

STATE OF TASMANIA v NICHOLAS AARON SCOTT
COMMENTS ON PASSING SENTENCE

25 FEBRUARY 2021
ESTCOURT J

The defendant, Nicholas Aaron Scott aged 24, has pleaded guilty to two counts of burglary, one count of aggravated burglary, two counts of stealing, one count of injuring property and one count of carjacking.

On 2 August 2019, the defendant was captured on CCTV footage in the University of Tasmania carpark, walking towards a Subaru Impreza owned by Ryan Chalmers. He smashed the rear window and stole a Nike sports bag containing clothing and sports gear.

On the morning of 3 August, Nicholas Ingles saw the defendant walking down a path on the side of his property at 15 Fitzroy Place, from the rear of the property to the front. Mr Ingles noticed later in the afternoon that his vehicle, a Kia Sorrento, had been entered and items had been taken out of the glove box and moved around. He was unable to determine, however, whether anything had been taken.

Later that same day, the security alarm of the residence at 6 Molle Street, Sandy Bay was activated. No one was at home at the time; the owners, Andrew and Jane Campbell, were overseas.

The defendant smashed a window in the back door to the residence and gained access to the house. He walked around the interior of the house, stealing a number of items and damaging items of property, for about an hour, while the alarms continued. The damage inflicted by the defendant included smashing a second window on the second floor of the house, overturning furniture, slashing artwork, tearing open cushions and ripping a bedhead from a wall.

Mr and Mrs Campbell's insurance company assessed the value of the damage caused by the defendant to be \$61,500.

The defendant remained inside the house for approximately one hour. A number of items were stolen by the defendant, including jewellery, keys, passports, rare coins, medals, badges and silverware.

At approximately 12:45pm on the same day, Clarissa McCoid arrived home to 9 Fitzroy Place with her 9-year-old son. Mrs McCoid parked her car, a white 2018 Volkswagen Multivan, on the street directly outside the house. She and her son went through the carport into the backyard, and towards the back of the house. Ms McCoid was holding a set of keys in her right hand, which included the keys to the Volkswagen. She unlocked the door and her son went inside, while she stayed outside attending to the dog. Out of the corner of her eye Ms McCoid saw the defendant jump over the fence into her back yard.

The defendant approached Ms McCoid and said "*give me your fucking keys*". Ms McCoid shut the back door so that her son and the dog were safe inside. She did not give the defendant her keys. The defendant kept repeating "*give me your fucking keys*". He was very aggressive. He shoved Mrs McCoid a few times to her left shoulder. She backed away, and he grabbed her left upper arm and squeezed and shook her. She yelled for help, hoping that a neighbour might hear. The defendant then punched her to the right temple with sufficient force that she was knocked to the ground.

The defendant snatched the keys from Ms McCoid's hand, cutting the webbing between her fingers, causing bleeding. The defendant then ran in the direction of the fence on the opposite side of the backyard from the direction he had come. Ms McCoid ran over the road to number 5 Fitzroy Place, and made a complaint, and asked her neighbour to call the police. From inside her neighbour's house Ms McCoid saw the defendant open the driver's side door of her Volkswagen and attempt to start the vehicle.

Her son had run to an upstairs window and saw the defendant running down the driveway, and saw him drive away in the van in the direction of Regent Street.

As a result of this incident Ms McCoid sustained a black eye, a small cut to her hand and a bruised upper arm.

The defendant was ultimately arrested and interviewed at the Hobart Police Station on 4 August, and under caution he stated among other things that:

- (a) He suffers from short term memory loss and schizophrenia.
- (b) He thought he had been given some "ecstasy" and he could not remember anything.

I have seen and heard a victim impact statement from Ms McCoid. These events have impacted significantly on her and her family.

She suffered scratches, bruises, bleeding and a black eye. However the psychological trauma she has endured has been worse than the physical pain.

Most significantly, this is because of her then 9-year-old son's direct involvement in the incident. She states that she will never, ever be able to erase the image of him standing helplessly, screaming with his mouth wide open, watching her being punched to the ground by the attacker.

Pursuant to section 68 of the *Sentencing Act* 1997 the State seeks compensation orders in amounts to be fixed in favour of Jane and Andrew Campbell, QBE Insurance Pty Ltd, Clarissa McCoid and Ryan Chalmers, and I make those orders.

The defendant is 24 years old and was 22 years old at the time of the offending. He committed these crimes while in the grip of a significant methylamphetamine addiction, and as a result he has little recall of the incident. He best explains his conduct as occurring during an attempted motor vehicle stealing, in which he came upon the owner of the car. He says he acted in a state of panic to take the keys from the complainant, and he is sorry that he injured the complainant.

The defendant had a very unfortunate childhood and adolescence. He was made a ward of the State at the age of 12, and was exposed to drugs from a very young age. He lived in group homes from about the age of 13. He has had problems with depression and drug use, but was supported by the Salvation Army until he was 18 years old. He was influenced by others and led into committing offences which began as stealing and shoplifting and then escalated.

The defendant has an extensive history of offending, particularly since 2010. His prior offending has tended to involve dishonesty offences. He has over 20 convictions for motor vehicle stealing and attempted motor vehicle stealing, two for unlawfully set fire to property,

and one for aggravated robbery. Relevantly he has a prior conviction for aggravated car jacking. He has been sentenced by this Court to imprisonment on prior occasions, and has reoffended over a number of years in a relatively consistent way. By funding his drug use through dishonesty offending, his record has accumulated. He is not of course to be sentenced for his record.

The defendant, however, is not without hope, in my view, of resetting his life. During his recent stay in prison he has ceased to be dependent on drugs and has undertaken a course on how to avoid relapsing. He is also motivated to recreate a relationship with his son, and is undertaking a parenting course. For those reasons I will make the maximum allowance for parole.

The defendant is convicted of each of the seven crimes to which he has pleaded guilty. The serious nature of the bulk of the offending on this day clearly requires a further lengthy sentence of imprisonment. The defendant is sentenced to 3½ years' imprisonment, backdated to 23 January 2020. The defendant is to be eligible for parole when he has served half of that sentence.