

STATE OF TASMANIA v ALEC LAURENCE WILSON-MAYNE 25 NOVEMBER 2020
COMMENTS ON PASSING SENTENCE WOOD J

Alec Laurence Wilson-Mayne has pleaded guilty to one count of armed robbery. Late at night on Friday 4 September 2020 he robbed a Domino's Pizza delivery driver.

He placed an order online with Domino's Pizza for food items. He submitted the order in a false name and provided a false mobile number. He ordered the items to be delivered to an address in Montello approximately 150 metres away from his home address. He went to meet the delivery driver at the address taking a balaclava and a kitchen knife. He concealed himself in bushes across the road from the delivery address.

The delivery driver Ms Dara Mullins arrived at the address, drove into the driveway and got out of the car. The defendant approached her and grabbed the front of her T-shirt. He was dressed all in black with a full black balaclava. He had the knife in his right hand. It was a double edged dagger style. The blade was approximately 10 cm long. The defendant demanded several times that she give him money. The complainant unclipped the small money bag she was wearing and the defendant grabbed it from her. He then demanded her phone and she stated she did not have it on her. While still having hold of her tightly by the T-shirt, he patted down the pocket area of her trousers before pushing her away and telling her to "get out of here". He left with the money bag and the pizza delivery box. The money stolen amounted to \$157.40.

Ms Mullins returned to her car and rang 000 before returning to her work place; she was very shaken by the incident.

The following day, police executed a search warrant of the defendant's residence and located the Domino's pizza bag and balaclava. The defendant participated in a record of interview and made extensive admissions.

He was remanded in custody the following day and then the day after that, 7 September, he entered a plea of guilty to the charge. He has been in custody since then on this charge and also summary charges of dishonesty that are to be dealt with in the Magistrates Court. It has been his first experience of prison. He has no prior history apart from an offence of disorderly conduct.

The defendant is 20 years of age.

He had had a chaotic childhood and home life, and witnessed family violence. He moved to live with his grandmother when he was about 11 years of age and lived with her until his mid-teenage years. He lived on the streets for about a year before finding rental accommodation with a friend. He has completed grade 10 and a TAFE course in building and construction. He obtained his first job last year at McDonalds and held that employment until it was disrupted by the impact of COVID-19. He has heavily abused alcohol and drugs for some years and needs considerable help with addressing what is now a very serious problem. Also he has mental health difficulties and last year was receiving counselling and treatment from his treating psychologist. His treatment included medication to address his alcohol consumption. He had stopped taking that medication at the time of offending and was consuming 500 ml or more of whiskey a day.

He was under the influence of alcohol and drugs when he carried out the crime and committed it to obtain money to buy more drugs and alcohol.

I have obtained a pre-sentence report and an assessment for the court mandated drug treatment program. The defendant is not eligible for a drug treatment order. The main barrier is that his primary addiction is to alcohol. He is not suitable for a community service order but community based supervision is recommended. Supervision by community corrections would provide a vehicle for alcohol and drug interventions, referral for assessment, and psychiatric and psychological treatment under a mental health care plan and would assist in encouraging productive and positive attitudes and activities. He is eligible for the EQUIPS addiction program.

Mr Wilson-Mayne, this is a serious crime, you robbed a woman at knife point. You took the knife with you to the place where the robbery was committed for the purpose of intimidating the victim. In this and other respects, there was an element of premeditation. Delivery drivers are vulnerable to crimes of this kind and sentences must seek to deter other offenders. I have a victim impact statement from Ms Mullins. She was so shaken that she had to take a week off work. She now suffers from anxiety. She does not go out after dark and she has had to change her shifts as she is not able to work at night any more. She does not feel safe.

I am sure that you appreciate how serious your crime is and that the path you were on at the time that you committed this crime was destructive for you and the community. That has been brought home to you with a massive wake up call noting that you have been in prison now for over two months. You have been abstinent from drugs and alcohol for that time. You are a young man, with no relevant prior history. You have expressed remorse for the victim and for the harm that you have caused her. I consider there is a good chance you can reform and lead a productive life. It is appropriate to give you that chance. It is hoped that you will make the most of it. I will make an order that will require considerable effort on your part and your full co-operation with supervision. The supervision which I will order will be comprehensive and is designed to assist you to address the factors that put you at risk of further re-offending. If you do not co-operate, you can expect to return to court and serve a term of imprisonment.

The sentencing order I make is: I record a conviction. I impose 15 months' imprisonment to commence on 5 September 2020. The balance from today is suspended on condition that you not commit an offence punishable by imprisonment for two years from today. I impose the core conditions of a community correction order to be in place for a period of two years from today. These conditions will be specified in the order that you will be given and will include that you are not to commit an offence punishable by imprisonment for the operational period of two years from today, that you must report and comply with the directions of a probation officer, that you must not leave Tasmania without permission and you must notify of any change of address. I impose a special condition that you must, during the operational period of two years, submit to the supervision of a probation officer as required by the probation officer. You must attend alcohol and drug treatment and counselling and programs including an inpatient program if so directed. You must submit to testing for drug or alcohol use as directed by a probation officer. You must attend, participate in, and complete the EQUIPS Addiction Program as directed by a probation officer. You must comply with directions of a probation officer regarding submitting to medical, psychological or psychiatric assessment and treatment and counselling. You must attend educational and other programs as directed by a probation officer.

I make a compensation order in favour of Domino's Pizza in the sum of \$157.40.