

Brett Robinson-Stacey, you are to be sentenced on your pleas of guilty to a charge of causing grievous bodily harm, two counts of aggravated assault, recklessly discharging a firearm, two counts of unlawfully injuring property and one count of assaulting a police officer. I also agreed to deal with related summary charges, namely two counts of possessing a firearm without a licence and two counts of possessing a shortened firearm.

The grievous bodily harm occurred first. On 5 December 2018 Robyn Brown went to the home in Trevallyn of Nomi Mountney. You had been staying with Ms Mountney. Ms Brown thought she had been cheated out of \$150 in a drug transaction she said had occurred with Ms Mountney a day earlier. When no-one was home she broke in, intending to steal things to compensate her. While she was inside, Ms Mountney's children and two friends returned home and you and she arrived soon afterwards. There was a physical altercation between Ms Brown and Ms Mountney. Ms Brown was the aggressor and Ms Mountney called for your help. You approached Ms Brown with a .22 rifle and told her to leave the house. When she did not do so you then fired the rifle twice. The first shot struck the door frame but the second shot struck Ms Brown in the upper left leg. You then picked up the cartridge casings and fled. Ms Brown was taken to hospital by ambulance. Examination revealed a 1 cm entry wound and bullet fragments in her thigh and a fracture of her femur above her knee caused by the impact of the bullet. Very fortunately there was no vascular injury. Surgery was required to insert a rod to stabilise the fracture and to remove the fragments.

Two days later, on 7 December 2018, the police were called to Ms Mountney's home after having received a report of you walking around the neighbourhood with a firearm in a bag. Knowing something of your background, and suspecting you of having been responsible for shooting Ms Brown, police officers attended in number. They arrived at about 5.20 pm. You were inside. The intention, as you knew, was to arrest you. Uniformed officers established a cordon and four detectives went to the front door. When one of the detectives, Detective Bolton called out to you, the police concern about what might happen was immediately justified. You fired a shot from the .22 calibre Stirling bolt action repeating sawn off rifle you had with you, and you told the police to "fuck off." Fearing they may be shot, they all quickly retreated to shelter behind vehicles parked on the street. By firing that shot you committed an aggravated assault of those four police officers. It was an aggravated assault not only because it involved use of a firearm, but also because it was committed to prevent your lawful apprehension. It was a threat to shoot them when each of them reasonably believed, because it was true, that you had the means to do so. Detective Bolton asked you to throw the gun out but was met only with the sound of more shots being fired. From then, until you were eventually apprehended and arrested about 16 hours later, at 9.30 am the following day, you held siege from within the house. A trained police negotiator was appointed just after 6.00 pm and attempted contact by phone and text message. It soon became apparent that Ms Mountney was also inside the house. However you refused to surrender and continued to fire shots. In all, you fired the gun at least 35 times from different locations inside the house. By 7.45 pm you had fired the gun about 22 times. Your actions terrified many people in the houses nearby. The street was closed off, residents were prevented from leaving or returning to their homes and some nearby residents were evacuated. The shots you fired were from the front, and back and from the northern side of the house. The precise direction of most of those shots cannot be determined, but some can be. One of the shots struck an unmarked police car parked outside the house, destroying a window and damaging the interior lining of the vehicle. At about 7.15 pm one young officer

left his position in the cordon and went into the neighbouring house to check if anyone was there. He found a lady, Hendricka Showell, who, it was later established, was aged 76. Mrs Showell was hiding at the back of her house, as far as she could get from the gun fire. She was frightened and visibly distressed. Subsequent examination of her house revealed a bullet hole in the roof of her home, and a bullet hole in the car which was parked in her carport. After attempting to comfort Mrs Howell, that police officer returned to a position at the western side of your house. From there he heard shots fired from an open window in the second storey. He then heard shots from the rear of the house. When he looked out to see what was happening he saw you pointing the sawn-off rifle towards him. As he pulled his head back he heard a shot. The bullet struck the ground in the garden close to him. You said "Put your head out there again you fucking goose and I will shoot it." The act of firing that shot is the second aggravated assault. It involves the same circumstances of aggravation as the first. It was a threat to shoot the officer with a firearm, to prevent your lawful apprehension. The State accepts that you are to be sentenced on the basis that you intended to scare rather than shoot him, by firing near him and not at him.

