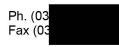
From:	Heffernan, Tamara
Sent:	Thu, 15 Mar 2007 11:54:53 +1100
То:	Rowe, Paul;Flynn, Dale
Subject:	Note re conference with DPP
Attachments:	FileNoteDPP14.3.07.doc

FYI.

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Tamara Heffernan Senior Solicitor Organised Crime Unit



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# OFFICE OF PUBLIC PROSECUTIONS

# FILE NOTE

DATE:	14.3.07
TIME:	9.00
FILE NAME:	Bickley

### Conference with the DPP.

Present - T Heffernan, Paul Rowe, Dale Flynn of Purana.

The DPP had read the materials I had provided.

He commented that just "wants everything" and if he goes to Europe, he will not be compellable.

In the DPP's view, should simply be arrested & charged with balks at signing his statements & is being difficult. We are happy to go to trial on both.

Also, if he starts carrying on about being a star witness against Tony Mokbel and being extremely demanding, he can be informed that in the DPP's view, in terms of priority cases against Mokbel at the moment, this would be "about number 5". The DPP was joking, but it could be made clear to that he is certainly not regarded as a Crown witness of extreme importance.

Risks to Bickey – not so much with Mokbel absent. However, Radi & Farachi do still have close ties with the Mokbel family. (Suppression orders to be obtained by myself, the usual precautions taken with deletions to portions of the plea transcript etc.)

#### Sentencing instructions:

The DPP will not agree to recommend a wholly suspended sentence. He simply cannot be sentenced to less than given his role.

And the fact that they got not top means no suspended sentence. (3 years the max allowed for wholly suspended sentence pursuant to the *Sentencing Act*)

The DPP will concede that parity with **a second second** does have a role, but we would not concede that just because we didn't appeal those sentences, we believe that they were the correct result. In his view they were extremely low.

In his view, without co-operation, and on the original trafficking alone, would be looking at about 10 on top.

## Benefit to believe if pleads & gives undertakings:

- Presentment will allege trafficking from
  only;
- The will not go ahead;
- Judge gives discount for undertakings.

The DPP will consider for to give evidence of the trafficking since 2004.

Possible for also.

The	matter – arrested 2005, released	
charge bc B	ickleyalso visited a company to	– we
don't want to disclose that though		has
	n undertaking. There is also a transcript of the	_
conversation -Bickley is definitely	talking about a	

### Radi & Farachi:

In Paul's view, some corroboration, but definitely not enough ev without him.

They are the "day to day" men, organising Mokbel's drug matters, looking after his interests.

### Separate RADI brief:

DB bought MDMA from RADI – Also made unsigned statements re this.

Bickley was the of the Bickley was arranging for the came from – obtained from Mokbel – we don't know where came from – could have been in Vic, but don't know who is.
Paul will visit again in prison – ask him to make a more full statement, could be charged with offending as far back as a statement on Bicsley's statements.
The DPP commented that this was really the same case as against that if Mokbel is located, he wouldn't be charged with both.

Paul reminded us that the brief relates to so is definitely a separate "business venture".

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# Bickley's court matter:

Police have been served with subpoena to produce only, not to give evidence. Will provide copy charges & original police summary to answer this. When all is finalised, Court can be provided with Crown Opening & presentment.

## **Restraining orders:**

The DPP has no discretion under the *Confiscations Act* rematters in any event – is auto-forfeiture. Doesn't seem to be a huge concern for the any event.

### Conflict of interest - Nicola Gobbo:

In the DPP's view Nicola plainly has a conflict due to her representation of Tony Mokbel.

She also acted in the Milad Mokbel matter

### Solicitor 2

The DPP was told of <sup>Bickleys</sup> statement that <sup>Solicitor2</sup> visited him, unrequested, as a legal professional visit, and said that she was there on behalf of a friend, and held up a piece of paper with "Tony Mokbel" written on it. (page 20, statement dated 20 July 2006) She told him not to say anything.

Paul Rowe also observed that she attended the bail hearings of

The DPP stated that when Paul visits the ought ask him to make as statement re solution? as well. May be able to be used at a later date re her practising certificate – the DPP views this very seriously. Paul ought also obtain the prison records to support the visit.

I commented that I didn't think the material could be used in the VCAT appeal in April – won't give us enough time to have him dealt with & safetly put away. She would immediately know that he has turned witness & probably warn RADI & FARACHI.

The DPP wants the material to be ready asap though.

### 9.50am Conference with Paul & Dale:

They asked how the non-prosecution of the conspiracy matter ought be dealt with? A non-authorised brief?

I said I'd think about it and get back to them.

## 15.3.2007:

#### **Conference with DPP:**

Asked him how we should deal with matter.

to be told that the benefit he gets if he gives undertaking is:

- the presentment will allege trafficking from 2005 (ie. limited dates);
- that the judge will give a significant discount in sentence due to his co-operation and undertakings;

that will NOT form a presentment count.

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However, distributed on the state of the sta

He would then stand to be re-sentenced on his "original" matter in the Court of Appeal (the DPP may appeal at any time upon the breach of an undertaking) AND face a charge of

As this offence was committed on bail, accordingly s16(3C) of the *Sentencing Act* 1991 applies - that is - that there is a presumption that any sentence imposed on

that if he is ultimately sentenced on **a serious** matter, he will fall to be sentenced as a serious drug offender pursuant to s.6A and the judge must regard the protection of the community as paramount, and there is also a presumption as to cumulation here also.

Paul expressed the view that should be told that he ought provide an undertaking to the court that he will NOT leave Australia until he has fulfilled his undertakings. That if he is not prepared to agree to this, the Crown will inform the sentencing judge that it views his undertakings as being of little or no value. (and he would therefore receive very little discount in sentence)

Accordingly, in terms of police paperwork, it probably wouldn't be wise to have the brief as "non-authorised".

It would allow the issuing of a warrant for arrest should he bugger off, and, if we can be bothered, arrange an extradition. The question as to extradition lies only with the DPP though.