

Mr Smith-Turner, you have pleaded guilty to one count of attempted armed robbery.

You committed the crime on 16 July 2022. You lured a man to a particular location by placing a false advertisement on Facebook. He thought he was going to the location to buy something off you. However, when he arrived you approached him, produced a knife, pressed it into his chest and yelled "Give me your fucking money". He had the presence of mind to stall you by pretending to look for money in his car, but you became impatient and poked the tip of the knife into his chest and stomach. While you did this, you verbally threatened to stab him. He attempted to push you away and fight you off. You then ran away, but he chased you and there was a further altercation between you. Eventually, onlookers called the police, but you escaped before their arrival. You were arrested a couple of days later after you were identified as the culprit by the police investigation.

Your use of the knife to poke the complainant in the chest resulted in a small cut to his left nipple. He also suffered two small cuts to his fingers when he tried to push the knife away.

You are 20 years of age. You have a lengthy criminal history commencing at the age of 12. It includes numerous offences of dishonesty as well as a number of common assaults and drug offences. You have had a significant drug problem since you were 14 and, in particular, you have been using methylamphetamine since you were 17. You claim to have been under the influence of methylamphetamine when you committed the crime, and the purpose was to obtain money to pay an outstanding drug debt. You claim to have been threatened by your dealer with a firearm if you did not pay the debt. You also have a history of mental health problems and reduced intellectual functioning and have been treated on a relatively extensive basis for these problems. I am told that you are eligible for NDIS support.

The crime committed by you is extremely serious, and in the normal course would deserve a significant sentence of imprisonment. Because of your age, history of drug use and the involvement of drugs in the commission of this offending, it seemed to me appropriate to have you assessed for a drug treatment order. I now have the report. The author has reasonably raised a question concerning eligibility having regard to the fact that your commission of the crime resulted in actual bodily harm to the complainant. However, I am satisfied that the cuts sustained by the complainant on his chest and fingers amount to minor harm for the purposes of the relevant provision of the *Sentencing Act*. I am satisfied that all of the other preconditions contained in that section in respect of such an order are satisfied, subject to my determination that it is appropriate to make the order. The report assesses you as a suitable candidate for a drug treatment order although I consider that this assessment depends upon you being committed to and capable of meeting the stringent requirements of the CMD program. There are aspects of your compliance with prior orders which would suggest that you may have some difficulty in that regard, but I think that you should be given the chance to undertake this program and hopefully get illicit drugs out of your life. In making this decision, I am heavily influenced by your age. You have clearly reached a stage in your life where you have a choice, if you embrace this opportunity and successfully get drugs out of your life then there is no reason why you cannot reform and lead a happy and law-abiding life. However, if you waste this opportunity, then you will be sentencing yourself to a life of misery and unhappiness.

You have now been in custody in respect of this crime since your arrest on 18 July 2022 that is almost 5 months. I will reduce what I would otherwise have assessed as the appropriate custodial period of the order, in order to reflect the time you have spent in custody. I would have imposed a sentence of two years imprisonment for this crime but given the time in custody, I will make the custodial period 19 months.

Accordingly, I intend to make a drug treatment order. I am satisfied of the following matters:

- (a) that you have a demonstrable history of illicit drug use, and that that drug use has contributed to the commission of the crimes for which you are being sentenced;
- (b) that were it not for making a drug treatment order, I would have sentenced you to a term of imprisonment and would not have suspended the sentence in whole or in part;
- (c) that there are no proceedings pending against you in any court for sexual offences or offences involving the infliction of actual bodily harm;
- (d) that it is appropriate in all circumstances to make the order and the facilities likely to be used for the treatment and supervision part of the order are reasonably accessible to you;
- (e) that there are sufficient staff and resources available to comply with the requirements of s 27B (3)(ba) of the *Sentencing Act*

You are sentenced to a drug treatment order. The custodial part of the order will be a term of imprisonment of 19 months. You are not required to serve all or any of the custodial part of the order unless ordered to do so by a court if you do not comply with the conditions of the order. The conditions of the order are as follows:

- i you must not in Tasmania or elsewhere commit another imprisonable offence
- ii you must attend the Magistrates Court of Tasmania on 4 January 2023 at 10:30am
- iii attend the Magistrates Court or the Supreme Court as or when directed
- iv you must report to a court diversion officer at Community Corrections at 75 Liverpool Street, Hobart by the close of business on 16 December 2022
- v you must undergo such treatment for your illicit drug use problems as specified in this order, and from time to time as specified by the Court
- vi you must report to and accept visits from your case manager or court diversion officers.
- vii you must unless there is special circumstances give your case manager at least two clear working days notice before there is any change of address
- viii you must not leave Tasmania, except the permission granted either generally or in a particular case of the court
- ix you must comply with all lawful directions of the Court
- x you must comply with all reasonable directions of your case manager and court diversion officers concerning the core and program conditions of the order.

The program conditions are the order as follows:

- a you must submit to drug testing including urine analysis as to directed by your case manager or court diversion officers

- b you must submit to detoxification or other treatment whether or not residential in nature as directed by your case manager or court diversion officers
- c you must attend vocational educational employment rehabilitation and other programs as directed by your case manager or court diversion officers
- d you must submit to medical, psychiatric or psychological treatment as directed by your case manager or court diversion officers
- e you must not associate with any individual determined by CMD to be an inappropriate contact
- f you must be contactable by telephone at all times and inform your court diversion officer within 24 hours about any changes in your contact details
- g you must not consume alcohol at all and submit to breath testing as directed by CMD or Tasmania Police
- h you must not use or associate with anyone who uses illicit or illicit drugs, synthetic drugs, unidentified drugs or mind mood altering drugs without the written permission of a court diversion officer
- i you must not use any prescription medication without approval from a general practitioner or court diversion officer
- j you are only to take prescribed medication in accordance with the directions.
- k you must obey all directions of your court diversion officer and any other CMD case worker including with respect to attending case management appointments, counselling sessions, urine analysis and any other appointment or assessment required by the program
- l you must reside at [address] or any other address approved by CMD
- m you are not to be absent from the approved premises between the hours of 9pm and 7am every day and you must present yourself to a police officer between those times when required to do so, unless you have preapproval from the court diversion officer to be absent.