Over the ensuing hours you were spoken to many times by the police negotiator but to no avail. A different negotiator took over at 1.00 am. He spoke to you for about three hours until 4.00 am when you began to refuse to answer his calls. The Special Operations Group was enlisted and an armoured vehicle was placed in the street. The negotiator managed to re-engage with you. For a time you indicated a willingness to leave the premises but that did not last long. At 9.30 am you threatened to shoot Ms Mountney, as if she were a hostage, unless a car was brought to enable your escape. When you began a countdown the Special Operations Group had no alternative than to enter the property by force. Ms Mountney was located in a highly distressed state and removed to safety. You were located and restrained despite offering violent resistance to a total of five officers. The resistance you offered is the basis of the crime of assault police. You attempted to bite one of the officers on the arm. Even after the police managed to handcuff you, you continued to resist by kicking and thrashing around while screaming abuse. You were only eventually subdued by application of a taser to your hip.

When you were interviewed, you admitted much of what you had done, although you also admitted an intention to come out shooting. When the .22 rifle was found it had a round in the chamber and further rounds in the attached magazine. Both the barrel and the butt had been shortened so the overall length was only 34 centimetres and so it was to be fired like a pistol. It was tested by a ballistics expert as capable of inflicting a lethal wound. You should not have had any firearm and it goes without saying that you should not have had a weapon of this type.

You are now 25. You were 24 when these crimes were committed. Despite the best efforts of your parents you have displayed behavioural problems from a young age and have limited education. Your crimes are not attributable to mental illness or impairment. According to your counsel you are literate and well-spoken, with the capacity for insight into your conduct. However, you have a very bad record for serious crimes of dishonesty and violence, strongly contributed to by a long term addiction to illicit drugs. You used amphetamine from age 14 and crystalline methamphetamine from age 16. Since your early teens much of your life has been spent in detention or prison. In 2013 a drug treatment order was tried but was unsuccessful. You have effectively been in prison since then. As soon as you are released, either on parole or having completed a sentence, you re-offend, mostly as a result of your inability to abstain from illicit drugs. For example, you were released on parole on 12 January 2015 but committed an armed robbery on 6 February 2015 for which you were imprisoned for two years. You were released on parole on 22 August 2016 but committed further crimes on

16 September 2016. On that day, after terrorising a young couple with infant children at their home in West Launceston, you held the police at bay with knives and threats in the course of a moving cordon through the streets of Launceston lasting well over an hour, damaging cars and buildings as you went. The behaviour you demonstrated on that occasion is disturbingly similar, although much less serious, to the crimes for which you are now to be sentenced. You were sentenced to imprisonment for one year and ten months. Eligibility for parole was ordered but you were not released until 20 November 2018, having served the whole sentence. These crimes were committed less than three weeks later during which time you had acquired this gun and recommenced use of drugs. You have been in custody since your arrest.

You have pleaded guilty. Relatively soon after all the materials were made available to you, your counsel has been working with the prosecution to determine the appropriate charges and to resolve them. It has been made clear from an early stage that a trial was not required, and so you have facilitated justice in that way. Apart from your plea of guilty there is nothing mitigating. Your counsel's submission that you have become institutionalised over the years, and have difficulty coping with life in the community, is obviously correct. You indicated to the police a wish to not return to prison but have done nothing to demonstrate a willingness to change. You are still a young man, so I will allow for parole, but only after you have served the minimum time I consider that justice requires. It will be a matter for the Parole Board to determine whether any application you make for parole is allowed.

