

Mr Stone, has pleaded guilty to one count of armed robbery.

He committed the crime on 25 September 2019. He ordered a taxi at about 9pm for a trip from Sorell to Bridgewater. It is clear that he did not have any money and had no intention of paying for the taxi. He used a false name when he ordered the taxi. However, when the taxi arrived, the driver asked him to pay upfront and when he was not able to do so, the driver refused to take him.

He made another attempt to order a taxi from the same company about an hour later, using a different false name. On this occasion, the driver did not ask for pre-payment and agreed to the fare. He sat in the front during the journey. When the taxi arrived at the destination, he threatened the driver with a broken pair of scissors by holding it towards and about 30 cm away from his chest, and demanded that he give him what he had, including his wallet and any money in his possession. The driver told Mr Stone to take what he wanted. He took his wallet and then pulled his mobile telephone from where the driver was holding it between his legs. He then leaned over him, still holding the scissors and took the coin holder from its position between the driver's seat and the driver's door. He then got out of the taxi and ran away.

Understandably, the driver was terrified during the course of the robbery. He only saw the blade of the scissors and, again understandably, believed that it was a knife. His impact statement reveals that he was in fear of being stabbed. He had two weeks unpaid leave after this and although he has continued working as a taxi driver, has stopped driving taxis at night. He continues to be apprehensive about doing so because of his experience on this occasion. Although he has recovered most of the property which was taken, the cash in his wallet has not been recovered and he has also been deprived of the fare of the trip. I intend to make the compensation order that has been sought.

Mr Stone was 23 when he committed this crime and he is now 24. I think it is fair to say he has a lengthy and appalling criminal history, which commences when he was 16 years of age. It reflects a history of continuous offending, substantially related to offences of dishonesty. It is consistent a long-standing drug problem and the use of crime in order to fund the purchase of drugs. It would seem that that is what was happening on this occasion. There are also a number of offences which include an element of violence. In 2013, when he was 17 years of age, he was sentenced by this Court to imprisonment for the crime of aggravated armed robbery. He has also been dealt with for assault offences and offences against police on a number of occasions. The whole range of sentencing options has been utilised by the courts in respect of his past offending, and this does not seem to have had any discernible effect on his conduct. He had only been released from custody for five days when he committed this crime.

So it is a serious example of the crime of armed robbery. Mr Stone disputes that he premeditated the commission of the robbery, but it is clear that he had premeditated that he would not pay for the taxi fare, and he knew that when he entered the taxi, he was armed with a weapon. I am told that he had the weapon in his possession for the purpose of other offending, such as breaking into motor vehicles, but it does not change the fact that he was still aware that he had it with him when he entered the taxi. His preparedness to use the weapon, and then his conduct towards and statements to the driver were extremely threatening, and it is easy to understand that this would have been a terrifying experience for the driver. He was sitting in the front seat

holding the weapon in close proximity to him, and when he took possession of the coin holder, he must have leant over him, still holding the scissors. The violence involved in and implicit in this conduct is significant and concerning. It was arrogant conduct. He just helped himself to the taxi driver's property. Taxi drivers are particularly vulnerable to conduct such as this. In all of the circumstances, general deterrence is a particularly significant sentencing consideration.

Mr Stone claims to be remorseful, and that is significant in terms of his commitment to the proposed drug treatment program. It would otherwise have little significance in relation to the formulation of sentence in a case such as this.

I have indicated why I intend to place him on the CMD program and utilise the drug treatment order as a sentence. I would have imposed a sentence in the order of between two years and six months and three years were I not considering this option, and I would not have suspended any part of that order.

He has now been in custody, unallocated to any other sentence for a period of approximately 12 months. So I intend to make the custodial period two years, which is in addition to the time he has already served. It seems to me that that adds up to about the right time for this crime. Given that I do regard this as a very serious crime, Mr Stone should understand that I will recall that, and if he does breach this drug treatment order and comes back for re-sentencing by me, or consideration of the activation of that sentence, I would need a lot of persuasion not to activate the whole of that sentence, subject to any other time served. So that is what he is facing if he does not comply with the conditions of this order.

I do intend to make the drug treatment order. Just before I do I make a compensation order in favour of Mr Singh in the sum of \$225.40.

Accordingly, I intend to make a drug treatment order.

- 1 I am satisfied that he has a demonstrable history of illicit drug use and that that drug use has contributed to the commission of the crime for which he is being sentenced;
- 2 that were it not for making a drug treatment order, I would have sentenced him to a term of imprisonment and would not have suspended the sentence either in whole or in part;
- 3 that there are no proceedings pending against him in any court for sexual offences or offences involving the infliction of actual bodily harm;
- 4 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;
- 5 that there are sufficient staff and resources available to comply with the requirements of s 27B(3)(ba) of the *Sentencing Act*.

Mr Stone is sentenced to a drug treatment order. The custodial part of the order will be a term of imprisonment of two years. He is not required to serve all or any of the custodial part of the order unless ordered to do so by a court if he does not comply with the conditions of the order.

I will again make the point – it will be on the record – that I have taken into account in assessing that term of two years, the time already served. So I would not regard that time as being unallocated time. In the event that the custodial period is activated, that period is in addition to the time that he has already served. I would not have made this order otherwise.

The conditions of the order are as follows:

- 1 He must not in Tasmania or elsewhere, commit another imprisonable offence.
- 2 He must attend the Magistrates Court of Tasmania on 14 December 2020 at 10.30am, and thereafter attend as required by that court.
- 3 He must report to a court diversion officer at Community Corrections at Hobart within two clear working days of the making of this order.
- 4 He must undergo such treatment for his illicit drug use problem as it specified in this order, and from time to time as specified by the court.
- 5 He must report to and accept visits from his case manager or court diversion officers.
- 6 He must, unless there are special circumstances, give his manager at least two clear working days' notice before any change of address.
- 7 He must not leave Tasmania unless with the permission granted generally or in a particular case by the court.
- 8 He must comply with all lawful directions of the court.
- 9 He must comply with all reasonable directions of his case manager or court diversion officers concerning the core conditions and program conditions of the order.
- 10 The program conditions of the order will be:
 - (a) he must submit to drug testing as directed by his case manager or court diversion officers;
 - (b) he must submit to detoxification or other treatment, whether or not residential in nature as directed his case manager or court diversion officers;
 - (c) he must attend vocational, educational, employment, rehabilitation or other programs as directed his case manager or court diversion officers;
 - (d) he must submit to medical, psychiatric or psychological treatment as directed his case manager or court diversion officers;
 - (e) he must reside at [address] and not change that address without the prior approval of the court;
 - (f) he must be at [address] between 7pm and 7am each day, unless in the company of his mother or his father.

There will be further conditions:

- (g) he must not use any illicit drug;
- (h) he must not use any non-prescribed drug, except in accordance with the direction of his general practitioner, treating medical specialist or case manager;
- (i) he must not use any legal drug that interferes with his ability to comply with the conditions of this order;
- (j) he must attend counselling as directed by the case manager;
- (k) he must be contactable by telephone at all times, and inform his case manager of any change of telephone number;
- (l) he must not consume alcohol to excess, and submit to breath testing as directed;
- (m) he must not associate with anyone who uses licit or illicit drugs, synthetic substances, unidentified drugs that alter mood or perception without the permission of his case manager;
- (n) he must not associate with [named persons].