

**IN THE COUNTY COURT
OF VICTORIA
AT MELBOURNE**

Indictment No. J116466130.1

County Court Ref No. CR-18-02204

DIRECTOR OF PUBLIC PROSECUTIONS

V

BILLIE COMENSOLI

SUMMARY OF PROSECUTION OPENING

Date of document:	6 October 2019
Filed on behalf of:	Director of Public Prosecutions
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CHARGES:

1. Theft – s.74 Crimes Act 1958 (leather jacket and car keys)
2. Theft – s.74 Crimes Act 1958 (Toyota Yaris)
3. Theft – s.74 Crimes Act 1958 (registration plates)
4. Theft - s.74 Crimes Act 1958 (tools)
5. Criminal damage – s.197(1) Crimes Act 1958 (motor vehicle)
6. Aggravated burglary, intent to steal – s.77 Crimes Act 1958
7. Theft – s.74 Crimes Act 1958 (purse)
8. Handle stolen goods – s.88 Crimes Act 1958

Related summary offences:

9. Failing to follow police direction whilst driving – s.64A Road Safety Act
1986

10. Driving whilst disqualified – s.30 Road Safety Act 1986
15. Commit indictable offence whilst on bail – s.30B Bail Act 1977

BACKGROUND

1. The Accused Billie Dean Comensoli is 27 years old (DOB 14 March 1992) and at the time of offending resided at 1203 Geelong Road, Mt Clear.

CHARGES 1, 2 (Theft):

2. On 19 June 2018, at approximately 1.00pm, victim Melissa Cliffiord (p.35) was in the poker machine area of the Bells Hotel, South Melbourne. Ms Clifford hung her black leather jacket over the back of her chair whilst she walked around the venue, the jacket having the keys to her black Toyota Yaris Hatch registration UBU350 in the pockets.
3. The Accused was also at Bells Hotel and approached Ms Clifford's chair and felt the pockets of the jacket before stealing it.
4. The Accused went outside to the car park, where he used Ms Clifford's car keys to unlock and steal Ms Clifford's Toyota Yaris.

CHARGE 3 (Theft):

5. Between 8.00pm and 10.30pm on the same night, the Accused drove to an address in Kingdom Avenue Kings Park. He removed 2 registration plates YHG013 from another Toyota Yaris, then stole a wallet containing personal identification and cash from within the vehicle before leaving the street.
6. The Accused then drove to Kurung Drive, which is located at the end of Kingdom Avenue and parked the stolen Toyota Yaris on the nature strip outside 73 Kurung Drive. He attached the 2 stolen registration plates YHG013 to the stolen Yaris before discarding the plates UBU350 from

Ms Clifford's car on the ground.

CHARGES 4 (Theft), 5 (Criminal Damage):

7. The Accused discarded various other items out of the stolen Yaris before rummaging through a Ford sedan and Toyota Hilux outside the address stealing various tools from the Toyota (p.43). The Accused smashed a window of the Ford sedan belonging to Leanne Hayek (p.38) to gain entry.

CHARGES 6 (Aggravated Burglary), 7 (Theft):

8. The Accused then entered 73 Kurung Drive at approximately 10.30pm by jemmying the front door. Ms. Hayek was inside the address with her four month old baby and 8 year old daughter. She was lying in bed in the front bedroom when she observed a shadow near her bedroom door. Ms. Hayek got up and started screaming when she saw a man dressed in dark clothing with her black 'Mimco' purse in his mouth.(p,42)
9. Ms. Hayek chased the Accused out of the house before the Accused jumped into the driver's seat of the stolen Black Toyota Yaris. Ms. Hayek approached the Yaris and attempted to grab the steering wheel whilst calling out for help. The Accused exited the vehicle and chased Ms. Hayek back up the driveway. The Accused then returned to the Yaris and Ms. Hayek could see him holding something maybe a bat. The Accused then drove the car towards Ms. Hayek forcing her to run back up the drive way to the rubbish bins. Ms. Hayek didn't think the Accused intended to hurt her but it was enough to scare her. (p.43) Ms. Hayek then called '000' and reported the incident. The Accused fled the address in the stolen Toyota Yaris.

