and that 'good phone' was a code used to describe a covert phone that could not be scrutinised by telephone intercepts.

D70158-00 Call 983

On Wednesday 5 November 2003, at 5.48 p.m. during a lawfully monitored telephone conversation DALE contacted ARGALL and told ARGALL he was calling from his own phone. ARGALL indicated he'd just got a phone call from a person that needed to pass a message on to him. ARGALL didn't know why they needed to go through him and as always with this person it was a matter of National Security. DALE said he would speak to ARGALL when he saw him. ARGALL said "she" had something to say to you, but did not want to ring you, for whatever reason she rang him. ARGALL told DALE to ring this person back, when he gets the chance, obviously from the right sort of place.

Investigators believe DALE advised ARGALL he was using his own phone so

¹³⁴ AHKIN statement 27/4/12, GREGOR statement 27/4/12, GREGOR Diary Entry 5/11/03 (Ex ???), Audio Recording 06/11/2003 Exhibit 420 & Transcript 421

¹³⁵ D70158 - DALE Audio Disc, Exhibit 436

ARGALL would be guarded during the call and assume it was being monitored. It is believed ARGALL was advising DALE to contact GOBBO ("she") and this corroborates HODSON's account of his meeting with GOBBO at 3.15p.m.

D70158-00 Call 1093

On Friday 7 November 2003, at 6.19 p.m. during lawful monitoring of DALE's mobile telephone GOBBO sent an SMS: "Sorry was on the phone. Awaiting your call. At home [REDACTED]".¹³⁶

Investigators were unable to identify any contact with GOBBO prior to or after this SMS to account for the content of this SMS. It is believed this SMS supports the use of covert phones, the previous discussions relating to the purchase of 'Orange' phones and that DALE and GOBBO were now using these phones to avoid telecommunication monitoring.

D70160-00 Call 417

On Thursday 13 November 2003, at 2.38 p.m. during a lawfully monitored telephone conversation HODSON told GREGOR that he (DALE) didn't show today and the reason she (GOBBO) got him to come in was to tell him that he's (DALE's) going away tomorrow to his parent's house. She'd told HODSON that he'd (DALE) slip back into town towards the end of next week to meet him. He (DALE) passed a message through her to be careful of Dave because he thinks he's wired. He (DALE) would ring the 'big lady' and then she'll ring HODSON and tell him the location.¹³⁷

Between 11 and 13 November 2003, DALE had a series of lawfully monitored telephone conversations and conducted numerous bank transactions that supported his visit to his parents. This demonstrated HODSON's intimate knowledge of DALE's movements and GOBBO's role in arranging a covert meeting between HODSON and DALE.¹³⁸

¹³⁶ D70158 - DALE Audio Disc (Exhibit 436), GOBBO Phone Bill (Exhibit 432)

¹³⁷ GREGOR statement 27/4/12, D70160 - HODSON Audio Disc (Ex 431)

¹³⁸ Call 1217 D70158 - DALE Audio Disc (Ex 436), BROOKS Financial statement (Ex 442)

On Monday 24 November 2003, MIECHEL visited Mandy HODSON at her work at NOGS Sandwich Shop in Camberwell. Mandy stated MIECHEL admitted his involvement with HODSON in the burglary. MIECHEL also handed Mandy an 'Al Pacino Scarface' card with a printed message on it. MIECHEL asked Mandy to hand the card to her father stating it had a double meaning and he would know what it meant. The printed message read "I never fucked anybody over in my life who didn't have it comin' to im jou got dat? All I have in tis world is my balls and my word, and I don't break 'em for no one jou understand".¹³⁹

Investigators believe MIECHEL was warning HODSON about cooperating with the Ethical Standards Department.

D70160-00 Call 633

On Monday 1 December 2003 at 3.52 p.m. during a lawfully monitored telephone conversation HODSON told GREGOR he just spoken to the 'big lady' (GOBBO), she was anticipating seeing him (DALE) in the next couple of days and she wanted to have a coffee with HODSON midweek because she had some news for him.¹⁴⁰

D70158-00 Call 1433

On Monday 1 December 2003, lawful monitoring of DALE's mobile telephone revealed a series of SMS with GOBBO. The following was revealed¹⁴¹:

Call 1433: At 4.39p.m. GOBBO sent; "Tried you at work advised you're on leave. Call when you have time. Looking forward to catching up with you."

