

30 MARCH 2021
ESTCOURT J

The defendant, Alec Wilson–Mayne, aged 20, has pleaded guilty to one count of burglary, one count of stealing and one count of destroying property.

The complainant is Dean Walker, the owner of Dean Walker Designs Jewellery, located at Wilmot Street in Burnie.

At approximately 2.50am on Sunday 21 February 2021, the complainant was notified that the alarms at his business had been activated.

Police arrived and viewed CCTV footage and from it a police officer was able to identify the defendant.

At approximately 4.55am, police attended the defendant's mother's address in Park Grove. The defendant was located outside, bleeding from cuts to his hands. Under a blue tarp in the driveway police located a sports bag containing a hammer and a quantity of jewellery.

The jewellery that was stolen from Dean Walker Designs had a total approximate value of \$37,661. The jewellery was recovered. The total cost of repairing the door to the shop and glass cabinet was approximately \$2,497.00. The shop was required to close for three days.

As of today I calculate that the defendant has spent 38 days in custody in relation to the complaint.

The Crown makes an application pursuant to s 68(1) of the *Sentencing Act* 1997 for a compensation order in favour of Primassure (Australia) Pty Ltd in an amount to be assessed, and I make that order.

According to the comments on passing sentence of Wood J, who sentenced the defendant for armed robbery on 25 November last year, he 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 that offending and was consuming 500 ml or more of whiskey a day.

Her Honour obtained a pre-sentence report and an assessment for the court mandated drug treatment program. The defendant was not eligible for a drug treatment order. The main reason being was that his primary addiction was to alcohol. He was suitable for a community service order, and her Honour made such an order.

The defendant has prior convictions for armed robbery and burglary and stealing, for which he was sentenced, respectively on 25 November 2020 and 4 December 2020, to a term of 15

months' imprisonment backdated to 5 September 2020 and 3 months imprisonment, backdated to 4 December 2020 with the balance suspended in each case on condition that he commit no offence punishable by imprisonment for a period of two years. The current offending brings the defendant into breach of those suspended sentences and in my view it is not unjust to activate each of the suspended portions of those sentences to be served cumulatively, as they are required to be, and backdated to 21 February 2021.

The defendant is convicted of the offences of burglary and stealing and destroying property and sentenced to 12 months' imprisonment to be served cumulatively to the two activated suspended sentences and in respect of each of the three sentences just imposed I specify a non-parole period of half of each sentence.