

Matthew Richard Law you have pleaded guilty to two counts of aggravated burglary and two counts of stealing, all of which occurred on 20 March 2021 and involved you entering a property at Kempton on two separate occasions and on each occasion stealing items. Additionally, you have pleaded guilty to two summary charges namely possess a controlled drug and breach of bail. I have agreed to deal with those matters pursuant to s 385A of the *Criminal Code*. The breach of bail arises from you not being present at your bail address whilst you were out committing the aggravated burglaries. The possession of controlled drug charge arises because you had a small quantity of methylamphetamine in your possession when you were arrested by police.

The complainant's operate a gift shop known as Little Shop of Echoes which also serves as the Kempton Australia Post Office. The complainants' residence is attached to the business. On 19 March you were in the Kempton area, and contacted the Post Office to enquire whether you could withdraw money. You gave a false name and asked if you could withdraw \$5,400 in cash. I am satisfied you did this in order to determine how much money was being held at the Post Office, because you were thinking of stealing from it.

In the early hours of 20 March, you entered the property. When you entered Mr Cook was asleep in a back room, but was not disturbed by your entry. During this initial entry you stole a number of items including keys to the front door, a cash register which contained approximately \$100 and 24 non-activated phone credit vouchers of nominal value. You also made an attempt to remove the safe which was present but you were unsuccessful in doing this by yourself.

You left the premises, opened the cash register and removed the cash before disposing of the cash register on the side of the road.

A short while later you telephoned your co-accused, Mr Large and asked him to meet you in Kempton and assist with the matter. Mr Large subsequently attended and together you returned to the Post Office. You told Mr Large you had already burgled the Post Office and wanted to return in order to remove the safe. You told him you needed his assistance to remove it.

At approximately 4.09am you returned to the Post Office. You and another unidentified accomplice (not Mr Large) put on face coverings and re-entered the premises through the front door using the keys you had previously stolen. Mr Large remained in the motor vehicle, keeping the car running to facilitate your departure. Upon re-entry, either you or your accomplice disabled the telephone in the residence. As you were removing the safe, you heard a noise in the rear bedroom. You entered the bedroom and found Mr Cook asleep. The State do not assert that prior to hearing this noise you were aware that the residence was occupied. Nevertheless, you woke Mr Cook and told him you wanted the money from the safe. He told you he did not know the password. You demanded he wake his wife in order to obtain the password. One of the two of you (you claim it was not you) told Mr Cook that if he did not do this, he would be "taken 40 kilometres in to the bush and dumped there". It matters not in my view, who uttered the threat. You were engaged in a joint criminal enterprise with your accomplice. Being threatened in that manner, must have been very distressing for Mr Cook.

Ms Cook was woken and made to unlock the safe. Again, it must have been a most distressing situation to be woken in the middle of the night to masked burglars, making demands. You stole approximately \$12,650 from the safe. Before leaving the residence you and your accomplice took both mobile phones from Mr and Ms Cook in order to stop them contacting police. You subsequently threw them away as you drove from the residence. The mobile phones were valued at approximately \$500. They were later recovered in working order.

A few minutes after you and your accomplices left, Ms Cook attempted to call police. Because of the damage to the phone lines this was unsuccessful. She drove to the home of the local police officer and advised what had occurred.

Following the commission of the crimes, you and Mr Large returned to your unit. You gave Mr Large an amount of money as payment for his assistance. You then travelled to an address in North Hobart and paid off a debt. You were arrested later in the evening on 20 March. At the time of your arrest you had 3 grams of methylamphetamine in your possession. Police searched your residence and found a large quantity of silver coins in a calico bag, a large quantity of phone credit vouchers in a bag with a Kempton Post Office delivery docket inside, balaclavas and face masks and a Telstra phone with a number consistent with the number that had been used to make the enquiry about withdrawing money on 19 March to the Kempton Post Office.

You were interviewed on 21 March and initially denied your involvement. You sought to be reinterviewed on 22 March and at that point made extensive admissions regarding your involvement in the crime. You were not, however, willing to name the unidentified accomplice. You have been in custody since 22 March 2021.

You were 37 years of age at the time of this criminal conduct. You are now 38. You have a terrible criminal history consisting of a large number of offences of dishonesty. Your criminal record starts with offences committed when you were 14 years of age and has continued, largely unabated, since, interrupted only by periods of imprisonment. Of note, in 2003 you were sentenced to a period of 18 months' imprisonment for many offences of dishonesty. In 2005 you were sentenced to a 12 month period of imprisonment, again for offences of dishonesty. In 2006, you were sentenced by the South Australian Magistrates' Court for matters of dishonesty and driving offences and received a period of 3 years' imprisonment with a non-parole period of 18 months. There were further substantial periods of imprisonment imposed by the South Australian Magistrates' Court in 2008 and 2010 for matters which included dishonesty, firearm offences, serious criminal trespass and some driving offences.

You were sentenced by the District Court of South Australia in 2013 for offences of aggravated serious criminal trespass and dishonestly dealing with property without consent. You were sentenced to imprisonment for 5 years' 1 month and 9 days with a non-parole period of 2 years and 9 months.

