

Kahni Brown-Cross you plead guilty to aggravated robbery. The crime was committed in the early hours of the morning of Tuesday, 27 July 2021. You were aged 19. The victim, Arshdeep Singh, was also 19. On the previous evening he was out socialising. At about 11.00pm he and his friend met you and your female friend at a bar. You had not met before but you struck up a conversation and then the four of you spent the next few hours driving around Launceston in Mr Singh's car. Eventually, after dropping his friend at his hotel, he drove you and your friend home to Ravenswood before he went home. At about 5.30am you invited him to return. He thought it was to continue socialising but in fact it was a trap. You invited him inside where there were three males wearing face masks. One of them struck the back of Mr Singh's head. While you stood by and watched he was put on the couch and stood over. One of the males claimed to be your boyfriend and punched Mr Singh's face. As all three men menaced and threatened him he was forced to hand over his jacket. The men stole his iPhone, driver licence, earbuds and keys. He was even asked to sign over the registration of the car although that did not eventuate. The man who claimed to be your boyfriend then, with you and the other offenders, drove Mr Singh back to his residence where he was left before his car was driven away.

You were identified from a photo board and arrested in Devonport on 7 August 2021. A video found on your phone shows you driving Mr Singh's car just after 5pm on 27 July, the day you stole it, with a female in the front passenger seat. You were admitted to bail by a magistrate on 9 August 2021 but arrested on 5 November 2021 after you failed to appear in court.

Mr Singh suffered a bloody nose and swelling and bruises to his face and head and a badly swollen and split lip. His injuries and the headaches which resulted were painful and took a couple of weeks to resolve. His car was found abandoned near Strahan on 15 August 2021. One tyre was shredded and was in the back seat. Speakers were removed and taken. Clothing in the car when it was stolen was gone. The other stolen items have not been recovered. When the car was taken Mr Singh took pride in its very good condition. It had some damage when recovered which is difficult to repair. He had to pay \$1000 to have it towed back and \$500 for a new key.

It is the criminality to which Mr Singh himself was exposed which is most important. The blows he suffered were painful, but the situation in which he was put must have been terrifying. He was effectively deprived of his liberty by the combined threat posed by three men wearing masks. You are criminally responsible as an aider to the crime, but it is a serious example of that type of involvement. Identification of the complainant as a target could only have come from you, and the crime could not have been committed without your active involvement. You displayed no immediate remorse and, following your arrest, gave a false name and then denied any participation in the crime.

You were 19 and the time of the crime and are now 20. You are aboriginal. You are eldest of seven children. As a child drug use was prevalent within your family, which created conflict especially with your mother. At age 12 you were a daily cannabis user. You were expelled from school in year 8 because of behavioural problems. By the time you were 16 you were heavily addicted to methylamphetamine, a habit which, according to your counsel, was costing between \$500 and \$1500 per day. In those circumstances it is hardly surprising that you commenced committing crimes of dishonesty and related to possession, use and selling

drugs. In April 2021 you were sentenced to a short term of imprisonment, some of which was suspended, for such offences as well as driving, bail and firearm offences. It was not long before you breached that suspended sentence by committing more bail, drug and driving offences and you were sentenced to a further term of imprisonment. The crime for which I am to sentence you was committed during the same period of offending following your release from prison and so totality has some relevance.

I was asked to have you assessed for your suitability for a drug treatment order. The making of a drug treatment order as a sentencing option is provided for by the *Sentencing Act*, s 27B. There are a number of pre-conditions to the making of an order. Counsel for the State submitted that I may not make an order because your offence involved infliction of actual bodily harm that I should conclude is not minor harm. I think that submission is probably correct but I need not determine it. I do not intend to obtain an assessment because, even if you are assessed as suitable and eligible, I do not consider it appropriate to make such an order. That is partly because the making of an order does not adequately reflect the need for punishment and deterrence. It is also because I may only make such an order if, in respect to any term of imprisonment I would impose, I would not have suspended all or any of it. That is not a course which I would adopt. Your plea of guilty is in your favour. The principles which apply to sentencing young offenders apply to you. Generally prison should be avoided but this is a serious offence involving violence and you have already served terms of actual imprisonment. The period spent in custody has resulted in a period of enforced abstinence from drugs and made clear to you what the result of future offending will be.

I consider a partly suspended sentence with conditions requiring supervision in the community following your release as the appropriate sentence. Although you have been in custody since your arrest on 5 November last year, you were serving sentences until 21 May 2022 which is the date that a sentence I impose should commence.

Kahli Brown-Cross, you are convicted on the indictment. I make a compensation order if favour of Arshdeep Singh and adjourn the further terms of that order to a date to be fixed.

You are sentenced to imprisonment for ten months from 21 May 2022. I suspend six months of that term for two years from today on the following conditions:

- (a) You are not to commit another offence punishable by imprisonment during that period. If you breach that condition you will be required to serve the term unless that is unjust.
- (b) During the two year operational period of the order, but commencing on your release, you will be subject to the supervision of a Community Corrections officer. The conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition and will be set out in the order you will be given. These include that you must report to a Community Corrections officer within three clear days of your release, you must submit to supervision and comply with the directions given by your probation officer, you must not leave Tasmania without permission and you must notify of any change of address.
- (c) In addition to the core conditions, the order will also include the following special conditions that you must, during the operational period of the order but following your release:
 - i. attend educational and other programs as directed by the Court or a Community Corrections officer;

- ii. submit to the supervision of a Community Corrections officer as required by that officer;
- iii. undergo assessment and treatment for drug dependency as directed by a Community Corrections officer;
- iv. submit to testing for drug use as directed by such an officer;
- v. submit to medical, psychological or psychiatric assessment or treatment as directed by a Community Corrections officer;
- vi. attend and complete the EQUIPS addiction program as directed by a Community Corrections officer.