

STATE OF TASMANIA v JESSIE LEE WOODHOUSE
COMMENTS ON PASSING SENTENCE

12 APRIL 2021
GEASON J

Mr Woodhouse you have pleaded guilty to aggravated armed robbery.

You and two co-accused met at an address in Devonport on 8 November 2020 and you began drinking alcohol. You all decided to rob someone and the person identified was someone suffering from a disability because your perception was that he would be an easy target. The victim was known to one of your group because they had attended school together. That person contacted your victim and organised to meet him for a drink. This occurred just after midnight on 9 November and he went to the victim's home.

They remained there for about 10 minutes before it was suggested by that co-offender that they should head back out, as alcohol had been left at an accessible location. They left the residence together and on Greenway Avenue were approached by you and your brother. You were wearing a black hoodie. Your co-accused and the victim were told to get on the ground. They did so. Your brother placed his knee on the back of your victim and asked him if he had anything on him. In the meantime your co-accused had been allowed to stand up. You pulled out a kitchen knife and said to the victim "give us what you've got or I'll stab you". One of your co-accused took a phone and a set of keys off him. These were passed to you. You and your brother then walked away.

As the other two began walking towards the complainant's residence a police car approached and your co-accused ran off. The police had been called by a member of the public. The complainant was spoken to.

The other man returned to your residence where you and your brother attempted unsuccessfully to sell the stolen phone to various people.

Police obtained a search warrant on 9 November 2020 and this was presented at the address in Devonport where you were staying. You led police to the backyard showing them where the phone was concealed. A lanyard and keys belonging to the victim was located at the residence, and in your bedroom the gloves and the knife believed to have been used in this incident were found.

When interviewed by police you stated that you had been drinking with your co-accused; that one of the other men had come up with the idea of stealing someone's phone and nominated the intended victim stating that he would make initial contact; that the victim was targeted because of his intellectual disability; that you provided the other man who contacted the victim, with a knife thinking that he would rob the victim; that you received a text message from that person so you and your brother headed out in order to implement the plan, which you did, approaching the victim and yelling at him to "get on the ground". You said to police that you were intending to intimidate him. The knife was handed to you and you used the words "give us what you've got or I'll stab you". You told police how the phone and keys were taken, and you admitted trying to sell it.

You have been in custody since 9 November 2020 in respect of this offending.

It is not alleged that the victim suffered any physical injury in the incident however his glasses were damaged.

I have received a pre-sentence report in relation to you. I have regard to it, noting in particular your family circumstances, and the supportive nature of the current relationship that you are in. You have accommodation available to you upon your release, which is indicative of your having that support, and your educational and employment background is noted in detail.

The report indicates a history of anxiety and depression. You commenced using alcohol when you were young and by age 18 you were a heavy user. You consider alcohol use contributed to your offending on this occasion, and you acknowledge that it has caused a degree of disruption to family and relationships. Your mother has indicated that drinking often leads to your uncontrolled anger and your being less aware of the consequences of your behaviour. You have also reported drug use including Ice, from a young age. With the support of your mother you have apparently ceased the use of drugs.

I note that you are remorseful for your conduct, and the content of the report reinforces that submission made to me by Mr Tregurtha. You have indicated a desire to reduce your alcohol intake and to undertake a program to help achieve this.

By the same token, the sentence imposed by the Court must denounce your conduct, vindicate the victim of this offending, and deter others from similar behaviour. Such conduct is all too prevalent and the need for a sentence which serves as a general deterrent is real. It is particularly appalling, in my view, that you agreed to participate in a plan that involved the robbery of an intellectually disabled man. You participated knowing that his capacity to resist would be reduced by reason of his intellectual difficulties, and, luring him in a way which suggested an opportunity for some friendship and socialising is, to my mind, particularly appalling. This offending must have been frightening to him.

You appear before the Court with a very poor record of prior convictions. You are not to be punished twice for the offending shown on your record, but it serves to demonstrate that this is not aberrant behaviour.

As I have said, you have expressed remorse for this offending but at some point you must give effect to your apparent appreciation that such conduct is wrong and you must stop offending. You were subject to a community corrections order on 26 June 2020 which included supervision and community service conditions, but you breached that order after 1 ½ hours performance of the 60 hours that were required of you. Proceedings are currently before the magistrates court in relation to that.

The sentence I impose today reflects your plea of guilty, it discounts the sentence I would otherwise have imposed in recognition of that plea and the utilitarian benefit which accrues in consequence of it, and it recognises your relatively young age. Though, as I have said, your record of prior convictions is poor, rehabilitation should still be a significant sentencing consideration in relation to you, but the sentence must also reflect the seriousness of your conduct.

I do not intend to impose any community based orders, but rather to defer to the Parole Board the fixing of appropriate conditions at a later time, when and if you are granted parole. I will fix a non-parole period which reflects your apparent desire to turn your life around.

I convict you. I sentence you to 18 months' imprisonment with a non-parole period of 9 months. The sentence is backdated to the date you went into custody last year, which was 9 November 2020.

I make a compensation order in favour of the victim pursuant to s 68(1) of the *Sentencing Act*.

The net effect of that sentence, Mr Woodhouse, is that it commences when you went into custody in November last year, which is 9 November. You must serve 9 months of the 18 month sentence before you are entitled to apply to the parole Board for a grant of parole. It will be for the Parole Board to determine whether you are a suitable candidate for parole and whether you should be permitted to serve the remainder of your sentence in the community, and it will be for the Parole Board to fix appropriate conditions around that having regard to your circumstances.