Your crimes are very serious for a range of reasons. Whilst Ms Brown was a trespasser, and you were entitled to use some force to defend Ms Mountney and remove Ms Brown from the home, shooting her in the leg was a completely excessive and unjustified response, carried out in the presence of teenagers. You intended to scare Ms Brown, not cause her serious injury, but you realised the risk that you may do so and fired the gun twice anyway. When she screamed you threatened to shoot her again. I do not see the level of culpability as much less than if you had intentionally shot her. It is another example of your violent and lawless behaviour. Fortunately, despite the serious nature of her injury and the insertion of a rod in her thigh, it seems she has made a reasonable physical recovery without any significant long term effects. There was potential for much greater injury or death. That crime alone warrants a sentence of imprisonment of at least 2½ years.

As to the crimes committed on 7 December 2018, there are a number of particular matters which should be reflected in the sentence. The extreme danger posed to the police and others in the vicinity by the shots you fired is obvious. You displayed a reckless disregard for their safety and well-being. Taking into account the number of shots, the nature of the weapon from which they were fired, the direction of fire as far as it can be determined, the nature of the locality in which the shots were fired and the number of people potentially put at risk, it is a very serious example of the crime of recklessly discharging firearm. During your police interview you claimed that you did not aim at anyone and your intention was only to keep the police at bay. However, the accuracy of the weapon you were using was, as you already knew, poor. You aimed near the police officer and the shot struck very close to him. Another shot struck and penetrated a police car parked near where police were sheltering. At least two shots were directed towards Mrs Showell's home. One struck her car and penetrated the body near the fuel cap. Another penetrated the iron on her roof. There was a lot of room for error and the potential for serious or fatal injury was very real.

The community relies heavily on the police for its safety and security. Police officers are routinely required to respond to situations of danger and to put their personal safety at risk in

the service of the community. Here the risk they faced in the execution of their public duty was extreme. You were not only armed but had demonstrated a willingness to use the weapon in your possession. Your emotionally unstable and erratic behaviour, at least in part induced by illicit drugs, only added to the risk. You were given every opportunity to safely surrender, but you refused over a prolonged period. Considerable public resources were needed to eventually secure your apprehension, which only happened after the Special Operations Group members were required to put themselves at considerable risk to enter and overpower you, knowing you were armed. They are to be highly commended for achieving that aim without injury to you or them, despite you being, at every stage, contemptuous of the police's authority and responsibility. Even experienced police officers suffer the predictable effects of exposure to events like this. For example, one of the officers who went to the door has describes how he immediately feared for the life of his colleagues, and has a particular and lasting memory of the fear he experienced throughout the incident. The young officer you fired towards experienced a significant psychological impact which affected his work and his personal relationships, which continue even now, more than a year later, and are likely to continue further. Some of the residents, including Mrs Showell and others, have described the fear and distress they experienced at the time and afterwards as a result of your acts.

There is some overlap in the criminal conduct involved in the various charges which arise from the siege. For example, the discharge of the firearm resulted in the two assault charges, and the damage to property charges. You are not to be punished twice for the same conduct, but each charge involves different aspects of criminality. The reckless discharge of the firearm involved risk to the police and to the community over and above the threat associated with the assaults. You are charged with multiple crimes and offences, each involving some facet of the course of your conduct. My task is to determine a just and proportionate response to your overall criminality. In my assessment the level of criminality involved in your conduct is high. It calls for strong punishment. When viewed in light of your record, it demonstrates a very real need to protect the community. Further, it is necessary that you be made an example of, so as to vindicate the authority of the police and, as far as can be achieved by a sentencing court, deter others from acting in the way you did. Balancing all those factors with your plea and totality across all offences, those offences should attract a sentence of no less than 5 ½ years.

Brett Robinson-Stacey, you are convicted on each count to which you have pleaded guilty. I make compensation orders in favour of Hendricka Showell in a sum to be assessed and in favour of Tasmania Police in the sum of \$2,829.17. I impose one sentence. You are sentenced to imprisonment for eight years from 8 December 2018. I order that you not be eligible for parole until you have served five years of that sentence.