

Benjamin Cosgrove, you plead guilty to being an accessory after the fact to robbery. I also agreed to deal with your plea of guilty to the summary charges of evading police and driving without a licence.

Just after midday on 3 July 2020 you drove Nathan Deckers from the home of a mutual friend in Devonport into the central business district. You had become acquainted with Mr Deckers on Facebook a few weeks earlier but had not met him in person before, and only knew his first name. You were driving your own car but you did not have a driver licence. Mr Deckers told you that he wanted to go to the bank. After you parked, you remained in the car. While he was gone, Mr Deckers robbed a 63 year old female of her handbag. In the street, he tried to grab the bag. When she resisted he produced an imitation firearm and pointed it at her. She believed it was a real hand gun. She let go of the bag and Mr Deckers ran back to the vehicle. You did not know of Mr Deckers' plan to commit the robbery. However, by the time he arrived back at the car you realised much of what had happened. You heard the victim scream and saw Mr Deckers running with her handbag. He entered the car and yelled for you to drive. By your plea you admit that your purpose in driving away was in order to enable Mr Deckers to escape apprehension or punishment for his crime. You drove around Devonport and then towards Forth, more than 10 kilometres away. As you drove you saw Mr Deckers go through the contents of the handbag. He threw a mobile phone out of the car window. By the time you reached Forth the police were on the lookout for you. You were seen by officers in a marked police car travelling in the opposite directions. They operated lights and sirens to attempt to stop you, but instead you deliberately accelerated away, at one point driving at about 140 kph in an 80 kph speed limit zone. The police lost sight of you and there was no police chase. Your car was abandoned at Gawler, some kilometres further on. You and Mr Deckers made your way to Ulverstone where you were picked up by another acquaintance.

Although Mr Deckers committed an armed robbery, the State accepts that you did not know Mr Deckers had brought a replica handgun with him or used it in the robbery until you learned about that on Facebook later that night. For that reason it is accepted that your crime was as accessory to robbery. Once you became aware of the use of the firearm you realised the full extent of the trouble you were in. You phoned the police the following day. After you handed yourself in you were interviewed and admitted much of what had happened. You advised the police of the identity of the principal offender and he was arrested soon afterwards.

Mr Deckers pleaded guilty to armed robbery. He also pleaded guilty to another attempted robbery earlier on the same day. You face no charges in relation to that crime. He was sentenced to imprisonment for three years. No question of parity arises because his crimes were far more serious than yours.

You are aged 23. You left school at 17 and worked intermittently in labouring jobs. You started to use illicit drugs and your life became chaotic. You did not have stable accommodation. At the time of this crime you had no prior convictions for dishonesty. You did have convictions for driving offences including for driving without a licence, one instance of driving with alcohol in your blood in excess of the prescribed concentration and one instance of driving with an illicit drug in your blood. On 26 August 2020, since this crime, you were sentenced by a magistrate for offences committed between January and May 2020. They include three counts of driving with an illicit drug in your blood, two counts of driving without a licence, stealing petrol and

breaching bail. They are relevant for two main reasons. First, it means that you were on bail when you committed the crime for which I am to sentence you. That makes it worse. Secondly, that series of offences gives some indication of the state of your life when the crime was committed. You were given a 14 day suspended sentence. You were disqualified from driving for eight months. It seems that a single period of disqualification was imposed for multiple offences. If that is what in fact occurred it was an error. You have not been to prison before.

Since this offence, and since having been sentenced by the magistrate, you have taken steps to put your life back in order. You are back living with your father. You have found a job with a squid fisherman and are hopeful of further full-time work in the marine industries, most likely on the west coast. You have ceased using illicit drugs and removed yourself from bad company.

I accept that when Mr Deckers first returned to the car you were driving you faced the difficult decision of what to do. He made an immediate demand that you drive away and you did not have much time to think about it. You did not appreciate the full extent of the criminal behaviour he had engaged in on that day. Even so, your obligation was to confront Mr Deckers and stop your attempts to help him. One reason that evading police is a serious offence is because it involves a disregard for the authority of the police and the law. In this case the manner in which you evaded them involved risk to others arising from your speed. It is strongly in your favour that you put things right quickly by your admissions to, and co-operation with, the police, and you have quickly pleaded guilty once the correct charge was determined. In light of your age, personal circumstances and the relatively low level of your criminal involvement, community service is the appropriate punishment for the accessory charge.

In light of the other sentences I will impose, it is sufficient if I simply record a conviction on the charge of driving without a licence. I am required to impose a separate sentence for the charge of evading the police contrary to the *Police Powers (Vehicle Interception) Act 2000*, s 11A. It is your first such offence, but your driver licence was cancelled at the time, so increased penalties apply. A fine rather than imprisonment is the appropriate sentence. The inevitable loss of your driver licence will be a significant punishment for you.

Benjamin Cosgrove, you are convicted on the indictment and on counts 1 and 3 on complaint 53358/2020. On count 3, driving without a licence, I make no further order. On count 1, evading police, you are disqualified from driving for two years cumulative to any period of disqualification you are serving or liable to serve. You are fined \$3,480, which is the minimum fine I am permitted to impose. On the indictment I make a community corrections order for a period of 24 months from today. The core conditions of that order will be specified in the order that you will be given and include that you not commit an offence punishable by imprisonment, that you report to and comply with the directions of a probation officer, that you must not leave Tasmania without permission and that you must notify of any change of address. I impose a special condition that you must, within the operational period of the order, satisfactorily perform 70 hours of community service, as directed by a probation officer or a supervisor. If you breach any of those conditions you may be brought back to court and re-sentenced.