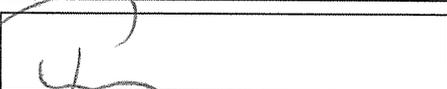


Accused Copy **Notice Accompanying Preliminary Brief**

In the Magistrates' Court of Victoria at		
Venue	Place Melbourne	Date of Hearing 17/01/2020
To the accused		
Accused	Family Name MAGEE	First Names Kyle
Address	Street Name and No., Suburb/Town NFPA, Melbourne VIC.	Postcode 3000

The attached preliminary brief contains the following information, document or thing available at the time of preparation

<input checked="" type="checkbox"/>	A copy of the charge-sheet setting out the charges against you
<input type="checkbox"/>	A copy of the Notice to Appear
<input checked="" type="checkbox"/>	A statement made by the informant (the person who charged you) personally sworn, signed or attested
<input checked="" type="checkbox"/>	A copy of your criminal record or a statement that you have no previous convictions
<input type="checkbox"/>	Any evidentiary certificate issued under any Act
<input type="checkbox"/>	A list of any other orders that are or will be sought
<input type="checkbox"/>	Any information, document or thing that is relevant to the alleged offence that may assist you to understand the evidence against you that is available to the prosecution <ul style="list-style-type: none"> • Nil
<input type="checkbox"/>	A written notice that the informant refuses to disclose any information, document or thing. (Note: In some cases, the informant can refuse to give you information, but they must explain why by giving you a notice in writing)

Police Member or Authorised Officer		
Signature		Date 25/09/2019
Authorised Officer	Name Fintan HERIOT-RICE	Rank Constable
		Reg. No. 43258
Agency and Address	Station Transit Uniform	Agency Ref.
	Street Name and No. 2/637 Flinders Street, Docklands VIC. 3008	
	Suburb/Town Docklands	Postcode 3008
Telephone 9247 3300	Fax No.	Email fintan.heriot-rice@police.vic.gov.au

DO NOT IGNORE THIS NOTICE

Are you charged with a summary offence or indictable offence?

To find out whether your offence is a summary offence or an indictable offence, check which box has been ticked on your charge-sheet.

Get legal advice before you go to court

This notice should have a preliminary brief with it.

A legal practitioner (a lawyer) can help you decide what steps you need to take in relation to your charge and the preliminary brief given to you.

If you are eligible, you have a right to legal aid under the Legal Aid Act 1978.
Contact Victoria Legal Aid Level 9, 570 Bourke Street, Melbourne 3000, Phone 1300 792 387.

IF YOU ARE CHARGED WITH A SUMMARY OFFENCE AND DO NOT APPEAR AT COURT

If you have been charged with a summary offence, and you do not appear at court on the date on your summons or Notice to Appear, the magistrate may -

- make a decision without you about your case and issue a penalty based on the information in the preliminary brief; or
- order that you be arrested and brought before the court;
- If you have been charged and released on bail you must attend at court, or you may be arrested and charged with an additional offence.

HOW THE MAGISTRATE MAKES A DECISION WITHOUT YOU FOR A SUMMARY OFFENCE

The magistrate may base the decision on the information in the preliminary brief, if the brief -

- was given to you at least 14 days before the date of the hearing; and
- stated the offence with which you have been charged.

The magistrate cannot use your criminal record to decide if you are guilty or not, but can consider your criminal record when deciding what your penalty will be.

There are some penalties that a magistrate cannot give you without you being at court. If the magistrate is considering these penalties, the hearing must be adjourned and you may be arrested and brought to court.

IF YOU ARE CHARGED WITH AN INDICTABLE OFFENCE AND DO NOT APPEAR AT COURT

If you have been charged with an indictable offence, you must appear at court on the date on your Summons or Notice to Appear.

The magistrate cannot hear and decide your case without you (unless the charges are against a corporation) and may order that you be arrested and brought before the court. If you have been charged and released on bail and do not attend court, you may be arrested and charged with an additional offence.

FURTHER INFORMATION

Contact the registrar at your local Magistrates' Court for further information

Preliminary Brief - Statement Made By Informant

Accused (MAGEE) v Informant (HERIOT-RICE)

Accused

Name	Family Name MAGEE		Given Names Kyle	
	Sex M	Date of Birth 15/10/1983	Prior Convictions Yes	

Informant

Name	Family Name HERIOT-RICE		Given Names Fintan	
	Rank Constable			Reg. No. 43258
Work Location Transit Uniform			Telephone 9247 3300	

Co-Accused

Orders / Applications

Forfeiture / Disposal				
Forfeiture Order required and form attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Witness Costs / Restitution / Compensation				
Witness costs, restitution or compensation sought and form attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Forensic Procedures (Crimes Act 1958)				
Application for forensic sample and form attached - S.464ZFB or ZGF [Juvenile Only]	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Application for forensic sample and form attached - S.464ZF(2) or ZF(2AAA)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Sex Offender Registration				
Proposed action against the accused and form attached	<input type="checkbox"/> Mandatory	<input type="checkbox"/> Discretionary	<input checked="" type="checkbox"/> N/A	
Contravention of Suspended Sentence				
If found guilty accused contravenes a suspended sentence and charge attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Exclusion Order (Section 89DE Sentencing Act 1991)				
Application for Alcohol Exclusion Order sought and form attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Exclusion Order (Part 8A LCRA 1998)				
Application for an Exclusion Order sought and form attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Motor Vehicle Impound Orders (Road Safety Act 1986)				
Forfeiture order for motor vehicle and form attached - S.84U(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Impoundment / immobilisation order and form attached - S.84U(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Forfeiture order for substituted motor vehicle and form attached - S.84V(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Impoundment / immobilisation order for substituted motor vehicle - S.84U(1)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Immediate Permit / Licence Suspension (S.51 Road Safety Act 1986)				
Accused permit / licence suspended and form attached (prosecution copy)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Date of service of notice on the accused	<input type="text"/>			
Does the victim want to provide a victim impact statement	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Victim impact statement attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
Other (Specify)				

Note: Actual applications / orders are only attached to prosecution copy of the brief

Preliminary Brief - Statement Made By Informant

Accused (MAGEE) v Informant (HERIOT-RICE)

Statement of alleged facts

Description of alleged offence(s) with reference to supporting evidence. Where relevant provide a description of the background and consequences of the alleged offence.

On Friday the 22nd March 2019 at approximately 02:30pm the accused (Kyle MAGEE 15/10/1983) has entered Melbourne Central Station platform 3/4 via the escalators.

The accused has bought a 9kg commercial reusable fire extinguisher (EXHIBIT 1) which he has filled with house paint prior, using a wheeled shopping bag to conceal the item upon entry. The accused has begun to spray the house paint via the extinguisher over the advertising TV screens that are on the walls opposite the platforms (EXHIBIT 2&3).

A short time later Protective Service Officers (PSO's) Peter PAPARGIRIS, Robert PRINGLE and Andrea DIELE arrived. The accused had stopped spraying the paint at this stage, however approached the PSO's and made admissions to carrying out the criminal damage.

The accused was subsequently placed under arrest, being escorted from Melbourne Central Station. Constable Fintan HERIOT-RICE and Senior Constable Peter JORDAN, seized the fire extinguisher as evidence and conveyed the accused back to Victoria Police Centre, where he was interviewed in relation to Criminal Damage.

Due to the reluctance of the victim being forth right with providing information around ownership as well as costs of damages for the Television screens Victoria Police were unable to proceed with the charge of Criminal Damage.

The accused was released pending summons.

Statement made by accused

Relevant explanations provided by accused including statements of admission, mitigation or remorse (include direct quotes where practicable)

The accused was cooperative with Police members and made full admissions during the interview.

The accused stating that he carried out the actions in political protest against "for profit advertising in public space".

Preliminary Brief - Statement Made By Informant

Accused (MAGEE) v Informant (HERIOT-RICE)

Witness list

No.	Name	Evidence	Statement Obtained	Document Attached
1	Protective Service Officer Peter PAPARGIRIS	Police Witness- attended scene, witnessed accused in possession of fire hydrant and present when full admissions were made.	Yes	Yes
2	Protective Service Officer Robert PRINGLE	Police Witness- attended scene, witnessed accused in possession of fire hydrant and present when full admissions were made.	No	No
3	Protective Service Officer Andrea DIELE	Police Witness- attended scene, witnessed accused in possession of fire hydrant and present when full admissions were made.	No	No
4	Sergeant Gary BOURMAN	Police Witness- attended scene, shift supervisor for PSO units, assisting with initial enquiries.	No	No
5	Senior Constable Peter JORDAN	Corroborator - Will corroborate evidence and interview.	No	No
6	Constable Fintan James HERIOT-RICE	Informant - Will provide evidence in chief. Conducted DVD ROI with accused at Transit Safety Division.	Yes	Yes

Preliminary Brief - Statement Made By Informant

Accused (MAGEE) v Informant (HERIOT-RICE)

Exhibit list

No.	Exhibit Description	Produced By	Exhibit Relevance	Police Possession
1	Fire Sentry 9kg Fire Extinguisher FS90108 (Dry Powder)	Constable Fintan HERIOT-RICE	Used to carry out offence, confiscated from accused.	Yes
2	Photo 1&2 TV Screens covered with paint	Constable Fintan HERIOT-RICE	Shows the paint on the screens sprayed by the accused	Yes
3	Disc 1: Facebook Video	Constable Fintan HERIOT-RICE	Shows accused committing offence	Yes
4	Disc 2: BWC Camera Footage	Constable Fintan HERIOT-RICE	Depicts arrest of the accused	Yes
5	Master DVD 190034279	Constable Fintan HERIOT-RICE	Interview with the accused at the Transit Safety Division, Docklands 22nd March 2019	Yes

Preliminary Brief - Statement Made By Informant

Accused (MAGEE) v Informant (HERIOT-RICE)

Acknowledgment

I acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

Signature

Signature of person making acknowledgment



Fintan HERIOT-RICE Constable 43258

Acknowledgment taken and signature witnessed by me at

Place	Date	Time
DOCKLANDS	16/9/19	01:55 PM

Before(1):

Name and address in legible writing, typing or stamp



THOMAS SCOTT
SENIOR CONSTABLE 60282

637 FUNDERS ST,
DOCKLANDS VIC 3008

(1) A person authorised under Section 38 of the Criminal Procedures Act 2009 to witness statements

CHARGE - SHEET AND SUMMONS

Accused Copy - Bring this with you to Court

Magistrates' Court Criminal Procedure Rules 2009 Form 3 Rule 11

<p>TO THE ACCUSED</p> <p>Kyle MAGEE NFPA, Melbourne VIC 3000</p> <p>Mobile Phone No.: 0403769828 Email Address: kyle@democraticmediaplease.net</p>	<p>Unsuitable Dates: Nil Unsuitable Dates Preferred Dates: Nil Preferred Dates</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">M</td> <td style="text-align: center;">F</td> <td style="text-align: center;">Co</td> <td style="text-align: center;">Date of Birth</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">15/10/1983</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Registration No.</td> <td style="width: 30%;">State VIC</td> </tr> <tr> <td>Licence No.</td> <td>State VIC</td> </tr> </table>	M	F	Co	Date of Birth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15/10/1983	Registration No.	State VIC	Licence No.	State VIC
M	F	Co	Date of Birth										
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	15/10/1983										
Registration No.	State VIC												
Licence No.	State VIC												
<p>You have been charged with an offence against the law. Read these pages to see what you must do</p>													
<p>MNI / JAID:</p>													

Details of the charge against you

What is the charge? 1 The accused at Melbourne on the 22/03/2019 did mark graffiti on property visible from a public place without the prior express consent from the property owner, or agent of the owner, namely GPT group.

