

Mr Briers, you have pleaded guilty to one count of aggravated armed robbery.

You committed the crime on 6 March 2022. You and three other people set out that day in the late afternoon in a vehicle, clearly intent on committing robbery. You were dressed in dark clothing, and wearing gloves and either a beanie or balaclava. You also took a machete with you to use as a weapon. The first shop you and your companions targeted was closed, so you moved on to the store at which the crime was committed. You entered that store at 6:17 pm. The driver remained in the car, and the other two came with you but waited outside the shop. You went into the shop with your face covered and carrying the machete. There were some staff and a female customer and her young child in there. You announced to a staff member that you were "robbing this shop" and demanded that he give you money and cigarettes. You then hit the shop counter with the machete. The mother and child left at this point, and you then went behind the store counter and started to take merchandise from a cabinet. The store workers left by a rear door, but one of them came back in to collect a set of keys, which he then used to lock the front door from the outside, effectively locking you in the store. You used the machete, and kicks, to smash a glass panel in the door to make your escape. You suffered a cut to your leg from the broken glass in the process. The property stolen by you consisted entirely of tobacco products and was valued at \$1100. None has been recovered. The glass panel in the door had to be replaced.

I have received an impact statement from one of the staff members. He describes the terror he experienced upon seeing you with the machete. He particularly mentions fear arising from your possession and use of this weapon and the fact that you had covered your face. He was also concerned about the presence and safety of the customer and the child. He continues to experience these traumatic memories. His description of the impact of your crime on him is completely understandable and consistent with what would be expected from conduct such as this. The threat of physical harm that arises from the use of a weapon in such circumstances is clearly highly traumatic and, in the experience of the court, often results in significant and long-standing psychological impact on those who are present when the crime is committed. Of course, this must have been understood by you because the whole point of taking and using a weapon is obviously to threaten and overbear any potential resistance from staff or customers. That is exactly what you used it for.

You are 19 years of age. You had a dysfunctional childhood, largely due to violence within your family. At the age of 13, you were left to fend for yourself, although you had some assistance from youth support facilities during your teenage years. You have had a long-standing problem with alcohol and illicit drugs. You also have a significant history of offending as a youth. Your criminal record shows that you have been dealt with in the past for numerous offences, including many for dishonesty, as well as more serious crimes of robbery and aggravated robbery. On 11 January 2022, you were dealt with for a number of offences, most of which were committed as a youth. The sentence included periods of suspended detention. You were subject to this order and a community correction order when you committed this crime.

I am informed by your counsel and a presentence report, that since committing this crime you have decided to make some positive changes to your life. This decision has been influenced by the commencement of a relationship with a supportive partner. Your counsel submits that you

are remorseful, and that your remorse extends to the impact of your crime on those in the store during its commission. It is also submitted that you entered a plea of guilty at the earliest opportunity, that is when the charge was still before the Magistrates Court. I accept that this is the case and that the plea does provide some evidence of remorse. You will receive appropriate credit for it.

I agree with your counsel that the encouragement and support of your rehabilitation are important sentencing considerations. I am very aware of your young age and accept that, at the very least, you want to make some positive changes in your life and, for that reason, have tried to remove yourself from antisocial associates and to stop your drug use. However, while your rehabilitation is important, I cannot ignore the objective seriousness of this crime. You deliberately took a machete into a store in order to commit robbery, knowing that there would be staff and possibly members of the public there. You went ahead with the robbery, including brandishing the machete in a threatening way, notwithstanding the presence of several people, including a mother and her young child. You went behind the counter with the weapon. Other aggravating factors include the fact that your conduct was planned and premeditated, your use of a face covering, the fact that you were in company with others and the vulnerability of the premises. I have already made the point that crimes such as this cause actual harm to people and create potential for even more serious consequences. General deterrence and denunciation of your conduct are also important sentencing considerations.

The only appropriate sentence is a significant term of imprisonment. I will, however, both moderate the head sentence and suspend part of the sentence to reflect your plea of guilty and to take account of your age and provide an opportunity for ongoing supervision and encouragement of your rehabilitation. I will also provide for the possibility of your early release on parole.

The orders I make are as follows:

- a. You are convicted of the crime to which you have pleaded guilty;
- b. You are sentenced to imprisonment for a term of two years, which will be backdated to the day that you were remanded in custody which is 2 June 2022. The final eight months of the sentence will be suspended for a period of 24 months from the date of your actual release from prison, on the following conditions:
 - a. that you are not to commit another offence punishable by imprisonment during that period.
 - b. that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 24 months. That period will commence from when you lawfully cease to be imprisoned under this sentence. The court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within 3 clear days of the day that you lawfully cease to be imprisoned under the sentence. In addition to the core conditions, the order shall also include the following special conditions:
 - (a) *you must, during the operational period of the order,*

- i. *attend educational and other programs as directed by the court or a probation officer;*
- ii. *submit to the supervision of a probation officer as required by the probation officer;*
- iii. *not take any illicit or prohibited substances, including:*
 - 1. *any controlled drug as defined by the Misuse of Drugs Act 2001*
 - 2. *any medication containing an opiate, benzodiazepine, bupropion, hydrochloride or pseudoephedrine unless you provide written evidence from a medical professional that you have been lawfully prescribed the relevant medication.*
- iv. *undergo assessment and treatment for drug dependency as directed by a probation officer;*
- v. *submit to testing for drug use as directed by a police officer or probation officer;*
- vi. *undergo assessment and treatment for alcohol dependency as directed by a probation officer;*
- vii. *submit to testing for alcohol use as directed by a police officer or probation officer;*
- viii. *submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;*
- c. you are not eligible for parole until you have served one half of the operative sentence. In practical terms, this means that you will become eligible for parole after serving eight months in prison.
- d. I make a compensation order in favour of Danyao Huang in a sum to be assessed and I adjourn that assessment sine die.