

UNSWORN STATEMENT OF **Mr McGrath**

QUESTION 1 - HOW I CAME TO KNOW MS GOBBO

1. I first came to know Ms Gobbo in approx' mid 2003, when introduced to her at a dinner in a Chinatown restaurant. Also present was Tony Mokbel, Carl Williams, [REDACTED] and approx' 10 others.
2. I was on [REDACTED] for [REDACTED] following a conviction (after trial) in the Victorian County Court. Nicola Gobbo was not my lawyer at this time. I was represented by Theo Magazis and Carl Williams had arranged for him to represent me.
3. Sometime after this meeting at the Chinatown restaurant I became aware that Nicloa Gobbo was having an intimate relationship with some of my associates including Tony Mokbel.
4. In [REDACTED] 2003, I was [REDACTED] Theo Magazis with the first representative that visited me which was at the Melbourne Magistrates Court.
5. It was not communicated to me by anyone why Theo could not continue to represent me, however I did not see him again after this first meeting. The second legal visit I had (which was at Port Phillip Prison) was from Karen Ingleton who was employed at Leanne Warren and Associates. I understand that meeting was arranged by Carl Williams.



6. Karen Ingleton visited me on numerous occasions at Port Phillip prison. After several visits where Karen was alone, she attended some time in 2004 in the company of Nicola Gobbo. This was the first time Ms Gobbo visited me as my barrister.

QUESTION 2 - DETAIL ALL MATTERS IN WHICH MS GOBBO REPRESENTED OR ADVISED YOU.

7. When Ms Gobbo first visited me I faced the following legal matters;

- a. A appeal of my conviction for [REDACTED] charges,
- b. New [REDACTED] charges.
- c. [REDACTED] charge [REDACTED]

8. There was a delay in the [REDACTED] matters (I was charged in 2001), they were arising from the [REDACTED] of a [REDACTED]. The [REDACTED] were found at the premises of a friend of mine.

9. I served [REDACTED] and was released in 2003. There was a 2nd trial for fresh matters arising from [REDACTED] this trial happened whilst I was on appeal bail. I was found Not Guilty on those charges. I was then charged with a [REDACTED] of [REDACTED] matters relating to the [REDACTED]

10. Nicola Gobbo advised me on all these matters, as follows:

- a. To not pursue the appeal,
- b. I should plead guilty to the pending [REDACTED] charges.

11. I had told Ms Gobbo that I was innocent of all the [REDACTED] matters. Despite this, she advised me to plead guilty. It was my impression her advice focused

[REDACTED]

on the outcome on sentence, and not on the strength of the prosecution case for the burglary matters.

12. Both Karen Ingleton and Ms Gobbo were present when I appeared to plead guilty for the [REDACTED] matters in the County Court and was sentenced.
13. After being arrested for the [REDACTED] I did a brief interview at Police Headquarters on St Kilda road. I didn't provide much information.
14. After being remanded to Port Philip prison I was held in isolation. The police would visit regularly (approx. every two weeks). I understand they were hoping I would assist them with information.
15. It was around the time that Nicola Gobbo first came to visit me that I was taken back to the St Kilda Road Head Quarters for an interview about the [REDACTED]
[REDACTED]
16. Following this interview, Ms Gobbo visited me alone and said words to the effect:
- Gobbo said: *"They have a lot of evidence on you. The answers were not credible. You should really cooperate."*
17. On another visit shortly after Ms Gobbo said:
- Gobbo: *"The benefit the Crown is offering for your cooperation is unprecedented"*.
18. I don't know if the evidence against me was overwhelming for [REDACTED]
[REDACTED] matter; but I believe that it was not [REDACTED]
[REDACTED] I saw a brief for [REDACTED] but not for [REDACTED]
19. Shortly after Ms Gobbo provided this advice, Simon Overland came and saw me with Purana Boss Swindles. He said "we'll support an executive order if you assist". I listened to what they had to say but did not confirm either way.



20. The next day I was visited by Purana Detectives including Stuart Bateson. There was no further discussion about If I would assist. We simply commenced the interview. In hindsight I would have valued further legal advice after the visit from Overland and before Bateson attended.
21. By this stage my mental state was quite poor, having been for so long in solitary confinement.
22. After this, I had several visits by detectives at Port Phillip Prison to complete the statements I made.
23. When I did a statement for the [REDACTED] they took me [REDACTED] and left me with [REDACTED] alone. The statement took about an hour or two.
24. On many occasions Ms Gobbo would visit me alone at Port Phillip Prison around this time.
25. I had one full contact visit with Nicola Gobbo. It was around the time I was trying to make up my mind. She came in with a low cut top and was leaning over the table. I was distracted by the low cut top she was wearing.
26. By [REDACTED] 2004, all of my statements had been made in respect of these matters. I do not recall receiving copies of my statements. I know that I implicated [REDACTED] and [REDACTED] in the [REDACTED]
27. Nicola Gobbo and Karen Ingleton stopped acting for me some time late in 2004 (at which stage I'd finished making statements for the [REDACTED] and [REDACTED]). I was not provided an explanation for this.
28. Thereafter, I was assisted by Stephen Myall (solicitor of Leanne Warren and Associates) and Stratton Langslow (barrister) when I [REDACTED] to the [REDACTED] and on [REDACTED] for that matter.

