

Austin Cornish, you plead guilty to aggravated armed robbery and wounding. At about 10 pm on Saturday 10 June 2022 Lewis Laycock, a man aged 24, was walking towards the Launceston CBD. On the way he passed you and a man you were with as you stood on the footpath. Although you did not know each other, you struck up a conversation and decided to walk together to a night club. After drinking and socialising you left together some time later. As you walked through the street you, without warning, produced a flick knife, 8 to 10 centimetres long, held it at Mr Laycock's throat and demanded that he give you his wallet. With the knife still at his throat you then demanded his phone. Although he gave you his wallet and phone you then used the knife to stab him in the neck and then to the left side of his abdomen.

He sought assistance from a group of males nearby and was taken to hospital. Fortunately, there was no damage to the structures in his neck. The neck wound was closed with sutures and he was discharged from hospital later that day. There was only a small puncture wound in his abdomen which required no treatment.

The phone you stole was a valuable one. The wallet had both sentimental and monetary value. Neither has been recovered. However the real seriousness of this crime resulted from the actual and threatened violence to Mr Laycock, the harm it caused and the risk of further harm you posed. It is an attack which occurred in public. It seems that your decision to rob Mr Laycock was a spontaneous one and that you did not befriend him for the purpose of robbing him. However, although no serious injury was caused, stabbing a person in the neck or abdomen creates a real risk of very serious if not life threatening injury. Your actions could only have been done with an intention to wound him. You were heavily affected by alcohol but that does not reduce the seriousness of what you did. You are not charged with a crime involving an intention to inflict serious injury but the level of risk you posed is obvious. Over and above that, this must have been a terrifying experience for your victim. His victim impact statement describes the type of psychological trauma, including anxiety, social isolation and sleeplessness which would be expected to result from being the victim of a crime of this nature. Such effects can be significant and long lasting.

You are aged 20. In my assessment your age is a very significant factor in your favour. It elevates the importance of the chance of rehabilitation and reform in sentencing. In general terms, a young person without significant prior convictions, who has not been sentenced to imprisonment before, should not be exposed to the corrupting influence of prison unless the circumstances of the crime are such that actual imprisonment is the only appropriate response. Of course, some crimes that are so serious that imprisonment is the only proper sentence, but a careful examination of your prospects of rehabilitation is necessary.

Your upbringing was not a stable one. Your parents frequently argued and your relationship with your father was strained. The result was that you left home when you were 15. Since then you have experienced periods of homelessness and resorted to agencies which provide accommodation and support services to young persons. Your education was badly affected. You have suffered from anxiety and depression and, from about age 14, used illicit drugs. You abused alcohol to such an extent that by age 17 you attended Alcoholics Anonymous meetings with your father on a couple of occasions as well as briefly engaging with other alcohol and drug services. The circumstances of this crime demonstrate that alcohol and drugs were still a major problem. You were using drugs and drinking heavily every day. You had been associating

with people who were involved in drug use and crime and not a good influence. However, although you have some relevant prior convictions, you do not have a record for serious crime. You were dealt with by the Youth Justice Court for some offences of dishonesty and anti-social conduct committed when you were 17. You were fined for a common assault committed in 2021 when you were 19. At the same time you pleaded guilty to stealing and destroying property but not convicted for those offences. You had a brief involvement with youth justice services but you have had no involvement with Community Corrections. Despite all of the difficult circumstances you have faced you have demonstrated an ability to hold employment, including jobs carrying some responsibility, although you currently do not have a job.

I have been given reports about you from a psychologist, a youth development worker and your general practitioner. Nothing said in any of the reports suggests any medical, psychological or psychiatric condition which is relevant to sentence. Your general practitioner indicates that you have, since this crime, ceased use of illicit drugs, and that you are fit and active. Your youth support worker suggests that you are a person willing to accept responsibility for your actions, you are sorry for what you did and you want to lead a lawful and productive life. He, in particular, is supportive of you and urges against imposition of a prison sentence. The psychologist was engaged only after this crime was committed following a deterioration in your mental health which also led to you committing four separate breaches of the curfew condition on your bail. There have been two suicide attempts in the last 12 months. He suggests that you are motivated and committed to addressing the difficulties in your life. I sought and obtained a report from Community Corrections to which I will refer again in a moment. I share the concern expressed by the author of the report that despite all I have referred to you have had very little in the way of ongoing professional support to help you address your mental health and substance abuse issues. That may in part be your own responsibility. If released into the community you would have the benefit of being able to live at home with your mother and sister, but it is obvious that you will need a lot of help to address the issues you face.

The report I referred to assesses you as having very high risks and needs. One sentencing option may be home detention. However you are assessed as currently unsuitable for the making of a home detention order, principally because of your fragile mental health and a high risk of self-harm. The author of the report suggests the possibility of an adjournment of sentencing to enable you to engage in a consistent period of psychological treatment following which a further assessment of your suitability might be undertaken. I have power to defer sentence under the *Sentencing Act*, s 57A, to enable assessment of your capacity, and prospects, for rehabilitation, to allow for you to demonstrate that you are being rehabilitated and to allow for you to participate in a pre-sentence programs and treatment. In my view, it is a course I should take. But for your mental health I would have made a home detention order as an alternative to actual imprisonment. What I am now doing is offering you the opportunity to take whatever steps are necessary to demonstrate the capacity to substantially turn your life around, as difficult as that may be. You should clearly understand that what you do now will directly affect the sentence I ultimately decide to impose. All sentencing options remain open to me. It is my intention to have you return to court about every month so your progress can be monitored. At any time the deferral can be revoked and you can be sentenced.

For those reasons I adjourn the proceedings, grant you bail, and order in accordance with Division 1 of Part 8 of the *Sentencing Act* that your sentencing is deferred until 1 August 2023. I impose conditions on your bail that:

- during the period of deferral you live at [address] and that you not change that address without the prior approval of the court, and that you not be absent from those premises between 9 pm and 6 am and present yourself to a police officer during those hours if called upon to do so;
- you are not to approach Lewis Laycock directly or indirectly including by telephone, e-mail or any form social media;
- you must not directly or indirectly threaten, harass, abuse or assault Lewis Laycock;
- that you next appear at the Supreme Court, Cameron Street Launceston at 2.15 pm on 3 February 2023 and thereafter at such time and date as the matter may be adjourned prior to the deferral date;
- that as soon as practicable you attend Alcohol and Drug Services and submit to such assessment and treatment as you may be advised by that service; and
- that during the period of deferral you submit to treatment by Paul Hayes, psychologist, and comply with any recommendations made by Mr Hayes as to your treatment and programs.

If you do not comply with those conditions of bail, or for any other reason, you may be brought back to court and the deferred date for sentence may be brought forward.