

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

**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
B E T W E E N :**

**THE QUEEN
and**

CARL ANTHONY WILLIAMS

Defendant

CONFIDENTIAL AFFIDAVIT OF NIGEL L'ESTRANGE

Date of document : 22 August 2005
Filed on behalf of : The Chief Commissioner of Victoria Police
James Syme
Victorian Government Solicitor
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DEPONENT : NIGEL L'ESTRANGE
SWORN : 22 August 2005

I, Nigel L'ESTRANGE, Detective Senior Constable of Police, 412 St Kilda Road, Melbourne in the State of Victoria, make oath and say as follows:

1. I am a Detective Senior Constable of the Victoria Police, presently attached to the Purana Taskforce and I am authorised to make this affidavit on behalf of the Chief Commissioner of Victoria Police (the Chief Commissioner).
2. I am the nominated representative of the Chief Commissioner with respect to a claim for Public Interest Immunity to be made on 22 August 2005 at the Melbourne Supreme Court (the Court) in relation to telephone intercept material sought by the defence under a "*Subpoena for Production*" (the subpoena).

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3. I make this affidavit from my own knowledge, information or belief, save where otherwise stated.
4. As part of my duties I am involved in the investigations into the deaths of Mark MORAN, Jason MORAN, Pasquale BARBARO and Michael MARSHALL.
5. I make this affidavit in response to the subpoena which was issued by Carl Anthony Williams (the defendant) on 5 August 2005. The subpoena was addressed to the Chief Commissioner and served on 5 August 2005.
6. It is the practice of the Victoria Police that when a subpoena of this type is served on the Chief Commissioner the task of making all due and proper enquiries relevant to the terms of the subpoena is, if possible, made on behalf of the Chief Commissioner by the informant(s) or their superiors in the case for which the subpoena is issued and served.
7. As one of the investigators in this matter, I have assisted in addressing the matters raised in the subpoena and responding accordingly.
8. In the Supreme Court on the 11 August 2005 item 2 of the subpoena was argued on the point that the defence wished to have hard copies of the requested telephone intercept summaries supplied on compact disc to review the material under their own conditions and location. The material was requested to be supplied to **Solicitor 2** instructing solicitor for the defendant.
9. Item 2 referred to the following, "*A copy of all telephone intercept summaries involving phones known to be used by the following persons between 1 April 2003 and 27 October 2003.*"

(i) Carl WILLIAMS

(ii) **[REDACTED]**

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10. This material was originally requested in a subpoena returnable on 28 January 2005 and at the time the defence was informed that they could attend at the office of the Special Projects Unit to view the material. The same material was again requested via subpoena on 15 February 2005 and the defence was again invited to attend at the Special Projects Unit to view the material.
11. Since the first request in January 2005, **Solicitor 2** has attended the offices of the Special Projects Unit on one occasion being the 27 July 2005.
12. The release of hard copies of this material to **Solicitor 2** is resisted by investigators due to concerns with her professionalism, ethical behaviour and criminal associations. It is believed that the release of these hard copies could pose a risk of the material coming into possession of third parties with criminal connections, which in turn could jeopardise the privacy and safety of third persons recorded on the telephone intercept material.
13. This belief has been formed from previous conduct of **Solicitor 2** and intelligence held by the Purana Task Force. Examples of this are listed as follows:
14. On 2 March 2005 a brief of evidence against the defendant for the charge of conspiracy to murder was served on **Solicitor 2**. Included with this brief were hard copies of relevant telephone intercept material. Some of these calls included conversations between the defendant and a female, Juanna MINNICI (MINNICI), with whom the defendant had been in a relationship. Details of the contents of these calls were passed onto the wife of the defendant, Roberta WILLIAMS. It is believed this was done by a staff member from **Solicitor 2's** office being Michelle MERCIECA who is the sister of Roberta WILLIAMS. Subsequently due to this passing of information, Roberta WILLIAMS contacted MINNICI on the 27/04/2005 and made threats. This matter was reported to police due to safety concerns of MINNICI. Some of the calls were recorded by investigators and the incident has been confirmed from prison calls and further telephone intercepts.

