

Revised 11/03

VP Form 1028

**ISSUE COVER SHEET**

File No: SCDC 1403067

**Issue:**

Operation STELLIFIED – Issues raised by Witness F that she has been named in the current murder trial of Warren Shea, Mark Perry, and Evangelos Goussis.

**Background:**

A current murder trial of Warren Shea, Mark Perry, and Evangelos Goussis, each charged with the murder of Shane Chartres-Abbott is underway in the Melbourne Supreme Court.

Witness F has raised some concerns because her name has been used in the trial in connection with aspects of the case. Witness F has heard this from two sources:

- Rabie Karan, serving prisoner at Port Phillip Prisoner rang F on 19/6/14 and suggested there were rumors going around the prison that <sup>Mr Gregory</sup> (name is suppressed in the trial) gave evidence to the effect that F had told him to give evidence for the prosecution – further that <sup>Mr Gregory</sup> had named F in the Court; and
- Paddy Murphy, reporter for the Herald Sun who apparently attends the trial regularly and speaks with F regularly [REDACTED] that F's name has been used in the context of a 'police informer' issue by Barrister Jane Dixon.

F is concerned with these events because it raises potential risk to F due to a perception that F is assisting police with ongoing prosecutions. F denies engaging with [REDACTED] in any way in connection with this issue.

**Comment:**

I have spoken to the informant in the above case and obtained transcripts relevant to two separate days where F is named (see folios 1-6 attached).

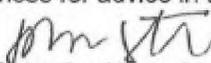
The first stance occurred on 26/5/14 and relates to <sup>Mr Gregory</sup> answering questions from prosecutor Andrew Tinney (see folio 6, lines 28-31, and folio 5, lines 1-8); and

The second instance occurred on 10/6/14 and relates to comments by barrister Jane Dixon in her capacity representing defendant Goussis (see folio 4, lines 1-8, folio 3, lines 27-31, folio 2, lines 4-13, and folio 1, lines 1-16).

In relation to both the series of instances, the risk to F is that they may create speculation among the serving prisoner population as well as other sections of the community, including the media, that F is assisting in current (and possibly future) prosecutions.

**Recommendation:**

That this issue is raised with the Director Legal Services for advice in terms of managing this risk.

  
Detective Inspector John Potter  
OIC Homicide Squad

Date: 25<sup>th</sup> June 2014

1. Detective Superintendent WALSH

2. Assistant Commissioner FONTANA

3. Director Fin McRAE

  
25/6/14  
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1 you said that, didn't you?" Answer: "What document are  
2 you referring to now?" Question: "I'm referring to the  
3 evidence you gave to this court last week when Mr Tinney  
4 was asking you questions?" Answer: "Thank you for the  
5 enlightenment. Yes, I did." Question: "Good. And you  
6 were concerned about the fact that someone else could  
7 implicate you in the Chartres-Abbott matter, correct?"  
8 Answer: "Here we go again. Do you want me to answer that  
9 question or just let it go?" Question: "Mr Gregory I'll  
10 put it again. You were concerned that someone else might  
11 implicate you in the Chartres-Abbott matter, do you agree  
12 or disagree with that, please?" Answer: "I agree."  
13 Question: "And for that reason you came forward and  
14 started to tell police about what happened in respect, or  
15 about what you say happened in respect of the murder of  
16 Chartres-Abbott, that's correct, isn't it?" Answer: "A  
17 number of things occurred in the meantime but that's what  
18 inevitably happened." Do you agree they are answers you  
19 gave to questions asked by Mr O'Connell?---Yes, I do.  
20 When you were asked, when it was put to you that you were  
21 concerned that someone else might implicate you in the  
22 Chartres-Abbott matter, "Do you agree or disagree with  
23 that, please", and you agreed with that, who were you  
24 talking about?---I was talking about one of my co-accused.  
25 Who was that? You're talking about one of your co-accused in  
26 this case?---One of the co-accused in this case, yes.  
27 Who was that?---Ang Goussis.  
28 Just going further, however, into your reason for coming forward  
29 about the Chartres-Abbott matter, are you saying that that  
30 was one of the things that was a concern to you?---That and  
31 a couple of other matters, yes.

