

IN THE SUPREME COURT OF VICTORIA  
IN ITS CRIMINAL JURISDICTION

**R v Farouk Orman**

**Summary of Prosecution Opening**

1. Paul Kallipolitis ("the Deceased") was shot dead inside his parents' home where he was living alone at [REDACTED] Sunshine West, on 12 October 2002. The Crown alleges that Andrew Veniamin ("Veniamin") was the murderer and that he was accompanied by Farouk Orman ("the Accused") who acted in concert with or aided and abetted him. Veniamin had a two-fold motive for the murder; to protect himself from being implicated in an earlier murder and to carry out a contract execution. The Accused was then his constant companion and shared Veniamin's concerns in relation to the Deceased's knowledge or belief as to the Dibra murder.

**Background**

2. On 14 October 2000 a man by the name of Dino Dibra was shot dead outside [REDACTED] Sunshine West.

3. Veniamin confessed to this murder to Dominic Gatto ("Gatto") in August 2003 and again on 23 March 2004. It is proposed to lead these admissions to the murder by Veniamin to Gatto as deposed to by Gatto in his own trial on 25 and 26 May 2005 and as stated by him in a television interview on the ABC broadcast on 21 October 2008 as evidence of the fact pursuant to s. 65(2) (b) (c) and (d) of the Evidence Act 2008.
4. On 13 May 2002 Veniamin and the Deceased were arrested for the Dibra murder but were released without being charged. The Deceased made a Record of Interview denying his involvement in the murder but did refer in the Interview to his belief that the police had been looking for three people, one being Veniamin and another being "a young Turkish bloke". The Accused at the time would have fitted the description of a "young Turkish bloke". Telephone intercepts of conversations between Veniamin and the Accused demonstrate that they had seen a copy of the Deceased's Interview and discussed it. It is proposed to lead the relevant part of the Deceased's Record of Interview as going to Veniamin's and the Accused's belief that the Deceased might have information which could incriminate or embarrass them.
5. The Deceased's family and friends will say that he was concerned for his safety to the point of paranoia by the time of his murder. Evidence will be led that he would not open the front door at [REDACTED] [REDACTED] to anyone but those he knew and believed he could

trust. He told police in his Record of Interview of 13 May 2002 that his life was in danger and that he would guard his home. The Deceased believed he could trust both Veniamin and the Accused.

6. According to evidence given by the Accused at Gatto's murder trial in 2005, he and Veniamin were close friends in 2002 and, indeed, subsequently. An analysis of call charge records shows that Veniamin and the Accused were in very frequent contact with one another and in one another's company in the months leading up to the murder. The Accused knew that Veniamin was frequently armed and had access to firearms stored by others for him. The Accused also had access to guns himself. Telephone intercepts indicate that the Accused sold a gun for Veniamin in May 2002.
7. According to [REDACTED] Veniamin learned that the Deceased had written a letter which he left at a solicitor's office to be opened in the event of his death which he, Veniamin, believed might have implicated him in Dibra's murder. (The Deceased had, indeed, written a letter dated 28 May 2002 about the murder but, contrary to Veniamin's belief, it did not implicate him.) Not knowing the actual content of the letter, however, Veniamin's concerns about the Deceased's capacity to implicate him in the murder escalated.



8. In or about June 2002 one Angelo Venditti ("Venditti") became involved in a dispute relating to the ownership of various motor vehicles and payment for them. Telephone intercepts between the Deceased and Venditti indicate that the Deceased had been engaged to collect payment from Venditti.
9. On 18 September 2002 a man disguised in a balaclava and armed with a handgun, entered the front yard of the Deceased's home at [REDACTED] but was disturbed by the Deceased's girlfriend who happened to pull up in a motor car at that time. The man threatened her at the car window with the gun before she escaped in her car. The man fled the scene. <sup>Mr Thomas</sup> will say that Veniamin later told him that he was the disguised man. It is proposed to lead this evidence pursuant to s. 65(2) of the Evidence Act 2008.
10. An analysis of SMS messages indicates that as at 25 September 2002 the Deceased was expecting Venditti to pay a sum of money into his bank account in payment or part payment of the debt the Deceased was trying to collect. Two days later it became evident that the Deceased and Venditti had had a falling out. On 27 September 2002 in a call between the two the Deceased declared "war" on Venditti and immediately followed up the call with an SMS message to him which read:

*"U think I'm a fucking idiot. Hay Cunt. U want to play with my life. Let's play, OK. Fuck you and all the rest of who u think u know. Ok. WAR it is."*

11. It is the Crown case that following receipt of this message Venditti sought to have the Deceased killed. Over the next week or so Venditti and <sup>Mr Thomas</sup> made numerous calls to one another for the purpose of having <sup>Mr Thomas</sup> arrange for Veniamin to contact him. According to the Accused's evidence at the Gatto trial Veniamin's reputation was as a "fearless killer". It is the Crown case that Venditti was seeking out Veniamin to engage him to murder the Deceased.

