

IN THE COUNTY COURT OF VICTORIA  
AT MELBOURNE  
CRIMINAL JURISDICTION

Court reference: CR-18-01194

**THE DIRECTOR OF PUBLIC PROSECUTIONS**

**v.**

**HARLEY CARTWRIGHT**

**SUMMARY OF PROSECUTION OPENING FOR PLEA**

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Date of document:	4 July 2019
Filed on behalf of:	The Director of Public Prosecutions
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1. Soon after 7am on the morning of 7 December 2017 [REDACTED] was at her home address with her two adult children [REDACTED] and [REDACTED]. [REDACTED] also resides at the home but had left for work. [REDACTED] was in her bedroom and on her iPad. [REDACTED] was asleep.
2. At approximately 7.11am [REDACTED] heard her house phone ring, she answered the call and said 'hello'. There was no response and so [REDACTED] disconnected the call. The phone had display that showed the number calling. The call was from [REDACTED] which was the phone number of the offender.

3. [REDACTED] daughter [REDACTED] came into the room and used the bathroom. [REDACTED] then left the room
4. A short time later, there was a loud knock at the front door. [REDACTED] got out of bed and answered the door.
5. There was a man at the door wearing a black and white mask. [REDACTED] tried to close the door but the man stepped inside and held the door. The same man then produced a knife about 15cm long and 3cm wide and held it so it was clear to [REDACTED]. It is not suggested that the offender was aware of the presence of the knife or the use of the knife.
6. [REDACTED] stepped back and three other men then came into the house. They had been in the area around the front door. All four men entered the home. The men wore disguises which included masks and scarves or items to cover their faces.
7. The men pushed past [REDACTED]. [REDACTED] went into the kitchen where [REDACTED] and her son [REDACTED] were standing. No words were spoken between the men.
8. One of the men went down to the end of the house towards [REDACTED] bedroom. One of the men went into the garage and took the cover off the Holden Monaro vehicle, which belonged to [REDACTED], parked inside the garage. He was trying to open the vehicle but the doors were locked. Another man also entered the garage and was trying to open the garage door.
9. The target of the aggravated burglary was the Holden Monaro. The aggravated burglary was organized by the offender. It is not alleged that the offender entered the house, but he was present nearby and on the property. **(CHARGE 1)**
10. One of the men took [REDACTED] iPad. She tried to pull it back from him and it fell to the ground outside. He recovered it and went to the driver's side of a white

Suzuki parked nearby. The white Suzuki did not have number plates. The offender is not responsible for the theft of the iPad.

11. Also stolen from the house was the car key to [REDACTED] vehicle (**CHARGE 3, Theft**). [REDACTED] calls police while the men are still inside the home. The car key was recovered by police in the room where the offender was arrested later in the day.
12. The men came out of the house. The offender obtained keys from another offender and got into the white Commodore belonging to [REDACTED] which was parked in the driveway. [REDACTED] went outside of the house and took photographs. This includes a photograph of the offender seated in the white Commodore belonging to [REDACTED].



12. The other three men get into the white Suzuki. The offender drives off in [REDACTED] white Commodore and the white Suzuki follows. (**CHARGE 2, Theft of Motor Vehicle**). Another photograph taken by [REDACTED] depicts a partial tattoo on the right hand of the offender in the white Commodore. [REDACTED] shows the photographs to [REDACTED] when he returns home. [REDACTED] recognized the tattoo as that of the offender.
13. The offender has been friends with [REDACTED] since they were in Kindergarten together. The offender had been to the home as a visitor and had stayed overnight previously.
14. [REDACTED] also had a missed call from the accused on his mobile on the day of the incident at 0706. He had left for work at about 0630 that morning. CCTV footage shows [REDACTED] leaving for work. It also shows the white Suzuki pass back and forth in front of the house prior to the entry.
15. Police attended shortly after the incident.
16. Police arrested the offender at 54 Keith Avenue, Sunbury at 2pm on 7 December 2017.
17. A search warrant was executed at 54 Keith Avenue, Sunbury at 4.07pm on 7 December 2017. While they are at the address the white Suzuki which was used in the offending attends and is parked on the street out the front of the premises. The vehicle belonged to the offender's de-facto partner.
18. During the search warrant Police located the stolen Commodore NMC565 at the rear of the premises. The number plates had been removed and were found in the garage, hidden behind a couch in between some boxes.

19. The Commodore was examined for fingerprints and a fingerprint of the offender was located on the exterior side of the front driver side window. A fingerprint of the offender was also located on one of the number plates. Inside the Commodore was a white mask in the front passenger foot well.
20. As noted above [REDACTED] key was located in the rear bedroom where the offender was arrested.
21. The offender was interviewed by police and made a largely 'no comment' record of interview. He said the photo of the driver of the stolen white Commodore looked like him and had a similar tattoo but wore different clothing.
22. DNA analysis was conducted on the mask seized during the searches. The offender is linked to the item in that it is 100 billion times more likely that he is a contributor.
23. Later that day the offender drove the stolen car in the Broadmeadows area. At the time he was disqualified from driving (Related Summary Offence).

#### **MAXIMUM PENALTY**

24. Aggravated Burglary: Level 2 Imprisonment (25 Years)

Theft: Level 5 Imprisonment (10 years)

Drive while disqualified: 2 years imprisonment of 240 penalty units

#### **PRE SENTENCE DETENTION**

25. He has served, not including the plea date, 574 days.

## **ANCILLARY ORDERS**

26. Forfeiture and disposal orders are sought.

## **VICTIM IMPACT STATEMENTS**

27. It is not clear at this point whether Victim Impact Statements will be provided.

## **FORENSIC SAMPLE**

28. A forensic sample was provided during the offender's interview it will automatically be retained upon conviction.

## **TIMING OF THE PLEA**

29. A plea offer to aggravated burglary was made by the offender at an early stage, pre the committal. It was rejected. A subsequent offer to a plea to home invasion was also rejected. The matter resolved after consideration of the evidence of [REDACTED] and [REDACTED] on the trial.

## **CHRONOLOGY**

8 Feb 2018	Filing hearing
20 Feb 2018	Defence offered a plea of aggravated burglary
26 Feb 2018	Offer rejected
2 Mar 2018	Committal Case Conference
6 Jun 2018	Committal Home Invasion offer rejected