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11 April 2019

George Defteros

B. Juris. LL.B

This document has been redacted for Public Interest Immunity claims made by Victoria Police. These claims are not yet resolved.

The Honourable Margaret McMurdo AC By online submission

Dear Commissioner,

Re: Victoria Police attempts to procure breach of Legal Professional Privilege

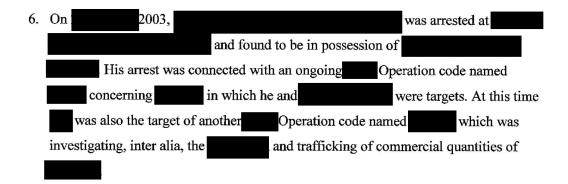
- 1. We act on behalf of George Defteros, who is an Accredited Criminal Law Specialist (accredited in 1995 by the Law Institute of Victoria) and has practised extensively in criminal law for a period of approximately 40 years. Our client was a former partner in the firm of Pryles and Defteros for approximately 25 years, and since 2007 has been the principal in the firm of Defteros Lawyers of 3 St Edmonds Road, Prahran.
- 2. Our client has a significant amount of information to give the Royal Commission about the activities of Victoria Police in charging him with conspiracy and incitement to murder in circumstances where he had not committed those offences, and the charges were laid to pressure him to give Victoria Police information about his clients, in breach of his obligations to those clients to preserve their legal professional privilege. After some months of great stress and significant personal and financial hardship those charges were eventually the subject of a *nolle prosequi*. Our client also has a significant amount of material relating to the extraordinary provided to and and the attempts by Victoria Police to have and (including lengthy Court proceedings between and Victoria Police). Our client is of the belief that

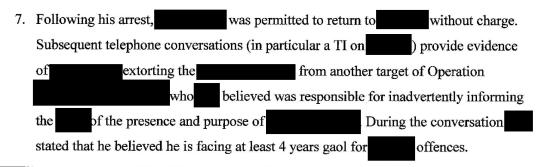
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- 3. It appears clear that the conduct of Victoria Police towards our client falls squarely within Terms of Reference 3 and 5, since that conduct was directed to the (unsuccessful) attempts of the relevant officers to procure the breach of our client's professional obligations. He respectfully requests the Commission to investigate these events.
- 4. The facts set out below are provided in order to give an outline of what occurred. They are taken from the various materials with which our client was served during the period of the charge plus other information known to him. He has a large amount of other factual material which may assist the Commission and would be happy to engage with the staff of the Commission to develop the most efficient approach to investigating what occurred.

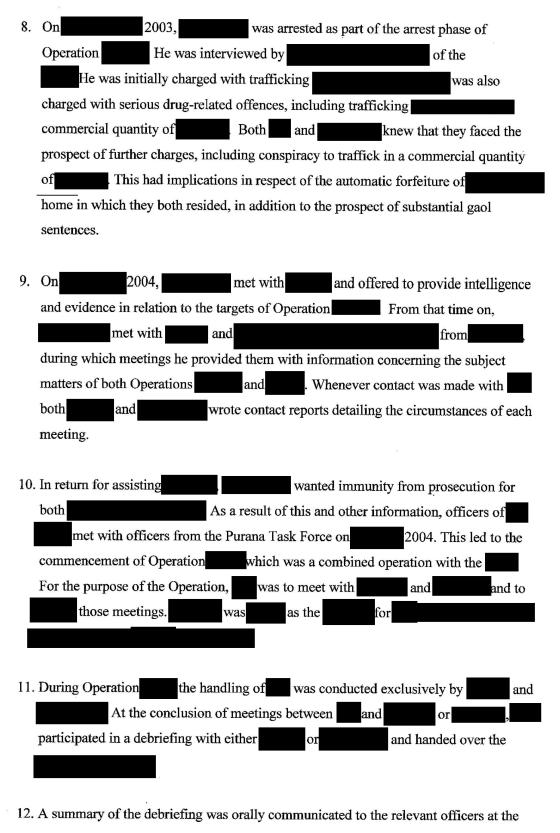
## Background - the charges laid on 17 June 2004

5. The Purana Task Force investigation into the so-called "Gangland Wars" was active during 2003.

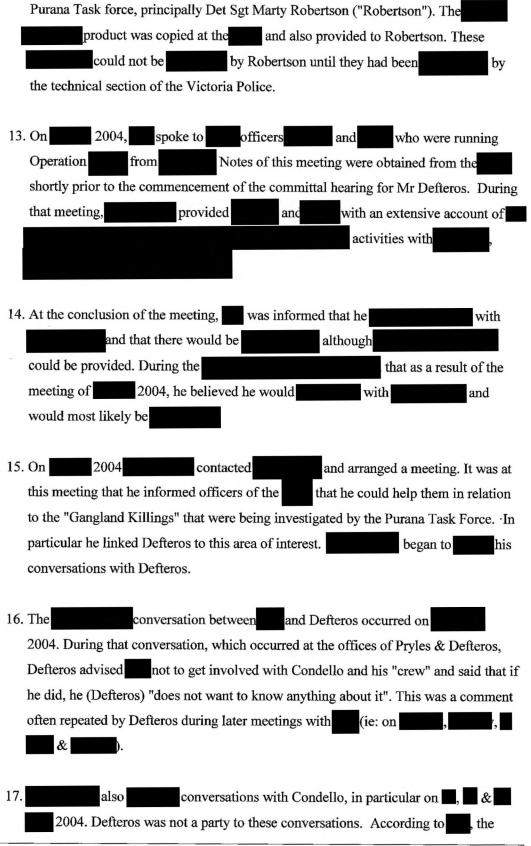




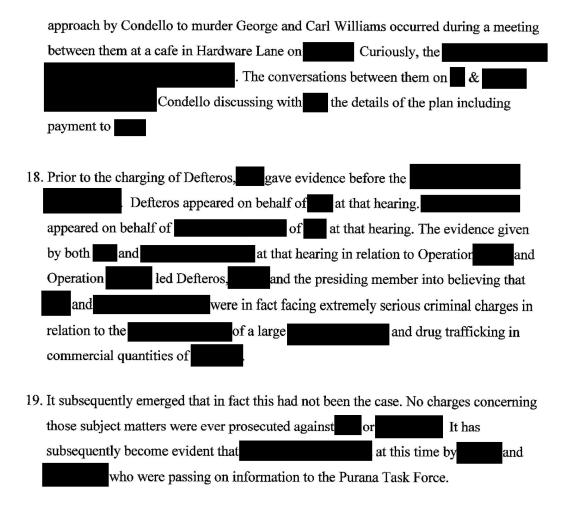
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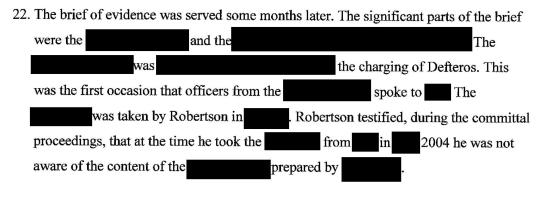


- 20. In the week prior to his arrest our client was contacted by Detective Inspector Andrew Allen from Purana. Allen said to Defteros that "they [Victoria Police] wanted him to facilitate a meeting with Gatto off the record to speak about the "gangland wars"." Allen said "it would be good for Gatto and it would be good for you". At the time Defteros was the solicitor for Mick Gatto who was in custody awaiting trial for the murder of Andrew Veniamin. The comment about him made no sense and he thought nothing of it. He did not arrange a meeting between Gatto and the police.
- 21. On 17 June 2004, Mr Defteros was charged with two offences by Det Snr Const Ian Marr ("Marr") of the Purana Taskforce. Those offences were:
  - (a) that George Defteros and Mario Condello between 1 April 2004 and 17 June 2004 did conspire together to have a person murder George Williams, Carl

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Williams and another person; and

(b) that George Defteros and Mario Condello between 1 April 2004 and 17 June incited another to murder George Williams, Carl Williams and another person.