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15. On 10 May 2005, Solicitor 2 [REDACTED] was charged with four counts of giving false evidence to the [REDACTED] and one count of possessing an unregistered handgun. This was as a result of an incident where Solicitor 2 [REDACTED] wanted to dispose of a handgun belonging to her recently deceased partner, Lewis CAINE, who was murdered on 8 May 2004.
[REDACTED]
[REDACTED] Solicitor 2 [REDACTED] denied knowledge of her actions in hearings at the [REDACTED]. She is currently still on bail for these matters.
16. On 20 December 2004 the defendant's father, George WILLIAMS, was arrested in relation to the trafficking of a commercial quantity of amphetamines. The defendant, who was in custody at Barwon Prison at the time, was also a co-defendant for these offences. George WILLIAMS requested the presence of Solicitor 2 [REDACTED] at the St Kilda Rd Police Complex for legal advice. At the time there was a lawful telephone intercept warrant active on the telephone lines of Solicitor 2 [REDACTED]. Before attending Solicitor 2 [REDACTED] organised for the defendant to call her on her mobile from Barwon so that when she was in the interview room the defendant could converse with his father prior to interview on a line that was subject to legal privilege and not recorded by the prisons. (These calls are held at the Special Projects Unit.)
17. During the period of the telephone intercept warrant on Solicitor 2 [REDACTED] lines it was ascertained that she would facilitate third party conversations from prison to her office on a number that wouldn't be monitored by the Office of Corrections due to legal privilege. This was done by organising a predetermined time for the defendant to ring her office and having other parties such as George WILLIAMS or Roberta WILLIAMS present to converse privately with the defendant.
18. It is believed that Solicitor 2 [REDACTED] has developed connections and relationships with criminal identities that go beyond her capacity as a legal advisor. At an [REDACTED] examination on 17 August 2005, Solicitor 2 [REDACTED] stated that she is in an "on again off again" sexual

Solicitor 2

relationship with one of her clients, Tony MOKBEL. [REDACTED] has also resided at the WILLIAMS residence during the incarceration of Roberta WILLIAMS in 2004/2005. Solicitor 2 [REDACTED] is also known to associate with other persons of interest to the Purana Task Force in a social capacity.

19. Some of the staff Solicitor 2 [REDACTED] has utilised at her office over the last year have criminal connections such as -
 - Michelle MERCIECA, sister-in-law to the defendant and currently incarcerated for drug offences;
 - Nilla CHIMIRRI, mother of Terrence CHIMIRRI who is a close associate of the defendant and has been convicted of offences such as kidnapping and manslaughter.

20. In August 2001 Tony MOKBEL, as a result of charges of importing and trafficking in commercial quantities of drugs of dependence, had a restraining order issued against his assets including property acquired after the making of the order. In 2005 MOKBEL had three bail variations for the purposes of allowing him to travel to the Gold Coast where he spent a large proportion of time at Jupiters Casino. On the weekend of 21 and 22 of May 2005, Solicitor 2 [REDACTED] attended the Gold Coast with MOKBEL. Over the course of the weekend MOKBEL won over \$200,000, none of which was declared as required by the restraining order. To avoid Austrac reporting of transactions over \$10,000, MOKBEL used other associates to cash out for him. One of the 3 associates cashing out was Solicitor 2 [REDACTED] who assisted with four cash outs of \$15,000, \$10,000, \$15,000 and \$15,000 respectively. On these occasions she produced her Victorian driver's licence as identification. These transactions are recorded on Austrac and were observed by surveillance staff at the casino. On the day she returned to Melbourne she deposited \$10,000 into her own account. Also on 2 of April 2005 Austrac records show Solicitor 2 [REDACTED] cashed out \$50,000 at Star City casino in Sydney. Investigators have intelligence to show that this cash out was for MOKBEL who was present at the time. This matter is still currently under investigation and is with the Office of Public Prosecutions for legal opinion as to the laying of charges against MOKBEL and Solicitor 2 [REDACTED].

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21. On 17 of June 2004 **Solicitor 2** attended at Barwon Prison in a professional capacity to visit the defendant and co-offender, Sean SONNET. The visit consisted of separate box visits with the defendant and then SONNET. Near the end of the visit a prison officer went to the cubicle to wind up the visit and observed **Solicitor 2** to quickly button up her top. The officer believed that **Solicitor 2** had been doing a “peep show” for SONNET. Subsequently a state-wide visiting ban was invoked on **Solicitor 2** for a period of approximately 3 months.
22. On 25 August 2004 **Solicitor 2** was attending at the Melbourne Assessment Prison where she was identified by a Passive Alert Detector Dog which indicated a narcotic odour on her person. As part of a condition of entry she was offered a strip search. After completion of a strip search **Solicitor 2** decided not to visit her client and left the prison.
23. Intelligence gathered from telephone intercept material and informers show that David McCULLOCH, an associate of the defendant and **Solicitor 2**, has been “collating” information from various briefs of evidence relating to people charged by the Purana Task Force. He has then been supplying details of the cases to selected journalists and criminal associates. It is believed that some of the information he has obtained has come directly from the offices of **Solicitor 2**.
24. Due to these incidents I have concerns over the ethics of **Solicitor 2** who has shown a propensity to conduct herself in a manner outside the role of a legal practitioner. I believe that supplying a hard copy of telephone intercept summaries to **Solicitor 2** could pose a potential risk to the privacy and safety of third parties with details being passed on to criminal connections.
25. The Special Projects Unit has indicated that the summary material sought by **Solicitor 2** contain the phone numbers and names of numerous persons who are not a party to these proceedings. They have concerns that these people can be readily identified from these details and that by releasing a hard copy; Victoria Police would lose control of who has access to the material.

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SWORN at Melbourne)
in the State of Victoria)
this 22nd day of August 2005)

Before me: