

FORM 6-1A

Rule 42.03(1)
 IN THE SUPREME COURT
 OF VICTORIA
 AT MELBOURNE

Court Ref:

1409/09

BETWEEN:

THE QUEEN

Plaintiff

-and-

ANTONIOS SAJIH MOKBEL

Defendant

SUBPOENA

Date of Document:	1 st June 2009	Solicitors Code: 18038
Filed on behalf of:	The Defendant	Telephone: (03) 9663 9344
Prepared by:	Stephen Andrianakis & Associates	Fax: (03) 9663 9388
	19 Lansdowne Street	Ref: SA2570
	EAST MELBOURNE 3002	

To Mr Simon Overland, Chief Commissioner, Victoria Police
 of: 637 Flinders Street, Melbourne VIC 3005

YOU ARE ORDERED:

- *to attend to give evidence—see section A of this form;
- *to produce this subpoena or a copy of it and the documents or things specified in the Schedule—see section B of this form; or
- *to attend to give evidence and to produce this subpoena or a copy of it and the documents or things specified in the Schedule—see section C of this form

*Select one only of these three options

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

The last day for service of this subpoena is: June 2009

(See Note 1)

Please read Notes 1 to 13 at the end of this subpoena.

Date: 4th June 2009

Issued at the request of Antonios Sajih Mokbel, whose address for service is: Stephen Andrianakis & Associates, 19 Lansdowne Street, Melbourne 3000

A. Details of subpoena to attend to give evidence only

Date, time and place at which you must attend to give evidence:

Date: *[insert date]* or, if notice in writing of a later date is given to you by the *[identify issuing party]* or by the solicitor for that party, the later date.

Time:

Place:

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

Alternatively, if notice of a later day is given to you by the issuing party or that party's solicitor, you must attend on that day until you are excused from further attending.

B. Details of subpoena to produce only

You must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to the Registrar at the address below so that they are received not less than three days before the day specified for attendance and production. (*See Notes 5 to 9*)

Alternatively, if notice of a later day is given to you by the issuing party or that party's solicitor, you must attend and produce the subpoena, or a copy of it, with the required documents or things on that day until you are excused from further attending.

Date, time and place at which to attend to produce the subpoena or a copy of it and the documents or things:

Date: ^{1 July} ~~June~~ 2009 or, if notice in writing of a later date is given to you by the *[identify issuing party]* or by the solicitor for that party, the later date.

Time: 9:00am ^{10 am}

Place: ^{Supreme Court 210 William Street} ~~Registry Office, Supreme Court of Victoria, Level 2, 436 Lonsdale Street, Melbourne VIC 3000.~~

Address to which the subpoena (or copy) and documents or things may be delivered or sent:

The Registrar

Supreme Court of Victoria

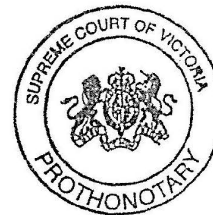
Level 2, 436 Lonsdale Street

Melbourne VIC 3000

SCHEDULE

The documents and things you must produce are as follows:

"See Attached Schedule"



C. Details of subpoena both to attend to give evidence and to produce

In so far as you are required by this subpoena to attend to give evidence, you must attend as follows:

Date: *[insert date]* or, if notice in writing of a later date is given to you by the *[identify issuing party]* or by the solicitor for that party, the later date.

Time:

Place:

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

Alternatively, if notice of a later day is given to you by the issuing party or that party's solicitor, you must attend on that day until you are excused from further attending.

In so far as you are required by this subpoena to produce the subpoena or a copy of it and documents or things, you must comply with this subpoena:

- (a) by attending to produce this subpoena or a copy of it and the documents or things specified in the Schedule below at the date, time and place specified for attendance and production; or
- (b) by delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to the Registrar at the address below so that they are received not less than three days before the day specified for attendance and production. (*See Notes 5 to 9*)

Alternatively, if notice of a later day is given to you by the issuing party or that party's solicitor, you must attend and produce the subpoena, or a copy of it, with the required documents or things on that day until you are excused from further attending.