Under what law?	<input type="checkbox"/> State <input checked="" type="checkbox"/> Act <input type="checkbox"/> Other - Specify <input type="checkbox"/> C'wealth <input type="checkbox"/> Reg	Act or Regulation No. Graffiti Prevention Act 2007	Section/Clause (Full Ref.) 5
Type of Offence	<input checked="" type="checkbox"/> Summary Offence (You should go to Court) <input type="checkbox"/> Indictable Offence (You <u>must</u> go to Court)		
Request for Committal Proceeding	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
Is this an infringement offence?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - see below		
Are there more charges?	<input type="checkbox"/> Enforcement Review <input type="checkbox"/> Enforcement Review -special circumstances		If enforcement review, date of service by the Director, Fines Victoria:
	<input type="checkbox"/> Infringements Act 2006 s.40 <input type="checkbox"/> Other:		
Informant	Constable Fintan HERIOT-RICE 43258		Phone No: 9247 3300
Agency and Address	Transit Uniform Transit Uniform 2/637 Flinders Street, Docklands VIC. 3008		
Email	fintan.heriot-rice@police.vic.gov.au		Fax
Informant Signature			Date: 25/9/19

Where will the case be heard

Where you must go The Magistrates' / Children's Court of Victoria at Melbourne

Address 233 William Street, Melbourne 3000 Phone No 9628 7777

When Time 10:00 AM Day 17th Month January Year 2020

Details about this summons S 14

Issued at: Melbourne Date 25/09/2019

Issued by: Registrar Magistrate
 Police Informant

Charge Filed at: Melbourne by (member) Fintan HERIOT-RICE Emp No 43258

Method of Filing: mail Date 25/09/2019

PRE-HEARING DISCLOSURE NOTICE FOR MATTERS TO BE DETERMINED SUMMARILY

Section 13 of the **Criminal Procedure Act 2009**, Magistrates' Court Criminal Procedure Rules 2009 Form 8 Rule 17

You have been charged with an offence that can be heard summarily. You should speak to a legal practitioner (a lawyer) immediately.

How can you get more information about your charge:

Your charge-sheet will have some information about the charge. If you want more information, at any time you or your legal practitioner can make a request in writing to the informant (the person who charged you) for -

- a preliminary brief;
- a full brief (if you have been served with a Notice to Appear, you can ask only for a full brief after a summary case conference); and
- information or copies of what is listed in the preliminary or full brief at least 7 days (or more) before the next court date.

What the informant must do:

When the informant receives a request for more information from you or your legal practitioner he or she has -

- 14 days to give you a preliminary brief; or
- at least 14 days to give you a full brief before your contest mention or summary hearing; and
- 7 days to respond to your request.

The informant also must give you a list or copy of any new information that is relevant to the charge as soon as it is available to him or her.

In some cases, the informant can refuse to give you information. The informant must give you a notice in writing that explains why your request has been refused. Some of the reasons the informant may refuse your request are that disclosure of the information would -

- prejudice the investigation, enforcement or proper administration of the law; or
- prejudice a fair hearing of a charge or impartial adjudication of a particular case; or
- enable a person to ascertain the identity of a confidential source of information in relation to the enforcement or administration of law; or
- disclose methods or procedures of preventing, detecting, investigating contraventions or evasions of the law, the disclosure of which would be reasonably likely to prejudice the effectiveness of those methods or procedures; or
- endanger the life or physical safety of persons or their families, engaged in, or in connection with, law enforcement or persons who have provided confidential information in relation to the enforcement or administration of the law; or
- endanger the life or physical safety of a person referred to in section 43(1)(a) of the **Criminal Procedure Act 2009** or of a family member, as defined in the **Family Violence Protection Act 2008**, of such a person; or
- result in the disclosure of child abuse material to the accused personally; or
- the informant may refuse disclosure of any information, document or thing that is requested under section 43(1)(d) of the **Criminal Procedure Act 2009** on any ground for refusal of a witness summons; or
- the informant may refuse to disclose the particulars of any previous conviction of any witness who the informant intends to call at the hearing if the previous conviction because of its character is irrelevant to the proceeding.

What can you do if the informant refuses to give you the information?

You can apply to the Magistrates' Court for an order if you -

- get a written notice from the informant that they refuse to give you the requested information; or
- believe there is information that has not been disclosed that is relevant to your case.

Your legal practitioner can advise of how to apply for an order of the Magistrates' Court that the information be disclosed.

Get legal advice before you go to court

A legal practitioner can help you understand the charges and decide what steps you need to take. For free legal information or to speak to a legal practitioner call:

Victoria Legal Aid 1300 792 387
Federation of Community Legal Centres to find the centre closest to you (03) 9652 1500
Victoria Aboriginal Legal Service on 1800 064 865

If you are eligible you have a right to legal aid under the **Legal Aid Act 1978**. Contact Victoria Legal Aid Level 9, 570 Bourke St. Melbourne Vic. 3000 Phone: 1300 792 387.

