

Ms McGuire you have pleaded guilty to attempted robbery, and the facts upon which I am sentencing you are these.

At around 1 am on 15 September 2018 you and two other people walked into Glenorchy. The complainant, who was one of your party at that stage, intended to withdraw money from a teller machine prior to going home. Whilst she was attempting to withdraw money she was holding her wallet. You saw inside her wallet. You saw her place it into a green Woolworths bag. You and the other person, a male, then walked away from her in the other direction, but shortly after you turned and ran back towards her. You approached her. You grabbed the Woolworths bag into which you had seen her place her wallet. She resisted you, and you struck at her, before she managed to break free and run across the road towards a pizza shop. You followed. You punched her to the face several times and kicked her to the stomach in an attempt to obtain the bag. She would not let go of the bag, got away and ran to a taxi. You ran away.

She made a statement to police and an investigation followed. The police spoke with the other person who had been with you, and he identified you as being involved. You were arrested and taken to the Glenorchy Police Station where you participated in a video interview. In that interview you said you had been smoking cannabis, that you had seen about \$100 in the complainant's wallet, that you had punched her several times and kicked her. You told police that you were ashamed of what you had done and that you were remorseful.

The complainant received a bloodied nose, tenderness to the right side of her face and tenderness to her stomach. She received bruising and grazing to the forearm and wrist as a result of your assault upon her.

You are 20 years old. You were 19 at the time of the offending. You appear before me without prior conviction.

I requested a pre-sentence report. It describes a difficult upbringing, and, more recently ongoing issues associated with your accommodation, which has led to particular difficulties with uninvited male visitors and substance abuse. Concern has been expressed that older men and people who use drugs and are known offenders visit you at night, and those that care for you feel powerless to protect you.

I do not need to set out the episodes referred to in the pre-sentence report but I have regard to them and the way in which your circumstances generally seem to influence you in making a judgment about the conduct in which you engage. Ms Clark emphasised these as significant factors in your offending, and I agree with her. My view is that the circumstances in which you find yourself leave you vulnerable to influences which cause you to engage in behaviour which is otherwise out of character for you.

The context for this is your intellectual disability. I note that you were diagnosed with schizophrenia in 2018, and you are subject to a treatment order. Substance abuse has made it difficult for the carers to address underlying issues with your psychiatric condition which means you are compromised in the care you are receiving and, in turn, your own future prospects. In respect of substance abuse, Ice has become a particular problem for you.

According to the psychiatric report I have received, you were forcibly injected with methamphetamine when you were 16 years old. You have been using that drug since.

I am aware that your willingness to participate in a program directed towards addressing your substance abuse problem has been frustrated by the closure of the program due to COVID-19. I nevertheless have regard to your willingness to participate in that course, noting that you are assessed as suitable to participate in the residential program and can be put on the waiting list. That live-in program would also afford you protection from the late night visits to which I have referred as contributing to your general situation.

In sentencing you I have regard to the contents of the psychiatric report from Dr Jordan. I also have regard to your youth. The primary focus in sentencing you must be your rehabilitation. In saying that, the Court must not ignore the obligation to deter others and vindicate the victim of your offending through a sentence which recognises the seriousness of your conduct and its consequences. But your youth means that those considerations are given what is sometimes referred to as "a backseat" in the sentencing exercise.

You are considered unsuitable for community service orders due to your intellectual disability and psychiatric diagnoses.

However, a community based disposition is recommended to support your rehabilitation in the context of your complex needs and vulnerabilities. I accept the recommendation of the report that a community correction order represents an appropriate way to support your engagement with services which can support you in the long-term. This is what I intend to do.

I convict you. I make a community correction order for a period of 12 months. I impose the core conditions. In particular, you will submit to the supervision of a probation officer who can monitor your engagement and progress with the respective and relevant services that you require to address the issues with which you present.

So the effect of that today, Ms McGuire, is that I am convicting you and you will for the next 12 months engage with Community Corrections who will attempt to assist you, along with the other people who are attempting to assist you, to address the issues that have caused you to come before the Court. But it is in your hands. You must engage with those people. They have your interests at heart. You need to have your own best interests at heart, and through that engagement make some progress so that we do not see you back before the Court. Do you understand? "Yes". Alright, well make the best of it.