

From: Hupfeld, Tony
Sent: Fri, 2 Mar 2012 09:00:31 +1100
To: Buick, Boris
Attachments: ORMAN trial subpoena 1.pdf, ORMAN trial subpoena 2.pdf

Boris,

Full subpoenas attached



Tony Hupfeld | Detective Senior Constable

Victoria Police | Crime Department | Homicide Squad

9/412 St Kilda Road, Melbourne, 3005 DX: 210094

P: 03 [REDACTED] **F:** 03 [REDACTED] **M:** [REDACTED] **E:** [REDACTED]

S CR 2009 1447

15/3.

Rule 1.12(4)

FORM 6-1B**NOTICE TO ADDRESSEE AND DECLARATION
THE DIRECTOR OF PUBLIC PROSECUTIONS**

-v-

FARUK ORMAN

Date of document: 28 February 2012

Filed on behalf of: The Accused

Prepared by: Galbally & O'Bryan Lawyers

Address: 259 William Street
Melbourne VIC 3000

Solicitors Code: 144

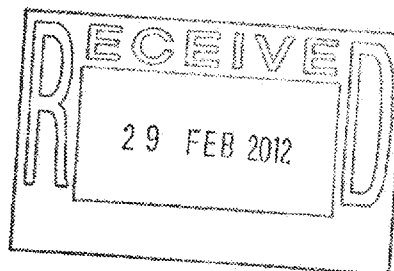
Tel: 03 PII

Fax: 03

Ref:PTG:JW:111031

To: The Chief Commissioner

Of: Victoria Police

% Subpoena Management Unit
637 Flinders Street
MELBOURNE 3000

You may produce copies of any subpoenaed documents, unless the subpoena specifically requires you to produce originals. A copy of a document may be—

- (a) a photocopy; or
- (b) in PDF format on a CD-Rom.

You must complete the declaration below, attach it to the subpoena or a copy of the subpoena and return them with the documents or things you provide to the Court under the subpoena.

If you declare that the material you produce is copies of documents, the Prothonotary may, without further notice to you, destroy the copies after the expiry of a period of four months from the conclusion of the proceeding or, if the documents become exhibits in the proceeding, when they are no longer required in connection with the proceeding, including on any appeal.

If the material you produce to the Court is or includes any original document, the Court will return all of the material to you at the address specified by you in the Declaration below.

DECLARATION BY ADDRESSEE (SUBPOENA RECIPIENT)

[tick the relevant option below, provide your address as appropriate, sign and date]

- ☐ **All** of the material I am providing to the Court in compliance with the attached subpoena is copies of documents. I acknowledge that the Court will destroy the copies once they are no longer required, without further notice to me.
- ☐ **Some or all** of the material I am providing to the Court in compliance with the attached subpoena is an **original** document. Once the material is no longer required, all of the material should be returned to me at the following address—

[insert address for return of material].

Date:

[signature of addressee]

[name of addressee]

S CR 2009 1447

FORM 6-1A

Rule 1.12(2)

SUBPOENA

THE DIRECTOR OF PUBLIC PROSECUTIONS

-v-

FARUK ORMAN

Date of document: 28 February 2012

Filed on behalf of: The Accused

Prepared by: Galbally & O'Bryan Lawyers

Address: 259 William Street
Melbourne VIC 3000

Solicitors Code: 144

Tel: 03 PII

Fax: 03

Ref:PTG:JW:111031

To: The Chief Commissioner

Of: Victoria Police

% Subpoena Management Unit

637 Flinders Street

MELBOURNE 3000

YOU ARE ORDERED:

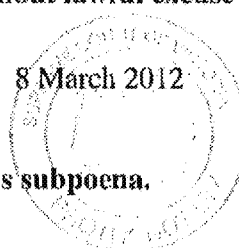
- ☐ *to attend to give evidence—see section A of this form;
- ☒ *to produce this subpoena or a copy of it and the documents or things specified in the Schedule—see section B of this form; or
- ☐ *to attend to give evidence and to produce this subpoena or a copy of it and the documents or things specified 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: 8 March 2012

(See Note 1)

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



Date: 28 February 2012

Issued at the request of Galbally & O'Bryan Lawyers, whose address for service is:

Galbally & O'Bryan Lawyers

259 William Street

Melbourne VIC 3000

~~A. Details of subpoena to attend to give evidence only~~

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

~~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 a member of the police or the Solicitor for Public Prosecutions, 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 Prothonotary 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 a member of the police or the Solicitor for Public Prosecutions, 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:

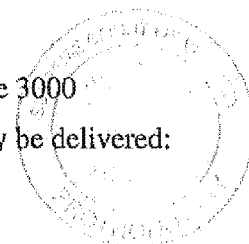
Date: 15 March 2012

Time: 9.00am

Place: The Supreme Court of Victoria, 210 William Street, Melbourne 3000

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

The Prothonotary



[Supreme Court of Victoria
436 Lonsdale Street
Melbourne]

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

The Prothonotary

[Supreme Court of Victoria
210 William Street
Melbourne]

SCHEDULE

The documents and things you must produce are as follows:

1. Copies of notes of conversations between Mr Thomas and police, police records of interviews of Mr Thomas and statements made by Mr Thomas to police - which record his observations of the circumstances of the murder of [REDACTED]
2. Copies of all statements made to police by Mr Andrews concerning the murders of [REDACTED] and Jason Moran.
3. Copies of all statements made to police by Damien Cossu and/or examinations before [REDACTED] of Damien Cossu which concern the murder of [REDACTED]

~~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:~~

~~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 a member of the police or the Solicitor for Public Prosecutions, 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 Prothonotary 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 a member of the police or the Solicitor for Public Prosecutions, 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:~~

~~Time:~~

~~Place:~~

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

The Prothonotary

~~{Supreme Court of Victoria
436 Lonsdale Street
Melbourne}~~

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

The Prothonotary

~~{Supreme Court of Victoria
210 William Street
Melbourne}~~

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.

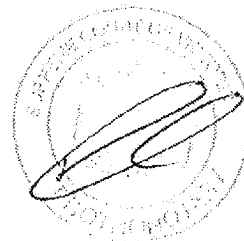
Addressee a corporation

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 Prothonotary



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 Prothonotary 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 Prothonotary 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 Prothonotary 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 Prothonotary, produce a list of the documents or things produced.
9. If the subpoena requires you to produce a document, you may produce a copy of the document unless the subpoena specifically requires you to produce the original.
- 9A. The copy of a document may be—
 - (a) a photocopy; or
 - (b) in PDF format on a CD-Rom.

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 Supreme Court (including any Rules of the Supreme 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.