

Mr Hill, you have pleaded guilty to one count of aggravated robbery.

On 22 January 2021, you and another man walked into the bar server area of the Hobart Brewing Company, and stole the tip jar which was sitting on the bar. It contained \$40 in cash. An employee saw this happen and chased after you. You punched a patron in the jaw as you ran past him while you were making your escape. He and his companion then chased you and your co-offender. They caught up with you and physically restrained you, intending to hold you until police arrived. This was clearly a lawful citizen's arrest. Your co-offender then hit both men in the head with a backpack, which was heavy and contained solid items. As a result of these blows, you were able to escape. However, the men continued to chase you and, with the help of other members of the public, eventually apprehend you. Your co-offender escaped and is still at large. He has not been identified.

Both victims suffered pain, blurred vision and other minor injuries as a result of the violence perpetrated against them. The first man had some ongoing pain to his neck, wrist, temple and arm, and was referred for further investigation. Neither victim has provided an impact statement.

You are 33 years of age. You have a lengthy criminal history, which commenced with an assault perpetrated when you were 16 years of age. After that, there is regular offending which involves both serious offences of dishonesty and a number of offences involving violence. These include numerous convictions for assault, including assaults contrary to the Criminal Code. You have received sentences of suspended and actual imprisonment on a number of occasions. Approximately six months before you committed this crime, you were sentenced to imprisonment for numerous offences which included matters involving dishonesty, at least two burglaries and a common assault. I infer that you were released from this sentence not long before you committed this crime. It is apparent that various forms of sentencing, including imprisonment, have had little effect on your offending behaviour.

According to your counsel, despite a good upbringing, you have struggled throughout your adult life, with alcohol and drug abuse, as well as the mental health conditions of anxiety and depression. You have also had significant issues with accommodation security and have been homeless for many years. You claim to want to rehabilitate. You claim also to be remorseful for this offending and its impact on the victims. I will accept your early plea of guilty as some evidence of remorse.

Notwithstanding this, the crime you committed was a serious one. There was clearly some premeditation involved in the initial theft, and it was obviously also within your contemplation that if challenged you would make your escape using violence if necessary. Your victims were simply enjoying a social occasion when they became caught up in these events. They both acted with commendable responsibility and courage. Your initial blow against one of them was completely unprovoked and random, and the blows delivered by your co-offender were dangerous because they involved the application of blunt force to the head with a heavy object. You are legally liable for that conduct, and your moral culpability for it is reflected by your decision to take advantage of this violence to persist with your escape.

In my view, general deterrence is an important sentencing consideration. Further, given your criminal history and the fact that you committed this crime so soon after leaving prison after serving a sentence imposed for offences of both dishonesty and violence, it seems to me that specific deterrence is also an important consideration. I will make provision for the possibility of your rehabilitation, and acknowledge the mitigating effect of your early plea of guilty, by providing the opportunity for early release on parole.

Accordingly, the orders I make are as follows:

- 1 You are convicted of the crime to which you have pleaded guilty.
- 2 You are sentenced to a term of 16 months' imprisonment, which will be backdated to 22 March 2021. You will not be eligible for parole until you have served 10 months of that sentence.