

Royal Commission into the Management of Police Informants.

Personal Submission – John Patrick Ford.

I was represented at a critical phase of criminal proceedings against me, by Nicola Gobbo.

I was also represented by a number of other lawyers at different stages of the proceedings.

My submission here revolves around the actuality and perception of an evident conflict of interest on the part of the lawyer acting as a defence counsel. Ms. Gobbo (and/or others yet un named) should not be allowed nor in good conscience act as defence counsel in any case where they 'work' for the prosecution or police as either a paid or unpaid informant. My concern goes beyond just her representing me without declaring the conflict of interest, as being an informant for the police, I believe the police and the OPP have then every opportunity to influence proceedings, and the informant every wish to keep in good with her 'handlers'.

In my case, Ms. Gobbo was overheard to tell the police, in the presence of a person she did not know was my ex wife, that 'don't worry, he's never going to get out'.

In my case, I told Ms. Gobbo of exonerative evidence (telephone records) and other material that would have shown many of the allegations against me to be false. That material never came to the hands of latter counsel, and when I pushed one issue at trial, the police told the OPP, who told the Judge, that 'all Telstras accounts are down for at least 2 weeks, and we cannot delay the trial'. I proved to my counsel this was in fact false, and made up to with hold evidence from the Court. In the first instance, my then counsel was ecstatic over the fact, and verified the OPP lied. Within days he turned around and said he wouldn't introduce it because it 'reflected badly' on the character of the prosecutor.

My concern now, in light of Ms. Gobbos discovery, is wondering how many other legal practitioners are police informants, and how many have not disclosed the conflict of interest? The other significant matter is on how many occasions have the police or OPP used the influence of collaboration to engineer the outcomes of court proceedings? It would seem apparent that, in the public interest and in the interests of justice **that both an informant and Victoria Police** have a duty of care to disclose any potential conflict.

During my time in the process, one of my counsel was a lawyer from the United Kingdom, who was studying administrative law here. He found it remarkable that my lawyer would consult with the OPP on cases, for example 'if you let me have this win, I'll concede ground in the other' case scenario. He also found it remarkable my lawyer would spend more time with the OPP than sitting down with me and 'rolling the sleeves up' (his words) to get the job done in my defence. This may or may not be worthy of comment with the Commission, but in light of the Gobbo disclosure and other evidence it is reasonable to surmise that my case was not fairly tried or handled.

Other facts that lead me to question the integrity of counsel and the conduct of the prosecution are the failed Supreme Court appeal, wherein the Judges commented to my lawyer that certain issues were for trial, not appeal. Following this Victoria Legal Aid found grounds for a High Court appeal, and funded a private firm to handle this. They did not, in fact forgetting about me despite calls and letters, and only finding the grant of assistance after I was released from jail, and too late to do

anything with the Courts about that. [REDACTED]

I was forced, whilst in jail, to file a civil action against [REDACTED] to prove evidence and facts to the police and to my counsel. I won that case, representing myself and with orders made in my favour. In the process of that [REDACTED] admitted [REDACTED] allegations were 'wrong and a lie' and [REDACTED] lawyer stated that the admission would be the best evidence possible in an appeal. I presented the outcome and material to my criminal counsel, but as stated before he made nothing of it. I learnt the hard way an appeal does not rely on errors of fact or evidence, and no one at any time has sought to assist me with new evidence in this process. With the use and retention of legal practitioners as informants, and the influence they can bring to bear in the court, any reasonable person must question, in my case at least, how justice was at all served?

I hope and trust the Commission finds the OPP and Victoria Police must disclose the identities, at least to the Commission, of all informants who work as legal practitioners, and the extent to which those informants might, may have or could be used to influence the outcomes of proceedings, and the defendants in all those cases should be given the opportunity for justice. I don't believe at this time the public interest would be served in 'outing' the informants or their handlers, but action must be taken to restore the faith of the public, and not in the least the faith in, and the integrity of legal practitioners and the legal system.

I thank the Commission for the opportunity to make this submission, and would be happy to speak about this if required, at your discretion.

John Patrick Ford.

3rd April 2019.