

STATE OF TASMANIA v BRADLEY JONES
COMMENTS ON PASSING SENTENCE

22 JULY 2021
BRETT J

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

You committed the crime on 2 February 2021. You and a companion went to the gaming area of the local hotel. You ordered a carton of beer from a staff member and while she was away from the bar fetching the beer, you went behind the bar, opened the cash drawer and took money from it. A male patron saw what you were doing and challenged you. He was standing outside a low swinging gate which provided access to the bar. You forced the gate into him to push him back, and then grabbed hold of his shirt causing a tear. You then pushed him backwards, causing him to fall into some tables. You then ran out of the hotel with the money you had stolen. As you did so, you ran through a glass door, causing the glass to break and cutting yourself on it. You were identified by use of CCTV and police arrested you two days later. You made admissions to police and then pleaded guilty to this charge in the magistrates court on 12 March. It is clear that this was an early plea.

The patron assaulted by you as you made your escape suffered pain to his finger and backside area. His torn shirt was valued at \$90. The cash stolen by you amounted to \$4300. You told police that it was less than that, but in any event you also told them that you had spent it all on taxis and drugs. None of that money has been recovered.

You are 25 years of age and have an extensive criminal record. Your criminal offending goes back to when you were a youth and includes many convictions for offences of both dishonesty and violence. At the time of this offending, you were subject to suspended sentences. Those sentences have since been activated because of other offending. It is clear that you have for many years had a serious drug problem. This problem can be linked to much of your offending and is directly related to the crime that I am dealing with. You claim to have acted spontaneously, when the staff member went to collect the beer, with a view to stealing money to pay for drugs, and that this is in fact how you spent the proceeds. I intend to proceed on that basis.

You claim to be remorseful. I accept that your early plea is consistent with this claim. You also claim to want to rehabilitate and you are seeking to be placed on a drug treatment order. I have had the benefit of a drug treatment order assessment report which concludes that you are eligible but unsuitable for this order. There are several problems identified by the report, the most significant of which is that your mother will not have you at her home and you have nowhere else to go. I agree with the author of the report about the recommendation. I also agree with the report author that there are concerns around your willingness and capacity to commit yourself to the onerous obligations of the CMD program.

The crime you committed although serious did not involve planned violence. I accept that it was spontaneous and the violence offered by you, as serious as it was, was brief and incidental to your escape. Fortunately, the man that you assaulted was not seriously injured. However, you committed a serious crime in public premises. A sentence of imprisonment is the only appropriate sentencing option.

You are convicted of this crime and sentenced to 16 months' imprisonment. That sentence will be backdated to 4 June 2021. I order that you not be eligible for parole until you have served one half of the sentence.

I make the following compensation orders:

- An order in favour of New Norfolk Hotel in the sum of \$4300
- An order in favour of Kim Ackerley in the sum of \$90.