

Harley Sturzaker, you plead guilty to one count of stealing, two counts of aggravated burglary and one count of aggravated armed robbery. I also agreed to deal with your plea of guilty to the summary charges of possessing a shortened firearm and possessing a firearm without a licence. On 25 May 2019 Kylie Herlihy, the mother of a friend of yours, told you that she had learned the complainant, an elderly man living alone in a unit in South Launceston, had a large amount of cash and would be an easy target. You joined her plan to rob him of the money she thought he had. Around lunchtime on that day you went to the house with Ms Herlihy and three other young men. You took a sawn off double barrel 12 gauge shot gun. Of course you did not have a licence to possess such a firearm. You had been told that the occupant would not be there and you did not take the gun expecting a confrontation. However the complainant was home. He was alone. Despite this, you and Ms Herlihy and two of the men entered through the unlocked back door and started looking for money to steal. When the complainant was confronted he threatened one of your associates with a metal pole, whereupon you all left, stealing only prescription medication. The gun was not produced and the complainant was not then made aware of it.

That evening, not content with the result of the earlier burglary, Ms Herlihy and another older man resolved to go back. You again agreed to go with them and to take the shotgun, which you loaded. When you arrived you kicked open the back door. You went inside and the others followed. The older man stayed outside in the car as driver. You had some sort of pink cover on your head. Ms Herlihy's face was partially covered with her hooded jumper. Again, the complainant was home alone. You produced the shotgun, pointed it at the complainant and demanded money. When he did not answer, you struck him to his head with the barrel of the gun with such force as to knock him from his chair onto the ground. While he was on the ground he was struck again to his head at least once with the barrel of the gun. One of the blows caused a serious laceration to the top of his head. While this was happening Ms Herlihy searched the unit. She then took the gun and stood over the complainant while you searched. When you returned you took back the gun and kicked the complainant with more aggressive demands to be told where the money was. The complainant was bleeding from the head and struggling to stand up. You then left taking two wallets containing cash, about \$450 in coins and some foreign currency. More prescription medication was taken. The takings were divided between the three offenders.

The complainant was left lying bleeding on the floor. He was able to summon help from the neighbours and an ambulance was called. Enquiries following discovery of forensic evidence at the unit led to identification of the offenders and you were arrested three days later on 29 May 2019. When interviewed you admitted that you were at the complainant's home during the day but lied about your involvement, denied having gone back to the home later and generally attempted to direct the blame away from yourself.

The complainant suffered a laceration to his forehead, a wound to his scalp which required about 10 staples to close, a subdural haematoma, painful swelling and bruising to his left hand and chest wall. He was in hospital for about five days but he has taken some time to physically recover since his discharge and has ongoing problems with balance. There has been a strong psychological impact. He no longer feels safe in the home he has lived in for 27 years.

You were 21 when this crime was committed. At the time you had no prior convictions except for some summary driving offences committed in 2017. After leaving school in year 10 you demonstrated the capacity to hold employment. However you were impacted when your mother developed drug problems of her own and you suffered other personal misfortunes. You fell into bad company and you developed a serious addiction to methylamphetamine. That is not mitigating. Crimes of dishonesty and violence motivated by abuse of the drug are all too common, but it helps to explain how you were led to commit such serious crimes. Since you have been in custody you have become much healthier and put on weight, tending to confirm that you have ceased using drugs. You hold a responsible position in prison.

You are entitled to mitigation from your plea of guilty. It facilitates justice and saves the complainant the additional trauma of having to recall and give evidence about these events. You demonstrated no immediate remorse. You returned to the unit after the first burglary, left the man lying badly injured and alone and lied to the police. I accept, however, that, having now seen the victim impact statement, you have come to realise the impact of what you did and are sorry for it.

The crime of aggravated armed robbery is always serious, but when the crime is committed during the course of a home invasion that is particularly so. An unsuspecting, vulnerable and elderly man was targeted twice on the same day. You did not initiate or plan the crimes but you willingly joined in. You were affected by alcohol and drugs. That does not reduce the seriousness of what you did to any extent. You committed two separate criminal acts, albeit on the same day, both of which involved the complainant being confronted by multiple intruders in his own home. Both occasions must have been terrifying and traumatic, and on the second occasion you subjected the complainant to a savage beating which resulted in serious injury. The use of disguises, no doubt, added to his terror. You supplied and took the gun, and you were responsible for inflicting all of the direct violence. The use of a loaded firearm to beat and threaten the victim significantly aggravates the seriousness of the robbery. The risk of even worse disaster was significant, especially because you were affected by methylamphetamine. It may not have been your intention to use the firearm but the victim was not to know that.

Ms Herlihy was sentenced to imprisonment for four years and three months with eligibility for parole after serving half. As to parity, you are younger than Ms Herlihy and your record is not as bad. Youth is relevant but not to the same extent that it would have been for less serious crimes. The crimes were her idea but you were directly responsible for serious and damaging violence. You also face the firearm charges. You made no admissions and showed no immediate remorse. You have not disclosed the whereabouts of the firearm. When all is taken into account I think that you should receive the same sentence as Ms Herlihy. But for your plea of guilty I would have sentenced you to imprisonment for five years. Because of your plea I will reduce the sentence and allow the earliest possible eligibility for parole. I will order that the sentence commence after having taken into account the period you have already spent in custody.

Harley Sturzaker, you are convicted on counts 2 to 5 inclusive on the indictment and on counts 3 and 4 on complaint 32746/2019. I make a compensation order in favour of the complainant, whose name will be specified in the order, and adjourn the further terms of that order to a date to be fixed. You are sentenced to imprisonment for four years and three months from 24 October 2019. I order that you not be eligible for parole until you have served half of that sentence.