GOING TO THE MAGISTRATES' COURT

Getting Legal Advice

It is very important to get legal help before you go to court. Legal advice will help you:

- decide if you will say that you are guilty or not guilty
- decide if you need a lawyer to speak for you in court or if you can represent yourself
- help you to prepare for your case

Getting legal advice early may also mean that you:

- only have to go to court once
- find out if you can get a grant of legal aid

You may not be able to adjourn your matter without a good reason so it is important that you are prepared.

You can get legal help from:

Victoria Legal Aid – for help with legal problems, call Legal Help on 1300 792 387.

Victoria Legal Aid Website: <http://www.legalaid.vic.gov.au> has information about going to court for a criminal charge

Law Institute of Victoria – referral to a private lawyer. Tel: 9607 9550

Your local Community Legal Centre (03) 9652 1500 Website: <http://www.communitylaw.org.au/>

Victorian Aboriginal Legal Service Tel: 1800 064 865 Website: <http://www.vals.org.au>

At Court

You must go to court if you are charged with an indictable offence or on bail. If you do not go to court you may be arrested. It is important to be at court if you have been charged with a summary offence. If you do not go to court you may be arrested or the case might be heard without you.

Be at court 30 minutes before the time on your summons or bail. When you get to court let the counter staff know that you are there.

Duty lawyer service

Victoria Legal Aid can help people at court. The type of help you get depends on your income, circumstances and what you have been charged with.

Problems Attending Court

Each Magistrates' Court has a Court Coordinator who organises the time and date for the cases to be heard. If you have any problems it is important for you to contact this person.

If you cannot come to court because you have a good reason or because you cannot get transport, contact the court coordinator **before the day of your court case**. You may be able to have your case moved to a different date and possibly to another court.

<http://www.magistratescourt.vic.gov.au>

Summary Case Conference

A summary case conference enables an out of court discussion between you and a police prosecutor prior to the first hearing date of your case to identify and discuss the issues in dispute. You may be required to participate in a summary case conference before your matter can be adjourned for a plea of not guilty. This discussion may determine how the charges against you will proceed before the court. The police prosecutor can discuss your case with you however will not provide legal advice.

Website <http://www.police.vic.gov.au>

IF YOU NEED AN INTERPRETER

If you need to have an interpreter, ask someone to contact the court coordinator at least five days before the day of your court case.

NOTE THE TIME AND DATE YOU SHOULD BE AT COURT

STATEMENT

Name: Peter PAPARGIRIS
Address: Transit Safety Division
2/637 Flinders St DOCKLANDS VIC
Occupation: Protective Services Officer of Police
Ph Work: (03) 9247 3300

STATES:

My Name is Peter PAPARGIRIS and I'm a Protective service officer currently stationed in Transit at the Victorian Police complex in Docklands. On Friday the 22nd of March 2019 I was tasked as PSO294 a mobile Patrol unit travelling on trains and trams in the Melbourne CBD with PSO Rob PRINGLE and PSO Andrea DIEL.

At Approximately 2.25PM Police communications informed PSOs of a male spray painting the television screens at Melbourne Central. PSOs informed Police communications that they were on a train and would disembark at Melbourne central and look for the male. At approximately 02.30PM PSOs arrived at Melbourne Central and were immediately approached by concerned commuters informing them of a male in a white t-shirt , black jean shorts and black boots walking around Platform 3 and 4 spraying the large screens with a fire extinguisher.

At about 02:33PM I started recording on my BWC as per the activation framework, which is an authorised device issued to me by Victoria Police. At about 03:31PM I stopped my recording due to Police unit taking custody and transporting the accused back to the Police station for questioning.

Once turning on my BWC camera we immediately began patrolling the platform that was full of commuters looking for the male. At approximately 2.34PM the accused in question approached PSO members stating he was the one responsible for the damage . I now know this male to be Kyle MAGEE born 15 October 1983 who resides at Unit 1 175 Kent Street Richmond Victoria.

MAGEE made full admissions to PSOs and handed over the fire extinguisher. PSOs notified police communication that they had the accused with them and to notify there transit Sergeant Gary BOURMAN. At approximately 2.35PM MAGEE was placed under arrest for criminal damage by PSO PRINGLE and was moved to the end of the platform due to the heavy traffic of commuters entering and exiting the trains. At 02.41PM PSO PAPARGIRIS read MAGEE his caution and rights.

I said, "I must inform you that you do not have to say or do anything, but anything you say or do may be given in evidence, do you understand that?"

He said, "Yes"

I said, "I must also inform you of the following rights. You have the right to communicate with or attempt to communicate with a friend or relative to inform that person of your whereabouts. You have the right to communicate with or attempt to communicate with a legal practitioner. If

you are not a citizen or permanent resident of Australia, you have the right to communicate with or attempt to communicate with the consular office of the country of which you are a citizen.

Do you understand these rights?

He said, "yes"

I said, "Do you wish to exercise any of these rights?"

He said, "no"

I said, "What was your reason for damaging the tv screens"

He said, "I'm Politically protesting against for profit advertising in public space"

At 2.45PM Sargent Gary BOURMAN arrived and arranged for a transit police unit to come collect MAGEE. At approximately 3.31PM a Transit police unit attended and took custody of MAGEE and transported him back to a police station for interview in regards to criminal damage.

