

The defendant Martin Gerard Quigley has pleaded guilty to one count of aggravated robbery.

On the afternoon of 23 May 2020 he and Amy Radburn now deceased, decided to rob a pharmacy in order to obtain prescription medications. It was determined that Ms Radburn would enter the pharmacy and demand the medications using a written note, while the defendant would wait outside.

At approximately 1:40pm they entered the Terry White chemist at Magnet Court in Sandy Bay. Ms Radburn was wearing a grey hooded top and the defendant was wearing a baggy dark coloured jumper pulled over his chin and hands and a black beanie.

Ms Radburn entered the shop and the defendant waited outside.

Mr Jonathan Bouffard was working as the on-duty pharmacist that afternoon. There were also a number of other employees and customers in the shop at the time.

Ms Radburn approached the counter holding a green calico shopping bag and said to Mr Bouffard, *"I'm sorry to do this to you"*. She then produced a handwritten note from her pocket which read. *"this is a robbery. Empty the safe of all the s8"*.

Ms Radburn then took out her left hand from her pocket, opened her palm and showed it to Mr Bouffard who could see that it was red. Ms Radburn told him that it was blood and that she had HIV and hepatitis and told him to get the drugs out of the safe.

Mr Bouffard told another staff member to get everyone out of the shop and Ms Radburn told Mr Bouffard *"you've got two minutes"* and threw a green calico bag over the counter.

As this occurred the defendant moved into the entrance of the shop, keeping the glass sliding doors open. He placed his arm over his face.

Mr Bouffard put a number of prescription (schedule 8) medications to a value of \$350 into a clear plastic bag and gave it to Ms Radburn. The medications included methadone, codeine and Palexia which is an opioid pain killer.

Ms Radburn and the defendant left the pharmacy together and ran along Sandy Bay Road in the direction of the Bay Hotel. As they ran Ms Radburn gave the defendant the plastic bag containing the stolen medications. They returned to the Bay Hotel, where they consumed some of the medication.

Ms Radburn was also charged with aggravated robbery, however as I have already noted she has since died. That was in Victoria.

The State accepts that the defendant's criminal responsibility is on the basis that he aided or abetted Ms Radburn to commit the robbery.

I have read a victim impact statement from Mr Bouffard. He makes the point that the layout of the pharmacy has been altered at expense but he still very anxious that such an event could occur again.

Pursuant to s68 of the *Sentencing Act* 1997 the State seeks a compensation order in favour of Terry White Chemmart Magnet Court, in the amount of \$350. I make that order.

The defendant has been in custody in relation to this matter since his arrest on 23 May 2020.

He has a record of prior convictions both here and in Western Australia dating back to 2005 when he was a youth in Perth. He has a record of property offences and offences against police and in 2009 a relevant prior conviction when he was sentenced for 2 counts of aggravated armed robbery. Again in 2012 he was sentenced for a serious offence of threatening to kill and being armed in such a way as to cause fear.

The defendant accepts that at the time of the planning to rob the pharmacy, he was in the grip of illicit drug use and was not thinking clearly.

Pursuant to section 27(4) of the *Sentencing Act* 1997 the State makes application to breach the suspended sentence imposed on 30 March 2020, for dishonesty offences in the Magistrates Court. That is not contested and in my view it is not unjust to activate the sentence and I do so, back dated to 23 May 2020.

The defendant is 33 years old and has previously been able to lead a resourceful life with a reasonably good industrial record. Until the commission of this crime there has been a considerable gap in his serious offending. I am told that upon his release he will live with his sister and will actively look for employment with the aim of obtaining unskilled work.

During his time in custody, I am told he has been able to reflect on where the use of illicit drugs has led him and he has accepted that he is likely to reoffend again unless he remains drug free.

The defendant is convicted of aggravated robbery and is sentenced to two years imprisonment backdated to 23 August 2020 with the balance from today suspended for a period of two years on condition that he commit no offence punishable by imprisonment within that period.

In addition I make a Community Correction Order for a period of 12 months with all of the core conditions and with a special condition that the defendant attend, participate and complete the Equips Addiction Program as directed by a probation officer.

I direct that the defendant attend at the office of Community Corrections at Glenorchy by close of business on Monday 23 August 2021.