It seems this parole order was subsequently transferred to Tasmania. You were released on parole in Tasmania in April 2017. In September 2017 that parole was suspended before being revoked in October 2017. In July 2015 you were sentenced for matters of dishonesty that had occurred in 2005. In February 2016 you were sentenced for a large number of offences of computer related fraud. You were sentenced to 15 months' imprisonment. More recently in January 2018 you were sentenced to 12 months' imprisonment for a number of offences of dishonesty including aggravated burglary and stealing. In August 2021 you were sentenced to

a period of 2 months' imprisonment for being found in possession of stolen property that sentence being backdated to take into account time already served in custody.

Obviously your record of prior convictions, particularly in respect to matters of dishonesty is a very poor one indeed. It seems substantial periods of imprisonment imposed in the past have failed to deter you from further offending. Of course, you are not to be sentenced for your record, but it means specific deterrence is a very important sentencing consideration.

You have had a very difficult upbringing. Your mother was heavily involved in a church. Your father was a member of a motorcycle club. There was conflict in the home, and your parents separated when you were 5 years of age. You lived with your mother and she was frequently emotionally and physically abusive. You were denied the opportunity to see your father. When you were old enough you moved to South Australia to live with your father but shortly after he was sentenced to a period of imprisonment. You were placed into foster care for a short period before becoming homeless. This is when your offending behaviour commenced. So too did your drug use. Drug use and addiction have been prominent in your life ever since. You were returned to Tasmania by the South Australian authorities and lived with your mother for a short period of time before issues in your relationship with her again led to you living on the streets. You have been living a transient lifestyle since you were approximately 16 years of age. Around that time you became involved in a motor cycle club. They provided you with somewhere to live and made you feel part of a "family". You were young and naïve and believed they were looking after you. The reality was, they were using you to commit crime. They plied you with drugs in order to secure your assistance. I am told you felt you had little choice. The club offered you a stability you had not previously known.

I am told that you were released from custody in Tasmania in June 2020. At that time you obtained some work with a roofing company, were engaging with pro-social people, you were drug free, your mental health had stabilised and you had stable accommodation. You felt positive about life. You were however arrested on an outstanding warrant in December 2020 and returned to custody. This saw you lose your job. The period of stability you had been experiencing was lost to you and on release you returned to methamphetamine use. You also began to have pressure exerted upon you from members of a motor cycle club about payment of a long term drug debt. You were without means to repay this debt. You received a number of threats, directed at members of your family, suggesting harm may be caused to them if the debt was not repaid. You were given one week in which to make payment. This was your motivation for committing the crimes. You did it to get money to pay off the debt. After stealing the money you immediately went and repaid the debt. I am told you have now ceased membership with the motor cycle club, all debts are paid and it is your intention to have no further dealings with them. You anticipate there will be no further repercussions for you flowing from your association with the club.

Whilst you were employed with the roofing company you were able to abstain from the use of illicit drugs. You believe that if you are able to re-obtain some employment and address your long term drug addiction issues, there is hope for your future.

These were serious crimes. They were deliberate and premeditated. You called the Post Office initially to ensure there were sufficient funds held there to meet your needs. You entered the premises with a view to stealing enough money to pay off your debt. Because you were unable to obtain the safe by yourself, you sought assistance from others and returned to obtain the funds you needed. There was a degree of persistence associated with your offending. The

property you unlawfully entered was not only a business but was also the complainants' home. It is not asserted by the State that you appreciated this at the time of entry. Nevertheless there were occupants inside the home when you committed the crimes. Fortunately they were not harmed, but it is not uncommon when crimes like this are committed, that violence is offered in response to resistance or intervention by the home owner. It appears Mr and Ms Cook were most compliant, and no physical harm came to them. But Mr Cook was threatened and I have no doubt it was a traumatic experience for both of them. Breaking into another person's home involves a terrible breach of privacy and intrusion into the sense of security home owners are entitled to enjoy. You showed a complete disregard for their rights. Crimes of this nature, linked to the consumption and trade of illicit substances, are a matter of considerable concern for the Court's and the community at large. There is a very strong need to deter others, protect the public and condemn and punish those who commit this type of crime.

I take into account your pleas of guilty. I note if the charges to which you have pleaded guilty, were the charges that had originally been pursued by the State, you would have been entitled to have them dealt with in the summary jurisdiction. I also take into account the admissions you made to police during your second record of interview, although note your co-operation did not extend to naming the un-identified co-accused. I accept that may have been because of fear, but nevertheless your refusal to name that person allows them to go unpunished and perhaps continue with further offending. The inevitable outcome of the commission of these crimes, given their seriousness and your protracted history of criminal offending, is a lengthy period of imprisonment. I intend to make allowance for parole. The period of time you spent in the community following your release in June 2020 offers some hope that if you are able to address your illicit substance use issues, there remains prospects for rehabilitation. Matthew Richard Law you are convicted of all offences to which you have pleaded guilty. In respect to the offences of possession of a controlled drug and breach of bail I make no further order. In respect to the two counts of aggravated burglary and the two counts of stealing, I will impose one sentence. You are sentenced to 20 months' imprisonment backdated to commence on 5 April 2021, to take into account time spent in custody and not otherwise accounted for. I order that you not be eligible for parole until you have served one half of that sentence. I make compensation orders in favour of Robert Cook and Julie Cook in amounts to be assessed.