I then continued on my normal foot patrol duties.



Peter PAPARGIRIS

Protective Services Officer 01987

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.



Peter PAPARGIRIS

Protective Services Officer 01987

Acknowledgment made and signature witnessed by me

at Docklands on 28/07/19 at 03:10pm



A/Sgt U. Sinath VP42223

STATEMENT

Name: Fintan J Heriot-Rice
Address: Transit Uniform
637 Flinders Street Docklands 3008
Occupation: Constable of Police
Ph Work: (03) 9247 3800

STATES:

My name is Fintan HERIOT-RICE and I am of Constable of Police currently working with the Transit Safety Division.

On Friday the 22nd March 2019 I was rostered to work the 03:00pm Divisional Van shift with Senior Constable Peter JORDAN, tasked to Melbourne Central Business District. At approximately 03:04pm we received a job from Police communications to attend Melbourne Central Station in regards to a male that had been sighted damaging television screens on Station property.

At approximately 03:24pm we arrived at the Latrobe Street entrance to Melbourne Central where Protective Service Officer's (PSO's) Peter PAPARGIRIS, Robert PRINGLE and Andrea DIELE along with Sergeant Gary BOURMAN were with the accused already in custody. A handover was conducted with PSO's and well as BOURMAN and the accused who I now know to be Kyle MAGEE (15/10/1983) MAGEE was transferred into my custody and the fire extinguisher that was used to commit the offence was also seized. MAGEE was conveyed by JORDAN and me to the Transit Safety Division where he was interviewed.

At the Transit Police Station on the 22/03/2019 I unsealed three (3) recordable DVDs (discs) in the presence of the accused and inserted them into the digital recording unit. At 04:33pm on this day, I activated the digital recording unit and a recorded interview

between me and the accused commenced. Also present during this interview was my corroborator Senior Constable Peter JORDAN.

At 04:43pm on the 22/03/2019, the recorded interview between the accused and myself concluded at which time I stopped the recording which caused the recording unit to finalise the discs. The unit played back ten seconds of each disc before the disc was ejected from the digital recording unit. I then certified that the recording had not been altered after its making. The accused was then handed a disc containing a copy of the recorded interview. I lodged the master disc in the Master Digital Recording Protection File. The recording produced on this occasion is an accurate copy of the interview I conducted.

I produce the Master Disc of that record of interview.

At the conclusion of the interview, I placed the seized fire extinguisher on Palm (2019-W-1563). The accused was released pending summons.

