



***Mokbel v The King* [2025] VSCA 243**

**3 October 2025**

The Court of Appeal (McLeish, Kennedy and Kaye JJA) today allowed in part an appeal by Antonios Mokbel against three convictions sustained in 2012 after he pleaded guilty to drug offences arising out of police operations named Quills, Orbital and Magnum. The Court allowed the appeals against the Quills and Orbital convictions, and set them aside. In respect of Quills, the Court entered a judgment of acquittal. The Court ordered a new trial on the Orbital charge. It dismissed the appeal from the Magnum conviction.

Mr Mokbel's appeal related to the improper conduct of Victoria Police and Ms Nicola Gobbo after her recruitment as an informer by Victoria Police on 16 September 2005. That conduct was motivated by her purpose, shared by Victoria Police, to have Mr Mokbel charged with and convicted of serious offences. Ms Gobbo informed on Mr Mokbel while she was retained to act as his lawyer. In Quills, the joint efforts of Ms Gobbo and Victoria Police secured critical evidence from a person for whom she was acting. The Court found that this involved a fundamental debasement of her professional obligations and infected the whole Quills prosecution, such that it would have been a profound affront to the administration of justice if it had proceeded to trial. The Orbital prosecution was, however, a step removed from the improper conduct.

The Court found that evidence critical to the Quills prosecution and important to Orbital would have been excluded under s 138 of the *Evidence Act 2008* had the matters gone to trial. The Court found that, although the alleged offending was serious and evil, the way the evidence was obtained meant that placing it before a jury would have undermined fundamental principles of the criminal justice system.

The Court found that the failure of Victoria Police and through it, the prosecution, to disclose the conduct of Ms Gobbo and Victoria Police to Mr Mokbel impugned the integrity of his guilty pleas. He was not fully informed of the circumstances, and his pleas could not be attributed to a genuine consciousness of guilt.

The Court held that Mr Mokbel had established that there was a real question as to his guilt in the Quills and Orbital prosecutions, but not in Magnum. Disclosure would not have led to exclusion of any evidence in Magnum, the common purpose of Ms Gobbo and Victoria Police did not affect Magnum and Mr Mokbel's lawyers had told him he had no defence. The Court reserved the sentence in Magnum for further argument.

**NOTE:** This summary is necessarily incomplete. It is not intended as a substitute for the Court's reasons or to be used in any later consideration of the Court's reasons. The only authoritative pronouncement of the Court's reasons and conclusions is that contained in the published reasons for judgment.