Date, time and place at which to attend to produce the subpoena or a copy of it and the documents or things:

Date: *[insert date]* or, if notice in writing of a later date is given to you by the *[identify issuing party]* or by the solicitor for that party, the later date.

Time:

Place:

Address to which the subpoena or a copy of it and documents or things must be delivered or sent:

The Registrar
 Supreme Court of Victoria
 Level 2, 436 Lonsdale Street
 Melbourne VIC 3000

SCHEDULE

The documents and things you must produce are as follows:

[If insufficient space attach list]

NOTES

Last day for service

1. Subject to Note 2, you need not comply with the subpoena unless it is served on you on or before the day specified in the subpoena as the last day for service of the subpoena.
2. Even if this subpoena has not been served personally on you, you must, nevertheless, comply with its requirements, if you have, by the last day for service of the subpoena, actual knowledge of the subpoena and of its requirements.

Addressee a corporation

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

Conduct money

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the day on which your attendance is required.



Production to the Registrar

5. In so far as this subpoena requires production of the subpoena or a copy of it and a document or thing, instead of attending to produce the subpoena or a copy of it and the document or thing, you may comply with the subpoena by delivering or sending the subpoena or a copy of it and the document or thing to the Registrar at the address specified in the subpoena for the purpose so that they are received not less than three days before the day specified in the subpoena for attendance and production.
6. If you object to a document or thing produced in response to this subpoena being inspected by a party to the proceeding or any other person, you must, at the time of production, notify the Registrar in writing of your objection and of the grounds of your objection.
7. Unless the Court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the Registrar may permit the parties to the proceeding to inspect the document or thing.
8. If you produce more than one document or thing, you must, if requested by the Registrar, produce a list of the documents or things produced.
9. You may, with the consent of the issuing party, produce a copy, instead of the original, of any document that the subpoena requires you to produce.

Applications in relation to subpoena

10. You have the right to apply to the Court—
 - (a) for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena; and
 - (b) for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

Loss or expense of compliance

11. If you are not a party to the proceeding, you may apply to the Court for an order that the issuing party pay an amount (in addition to conduct money and any witness's expenses) in respect of the loss or expense, including legal costs reasonably incurred in complying with the subpoena.

Contempt of court—arrest

12. Failure to comply with a subpoena without lawful excuse is a contempt of court and may be dealt with accordingly.
 13. Note 12 is without prejudice to any power of the Court under any Rules of the County Court (including any Rules of the County Court providing for the arrest of an addressee who defaults in attendance in accordance with a subpoena) or otherwise, to enforce compliance with a subpoena.
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The Queen v Tony Mokbel
Schedule to subpoena to Chief Commissioner

Material generally relevant

1 Copies of all visual records, including

- video footage,
- still photographs or
- other surveillance images

made or collected by Vicpol (or provided to Vicpol investigators by the Federal Police or another agency) for the period 1 March 2004 to 22 April 2004 which

- form part of this brief; or
- formed part of the brief against Mr Goussis for the murder of Lewis Moran; or
- were provided to Operation [REDACTED] investigators or those helping them; or
- related to investigations (not limited to Operation [REDACTED] into or concerning
 - o Mr Gregory [REDACTED] Ange Goussis, Tony Mokbel, Milad Mokbel, Carl Williams, Roberta Williams, David Waters and Lewis Moran.
- relating to Mr Gregory [REDACTED] Goussis, Mokbel, Williams and Moran in the period 1 March 2004 - 15 April 2004

2 Copies of all audio recordings of telephone intercepts and/or listening devices (and all transcripts thereof) made by Vicpol (or provided to Vicpol investigators by the Federal Police, any prison or another agency) for the period 1 March 2004 to 22 April 2004 which

- form part of this brief, or the brief against Mr Goussis for the murder of Lewis Moran;
- were served on the defence in the GOUSSIS proceedings;
- were provided to Operation [REDACTED] investigators or those helping them; or
- relate to investigations into or concerning
 - o Mr Gregory [REDACTED] Ange Goussis, Tony Mokbel, Milad Mokbel, Carl Williams, Roberta Williams, David Waters and Lewis Moran.