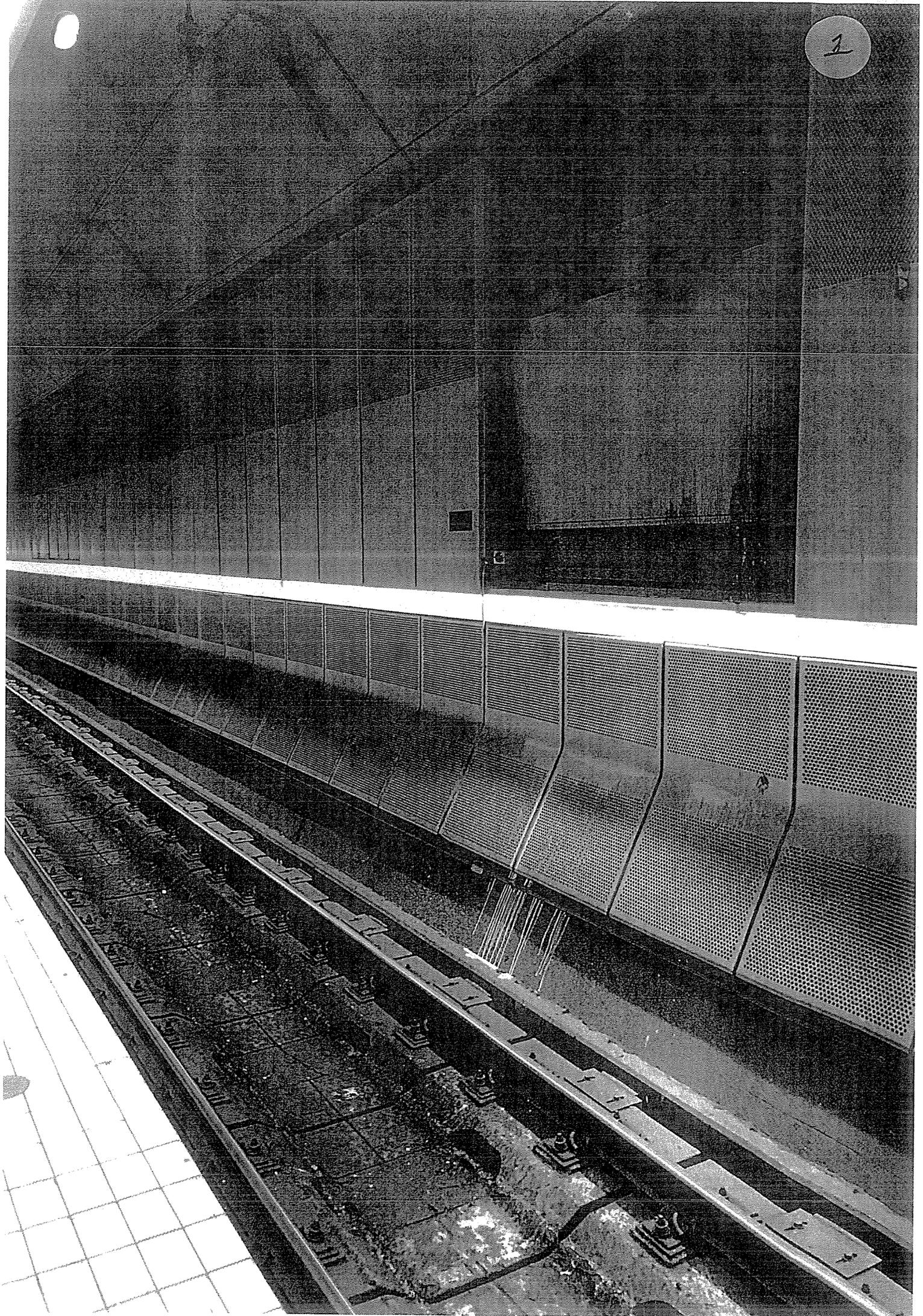
Fintan J Heriot-Rice
Constable 43258

I hereby acknowledge that this statement is true and correct and I make it in the belief that a person making a false statement in the circumstances is liable to the penalties of perjury.

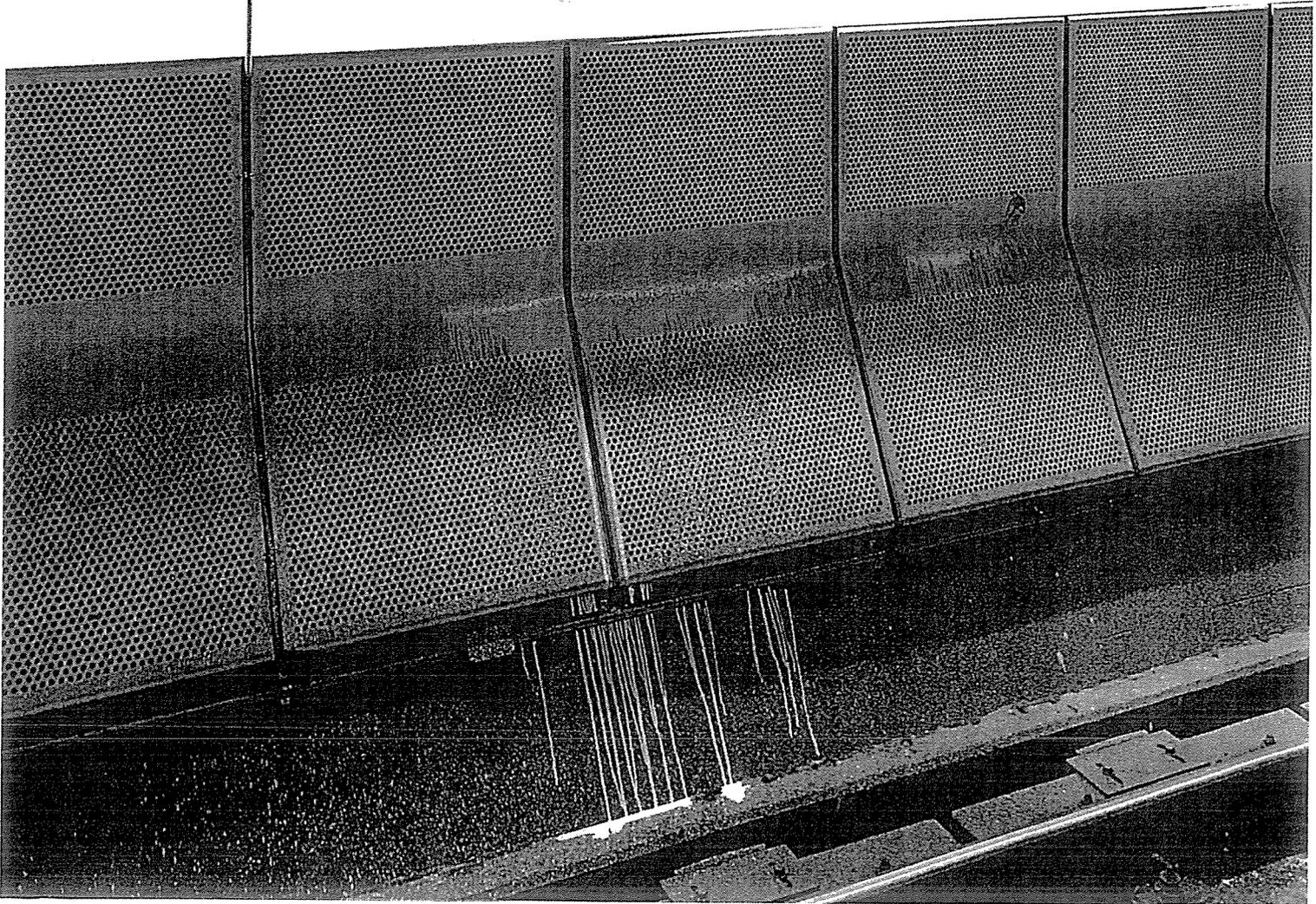
Fintan J Heriot-Rice
Constable 43258

Acknowledgment made and signature witnessed by me
at on at Transit.