QUESTION 3 - DETAIL HOW YOU LEARNED GOBBO WAS PROVIDING INFORMATION TO THE POLICE

29. I became aware of Ms Gobbo's assistance to the Victoria Police, [REDACTED] [REDACTED] during early 2019. I learned by watching a program on the TV.

30. I was shocked, felt betrayed and disheartened. And I am still having ongoing issues about this.

31. Had I have learned of her actions at the time she was acting for me, I would have immediately sought someone else.

QUESTION 4 –

32. I had no knowledge at the time, of Ms Gobbo representing or advising these others people.

33. A conflict arises as she was encouraging me to give evidence against all these individuals.

QUESTION 5 –

34. I was only aware that Ms Gobbo was my lawyer, and acting only in my interests.

QUESTION 6 –



35.No, I was not aware of this.

QUESTION 7 –

36. Ms Gobbo represented me for a [REDACTED] over several [REDACTED] and related charges in the County Court.

QUESTION 8 –

37. Ms Gobbo advised me over the [REDACTED] and later over the [REDACTED]
[REDACTED]
38. In both matters she advised me that the evidence against me was overwhelming, and that previous answers I had given to the police were not credible.
39. She advised me that I should fully co-operate and that the Crown's offer of assistance was unprecedented.
40. I later learned there was not much evidence against me at all.
41. On another occasion she advised me that if I have any knowledge of unsolved matters, that this would be of great assistance to me. I subsequently told the police about the [REDACTED] and about a lot of other unrelated criminal activity.
42. For the [REDACTED] matters discussed above, Ms Gobbo advised me to plead guilty to all charges, and that the sentence would be concurrent with the future [REDACTED] I told her that most of these charges I was not guilty of. It did not seem to matter.
43. During this whole period my mental state was quite poor.

QUESTION 9 –

44. In the early to mid 2000's, Ms Gobbo was representing [REDACTED] in a Victorian matter.
45. In the latter part of 2000's, [REDACTED] was convicted in a NSW court of large scale drug manufacture.

[REDACTED]

46. Whilst in Melbourne awaiting his court appearance, Ms Gobbo telephoned Mr [REDACTED] and said, "[REDACTED] would like to meet with you". Mr [REDACTED] met with [REDACTED] who turned out to be Tony Mokbel, who was trying to source drug making chemicals.

47. Mr [REDACTED] also told me that Ms Gobbo was quite flirty with him, but he was not interested.

48. Mr [REDACTED] told me about this whilst [REDACTED] in approx' 2010.

QUESTION 10 –

49. On Ms Gobbo's advice I pleaded guilty to offences which I told her that I was not guilty of. Namely the [REDACTED] and related charges.

50. Also regarding [REDACTED] it was my belief that there was little evidence incriminating me. But she convinced me the evidence that the police had was overwhelming.

51. Upon Ms Gobbo's advice I co-operated on all matters I was aware of, including the [REDACTED] She advised me that the police told her I would receive all appropriate protections, and that I would not be disadvantaged, that it would only benefit me.

52. As of today I have come to the realisation that much of the advice from Ms Gobbo was inaccurate or false and not what I should have expected.

53. I have reached this conclusion because my assistance to the Victoria Police has disadvantaged me in many ways. Including;

- a) [REDACTED] from my family and friends.
- b) My life will be in danger for many years.

54. I realise that I received a [REDACTED] however I am still [REDACTED] as of [REDACTED]

55. The reason that the [REDACTED] has used to deny my [REDACTED] [REDACTED] is that I [REDACTED] in [REDACTED] Still with the belief that I would not be disadvantaged, especially after all I had done for the Victoria Police.

56. The [REDACTED] have always insisted that I be [REDACTED] in the [REDACTED] either by [REDACTED] or a [REDACTED]

57. The [REDACTED] in this state have refused to [REDACTED] because of the potential risk to [REDACTED] should I be attacked in their presence.

58. Between [REDACTED] there have been several requests for [REDACTED] The latest request is still pending.



59. Ms Gobbo assured me that the Victoria Police would always act in my interests. Had I have known of her conduct with the Victoria Police and my co-accused, I may not have followed the course of action that I did, and therefore I may not have ended up in this position.
60. It was not disclosed to me prior to my sentencing, that Nicola Gobbo was a human source.