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Subject: Horty MOKBEL trial
Attachments: M MOKBEL 13 03 2007.doc

Jim & Flynny,

Attached is a transcript of the conversation b/w Det Insp O'BRIEN & Milad MOKBEL at Barwon on 13/3/2007. If you want the audio, let me know.

Just be mindful that the transcript is a guide & has not been checked to the audio product.



Thanks,

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**CONVERSATION BETWEEN DETECTIVE INSPECTOR
O'BRIEN, DETECTIVE SERGEANT TRICHIAS and MILAD
MOKBEL HELD AT BARWON PRISON ON 13TH MARCH, 2007.**

O'BRIEN: *"It's now 3pm on Tuesday the 13th day of March, 2007. Detective Inspector O'BRIEN and Detective Sergeant TRICHIAS to speak to Milad MOKBEL at Barwon Prison, Acacia Unit."*

MOKBEL: "Sergeant TRICHIAS."

TRICHIAS: "Milad."

MOKBEL: "Detective O'BRIEN."

O'BRIEN: "Milad."

MOKBEL: "How you doing?"

O'BRIEN: "Good. Grab a seat."

O'BRIEN: "Bit of excitement?"

MOKBEL: "Oh today?"

O'BRIEN: "No, just then."

MOKBEL: "Oh, no Ange called me Snegs."

TRICHIAS: "Oh okay."

MOKBEL: "He always goes off over the slightest things though, Ange."

MOKBEL: "How you doing?"

O'BRIEN: "All right. You wanted to see us?"

MOKBEL: "Oh it's like I said to Nicola, um, my main concern is my wife."

O'BRIEN: "Yeah."

MOKBEL: "... Plus, at the end of the day, if we can do something to help her out."

O'BRIEN: "Yeah."

MOKBEL: "The thing is...and that is that you think I might know or might not of, there's certain things I know of and like I said . [REDACTED] that.

Um, to ah, and [REDACTED] Sergeant TRICHIAS ... It's what I hear after the fact to what you think is the truth.

I'm not sitting here saying no you're full of shit,

[REDACTED]

[REDACTED] I'm not here to talk shit to you. I'm not gunna fuck you around. I know you're a busy man and I don't want to stuff you round either.

End of the day is like I said to you, if I can work out a plea [REDACTED]

O'BRIEN: "It's like this Milad – all right?"

MOKBEL: "Yeah."

O'BRIEN: "I'll be upfront with you."

MOKBEL: "Yeah."

- O'BRIEN: "All right? I've had a discussion with Nicola."
- MOKBEL: "Yep."
- O'BRIEN: "I've had a discussion with the Director of Public Prosecutions."
- MOKBEL: "Yep."
- O'BRIEN: "And the view is that in relation to the Warrant of Apprehension for your wife, which is imminent, um, in fact I'll have that warrant in my possession later this afternoon."
- MOKBEL: "You're going to arrest her then?"
- O'BRIEN: "No, I didn't say I was going to arrest her.

I said I'll have that Warrant of Apprehension, whether execute it is a matter for myself, for the time I execute it."
- MOKBEL: "Yep."
- O'BRIEN: "What I'm saying to you is that we've agreed that it would be a matter for your Defence to apply for a Stay or Execution in relation to that Warrant and we would probably consent to some period of adjournment as to, depending on what meaningful discussions we were having with you."
- MOKBEL: "Okay. So, let me get this right, so if I ...her solicitors."
- O'BRIEN: "They would have to apply for an injunction."
- MOKBEL: "Could you ring them. Could you phone them"
- O'BRIEN: "Well I can do that."

MOKBEL: "and say that you spoke to me and this is all I think... at the moment.

Okay if you can do that I can sit down here with you and I can discuss"

O'BRIEN: "Well alls I'm saying, telling you what we're prepared to do while there's some discussion going on."

MOKBEL: "Yep."

O'BRIEN: "Now the other part of that is, that um in the event that um we do that, um, that some situation would be worked out with her charges in relation to her perhaps pleading to one substantive count of Perjury instead of the four that's she's charged with. It would be a between dates issue.

So that could be a rolled-up presentment on the basis that she could possibly get a non-custodial sentence.

Now that's a matter for the Judge at the end of the day but the Director would probably agree with some sort of submission in relation to that. But that's dependent on your full co-operation."

MOKBEL: "Yeah."

O'BRIEN: "Now what you tell these other dickheads out the back here is a matter for you."

MOKBEL: "Yeah. No no, I"

O'BRIEN: "Just hang on a minute.

What you tell them is a matter for you."

MOKBEL: "Yeah."

O'BRIEN: "If I think you're bullshitting me for one minute, I won't hesitate, it'll be all bets off."

MOKBEL: "Yeah I know."

O'BRIEN: "Renaë off to jail. And we're back to where we were – business as usual."

MOKBEL: "Yeah that's no problem. There's no"

O'BRIEN: "So, if I think for one minute you're trying to sell me a bloody"

MOKBEL: "..."

O'BRIEN: "If I think you're trying to sell me bullshit"

MOKBEL: "Yep."

O'BRIEN: "Um, I won't hesitate.
It'll be all bets off and back to business as usual, so.
All right?"

MOKBEL: "I just want to write this down here."

O'BRIEN: "Well write something down if you want to.
Right. What I want from you initially, and this is what I'm putting to you – you don't have to agree to any of this, all right?"

MOKBEL: "No. I'm gunna hear you out.
And I got Nicola coming in Thursday morning."

O'BRIEN: "What I want from you is an 'I can say' statement without prejudice of what you can say in a statement format."

Right?"

MOKBEL: "In a statement?"

O'BRIEN: "In a statement yeah.

In a typed up, signed up statement.

This is what I'm prepared to say on the basis of that I'm not charged with these particular offences.

Anything that you tell us about, that we haven't already got possession of knowledge with which can charge you with, then the Director's viewpoint, as in the past, is you won't be charged with it.

Do you understand that?"

MOKBEL: "I understand it, yeah."

O'BRIEN: "So, in other words, in the course of telling us about certain things"

MOKBEL: "...I can't be charged with ...

Is that what you're saying?"

O'BRIEN: "No, what I'm saying is if you tell us about a murder that happened ten years ago or five years ago or whatever"

MOKBEL: "Yep."

O'BRIEN: "um, and that's not, we're not already contemplating charging you or looking at you in respect of that offence"

MOKBEL: "Oh yeah."

O'BRIEN: "then the view of the Director is he wouldn't charge you with it."

MOKBEL: "Okay."

O'BRIEN: "Right?"

MOKBEL: "Yeah."

O'BRIEN: "Or he certainly wouldn't be charging you with it. Because it's evidence that's come from you and you alone."

MOKBEL: "Yep."

O'BRIEN: "So what I'm saying to is you're in no loss if you do come out with something that we don't know about. We're not going to, it's not as though you're going to shock anybody, right?"

MOKBEL: "Yeah."

O'BRIEN: "Um, so, what I'm saying – the first point is, that's what we've undertaken and that's what we're putting on the table to you."

MOKBEL: "Yep."

O'BRIEN: "The next step is you've got to tell us what you know in 'I can say' statements. And it'll have in the statement – no part of this statement, I make this statement in the belief that no part of this statement can be used against me. You'll not be given any sort of formal caution so it'll never be, can never be used against you on the basis of ...evidence."

MOKBEL: "Yeah."