Related summary offences 9 (failing to comply with police direction):

10. While travelling to Kurung Drive in response to the 000 call S/C Holt and D/S/C Verbeek who were conducting crime duties noticed a black coloured Toyota Yarris with the front number plate half affixed. They observed the registration plates to be YHG013 and the vehicle driving in an erratic manner South along Station Road Deer Park (p.62). The Accused drove the vehicle onto Furlong Road and right into Parklea Avenue before pulling into the driveway of a residence in Parklea Avenue. Senior Constable Holt (p.57) pulled up behind the Accused before activating the police vehicles lights and sirens to indicate their presence. The Accused reversed his vehicle towards the police vehicle in an erratic manner causing police to take evasive action to avoid a collision. The Accused fled the area and was last seen driving erratically along Furlong Road, Cairnlea.

CHARGE 8 (handling stolen goods):

11. At about 9.30am on 21 June 2018, a black Toyota Yaris was observed driving in an erratic manner in Forrest Street, Albion. Police followed the vehicle, observing the Accused driving and a male passenger inside the vehicle. Police observed the registration plates affixed to the vehicle to be ZTV657, which were identified as being stolen. At approximately 9.43am the vehicle was located parked outside 69 McIntyre Road, Sunshine North with the Accused seated inside. The passenger was not in the vehicle at this time.
12. As the Accused tried to reverse the Yaris, a police vehicle parked directly behind the Accused preventing him from driving away. The Accused ran from police along McIntyre Road into the direct path of another unmarked police vehicle, causing him to fall to the ground. He was then arrested.

13. Amongst the items located by police In the black Toyota Yaris were a set of car keys previously stolen from John COLEMAN (NAE) as well as a large quantity of mail and personal documentation belonging to multiple people residing in Southbank, South Melbourne, Templestowe, Burwood and Toorak.(p.80)

Related summary offences 10 (driving disqualified) and 15 (committing indictable offence whilst on bail:

14. At the time of driving, the Accused was on a P2 Probationary licence, which had been cancelled and he was disqualified from driving.
15. The Accused was on bail at the time of offending.
16. The Accused was taken to Sunshine police station and interviewed in a tape-recorded record of interview (p.222-258). He mostly made “no comment”,save that he admitted being present in the Toyota Yaris which he claimed to have borrowed from an unnamed friend (qu.155-211)

Penalties

The maximum penalties for these crimes are:

Theft – 10 years (Level 5)

Criminal damage – 10 years (Level 5)

Aggravated burglary – 25 years (Level 2)

Handling stolen goods – 15 years (Level 4)

Failing to follow police dirction when driving – 60pu or 6 months

Driving whilst disqualified – 240pu or 2 years

Commit indictable offence whilst on bail – 30 pu or 3 months

Victim Impact Statement

To be provided

Other Orders

Disposal

Orders against the Accused's drivers licence pursuant to s. 89(4) or 89A of the Sentencing Act 1991 and/or s.28 of the Road Safety Act 1986

Pre Sentence Detention

The Accused has spent 476 days in custody in regard to these crimes:

21 June 2018 – 10 October 2019

Chronology

21 June 2018	Arrest and remand
22 June 2018	Filing hearing
14 September 2018	Committal case conference
26 October 2018	Committal, SHUB. Plea of not guilty
29 October 2018	IDH – listed for 5-7 day trial
29 November 2018	Further IDH
10 December 2018	Bail application listed, withdrawn before hearing
6 February 2019	Bail application, refused
15 July 2019	Final directions hearing
16 September 2019	Trial listing, resolved to plea.
	Accused arraigned and adjourned for plea hearing on 10 October 2019
10 October 2019	Plea