- 23. Our client instructs that he had not committed the offences with which he was charged. At the committal hearing for Defteros and Condello that prior to 2004 had been led to believe by Victoria Police that neither of them would to gaol, that they would be and would
- 24. Upon being arrested and conveyed to the St Kilda Road Complex, Robertson in the presence of Marr said to Defteros words to the effect "you had better tell us what you know about Gatto or other clients because once we charge you it will be too late. We know that there is always a question of privilege and you may not be able to say anything, but we have spoken to Horgan and he has given us permission to negotiate with you." The reference to "Horgan" was to Crown prosecutor Geoff Horgan with whom Robertson and Marr had met two days earlier (15 May).
- 25. Defteros was then asked what he knew about the murder of Lewis Caine. He said "I'm able to tell you about what because he when he came up to that day". To which Robertson said "that will not be enough for charges not to be laid against you". Defteros says that he told Robertson that he was not in a position to provide any further information. To which Robertson replied "oh, come on you know more than that". Defteros was given the unequivocal belief that if he gave them the information they wanted (in particular about Mick Gatto) he would not be charged.

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- 26. On Friday 18 May Defteros was on bail. On that day Robertson and Marr attended at his home, where he was with his mother and his son Christian. They had attended to discuss security concerns. During the ensuing conversation Mrs. Defteros senior asked Robertson "why is this happening to my son, he has done nothing wrong". Robertson replied "don't worry Mrs. Defteros the first few days are the hardest, we know he hasn't done anything much wrong but we still have to proceed".
- 27. On 23 June, the day after our client's wife Sandy had returned from overseas, Robertson and Det/SC Andrew Stamper attended at the Defteros home. They were discussing with Defteros his with with In the course of which Robertson said to him "off the record I know you've done nothing wrong". This was also said in the presence of Sandy Defteros who confirms the conversation.
- 28. In August 2005, the Director of Public Prosecutions informed Mr Defteros via his legal representatives, that the proceedings against him would be terminated. The Director told Mr Defteros' legal representatives that he had come to this conclusion after consulting with his Chief Crown Prosecutor, Jeremy Rapke QC (who was then the Director of Public Prosecutions), and Ray Elston QC, the prosecutor at the committal. He said that he had also considered what was necessary to prove the offence of incitement.
- 29. On the morning of 7 February 2006 Robertson and Det Snr Const Dean Grande attended the Defteros home. This was shortly after the murder of Condello. Defteros was asked some questions about Condello. During the conversation Sandy Defteros raised with Robertson what he had said on 23 June 2004 about Defteros ("I know you've done nothing wrong"). Robertson didn't respond. Defteros then said to Robertson "you know there was no evidence against me, what did you achieve by charging me and destroying my career and business?" Again there was no response. Defteros then said to Robertson "as if I would talk to [naming the person known as about a thing like that even if I was minded to do which I surely wasn't?"

## Impact of conduct of Victoria Police on George Defteros

- 30. As a consequence of being charged Mr Defteros has suffered considerable personal and economic loss. An immediate consequence of being charged was the requirement of the Law Institute that he surrender his practising certificate. This occurred within days of 17 June 2004 and led to the dissolution of the partnership of Pryles and Defteros. His name in the profession was blackened, and to this day he is spoken of with suspicion and concern by many in the legal profession.
- 31. Mr Defteros also suffered the onset of stress related symptoms and ultimately was diagnosed with a post traumatic anxiety state. It took him some years to re-establish a practice, and his current employment does not nearly equal the level he had achieved as a partner in a thriving law practice prior to the events set out above. He continues to receive psychiatric treatment to the present day.

Yours faithfully,

GEORGE DEFTEROS PTY LTD LAWYERS

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