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Court Reference: CR-ZZ-WRX

IN THE COUNTY COURT OF VICTORIA AT GEELONG

CRIMINAL JURISDICTION

IN THE MATTER OF

Section 182 of the *Criminal Procedure Act* 2009

DIRECTOR OF PUBLIC PROSECUTIONS

v.

DEAN MEDWORTH

# SUMMARY OF PROSECUTION OPENING

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| Date of document: |  |
| Filed on behalf of: | The Director of Public Prosecutions |
| Prepared by:Solicitor for Public Prosecutions 565 Lonsdale Street Melbourne Vic 3000  | Solicitor’s code: Telephone : Direct: Reference:  |

**Accused:**

1. Dean Medworth was born in 1997 and at the time of the offences was 19 years of age.

# Co-accused:

1. Walter CAMPION, born 1995, aged 22

Clay RODDA, born 1993, aged 23

Paul RODDA (Children’s Court)

Donald HOSKING (Children’s Court)

# Overview:

1. During a Saturday evening in November 2016 and early morning of Sunday, a group of friends had been at the Mosaic Nightclub. Sally POPPA drove a number of them home and at approximately 3am, Hugh MCLINTOCH, Cody FITZGIBBON, Tim WELLS, were at 72 Pickles Street Geelong.
2. During the same evening, Paul RODDA (Children’s Court), Clay RODDA, Walter CAMPION, Dean MEDWORTH, Donald HOSKING (Children’s Court) were all drinking together at a private residence in Geelong. Walter Campion received a phone call from his sister Mary. Mary said that Toby DROOP had assaulted her and they were out the front of the Mosaic in Geelong.
3. As a result of this phone call, Walter CAMPION, Dean MEDWORTH and Paul RODDA ran on foot to the nightclub looking for DROOP. They were unable to find him and a short time later a car pulled up. In the car were Clay, Donald HOSKING. Paul RODDA, CAMPION and MEDWORTH got into the car and an unknown person drove to Cody FITZGIBBON’s house at Long Street where they believed they would find Toby DROOP. Everyone in the car was intoxicated.

# Circumstances:

**Charge 1 – Affray**

**Charge 2 – Criminal damage**

1. Upon arrival at Long Street, at approximately 3.15am, Paul RODDA went to the front door which was opened by occupant Cody FITZGIBBON. FITZGIBBON with Tim WELLS stood at the front door, and Paul RODDA started pushing FITZGIBBON and “having a go” at him. FITZGIBBON was dragged outside and surrounded by a number of males which included MEDWORTH, CAMPION and Clay RODDA.
2. Some of the males started punching FITZGIBBON until he was pulled inside by Hugh MCLINTOCH. While pulling FITZGIBBON inside, MCLINTOCH received a punch in the lip and eye, his lip swelled up and he started bleeding. He then went upstairs and called 000.
3. Toby DROOP who had gone outside, was punched by the males who yelled at him about not touching Walter’s sister (Mary CAMPION).
4. CAMPION, MEDWORTH, Clay RODDA, Paul RODDA (Children’s Court) and Donald HOSKING entered the Unit, where there was yelling and the fighting continued. **(Charge 1 – Affray)**
5. MEDWORTH flipped over a coffee table onto the legs of DROOP who by then was seated on the couch, and then punched holes in the plaster walls. **(Charge 2 – criminal damage)**
6. Jason KIMBLE arrived at the Unit and saw that “all the doors were open at Cody’s

place which was unusual”. He walked inside and saw people on the couch with ripped shirts and blood on their faces. The males got back into the car and drove away.

1. A 000 was made by a neighbour at 3.22am. The Operator, was told there was “massive fighting going on next door”, there were approximately 6 males, running in and out of the house, there was yelling and screaming, she didn’t see any weapons and while still speaking to the Operator, all jumped in a car and left. She also told the Operator she was very concerned for the family living in the Unit on the other side.
2. Police and an ambulance attended. WELLS was transported to hospital via ambulance having sustained a cut to his head, bruising and abrasions to his left eye area. FITZGIBBON sustained bruising and abrasions to his right eye area. MCLINTOCH sustained a swollen and bleeding lip.
3. Police obtained a number of statements on the night, however Toby DROOP, Cody FITZGIBBON and Tim WELLS refused to cooperate and provide statements to police.

# Arrest:

1. MEDWORTH and CAMPION were arrested at their home addresses later on in the morning.
2. MEDWORTH was cooperative and during his record of interview said:
	* That he ran down the street with CAMPION because of DROOP assaulting CAMPION’s sister.
* That he didn’t know who was driving the vehicle but it was decided in the vehicle to go to the house and fix up DROOP. That it might have been Paul RODDA who knocked on the door first.
* That he was last out (of the car) and at the door there was an argument, one was swinging but he didn’t know who.
* That there was yelling and carrying on and everyone “lost it, tempers just flew”.
* That his temper was probably the worst. That he was drunk and yelling and carrying on. That he got a whack in the face when coming in the front door and that set him off. That he flipped the coffee table and punched holes in the wall and started abusing them.
* That one of his mates said they had to go, they ripped him out of the house and they got back in the car and left.
* That the purpose of going to the house was to “just sort out all this shit that’s been happening” (A211). That DROOP for the two previous weeks had been saying he was going to bash them, stare at them and put the car in reverse like he was going to chase them.
1. Co-accused CAMPION was also cooperative and during his record of interview said:
	* That he received a phone call from his sister and her friends and was told that DROOP had assaulted her.
	* That he ran down the street to confront DROOP but couldn't find him.

Then he and the co-accused got in a vehicle and drove to the Long street address to find DROOP.

* + That he was the one who knocked on the door and DROOP answered.

DROOP came outside and he asked him "what the go was?" (referring to the alleged assault on his sister).

* + That they were up against a car and swinging punches at each other. He thought that one of his punches may have connected with DROOP, but one also hit the car. That the two then held onto each other and he said to DROOP "this is all a fucking joke really" before they released each other, and DROOP went inside and sat down.
* That he went to the front door of the premises to look for the co-accused, intending to get them back in the car. It was after this that they left.
1. Other co-accused following arrest made a no comment interviews.

# Penalties:

Affray

Level 6 imprisonment (5 years) pursuant to s 320 *Crimes Act 1958.*

Criminal damage

Level 5 imprisonment (10 years) pursuant to s 197 (1) *Crimes Act 1958.*

# Orders sought:

Forensic sample

\*Compensation to be advised

# Pre-sentence detention:

NIL

# Timing of plea:

At committal case conference in July 2016

# Victim Impact Statements:

NIL