

Nicholas John Barratt, you have pleaded guilty to one count of aggravated burglary and one count of aggravated armed robbery.

The crimes were committed in the course of a home invasion which took place at about 8.45pm on 5 August 2018. You committed these crimes in company with another man, Mr Weiss-Trew. The complainant, a man aged 66 years with whom you had previously been on friendly terms, was alone in his house watching television, when you and your companion, Mr Weiss-Trew, knocked on his front door. You were wearing stockings over your heads and Weiss-Trew was holding a car jack for use as a weapon.

You forced your way inside and your companion threatened to "bash complainant's brains in". You then obtained a 30 cm serrated knife from the kitchen, which you held to the complainant's throat and threatened to kill him if he moved. You both ransacked the house looking for property to steal. Weiss-Trew threatened the complainant when he did not provide you with a PIN number relating to his credit cards.

You and Weiss-Trew stole property, including credit cards, electronic equipment, cash, binoculars, an address book containing phone numbers and the PIN for the cards, and other identification documents. The house was left in a ransacked condition.

I have seen a victim impact statement from the complainant. He was terrified. He genuinely feared for his life. He is now hyper-vigilant, does not sleep, and is reluctant to leave his house.

You are 33 years old.

On 19 December 2003 you were gaoled for 4 years for aggravated burglary, rape, assault and armed robbery. On 29 November 2004, you were convicted of 4 counts of assault and sentenced to detention. On 16 November 2005 you were convicted of another three assaults and again sentenced to a period of detention. On 1 May 2007 you were released on parole. That was revoked. In 2008 you were jailed for two months for interfering with a witness. In 2009 you were gaoled for five months for assaulting that same witness, a 14 year old boy in a vulnerable position as having come forward as a witness against your partner. Your history demonstrates you use violence with little hesitation.

The current offending bears that out. This was a particularly nasty, premeditated home invasion and armed robbery in company.

I note that you were addicted to Ice at the time but no longer are. I note that you are a carer for your father.

The Crown asked me to activate a suspended sentence for driving without a licence imposed in 2018. It would not be just, in my view, to do so given the different nature of the offending, and I make no order.

Despite your very late plea of guilty to the present crimes, a sentence of personal deterrence is required. And that sentence must also reflect the need for general deterrence and the vindication of the complainant. I am mindful of parity and note that Weiss-Trew was sentenced to two years and six months' imprisonment with the last eight months suspended. However he was a much younger man aged 20, and lacked any significant prior convictions. And he was probably

influenced by you, according to Brett J who sentenced him. Moreover it was you who obtained the knife and held it at the complainant's throat and threatened to kill him.

I have had the benefit of a pre-sentence report. You are assessed as suitable for home detention, but, to my mind upon careful consideration of the decision of the Court of Criminal Appeal in *Tasmania v King and Webb*, I regard your offending as so serious as to call for an immediate sentence of imprisonment. The sentence that I would impose would be longer than any term of home detention the law allows me to impose.

I have taken into account your time spent in custody, some 9 days.

The orders I make are these:

- 1      You are convicted of the crimes to which you have pleaded guilty.
- 2      You are sentenced to a single sentence of three years' imprisonment, backdated to 2 November 2020. You are not to be eligible for parole until you have served 18 months of that sentence.
- 3      I make a compensation order in favour of Robert Keith Webb. The assessment of the amount of compensation will be adjourned sine die.