5



2



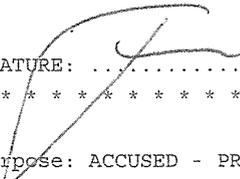
Sensitive: Personal

LFR01A
VP43258 CONST HERIOT-RICE

LEAP - VICTORIA POLICE
CRIMINAL RECORD

08:12 28/07/2019
Page 1 of 8

* CONFIDENTIAL - Unlawful use or disclosure of this information could lead to prosecution. *

SIGNATURE:  NAME: F. HERIOT-RICE RANK/NUMBER/TITLE: C/43258

MNI: 

Purpose: ACCUSED - PRIORS FOR COURT
Name: MAGEE, KYLE
Dob: 15/10/1983 Age: 35 Sex: MALE

ALIAS/ NICKNAME	SURNAME	GIVEN NAMES	DOB	SEX
ALIAS	MAGEE	KYLE ANTHONY	15/10/1983	MALE

COURT	DATE	DEGREE & CHARGE	COUNT	RESULT
MELBOURNE MAGISTRATES	11/04/18	re 01/11/17 POST OTHER DOCUMENT WITHOUT CONSENT WILFULLY DAMAGE PROPERTY		+ With conviction, fined an aggregate of \$1000.00 Order referred to the Director, Fines Victoria, for collection and management
MELBOURNE MAGISTRATES	11/04/18	WILFULLY DAMAGE PROPERTY POST OTHER DOCUMENT WITHOUT CONSENT		+ With conviction, fined an aggregate of \$1500.00 Order referred to the Director, Fines Victoria, for collection and management
MELBOURNE MAGISTRATES	11/04/18	WILFULLY DAMAGE PROPERTY		With conviction, fined \$2000.00 Order referred to the Director, Fines Victoria, for collection and management
MELBOURNE MAGISTRATES	01/03/17	POST PLACARD WITHOUT CONSENT		With conviction, fined \$100.00
MELBOURNE MAGISTRATES	01/03/17	POST PLACARD WITHOUT CONSENT		With conviction, fined \$100.00

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MNI: [REDACTED]

Purpose: ACCUSED - PRIORS FOR COURT

Name: MAGEE, KYLE

Dob: 15/10/1983 Age: 35 Sex: MALE

[REDACTED]

COURT	DATE	DEGREE & CHARGE	COUNT	RESULT
MELBOURNE MAGISTRATES	01/03/17	POST BILL WITHOUT CONSENT		With conviction, fined \$100.00
MELBOURNE MAGISTRATES	01/03/17	POST BILL WITHOUT CONSENT		With conviction, fined \$100.00
MELBOURNE MAGISTRATES	01/03/17	POST STICKER WITHOUT CONSENT		With conviction, fined \$100.00
MELBOURNE MAGISTRATES	01/03/17	POST BILL WITHOUT CONSENT		With conviction, fined \$100.00
MELBOURNE MAGISTRATES	30/09/15	POST BILL WITHOUT CONSENT		Aggregate 7 DAYS imprisonment. Concurrent. Effective total State term imposed is 7 days Forfeiture order made without consent Order all Property/s seized be forfeited and destroyed.
		POST BILL WITHOUT CONSENT WILFULLY DAMAGE PROPERTY		+ Aggregate 7 DAYS imprisonment. Concurrent. Effective total State term imposed is 7 days
		WILFULLY DAMAGE PROPERTY		Aggregate 7 DAYS imprisonment. Concurrent. Effective total State term imposed is 7 days Pay compensation \$586.00

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MNI: [REDACTED]

Purpose: ACCUSED - PRIORS FOR COURT

Name: MAGEE, KYLE

Dob: 15/10/1983 Age: 35 Sex: MALE

COURT	DATE	DEGREE & CHARGE	COUNT	RESULT
MELBOURNE MAGISTRATES	06/02/15	POST BILL WITHOUT CONSENT		With conviction, fined \$400.00 with \$91.52 costs
MELBOURNE COUNTY	29/01/15	APPEAL re 16/10/14 POST PLACARD WITHOUT CONSENT		APPEAL ALLOWED, ORDER OF MAGISTRATES' COURT SET ASIDE. CONVICTED AND FINED \$1000.00.
MELBOURNE COUNTY	29/01/15	APPEAL re 24/04/14 POST BILL WITHOUT CONSENT		APPEAL ALLOWED, ORDER OF MAGISTRATES' COURT SET ASIDE. CONVICTED AND FINED \$1000.00.
MELBOURNE MAGISTRATES	16/10/14	POST PLACARD WITHOUT CONSENT		70 DAYS imprisonment. Concurrent. Sentence is wholly suspended under S.27 of the Sentencing Act 1991. Operational period is 2 YEARS. Reasons AS INDICATED VIVA VOCE IN COURT.
MELBOURNE MAGISTRATES	24/04/14	POST BILL WITHOUT CONSENT		With conviction, fined \$1000.00 Pay compensation \$42473.60 as MAGEE, KYLE ANTHONY
MELBOURNE MAGISTRATES	14/11/13	DEFACE ANY STRUCTURE WITHOUT CONSENT		With conviction, fined \$75.00 with \$73.20 statutory costs.

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MNI: [REDACTED]

Purpose: ACCUSED - PRIORS FOR COURT
Name: MAGEE, KYLE
Dob: 15/10/1983 Age: 35 Sex: MALE

COURT	DATE	DEGREE & CHARGE	COUNT	RESULT
MELBOURNE MAGISTRATES	07/10/13	POST OTHER DOCUMENT WITHOUT CONSENT		With conviction, fined \$400.00 Forfeiture order made by consent Order all Property/s seized be forfeited and destroyed.
MELBOURNE MAGISTRATES	14/02/11	INTENTIONALLY DAMAGE PROPERTY POSSESS ARTICLE FOR CRIMINAL DAMAGE		With conviction, fined an aggregate of \$500.00 Pay compensation \$40.17 With conviction, fined an aggregate of \$500.00 Forfeiture order made without consent Order following Property/s seized be forfeited and destroyed: 1 X BLACK BUCKET, CONTAINING A QTY WHITE PAINT; 1 X PAINT BRUSH; 1 X 'WET PAINT' SIGN.
MELBOURNE MAGISTRATES	22/12/09	INTENTIONALLY DAMAGE PROPERTY		28 DAYS imprisonment. Concurrent. Effective total State term imposed is 28 days Time held in custody, 28 days, reckoned as a period of imprisonment already served under this sentence. Pay compensation \$250.00 as MAGEE, KYLE ANTHONY

