

Mr Cosgrove, you have pleaded guilty to one count of aggravated burglary and three counts of stealing.

The crimes were committed on 30 April 2019. You had unlawfully entered the City Park Grand Hotel some time before 6am on that day. Your intention was to steal what you could. You were wearing a bandanna over your face and carrying a backpack and a jemmy bar. You located property to steal in the dining room and kitchen. This included bottles of alcohol and personal property of two staff members of the hotel. One of the staff discovered you while you were still in the hotel searching for things to steal. A stand-off took place when the two staff members secured themselves behind glass doors in the dining room, where you were, thereby preventing your exit from the hotel. One of the staff held the door while the other went to call police. When you tried to push the door open, the staff member pushed back. You told her that you were not going to hurt her, but she still would not let you go. You then raised the jemmy bar with the hook side pointing at her and shouted "If you don't let me out, I'm going to fucking hit you." The staff members fled from the hotel, and shortly after, so did you. However, you were soon apprehended by police.

You are 30 years of age. You have a lengthy history of continuous offending. It starts at the age of 15 and continues without significant interruption until your arrest on these charges. The history contains convictions for a variety of offences, including numerous burglary offences and other offences of dishonesty, as well as traffic and drug related offending. The drug treatment order assessment report confirms a significant and lifelong drug problem, that is closely related to your offending behaviour. You have been on the CMD program twice before, but were taken off those programs because of ongoing offending. You have also been sentenced to a number of probation orders, but none of this seems to have had any real effect on your drug problem or offending conduct. Despite this, the author of the report has assessed you as both eligible and suitable for diversion to treatment by the CMD program. There is no doubt that there was a relationship between this offending and your drug problem because you were stealing to obtain money to buy drugs. The report notes your poor history of compliance with community-based sentencing orders, but the author seems to consider that you may have reached the point in your life where you are ready to make a commitment to real change. You have a number of children, including two from the relationship with your partner. It is noted in the report that she is a stable and supportive influence on you. You also cite your children as motivation to reform. After your arrest you were held in custody. A sentence was imposed in August 2019 that was backdated to the day of your arrest on these charges. That sentence was imposed for offending which predated the commission of these crimes. There is nothing else on your record after your release, and it has been confirmed by counsel today, that you are not facing any pending charges. Further, it appears that you have been taking a number of steps to address your drug problem, as well as other issues from your past which are making it difficult for you to achieve rehabilitation. This includes engaging with the alcohol and drugs service in a satisfactory way, participating in the sub Oxone program and commencing psychological counselling in relation to some traumatic events in your past.

I accept the recommendation of the report and consider that it is appropriate to make a drug treatment order. It is true that you committed very serious criminal conduct. The burglary of the hotel at the time that you entered it meant that you were likely to encounter staff. You threatened a staff member with a weapon, which would have been traumatic experience for

her. However, it seems to me that there is a reasonable basis to conclude that you are now ready to make the commitment necessary to change your life. You will have the support of your partner, and your children are an excellent reason for you to achieve success in rehabilitation.

Accordingly, I intend to make a drug treatment order. Before I do, I will make a compensation order in favour of City Park Grand Hotel Pty Ltd in a sum to be assessed, and I adjourn the assessment of that sum sine die.

In relation to the drug treatment order, I am satisfied of the following matters:

- (a) that you have a demonstrable history of illicit drug use, and that that drug use has contributed to the commission of the crimes for which you are being sentenced;
- (b) that were it not for making a drug treatment order, I would have sentenced you to a term of imprisonment and would not have suspended the sentence either in whole or in part;
- (c) that there are no proceedings pending against you in any court for sexual offences or offences involving the infliction of actual bodily harm;
- (d) that it is appropriate in all circumstances to make the order, and the facilities likely to be used for the treatment and supervision part of the order are reasonably accessible to you;
- (e) that there are sufficient staff and resources available to comply with the requirements of section 27B(3)(ba) of the *Sentencing Act*.

You are sentenced to a drug treatment order. The custodial part of the order will be a term of imprisonment of two years. You are not required to serve all or any of the custodial part of the order unless ordered to do so by a court, which will happen if you do not comply with the conditions of the order. The conditions of the order are as follows:

- 1 You must not in Tasmania or elsewhere commit another imprisonable offence.
- 2 You must attend the Magistrates Court of Tasmania, Launceston, at 2.15pm on 14 October 2020, and thereafter attend the Magistrates Court or the Supreme Court of Tasmania whenever the Court directs.
- 3 You must report to a court diversion officer at Community Corrections, Launceston within two clear working days of the making of this order.
- 4 You must undergo such treatment for your illicit drugs use problem as is specified by this order, or from time to time specified by the Court.
- 5 You must report to, or accept a visit from, your case manager or court diversion officers.
- 6 You must, unless there are special circumstances, give your case manager at least two clear working days' notice of any change of address.
- 7 You must not leave Tasmania except with the permission granted either generally or in a particular case of the Court.

- 8 You must comply with all lawful directions of the Court.
- 9 You must comply with all reasonable directions of your case manager and court diversion officers concerning the conditions of this order.
- 10 I will include the following program conditions:
- (a) You must submit to drug testing as directed by your case manager or court diversion officers.
 - (b) You must submit to detoxification or other treatment, whether or not residential in nature, as directed by your case manager or court diversion officers.
 - (c) You must attend vocational, educational, employment, rehabilitation and other programs, as directed by your case manager or court diversion officers.
 - (d) You must submit to medical, psychiatric or psychological treatment as directed by as directed by your case manager or court diversion officers.
 - (e) You must reside at [address] and not change that address without the prior approval of the Court.
 - (f) You must do or not do any of the following things:
 - (i) You must not use any illicit drug.
 - (ii) You must not use any non-prescribed drug, except in accordance with the direction of your general practitioner, treating medical specialist or case manager.
 - (iii) You must not use any illegal drug that interferes with your ability to comply with the conditions of this order.
 - (iv) You must attend counselling as directed by your case manager.
 - (v) You must be contactable by telephone at all times and inform your case manager of any changes to your telephone number.
 - (vi) You must not consume alcohol to excess, and you must submit to breath testing as directed.
 - (vii) You must reside at [address] and be at this property between the hours of 10pm and 7am daily.
 - (viii) You must not associate with anyone who uses licit or illicit drugs, synthetic drugs, unidentified drugs that alter mood or perception, without the permission of your case manager.
 - (ix) You must remain contactable at all times.

The order is subject to you agreeing in writing to the making of this order and to comply with the treatment and supervision part of the order. You must therefore wait at court, Mr Cosgrove, and you cannot be released until you have signed the order to confirm your agreement to it.

Finally, I just make the comment, which must be obvious to you, that this is really your last chance. You must rigorously comply with these conditions. It is not an easy program. It will not be anybody else's fault if you break any of these conditions. It is up to you to make sure you are contactable and do what is required in order to satisfy these conditions, and make the most the most of this order. If you do, the rewards will be there. If you do not, you will end up serving some or all of your sentence.