#### The Circumstances of the Murder

12. On 9 October 2002 Veniamin rang Venditti, it is to be inferred, to arrange a meeting to discuss the murder of the Deceased. He ended up speaking to the Accused who agreed to meet him at the St. Kilda sea baths. The inference contended for is supported by Veniamin's reporting the murder to Venditti within 2 ½ hours of the murder taking place (see para. 15 hereof).
13. On 11 October 2002 a Honda sedan motor car registration number [REDACTED] the property of one Angelos Dimitriou was stolen from Cliff Street, South Yarra. It is the Crown case that this vehicle was used by Veniamin and the Accused as transport to and from the vicinity of the Deceased's home on the occasion of the murder.
14. It is the Crown case that Veniamin and the Accused went to the Deceased's home at about 10pm on 12 October 2002 with the

intention of murdering him. They gained entry under the pretence of friendship. There Veniamin shot the Deceased 5 times with a .38/357 handgun. There was no sign of forced entry, no sign of any struggle and no sign of any ransacking or theft. The Deceased must have known and trusted the murderers. In the circumstances it can be inferred the murder was a deliberate execution.

15. Shortly before 12.41am on 13 October 2002 the Accused and Veniamin went to <sup>Mr Thomas</sup> address and there admitted to murdering the Deceased. The Accused told <sup>Mr Thomas</sup> that he had had to restrain Veniamin in the course of the murder lest he:

*"wake up the whole neighbourhood, it happened that early".*

Veniamin and the Accused told <sup>Mr Thomas</sup> that they had used a Honda motor vehicle for the crime, causing <sup>Mr Thomas</sup> to ask them if they had "got rid of the Honda". At Veniamin's request, <sup>Mr Thomas</sup> rang Venditti and passed the phone to Veniamin. The telephone intercept records Veniamin as saying:

*"Remember what we last spoke about? It's alright. He's...It's all worked out. Yeah. It's worked out. That's what I'm saying to ya."*

It is the Crown case that this can be nothing else but a reference to the murder. The Accused was present during this conversation and can be heard in the background.



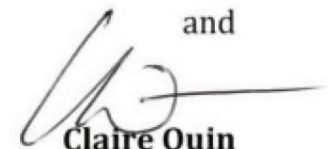
16. Veniamin confessed to the Kallipolitis murder to Gatto in August 2003. It is proposed to lead this admission by Veniamin to Gatto as deposed to by Gatto in his own trial on 25 and 26 May 2005 as evidence of the fact pursuant to s. 65(2) of the Evidence act 2008.
17. According to <sup>Mr Thomas</sup> after the murder, Veniamin sought payment from Venditti that was not forthcoming. It is proposed to lead this evidence against the Accused pursuant to s. 65(2) of the Evidence act 2008. It will be contended that the payment was for the murder of the Deceased.
18. In early November 2002 <sup>Mr Thomas</sup> took Veniamin to a meeting with Gatto to resolve the dispute between Veniamin and Venditti. After this meeting Veniamin made no further complaint to <sup>Mr Thomas</sup> about not being paid by Venditti.
19. On 24 October 2002 telephone intercepts indicate that Venditti assisted the Accused with accommodation in Surfers Paradise and with his return flight to Melbourne. The relationship between the Accused and Venditti prior to the murder would not explain Venditti's beneficence towards the Accused; indeed telephone intercepts of conversations between one John Khoury and Venditti on 8 October 2002 indicates that prior to 12 October 2002 Venditti barely knew who the Accused was. The Accused had said in June 2002:

*"When I get an earn I'll go to Queensland."*

20. On 8 January 2004, in Carlton, the Accused admitted to <sup>Mr Thomas</sup> that he had taken part in the murder of Kallipolitis, amongst others.

**Dated** the 14<sup>th</sup> day of February 2011

  
Geoffrey Horgan SC

and  
  
Claire Quin

Counsel for the Prosecution