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1 What were the other things, your other reasons for coming  
2 forward and putting yourself in in this crime where you did  
3 not believe you were a suspect?---In addition to what I  
4 have already said in relation to leaving innocent people  
5 alone, leave them out of it, to get the truth in relation  
6 to another matter and also I'd had a visit off a lawyer,  
7 Nicola Gobbo, who also told me things were being said in  
8 relation to this case.

9 Can I ask you, were you hoping to gain any advantage or anything  
10 by putting yourself in for this murder, the Chartres-Abbott  
11 killing?---I had nothing to gain. If I wanted something to  
12 gain I wouldn't have mentioned it at all in any way, shape  
13 or form. I wouldn't have confessed to Lewis Moran in any  
14 way, shape or form if I was worried about the consequences  
15 of them because there was no way known I would have been  
16 convicted or charged.

17 Besides the murders of Lewis Moran and Shane Chartres-Abbott,  
18 did you have information to provide and did you provide  
19 information in relation to any other crime, any other  
20 murder?---Yes, I did. That murder did not concern me, I  
21 wasn't involved in that one.

22 Was that a murder involving a person by the name of Rodney  
23 Collins?---In relation to the death of Ray and Don Abbey in  
24 front of their children, yes.

25 When did that crime take place roughly, if you can say anything  
26 about that?---Back in 1987.

27 MR O'CONNELL: Whatever the detail that the witness is now being  
28 asked about, I ask my learned friend to indicate how that  
29 arises in cross-examination.

30 HIS HONOUR: Yes.

31 MR TINNEY: Your Honour, I'm not pursuing it, I am just trying

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1 MS DIXON: Your Honour, asking these questions is giving, in my  
2 submission, a further indicator of the fact that my client  
3 is a co-accused in the matter of Moran and Caine. That may  
4 well already be surmised by the jury as a result of earlier  
5 re-examination regarding the Nicola Gobbo issue, the  
6 informer issue.

7 HIS HONOUR: I didn't think that was the problem. Why did this  
8 make it obvious?

9 MS DIXON: There was obviously hesitancy from Mr Balmer when he  
10 was asked to answer the question about the Caine murder and  
11 how it came about that he didn't continue to act for <sup>Mr Gregory</sup>  
12 <sup>Mr Gregory</sup> and he referred to a conflict of interest. Now, in  
13 my submission it's a very difficult area.

14 HIS HONOUR: Do you know what the conflict of interest was?

15 MS DIXON: I'm assuming that he acted for my client and that was  
16 the conflict of interest, because he was acting for both of  
17 them and in the end he ended up acted for one of them. I  
18 assume that to be the case. I don't know for sure, but  
19 perhaps - can my junior approach my instructor, Your  
20 Honour?

21 HIS HONOUR: We've been out to this edge a couple of times  
22 before so as long as the questioning is carefully done. I  
23 presume Mr Balmer understands the delicacy of the matters  
24 you're raising, Ms Dixon?

25 MS DIXON: Well, Your Honour, how is it relevant that because of  
26 a conflict of interest - - -

27 HIS HONOUR: No, no, I'm not suggesting that Mr Tinney should be  
28 allowed to ask about the conflict of interest. The  
29 question that he asked at the point where you interrupted,  
30 or where you objected, was you were very unhappy and I  
31 presumed it was going to go on to put to him that he was

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- 1 MS DIXON: Yes.
- 2 HIS HONOUR: The Crown are entitled to point to evidence which  
3 supports his account that he was the killer as well as  
4 anything that supports his account as to who else was  
5 involved.
- 6 MS DIXON: Indeed.
- 7 HIS HONOUR: Yes.
- 8 MS DIXON: There was that other issue that we raised I think on  
9 27 May, Your Honour, about matters that were adduced in  
10 re-examination by my learned friend over our objection and  
11 Your Honour ruled in their favour but then the evidence  
12 unfortunately went further than what anyone anticipated I  
13 think to do with - well, it was said by <sup>Mr Gregory</sup> that  
14 someone was informing and - - -
- 15 HIS HONOUR: No, not quite. Close. I've actually got you're  
16 email in front of me.
- 17 MS DIXON: Does Your Honour have it? I don't have it in front  
18 of me.
- 19 HIS HONOUR: Wasn't the point that at one point <sup>Mr Gregory</sup> said he  
20 gave information, among other reasons, and I don't purport  
21 to quote this, because he was concerned about others  
22 implicating him in this matter?
- 23 MS DIXON: He said someone was informing on him is my  
24 recollection.
- 25 HIS HONOUR: I think it was a concern that that might happen  
26 rather than it had happened.
- 27 MS DIXON: Your Honour, maybe we might have to come back to this  
28 in the morning because I don't have the email in front of  
29 me, although I did a moment ago. He also made reference to  
30 Nicola Gobbo and to a specific concern about Mr Goussis, so  
31 whereas I think Your Honour was told by Mr Tinney that he

