

Alex Gordon Large, you have pleaded guilty to one count of aggravated burglary and one count of stealing. The crimes occurred on 20 March 2021. In the early hours of that morning you received a telephone call from your co-accused, Mr Law, who asked you to meet him in Kempton to assist with a matter. He did not at that point, provide you with precise details as to why he needed your assistance. You nevertheless agreed to travel to Kempton. Unbeknown to you, earlier in the night Mr Law had unlawfully entered the Australia Post Office branch at Kempton. This business also operates as a gift shop and the complainants' residence. Mr Law had stolen a number of items including keys to the front door, a cash register containing some monies and some non-activated phone credit vouchers. Whilst in the premises he had made an attempt to remove the safe but was unsuccessful in doing so. He wanted your assistance to remove the safe.

You travelled out to Kempton and met Mr Law some distance from the post office. Mr Law told you he had already burgled the post office but needed help to remove the safe. You agreed to assist.

You drove Mr Law's car to the post office. You waited in the car with it running, ready to depart, whilst Mr Law and another unknown person donned face coverings and entered the premises using the keys previously stolen. Once inside, and whilst removing the safe, your co-accused heard a noise and discovered one of the complainants, Mr Cook, asleep in the residence. He was woken and told to open the safe so they could obtain the money from it. When Mr Cook did not know the password, demands were made that he awaken his wife. That occurred and Mrs Cook was forced to open the safe so the money could be obtained. During the course of the interaction with the complainants, Mr Cook was threatened by your co-accused. Approximately \$12,650 was stolen from the safe. Two mobile phones and three cordless telephone handsets were also stolen. Your two co-accused exited the post office, entered the vehicle you had kept running, and you drove away at speed from the post office. As the vehicle was driven away, the two mobile phones were thrown from the vehicle and were subsequently recovered by police in working order.

You and your co-accused returned to the original meeting point. Your co-accused left in his own vehicle and you followed. You returned to the co-accused's unit at approximately 5am. You were given an amount of money for your assistance in the commission of the crimes. You subsequently sent a number of messages to your wife indicating that you had obtained some monies. Those messages suggest you were pleased with your haul.

You were arrested on 31 March 2021. When you were interviewed by police you initially denied any involvement but eventually admitted what you had done. You maintained you did not enter the premises at any stage and this is accepted by the State. The State also accepts that you played a lesser role in the commission of these crimes than your co-accused. You were not involved in any of the planning. At the time your co-accused entered the premises you did not appreciate there were people inside, but given the nature of the premises, you should have been alerted to the fact that was a reasonable possibility. It is an inherent risk in any matter involving the unlawful entry into premises, that people may be inside, and they may be harmed or traumatised.

You were 27 years of age at the time of this crime. You are now 28. You have a long criminal history consisting mainly of driving offences, offences involving the breach of family violence orders and bail offences. There is very little by way of dishonesty offences. The only matter of dishonesty is a conviction for unlawful possession of property, which was committed on 11 March 2021, so only a matter of days before the commission of these crimes. You were not sentenced for it until 13 September 2021. It is not a prior conviction for sentencing purposes. Whilst you do not have relevant prior convictions for dishonesty, your recorded criminal history is reflective of someone who has scant regard for the law and authority generally. You have received periods of imprisonment in the past, both actual and suspended, for driving offences and breach of family violence order offences. They appear to have done little to deter you from an attitude of disobedience to the law. Specific deterrence is a relevant consideration.

On 13 September 2021 you were sentenced to 12 months' imprisonment for a large number of offences involving driving and breaching family violence orders. You are obviously still serving that sentence. I will bear principles of totality in mind, but also note this is a separate episode of criminal conduct for which you are to be sentenced.