3 Copies of all tracking device records made by Vicpol (or provided to Vicpol investigators by the Federal Police or another agency) for the period 1 March 2004 to 22 April 2004 which

- form part of this brief, or the brief against Mr Goussis for the murder of Lewis Moran;
- were served on the defence in the GOUSSIS proceedings;
- were provided to Operation [REDACTED] investigators or those helping them; or
- relate to investigations into or concerning

o Mr Gregory [REDACTED] Ange Goussis, Tony Mokbel, Milad Mokbel, Carl Williams, Roberta Williams, David Waters and Lewis Moran.

4 Copies of all warrants upon which these TIs, LDs, tracking devices and any other surveillance device or method was based.

5 Copies of all recorded interviews or discussions between Witness C and Vicpol from April 2003 until the present, including any [REDACTED] by Witness C.

6 Copies of all draft statements by Witness C in electronically searchable format to permit the tracking of changes to the document.

7 Copies of all Citylink records relevant to [REDACTED] for the period 1 March 2004 - 15 April 2004.

8 Copies of all statements not used in brief (including form 7A material) including

- any statements of [REDACTED]

9 [REDACTED] and exhibits (such as CCRs) taken during investigation of the following individuals for the murder of Lewis Moran:

- George Williams;

- Roberta Williams;
 - Robert Mather; or
 - David Waters.
-

10 Copies of IRs and investigators notes concerning

- Operation [REDACTED] with priority attaching to investigations into
 - o Witness C;
 - o Corroboration of him, including by witnesses, CCRs, financial records, Citylink records, tracking or surveillance records or devices, TI/LD materials;
 - o Discrepancies between his account(s) and other evidence;
 - o PII [REDACTED] Ange Goussis, David Waters,
- Investigations into the killing of Shane Chartres-Abbott, which crime Witness C has claimed to perform

11 Copies of all relevant telephone material and in particular:

- call charge records (and reverse CCRs) for
 - o all telephone services referred to in the brief;
 - o all known telephone services used by

Mr Gregory

[REDACTED]
PII [REDACTED]

- Costa Vassallo;
- Carol Mather
- Evangelous Goussis;
- Tony Mokbel;
- Carl Williams;
- George Williams

- David Waters

in the period 1 March 2004 - 22 April 2004

(noting that

- o There can be no issue of "witness safety" relating to these CCRs;
 - o evidence gained under warrants from other operations (Purana 7 and at least one federal operation) has been freely used by investigators here).
- All requests to telephone service providers for CCRs or telephone locations, including all Geelong public phone enquiries
- All CCRs and reverse CCRs from any telephone box (including Geelong boxes) obtained by police in this investigation or any other involving Witness C.
- All product from listening devices, telephone intercepts, tracking devices or any other recording device located in
- o Vehicles said to be used by the Accused or Milad Mokbel on 31 March, 2 April or 3 April 2004 [including black Mercedes [REDACTED] and Silver Mercedes [REDACTED] **];
 - o [REDACTED] Port Melbourne;
 - o The Grove coffee shop;
 - o TJ's [REDACTED] Coburg]
 - o [REDACTED] Brunswick
 - o [REDACTED] Brunswick
- Warrants for any such device in operation in the period 1 March 2004 - 22 April 2004.

Goussis materials

(i) *Moran trial*

12 Copies of the following

- statements, notes, IRs and other material otherwise disclosed to the defence.¹

¹ Note that heavy editing is no longer warranted.

- Recordings or investigators notes (including information reports) of allegations or disclosures made by Witness C concerning
 - a. The Chartres-Abbott murder;
 - b. Any other murders or crimes committed by Witness C.
- Material provided to Justice Whelan for sentencing purposes.