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MNI: [REDACTED]

Purpose: ACCUSED - PRIORS FOR COURT
Name: MAGEE, KYLE
Dob: 15/10/1983 Age: 35 Sex: MALE

COURT	DATE	DEGREE & CHARGE	COUNT	RESULT
MELBOURNE MAGISTRATES	22/12/09	BREACH re 12/06/09 INTENTIONALLY DAMAGE PROPERTY		Suspended sentence wholly restored. The restored term to be served is 14 days . Effective total State term imposed is 14 days Time held in custody, 14 days, reckoned as a period of imprisonment already served under this sentence. Cumulative upon State sentences presently being served and imposed prior to this day. Cumulative upon other State sentences imposed this day.
MELBOURNE MAGISTRATES	22/12/09	CRIMINAL DAMAGE (INTENT DAMAGE/DESTROY)		With conviction, fined an aggregate of \$1000.00 Forfeiture order made by consent Order all Property/s seized be forfeited and destroyed. Pay compensation \$750.00
		CRIMINAL DAMAGE (INTENT DAMAGE/DESTROY)	2	With conviction, fined an aggregate of \$1000.00
MELBOURNE MAGISTRATES	12/06/09	INTENTIONALLY DAMAGE PROPERTY		28 DAYS imprisonment. Concurrent. Sentence is partially suspended under S.27 of the Sentencing Act 1991. term to be served is 14 DAYS. Operational period is 6

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Purpose: ACCUSED - PRIORS FOR COURT

Name: MAGEE, KYLE

Dob: 15/10/1983 Age: 35 Sex: MALE

COURT	DATE	DEGREE & CHARGE	COUNT	RESULT
Continued MELBOURNE MAGISTRATES	12/06/09	See charges above		MONTHS. Effective total State term imposed is 14 days Time held in custody, 7 days, reckoned as a period of imprisonment already served under this sentence.
MELBOURNE MAGISTRATES	19/02/09	CRIMINAL DAMAGE (INTENT DAMAGE/DESTROY) POSSESS ARTICLE FOR CRIMINAL DAMAGE	+	Aggregate 46 DAYS imprisonment. Concurrent. Effective total State term imposed is 46 days Time held in custody, 1 day, reckoned as a period of imprisonment already served under this sentence.
NJC MAGISTRATES	18/12/08	CRIMINAL DAMAGE (INTENT DAMAGE/DESTROY) INTENTIONALLY DAMAGE PROPERTY	4 +	ON EACH CHARGE: Aggregate 1 MONTH imprisonment. Concurrent. Effective total State term imposed is 1 month Time held in custody, 2 days, reckoned as a period of imprisonment already served under this sentence. Forfeiture order made without consent Order all Property/s seized be forfeited and destroyed. Pay compensation \$1000.00

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MNI: [REDACTED]

Purpose: ACCUSED - PRIORS FOR COURT
Name: MAGEE, KYLE
Dob: 15/10/1983 Age: 35 Sex: MALE

COURT	DATE	DEGREE & CHARGE	COUNT	RESULT
MELBOURNE MAGISTRATES	10/09/07	BREACH re 02/03/07 INTENTIONALLY DAMAGE PROPERTY CRIMINAL DAMAGE (INTENT DAMAGE/DESTROY)	13 +	BREACH OF SUSPENDED SENTENCE. SENTENCE PARTIALLY RE-INSTATED 27 DAYS.
MELBOURNE MAGISTRATES	10/09/07	CRIMINAL DAMAGE (INTENT DAMAGE/DESTROY) INTENTIONALLY DAMAGE PROPERTY	2 + 2	Aggregate 27 DAYS imprisonment. Concurrent. Effective total State term imposed is 27 days Time held in custody, 27 days, reckoned as a period of imprisonment already served under this sentence. Custody Management Issues The defendant may be at risk due to the following: Risk of self harm Psychiatric illness Undiagnosed disability/illness Other: YOUNG OFFENDER FIRST TIME IN CUSTODY - HAS RECORDE D TREATEMENT THRU ORYGEN ADN PSYCHIATRIST DAN LUBM AN - COULD PRIORITY PLS BE GIVEN TO EARLY TRANSPOR T TO MAP FOR PSYCHIATRIC ASSESSMENT PLS REFER TO SENTENCE MANAGEMENT Recommend all reasonable assessment and supervision to ensure safe custody. as MAGEE, KYLE ANTHONY

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Purpose: ACCUSED - PRIORS FOR COURT
Name: MAGEE, KYLE
Dob: 15/10/1983 Age: 35 Sex: MALE

COURT	DATE	DEGREE & CHARGE	COUNT	RESULT
MELBOURNE MAGISTRATES	02/03/07	INTENTIONALLY DAMAGE PROPERTY CRIMINAL DAMAGE (INTENT DAMAGE/DESTROY)	13 +	Aggregate 2 MONTHS imprisonment. Concurrent. Sentence is wholly suspended under S.27 of the Sentencing Act 1991. for 12 MONTHS. Forfeiture order made without consent Order all Property/s seized be forfeited and destroyed.

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