

Codie Fazackerley, you plead guilty to robbery. At about 12.40 pm on 16 October 2019, Jason Matson, an Australia Post postman, was making deliveries. He parked his motor cycle on the road and walked up the driveway of a home in Rocherlea. You approached him from behind and smacked the parcel he was carrying and his electronic scanner from his hands. You demanded the keys to his motor cycle. He initially refused, but when you, with clenched fists, threatened to bash him he became afraid and handed them over. You rode off on the motor cycle taking with you his mobile phone, credit card, driver licence and personal items along with the scanner, about 450 letters and 12 parcels still to be delivered.

You were identified by witnesses who knew you and saw the robbery being committed. You rode the motor cycle to Invermay where you dumped it and fled on foot. The parcels and one of the mail bags were dropped on the way. The bag was later found by members of the public and handed in. It cannot be determined whether any letters were lost. Of the 12 parcels 10 were recovered but two were not. On the following day you were located by the police at a house in Mayfield hiding under a bed. You still had the Australia Post scanner but the battery was missing. The replacement cost was \$2,041. Some minor damage was caused to the motor cycle which cost \$142.60 to repair. Mr Matson's phone, credit card and personal items have not been recovered although it has not been suggested that any attempt to dishonestly use them was made.

Your only explanation for this crime is that you saw the opportunity to steal the motor cycle as a means of getting home more quickly, and that it might be amusing to ride a post bike. The crime was not motivated by the chance of profit. The monetary value of the goods you stole was small. Nor was it your intention to disrupt the postal service, although your actions have deprived some persons of deliveries, the cost and inconvenience of which cannot be identified. However this was primarily a crime against the complainant. He was not physically injured but his victim impact statement describes the type of serious psychological impact which is to be commonly expected from crimes of this nature. At the time he was frightened and traumatised. He now feels anxious and less safe, is less trusting, has become socially isolated and has trouble sleeping. Postal officers commonly work alone and in public. They are more vulnerable as a result and entitled to the protection of the law.

You are entitled to mitigation from your plea of guilty but it is not an early one. Despite the evidence of eye witnesses and camera footage taken from the motor cycle you pleaded not guilty on 6 November 2019. Forensic and DNA analysis was required of swabs taken from the motor cycle, the scanner and from the black jumper you left behind.

You are now aged 29. I sentenced you in February 2019 for serious assaults. I will repeat what I summarised then about your personal circumstances. You are an aboriginal man whose upbringing was characterised by alcoholism, violence and dysfunction. From a young age you developed a problem with abuse of alcohol and drugs which has persisted throughout your life. You are functionally illiterate which makes coping in the community difficult, but you have demonstrated a capacity for work. You have a long record for dishonesty and violence, alcohol and drug related offences, bail offences and anti-social behaviour. You were sentenced to detention for wounding as a youth and since then you have served numerous terms of imprisonment. In 2011 you were sentenced for assault and injure property to a 5 month suspended sentence which you breached by other offending. You served lengthy prison

sentences in 2013 and 2014. On 15 April 2015 you were sentenced for aggravated armed robbery and assault. The sentence on that occasion was imprisonment for 18 months. You were released on 17 November 2016, not having applied for parole. You committed the assaults only six weeks later. For those crimes you served a term of almost two years. Because you had spent that time in custody before you were sentenced the result was that you were released in February 2019.

When employed and sober you can be a valuable member of society. In 2019 I recorded the view that you were not beyond reform although I now have less confidence in that proposition. The chance of reform depends almost entirely on your ability to address your addictions to alcohol and drugs. The level of your addiction and the amount of time you have spent in prison means that you have difficulty coping in the community. After your release in February 2019 you did not stop offending. You continued to commit anti-social offences, violence, bail offences and offences of dishonesty. You were again remanded in custody on 18 October 2019. You remained in custody until 2 July 2020 when a magistrate agreed to make a drug treatment order with a custodial part of nine months. I admitted you to bail to allow you the opportunity to participate in the order. Such orders give priority to your rehabilitation but your liberty under the order did not last long. You were arrested on 23 July 2020 after having committed more offences almost straight away and you have been in custody since then. Even with the support offered by those responsible for administration of the order you did not succeed in addressing your addiction to alcohol and drugs or cope with the various pressures to return to criminality. It has become obvious that your only remaining chance for reform is enrolment in a full time residential rehabilitation program. No such program is presently available to you. The drug treatment order has not yet been cancelled but that may well occur. Your record now clearly disentitles you to any lenience. You are to be pitied for your addictions, but that you committed this pointless crime at all demonstrates your continuing disregard for the law and for the impact of your actions on others. I will allow for parole but only after the minimum term that justice requires.

Codie Fazackerley, you are convicted. I make a compensation order in favour of Australia Post in the sum of \$2183.60 and in favour of Jason Andrew Matson in a sum to be determined. You are sentenced to imprisonment for one year and nine months. Taking into account the period spent in custody between 18 October 2019 and 2 July 2020, and since 23 July 2020 that term will commence on 7 November 2019. I order that you not be eligible for parole until you have served one year and three months of that sentence.