Carl Williams materials

19 Copies of the following materials concerning Carl Williams, covering the time period 1 March 2004 - 15 April 2004 (time of the Caine & Lewis Moran murders)

- o All LD and TI materials, logs and transcripts, gathered by Vicpol (or provided to Vicpol by other agencies);
- o All CCRs and reverse CCRs of phones suspected to be used by Carl Williams in that period;
- o All surveillances logs, records, photos, videos or tracking device product or material relating to Carl Williams in that period.

Other relevant material

(i) Tony Mokbel bail records

20 All bail records for the period 1 April - 5 April (Sth Melbourne & Brunswick police stations)

(ii) Moreland Hotel materials

21 All records of investigations into the presence or otherwise of

- o Mr Mokbel;
- o Milad Mokbel;
- o Any vehicle associated with these men

at the Moreland Hotel at any time between 29 March and 3 April 2004, and any CCTV footage (or other record) inspected, sought, or preserved.

(iii) Bridie O'Reilly 's Hotel materials

22 All records of investigations into the presence or otherwise of

- Mr Mokbel;
- Milad Mokbel;
- Any vehicle associated with these men

at Bridie O'Reilly's at any time between 29 March and 19 April 2004, and any CCTV footage (or other record) inspected, sought, or preserved.

(iv) Other witness materials

23 All prior convictions, letters of comfort/indemnities (or offers thereof) of

- PII
- [REDACTED]
- Carl Williams;
- [REDACTED]

[REDACTED]

----- Any correspondence concerning, and any recording or memorandum of -----

- o the meeting between investigators and Mr Dane QC for PII [REDACTED] and
- o the terms of the questions asked or to be asked there;
- o any answers provided.

- All medical records or correspondence between investigators and medical authorities (in prison or not) regarding Mr Gregory since his incarceration in [REDACTED]
- Medical records procured by investigators about Witness C, including from the [REDACTED]

(ii) Lewis Caine trial

16 Copies of the following

- All evidentiary materials, as requested for Mr Goussis, but including
- Form 10A committal notice, requesting witnesses for committal; copies of videos and audios of all meetings and interviews with Witness C (not just transcripts);
- statements or any records (including video/audio recordings) *as above*

[REDACTED]

(iv) Chartres-Abbott investigation

18 Copies of the following [electronic will suffice at this stage]

- Statements of Witness C, Goussis or Messrs Waters or Lalor;
- Interviews of Witness C, Goussis or Messrs Waters or Lalor;

- [REDACTED]
- * - Statements implicating Witness C, Goussis or Messrs Waters or Lalor;

(ii) Lewis Caine trial

13 Copies of the following

- Video recordings of ^{Mr Gregory} various interviews/conversations with police from 1 March 2004 until now, including
 - o Interviews concerning the Lewis Caine murder dated 19 and 21 May 2004,
 - o Interviews regarding the Lewis Moran killing;
 - o Interviews containing other admissions to crimes, made since his arrest in May 2004.
- copies of statements, notes, IRs and other material otherwise disclosed to the Goussis defence.
- All TI/LD material (and transcripts) collected in this matter [see above TI/LD request]

Witness C (and his connections)

14 The following materials:

- Prior history of Witness C's offences;
- copies of actual video footage of recorded interviews or statement with Witness C in any matter to which he has confessed involvement in criminal behaviour, whether subsequently convicted or not;
- Indemnities, letters of comfort, or any other indications of favourable treatment or support by the OPP or executive government, whether in criminal proceedings or in other ways;

(i) Specific items relevant to the investigation and to credit of Witness C

15 The following materials:

- Any request by Vicpol or investigators ^{PII} [REDACTED] ^{PII} [REDACTED] Michael Hayes, Witness C, ^{PII} [REDACTED] David Waters and ^{PII} [REDACTED]
- Any ^{PII} [REDACTED] ^{PII} [REDACTED] Witness C, David Waters or any other potential witness ^{PII} [REDACTED]
- ^{PII} [REDACTED]