

Kaleb Morey, you plead guilty to aggravated robbery. On 3 November 2020 you arranged to sell a friend of yours, a male aged 29, two pounds of cannabis for \$3,200. You became aggrieved when he insisted that you deliver the cannabis to his home. As a result you formed a plan to steal from him by driving off with his money without handing over the cannabis. The driver was your associate, a female. You told her what you had in mind. When you arrived at the complainant's home in Newnham you opened the front passenger door to him. He stood with his left foot in the front passenger footwell and held onto the roof rack while you started to count the money he had handed you. As was arranged, the driver then suddenly accelerated away. The complainant hung on, tried to pull himself into the cabin in an attempt to retrieve his cash. He managed to throw some out the door onto the street. However as the driver turned and sped away you pushed the complainant from the car using your arms and legs. He fell onto the road with such force that his right leg was fractured. You returned to retrieve some of the money which had been thrown from the car, but when you saw someone watching, you instructed your associate to drive away.

The complainant was taken by ambulance to the hospital. While he was there you sent a message taunting him and inviting him to pick up the rest of the money on his way home.

The complainant suffered a serious and painful injury. His right tibia and fibula were both broken. On the following day he underwent surgery involving external fixation of the tibia and internal fixation of the fibula. He was in hospital for three days. He returned for further surgery on 12 November. I have no medical opinion which indicates a prognosis, but the complainant's victim impact statement describes the type of very serious effects which were entirely predictable. He says that the fractures are not healing. He is seriously incapacitated and in chronic pain. He is still not walking unaided. He requires help with self-care for which he relies on his partner. It has affected his relationship with his wife and children and is taking a heavy psychological toll.

You made some admissions to the police but also falsely claimed that the complainant owed you money and threatened you with a knife. The principal mitigating factor is your plea of guilty although you have little claim to remorse. I accept that although the stealing was planned, you did not intend to cause the serious injury the complainant in fact suffered. Having said that, the injury was an entirely foreseeable result of your conduct.

You are almost 25. Your background is one of considerable disadvantage. Your early family life was characterised by violence, alcohol and drug abuse and criminality. Unfortunately, your own life has followed the same pattern. You have limited education. Since you were young most of the people you have associated with are involved in drug abuse and crime. You started using cannabis and speed when you were 14 or 15 and you have used Ice since you were sixteen. All of this is reflected in your record which, for a young man is a very poor one. As a youth you committed offences of dishonesty and violence, as well as driving and anti-social offences. Since you became an adult you have been made subject to progressively harsher sentences for almost continuous offending, including for common assault, breaches of family violence orders, evading police stealing and burglary. You have been made subject to community service orders, probation, suspended sentences, the court mandated drug diversion program and, more recently, lengthy terms of imprisonment. Seemingly, none of these sentences have deterred because each time you are released you soon re-offend. You were released from a sentence on 31 July 2020 and you committed this crime about four months later. On 6 January 2021 you were sentenced

by a magistrate to imprisonment for two years from 3 November 2020, the day of your arrest for this crime, for offences including two counts of motor vehicle stealing, four counts of evade police, seven counts of breaching a police family violence order, one count of common assault, one count of breaching bail, three counts of driving without a licence and three counts of driving with an illicit drug in your blood. They are not prior convictions for sentencing purposes, but indicate once again that prior sentences have not deterred you and that you must have been on bail at the time you committed the robbery, which is an aggravating factor. Because of the seriousness of the injury you caused, combined with the need protect the public from your lawless behaviour, I concluded that imprisonment for two years is the proper term. However, that would result in a total term of four years, which is a lengthy term for a young man. To ameliorate the severity of that result I will reduce the sentence by six months and allow the earliest eligibility for parole.

Kaleb Morey, you are convicted. You are sentenced to imprisonment for one year and six months cumulative to the term imposed 6 January 2021. I order that you not be eligible for parole until having served half of that term.