Call 1437: At 4.42p.m. DALE sent; "One week left of leave, bak in town tomorrow, will call!"

Call 1441: At 4.53p.m. GOBBO sent; "Great. Need my late b'day drink and not working every day this week."

Call 1442: At 4.53p.m. DALE sent: "Looking fwd to it mate."

¹³⁹ Mandy HODSON statement 22/1/04, KOUROUNIS statement 12/1/04, 'Scarface' card (Ex 317)

¹⁴⁰ GREGOR statement 27/4/12, D70160 - HODSON Audio Disc (Ex 431)

¹⁴¹ D70158 - DALE Audio Disc (Ex 436), GOBBO Phone Bill (Ex 432)

Investigators believe this contact between GOBBO and DALE corroborates the planned meeting detailed by HODSON during Call 633 (D70160-00).

On Friday 5 December 2003:

- DALE was arrested and a search warrant was executed at his home at [REDACTED] Street, Coburg. During his interview DALE answered certain questions put to him however denied involvement in the burglary. DALE was subsequently charged and remanded in custody¹⁴².
- MIECHEL was arrested and interviewed. During his interview MIECHEL refused to answer questions put to him. MIECHEL was subsequently charged and remanded in custody.¹⁴³
- HODSON was remanded in custody.
- A search warrant was executed at Mandy HODSON's home at [REDACTED] Street, Balwyn. Police located the Series 1 Covert Phone previously used by Terence HODSON. Mandy was arrested, interviewed and released without charge.¹⁴⁴

Between 10 and 22 December 2003, each of the accused was granted bail.

On Thursday 23 December 2003, GREGOR, DALY and SNARE attended a meeting at HODSON's house. During the meeting HODSON provided further information which formed the basis of his second statement which he signed on 8 January 2004.¹⁴⁵

On Wednesday 7 January 2004, GREGOR and DALY attended a meeting at HODSON's house. Present during the meeting was HODSON, Christine and Mandy. During the meeting HODSON provided further information which formed the basis of his second statement. In addition to the information included in the statement, HODSON indicated he believed DALE used additional mobile phones to covertly communicate with MIECHEL¹⁴⁶.

¹⁴² DALE Master Tape and Transcript (Exhibit 307 & 308)

¹⁴³ MIECHEL Master Tape and Transcript (Exhibit 309 & 310)

¹⁴⁴ LAING statement 14/5/12, Nokia 3314 (Ex 445)

¹⁴⁵ Audio Recording & Transcript 23/12/03 (Exhibits 422, 423)

¹⁴⁶ GREGOR statement 27/04/12, Audio Recording & Transcript 7/1/04 (Exhibits 424, 425)

On Monday 12 January 2004, Ethical Standards Department investigators attended HODSON's address and obtained a written statement from Christine. Christine corroborated the majority of HODSON's account.

On Thursday 29 January 2004, GREGOR and Detective Sergeant MUCCHI conducted a taped record of interview with HODSON. HODSON adopted his induced statements. HODSON stated the reason he committed the burglary and theft was for financial gain.¹⁴⁷

The information provided by HODSON in his two statements and recorded debriefs with the Ethical Standard Department were so detail, that the only way he could have knowledge of the GALOP operation and the personal life of DALE, was if he was advised by DALE and MIECHEL. The lead investigator, JENNINGS, described HODSON's statements as being 'so detailed and so accurate he must have been there with us doing what we were doing, he knew everything from when covert warrants were being executed, to listening devices and optical cameras being installed and samples being taken out to VFSL for testing'.

On Sunday 16 May 2004, HODSON and Christine HODSON were found murdered in their home.

On Thursday 9 June 2004, the charges against DALE relating to the Dublin Street burglary were withdrawn.

On Friday 26 May 2006, a jury found MIECHEL guilty of Drug Trafficking offences and burglary. MIECHEL was sentenced to 15 years with a non-parole period of 12 years. MIECHEL appealed the decision which the court of appeal dismissed on 9 September 2010, upholding the original decision.

¹⁴⁷ HODSON Master Tape & Transcript 29/1/04 (Exhibit 315 & 316)