I accept you have had a very difficult childhood. Your mother abandoned you when you were six weeks of age. She was an alcoholic. You then spent intermittent periods of time living with various family members. Your father was in and out of prison, and you spent periods of time in foster care. You lived with your grandmother from about the age of ten, but this too was problematic as by then you had already developed an addiction to marijuana and your behaviour was difficult. You had very little stability during your formative years.

To your credit, you have been able to hold down a number of positions of employment. You moved to New South Wales in 2009 and held and maintained work on cattle farms for several years. I am told that whilst employed you were relatively stable. In 2011 however, you found out your father had been diagnosed with cancer and made the decision to return to Hobart. Unfortunately you soon returned to past habits of abusing illicit substances and associating with people who were not positive influences.

You met your co-accused, Mr Law, when you were serving a period of imprisonment in 2020. You maintained contact with him following your release. After your release, you resumed using methylamphetamine heavily, which led to debt. You were nevertheless working in a towing business and trying to move forward. One of your debts was owed to your co-accused. I am told the arrangement was that if you assisted Mr Law commit the crimes the debt would be wiped and you would receive some money. You agreed to do it because your illicit drug habit had left you in a precarious financial position.

I take into account that you had no involvement in the planning of the crime and agreed to assist only to the extent of waiting outside with car running. You did not know the premises doubled as a residence or that anyone was inside. But, as I have said, there is always a risk that others might be present and therefore harmed, when a burglary is committed. You accepted that risk when you agreed to assist. There was, prior to the plea being entered, considerable negotiation as to the extent of the defendant's involvement in the matter. The State accept the defendant's criminal liability arises because he aided his co-accused in committing the crime. Upon resolution of that issue, the defendant entered his pleas of guilty. His pleas of guilty should be seen as early pleas of guilty and he should receive some credit for same.

The different role the defendant played in the planning and execution of these crimes means, in my view, parity has very little work to do. Mr Law was sentenced for 2 counts of aggravated burglary, and 2 counts of stealing. He also had prior convictions for dishonesty which were far worse than those of the defendant.

Mr Large you agreed to become involved in serious crimes, so as to obtain a financial benefit. You knew a safe was to be stolen by breaking into premises, which as a matter of fact was someone's home. It is not uncommon when crimes like this are committed that violence is offered in response to resistance or intervention by the home owner. That is why crimes of this nature are serious, and a matter of community concern. I have no doubt the complainants found the entire ordeal most traumatic. 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. By choosing to participate in this crime you demonstrated a complete disregard for their rights. General deterrence and denunciation are important sentencing considerations.

You do not have a history of committing crimes of dishonesty. It appears your involvement in this matter came about because of your prior relationship with your co-accused and your need for money because of your significant drug addiction. You acknowledge your drug addiction has caused you significant problems and you are willing to work on it going forward. There is no doubt you will need to display some persistence in addressing your drug problem if you are to avoid long periods of imprisonment into the future. There remains, in my view, some prospects of reform given you have the support of family and a desire to change. That desire has been reinforced I am told by the sentence you are currently serving. I think the sentence I impose should encourage that desire for change, but also send a clear message to you and others that crimes of this nature, whatever your level of involvement, attract harsh penalties. The only appropriate response is a sentence of imprisonment, but your lack of prior convictions for matters of dishonesty and the limited role you played in the commission of the crime are factors which, in my view, justify suspending a substantial part of that period of imprisonment.

I make the following orders. In respect to the two counts on the indictment there will be one sentence. You are convicted of the crimes to which you have pleaded guilty and are sentenced to six months' imprisonment cumulative to the period of imprisonment you are currently serving. The last four months of the sentence is suspended for a period of two years on condition you are not to commit any offence punishable by imprisonment during that period. I make compensation orders in favour of Robert Cook and Julie Cook in amounts to be assessed. Mr Large, I need to explain to you that if you do commit any offence punishable by imprisonment – and I emphasise the word any – you can be brought back to this Court and an application made that you serve the suspended part of the term of imprisonment. The law is that a judge must activate that sentence unless it is unjust to do so.