

Anthony Donohue, you have been found guilty by a jury of armed robbery. Because the only issue at trial was the identity of the robber, the facts follow from the verdict. At about 9.30pm on Sunday 2 May 2021 you walked into the Lighthouse Hotel at Ulverstone. You were wearing a full faced balaclava which covered your whole head, and you had gloves on your hands. You carried a small backpack and an offensive weapon which you were holding tucked into the sleeve of your jacket so that it was not fully visible. You walked up to the gaming room counter where a staff member was counting a till. You thrust the offensive weapon in her direction, in a manner that suggested you were holding a firearm. You demanded she give you the till. You made this demand more than once. The staff member tipped the contents of the till into the backpack that you were carrying. You received somewhere between \$5000 and \$8000. None of this money has been recovered. Having gained the money, you left the hotel and fled the area by running through the backyard of a nearby residence. In doing so, you dropped the balaclava and some sunglasses you were wearing. DNA analysis subsequently linked those items to you and you were arrested. You denied your involvement in this crime.

Whilst I am unable to determine the offensive weapon carried by you was a firearm, you behaved in a way that caused the staff member to believe you were carrying a firearm. She gave evidence that she thought you had a firearm. She described it as being cylindrical in shape and said she believed she saw a muzzle. I will sentence on the basis that I am not satisfied it was in fact a firearm, but rather a cylindrical metal object. I will also sentence on the basis that you behaved in a manner whereby it was apparent you wanted the staff member to believe it was a firearm, and wanted to create fear and intimidation so that she would comply with your demands. The fact it was not a firearm is of course relevant to the degree of physical harm that may have been occasioned, but that does not diminish the psychological harm that your behaviour caused for the staff member. The impact of the crime is relevant to sentence. Fortunately, no physical harm was caused to anyone, but as so often happens with crimes of this nature, the staff member has suffered considerable psychological consequences. She has undertaken some counselling and has had to take time off work. She has experienced nightmares and panic attacks. She now finds herself becoming frequently anxious, is more cautious and less trusting. Fortunately, with support from her employer, she has been able to gradually return to work. The staff member found the giving of evidence a most difficult experience.

You have over 50 prior convictions for matters of dishonesty, varying from fraud to stealing to dishonestly acquiring a financial advantage and many others. You have several prior convictions for matters of violence. You also have significant prior convictions for driving offences and bail offences. You have been sentenced to periods of imprisonment on several occasions for your past offending. In more recent times you have received a 10 month period of imprisonment for offences of dishonesty and a two month period of imprisonment for a matter of common assault. You have not previously been sentenced by this Court.

By way of background, you were raised predominantly by your mother. Your parents separated when you were five, largely due to your father's violence. He was an alcoholic. From the time of the marriage breakup, your elder brother played a very significant role in your life. Sadly, when you were 15 and he was 19, he was killed in a motor cycle accident. From that point onwards, you have experienced a number of difficulties. You did not cope with his passing and turned to alcohol and then drugs to cope with your grief. You developed an addiction to methyl

amphetamine. A review of your prior convictions indicates that before your brother's passing you had not been in any significant trouble with the law. Since then however, you have been a relatively persistent offender. Your prior convictions are reflective of you committing crime in order to sustain your drug habit. I am told that you are desirous of addressing your drug addiction. Whether that eventuates or not remains to be seen. I note you have previously had the benefit of sentences directed towards your rehabilitation, such as drug treatment orders, but to date they do not appear to have achieved their intended purpose.

Armed robbery is a very serious crime predominantly because of the consequences to those who are robbed and the dangers such crime presents to any member of the public who may be in the vicinity. On this occasion, there were other members of the public at the hotel at the time of your robbery. Indeed, one of them followed you from the hotel in an endeavour to identify you. It is an aggravating feature that members of the public were exposed to your crime. This crime was committed on commercial premises, during the latter part of the evening when limited staff were present. Such premises are particularly vulnerable to this type of crime. Given the manner in which you committed this crime, it must have been pre-mediated and planned. You are not entitled to any discount on sentence that flows from a plea of guilty. You have demonstrated no remorse. Principles of general deterrence and denunciation have much work to do in this sentencing exercise.

In my view the only appropriate sentencing response is a significant period of imprisonment. Mr Donohue, you are convicted and sentenced to 3 years and 9 months' imprisonment. In the hope that rehabilitation may yet be achieved I will make allowance for parole. You will be eligible for parole after you have served one half of that sentence. The sentence is backdated to commence on 25 November 2021 to take into account time already spent in custody in relation to this crime.