

Mr Eldaleh has pleaded guilty to a charge of demanding property with menaces with intent to steal. He suffers from schizophrenia. He has a history of more than 40 admissions to the psychiatric unit at the Royal Hobart Hospital. Early last year he stopped taking his anti-psychotic medication and increased his use of alcohol. His mental health treatment and progress were turbulent as a result.

On the afternoon of 10 May 2020, when he had gone out for a walk, he entered a store in Moonah where he had been a regular customer. He asked the proprietor for tobacco, but the proprietor explained that he no longer sold it. Mr Eldaleh lost his self-control. He said to the proprietor, "Give me everything you have" and "Don't fuck with me." He tried to join the proprietor behind the counter, and said "Give me what I want." The proprietor started to call the police. Mr Eldaleh told a customer to leave the store. The customer told him that he had no right to ask him to leave, whereupon Mr Eldaleh pushed that man to the chest with both hands. He then tried to punch the proprietor, but he missed. He took a scale off the counter and threw it at the proprietor. It missed and hit the wall. He took an Eftpos machine and smashed it on the ground. He then punched the proprietor to the neck. He threw a cash register at the proprietor, but it missed and hit the wall. He threw another punch, failed to connect, and ran away.

Mr Eldaleh was 33 years old on the day in question and is now 34. He lives alone in supported accommodation provided by the Salvation Army. He receives a disability support pension. Apart from schizophrenia he suffers from post-traumatic stress disorder as a result of having been stabbed by his brother in 2004. He has also been diagnosed as suffering from anxiety and depression. He sees a psychologist once a fortnight, and sees a psychiatrist regularly. He suffers from arthritis in the neck and knees, and from neuropathic pain in his legs and feet. Because of his physical disorders he is not suitable for an order requiring community service.

At the time of the crime Mr Eldaleh had bizarre ideas about the shop-keeper being involved in terrorism and the sale of illegal cigarettes. His mental health has improved significantly over the last 12 months. He receives support from his local community mental health team as well as the National Disability Insurance Scheme. He accepts that symptoms from his destabilised schizophrenic illness affected his judgment on the day in question. He regrets his actions. It counts in his favour that he pleaded guilty without the Crown needing to prepare the case for trial. He has no significant prior convictions.

Because of Mr Eldaleh's mental health symptoms on the day in question, I do not think he should be sent to prison for what he did, or even given a wholly suspended sentence. He is not suitable for a community service order. I think the most appropriate course is to impose a conviction, make a compensation order, and make an order for 6 months' supervised probation.

Aarif Billah Ali Eldaleh, I convict you and make a community correction order, to operate for 6 months from today, with conditions that, during that period (a) you must submit to the supervision of a probation officer as required by the probation officer, and (b) you must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer. I order that you pay Yaser Mohammadi-Fard compensation for the damage suffered by him. I adjourn the assessment of that compensation sine die.