

The defendant, Caleb Anthony Paul Woods, aged 26 years old, has been found guilty by a jury of the crime of armed robbery.

On 25 October 2018, Mr Zuber Khan was working a night shift at the United Service Station, known as Pie Face, in Bridgewater. At approximately 11.23 pm Sarah Wallace entered the store to purchase some food items. Shortly after Ms Wallace entered the store, the defendant entered, his appearance concealed. He was wearing a jacket, a white hood that covered his face, and pants, with a backpack.

The defendant approached Mr Khan at the counter. He had a knife in his possession. He told Mr Khan to open the till and to give him all the money. Mr Khan did so and handed him a quantity of cash in various denominations. The defendant then fled from the store.

The defendant is of Aboriginal descent and was the only child born to the union of his parents. He advised his mother gave birth to him at 14 years of age and by 16 years of age entered into a new partnership, which resulted in four step-siblings for the defendant.

The defendant has been with his current partner for approximately five years and they have one child, aged two, to their union. He has been involved in two previous significant relationships, both which resulted in children, currently aged five years and eleven years.

His IQ 58 and is in the extremely low range of intellectual functioning. His overall reasoning and thinking abilities fall below approximately 99% of adults of his age. He is likely to experience great difficulty in keeping up with peers in a wide variety of situations that require age appropriate thinking and reasoning abilities.

The defendant asserts that he has been in receipt of a disability support pension since the age of 15 years, with the diagnosis of schizophrenia, bipolar and attention deficit hyperactivity disorder. This appears to be medically unverified.

From his disability support pension of approximately \$700.00 per fortnight, the defendant was contributing money towards board for his mother to assist with both rent and groceries. He states that the remainder would generally be spent on cigarettes and illicit substances. He described his use as a "*raging habit*" and stated he was spending approximately \$1000.00 per day prior to being incarcerated.

The defendant's mother stated that he received significant support both with medication and consultation with doctors for his mental health throughout his childhood and teenage years. She states that he ceased his prescribed medications during his adolescent years when he was introduced to illicit substances by an extended family member, and this was the beginning of his drug use, which she described was the defendant way of "*self-medicating*". She believed his recent illicit substance use commencement, prior to being held in custody, was his method of coping with being shot by a firearm and the scarring that he now has from the surgery to save his life.

The defendant is not considered suitable for a Community Service Order due to his mental health issues and recent illicit substance use.

In a psychiatric report I ordered he told the reporting psychologist, Dr Tuck, that he pleaded not guilty because there was only one witness and she wasn't reliable. He added that there was a slight chance of beating it and that he was actually going to plead guilty and "do the drug court", but he thought he could beat it.

Dr Tuck reports as follows:

"... it is my clinical opinion that Mr Woods does not have impaired cognitive functioning to a magnitude consistent with an intellectual disability. Put simply, Mr Woods does not have an intellectual disability.

It is evident that, in his childhood, Mr Woods experienced a traumatic event, and in early adolescence, he exhibited problematic behaviour and disordered conduct. This behaviour developed across his adolescence and early adulthood, manifesting in drug use and criminal activity involving crimes of dishonesty and crimes of violence.

From the current evaluation, it is evident that the material events occurred in the context of methamphetamine intoxication, maladaptive coping, impulsivity, and familiarity with crimes of dishonesty. This is on a background of a recent event wherein Mr Woods could have been fatally shot, and a subsequent significant increase in methamphetamine use.

With reference to the principles of Verdins, given the formulation and clinical impressions outlined above, it is my opinion that none of the limbs are enlivened."

Armed robbery is a serious crime and service stations are vulnerable businesses. There are no mitigating factors. Although I note that the robbery does not appear to have been the subject of significant planning. I also note that there are some signs of rehabilitation prospects if the defendant is able to eschew his use of drugs.

The defendant has relevant prior convictions, including for robbery and aggravated burglary. He is sentenced to three years' imprisonment backdated to 4 July 2020, to take account of time spent in custody, and I order that he not be eligible for parole until he has served 18 months of that sentence.

I make a compensation order in favour of United Service Station with the terms to be adjourned sine die.