

Michael Charlesworth, you were found guilty by a jury of aggravated armed robbery. Although I am to determine the facts for sentence, they, for the most part, follow from the verdict. At about 8.40 pm on Wednesday 9 May 2018 you and another man entered the Mowbray Hotel through the door from the car park. You both wore dark hooded jumpers with cloth coverings over your nose and mouth. You were carrying a small axe and your co-offender carried a long machete like knife. You had travelled there in a white utility in which you were the passenger. You and your co-offender had, minutes before, gone to a different hotel at Rocherlea intending to rob the bottle shop there, only to find it closed.

The Mowbray Hotel robbery was captured on CCTV. After entering into the premises you vaulted the bar and confronted the female attendant, Rebecca Mundy, while brandishing the axe. You demanded that she give you cash. Your co-offender entered the same area by a different route and, on the way, struck the male hotel employee, Ross Freeman, to the head with the knife he was waving around. Over the course of about a minute, Ms Mundy managed to remove the till drawer. You picked it up and left with it. It contained about \$1700. At the time of the robbery there were a relatively small number of other customers in the hotel, two of whom can be seen to be trying to get out of the hotel while the robbery was in progress.

The seriousness of the crime of aggravated armed robbery has been emphasised many times. This is a serious example of the crime. Hotels are vulnerable premises for robbery. Sentences to deter potential offenders and to protect the public are required. This robbery was planned. You and your co-offender equipped yourselves with weapons and disguises. You went to the hotel knowing that staff and patrons were likely to be present, in fact planning on it. Although robberies of this type involve dishonesty and theft, they are primarily crimes against persons. It is an aggravated robbery not only because it was committed in company but because of the bodily harm suffered by Mr Freeman when he was struck with the knife. Although that was done by your co-offender you are equally responsible for it. He suffered a wound to his head which bled profusely and required numerous stitches and staples to close. It was painful, slow to heal and left a scar. The psychological impact on victims can be profound. Both Ms Mundy and Mr Freeman have been seriously affected. They were put through a frightening ordeal. Their respective victim impact statements describe the type of continuing serious psychological impact to their personal and working lives which are the entirely predictable result of crimes like this.

This crime was committed when you were 21. You are now aged 24. You have spent most of the last 10 years in detention or prison and, regrettably, it is very likely that you have become institutionalised. You started committing quite serious offences when you were 13. By the time you were 14 you had been made subject to suspended detention orders for multiple instances of assault and aggravated burglary. In January 2011 you were convicted of two aggravated armed robberies committed on the same day in October 2010. For those crimes, along with a number of other crimes, principally of dishonesty, you were sentenced to detention for 12 months. In March 2012, again along with many other offences of dishonesty, you were convicted of attempted robbery and sentenced to 15 months' detention. In February 2013 you were convicted of two counts of armed robbery after having, on consecutive nights in December 2012, robbed two Launceston businesses using a knife. You were sentenced to 18 months' detention with six months suspended on conditions. You continued to offend after that and were sentenced to further periods of detention. In September 2015 you were

sentenced to imprisonment for two years and nine months for two counts of armed robbery. During the course of one evening in July 2015 you robbed two businesses using a large knife while wearing a hooded jumper and a face covering. One of the businesses was the bottle shop at the Mowbray Hotel. The sentencing judge pointed out that, even by then, you had 39 convictions for aggravated burglary or burglary, 47 convictions for stealing and 15 for motor vehicle stealing or attempted motor vehicle stealing in addition to the robberies or attempted robberies to which I have referred.

In December 2016 you were sentenced to imprisonment for three months for assaulting a public officer. The robbery for which I am now to sentence you was committed in May 2018. The offences you have committed since then are therefore not prior convictions for sentencing purposes but are relevant to totality and to the prospects of your rehabilitation. In October 2018 you were sentenced to imprisonment for 12 months, three months of which was suspended, for offences including firearm, dishonesty and bail offences committed later in May 2018. Finally, on 12 April 2019 you were sentenced to imprisonment for 12 months from 12 January 2019 for assaulting a prison officer while you were in custody. You became eligible for release on 28 October 2019 but have remained in custody, so the sentence I impose will commence then.

The pity of all of this is that, for many years, the comments of sentencing judges have included remarks that despite the disadvantage you suffered in your early life, you are intelligent, well-spoken, well-read and capable of better. Over the years a great many people and services have attempted to help you overcome the difficulties you have faced, but apparently to no avail. Much of your offending has also been driven by heavy abuse of illicit drugs.

You did not plead guilty. There is no indication of any remorse. As long ago as 2014 the then Chief Justice urged you to give society a fair go, or else you would spend much of your life in detention or prison. It seems you have chosen the latter course. The protection of society from your criminal conduct is a now very significant sentencing factor, as well as the obvious need for both general and personal deterrence. I think that the prospects of reform must now be regarded as poor, although your counsel indicates that your behaviour in prison seems to have improved after you were prescribed mood stabilisers. You are still only 24 and it is possible that with maturity you will mend your ways. I will allow for parole in the hope that things might change.

Michael Charlesworth, you are convicted. I make a compensation order in favour of the Australian Leisure and Hospitality Group in the sum of \$1734.20 and order that sum be paid within 28 days of your release. You are sentenced to imprisonment for five years from 28 October 2019. I order that you not be eligible for parole until you have served half of that sentence.