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1 was going to be saying that he was concerned about  
2 Mr Waters and Mr Goussis informing, when the evidence was  
3 led from the witness he only referred to Mr Goussis.

4 HIS HONOUR: To help you out, he said at 1295: "What were the  
5 other things" - this is in re-examination by Mr Tinney -  
6 "your other reasons for coming forward and putting yourself  
7 in this crime where you did not believe you were a  
8 suspect?" Answer: "In addition to what I've already said,  
9 in relation to leaving innocent people alone, leave them  
10 out of it, to get the truth in relation to another matter  
11 and also I'd had a visit off a lawyer, Nicola Gobbo, who  
12 also told me things were being said in relation to this  
13 case." Then he was asked by Mr Tinney: "Can I ask you  
14 were you hoping to gain any advantage", et cetera. He  
15 said: "I had nothing to gain. If I wanted something to  
16 gain I wouldn't have mentioned it at all" and so on and so  
17 forth.

18 MS DIXON: He said there were certain threats he can't go into  
19 here in relation to someone close to him that was involved  
20 with him who was informing on him at the time too.

21 HIS HONOUR: What page is that?

22 MS DIXON: I think it's 1280, Your Honour, somewhere between  
23 1277 and 1280. He further said that he volunteered the  
24 information in this matter obviously due to threats in  
25 other areas and falling out with somebody close to him who  
26 he believed was informing on him at this stage. The person  
27 he was concerned about implicating him was Goussis who was  
28 one of his co-accused. He then refined that to say a  
29 co-accused in this case. It is very problematic in our  
30 submission.

31 HIS HONOUR: My memory of it, my view I took of it at the time

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1 matter, also I'd had a visit off a lawyer Nicola Gobbo who  
2 told me things were being said in relation to this case."

3 HIS HONOUR: Yes.

4 MS DIXON: That ties in a bit with that earlier passage as well  
5 at 1280 about falling out with someone close to him who he  
6 believed was informing at that stage, which is clearly a  
7 reference to Mr Goussis. So he's tying it into a lawyer's  
8 visit, he's tying it into a person close to him with whom  
9 he had had a falling out, who is clearly Mr Goussis.

10 HIS HONOUR: Yes.

11 MS DIXON: The overwhelming inference, in our submission, is  
12 that Mr Goussis is in a similar position to him in custody  
13 and he's learning about what Mr Goussis might be saying,  
14 what he believes Mr Goussis might be saying, he's learning  
15 about that from a lawyer, Ms Gobbo, who has visited him.  
16 So it is very problematic in our submission.

17 HIS HONOUR: What, that he is in custody?

18 MS DIXON: That they might speculate that he is in custody and  
19 that he has therefore got a reason to be - or that  
20 Mr Goussis is in custody and therefore in a similar  
21 position to <sup>Mr Gregory</sup> and therefore that's why <sup>Mr Gregory</sup> is  
22 worried that Mr Goussis might get in first, in effect, in  
23 this matter. That's, in my submission, what a jury would  
24 be likely to think, that he is talking about Mr Goussis.  
25 He is worried that Mr Goussis is going to get in early and  
26 he believes he was informing on him and that's why he's  
27 decided to inform after having this falling out with  
28 someone close to him. Given the egg shells we've all been  
29 walking on in this case, it's most unfortunate, in my  
30 submission, that it came out in re-examination with the  
31 likely prejudice that may develop from any speculation on