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

## Memorandum

To: Mr. Jim Valos

CC: Mr. D. Jackson QC

From: Nicola Gobbo

Date: { DATE \\* MERGEFORMAT }

Re: Peter Pilarinos – Appeal against sentence

Following our conference yesterday, I think it would be helpful to Senior Counsel if I provided a short summary of the background of this matter.

Peter was charged with the offences that were ultimately dealt with by Justice Hampel in May 1997. Originally there were more than seven co-accused. The committal took place in early 1998. A number of those charged did deals and were dealt with in either the Magistrate's Court or County Court, the details of which are not really important. In early 1999 a trial judge was appointed as the proposed trial at that time included five accused and was expected to last for approximately 2 – 3 months. There were various mentions before His Honour during 1999.

In October His Honour commenced to hear the pre-trial argument in respect of applications for separate trials, severance of counts on the presentment and submissions as to the admissibility of certain parts of the evidence. I appeared as junior to Lillian Lieder QC for Peter.

Following pre trial arguments, the Crown filed a new presentment and indicated that it would proceed on the joint trial of Hicks and Pilarinos first and then proceed with the other accused who were granted separate trials from our client and Hicks. At this stage you were still acting for Peter and as far as he was concerned, it was going to be a trial.

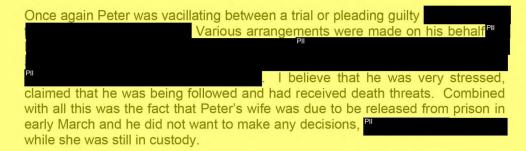
Peter had always maintained that Hicks would not plead guilty and would fight to the end. We anticipated a trial also because Hicks was a police officer and police rarely plead guilty without a trial. The trial date was listed for 14 February 2000.

In January Peter started talking about pleading guilty and whether he could receive a wholly suspended sentence

He was concerned about what Hicks was up to because around this time Hicks resigned from the police force. In late January Peter changed solicitors, perhaps with a view to delaying the trial. I remained in the matter as junior to another silk.

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A week before the trial Senior Counsel withdrew as did I (we were unable to get clear instructions one way or the other) and Peter once again changed solicitors, to Brian Cash. It would appear that negotiations then took place with the Crown based on Peter pleading guilty to an agreed summary. By this time Hicks had already indicated he was pleading and so I suspect that whatever bargaining power Peter had previously had was all but gone, particularly because the Crown had always made it clear that Hicks was its primary objective.

I gather from reading the transcript of the plea and the sentence that there was no real agreement between the Crown and Cash (on behalf of Peter) as to the exact details of the alleged trafficking and bribery to which Peter pleaded guilty. By this I mean that it does not appear that Cash made submissions about how much money was involved or what quantity of speed was manufactured. The basis upon which Hampel J sentenced is a mystery because on one hand he suggests that it is all unquantified and that he was not told in the course of the plea any specifics about these matters. However, my recollection of the brief was that nothing was actually manufactured by Peter from the chemicals he stole from the Drug Squad. Any speed manufactured was by others who were to be Crown witnesses at the trial.

The proposed grounds of appeal need immediate attention. They need amending and I will start to gather authorities in the next few weeks in anticipation of a joint conference in Melbourne or Sydney very soon.

Please let me know if you require any of the original brief summarised from the CD that I have, or if there is anything else that needs to be done by way of preparation.