

STATE OF TASMANIA v CARROLL ANNE ANDERSON-LINGO

14 FEBRUARY 2023

COMMENTS ON PASSING SENTENCE

ESTCOURT J

The defendant is Carroll Anne Anderson-Lingo, aged 28 at the time of offending and she has pleaded guilty to one count of aggravated robbery.

On 14 September 2019 at approximately 3pm the defendant entered the Sandy Bay Discount Pharmacy. She was wearing oversized clothing, sunglasses and a cap. She had her hair tied up and was carrying a black backpack. The defendant wandered around the store for a short time before she approached the complainant at the dispensing counter at the rear of the store. The defendant handed the complainant a piece of A4 paper with a typed note which had words to the effect of "*you are being robbed, do not call the police, don't do anything stupid*". The note also listed the medications the defendant required.

As the defendant handed the complainant the note she told him that there were "*guys outside who were making her do this*". She followed the complainant and went behind the prescriptions counter. She held open the backpack while the complainant placed the medications inside. The defendant told the complainant that she didn't want anyone to get hurt and to hurry up.

Once the medications were in the backpack, the defendant ran from the store and headed in the direction of Magnet Court. She took the typed note with her.

The total dispensed value of the stolen medication, comprising opiates and other powerful narcotic drugs was \$1,161.90.

On 1 June 2020 police attended the Bridge Program and arrested the defendant. She was transported to the Hobart Police Station. An electronically recorded interview was conducted. She stated the following:

- For a number of years she had been subject to serious violence at the hands of her partner. She had ended this relationship in February 2020.
- Her partner had forced her to do the robbery. He had threatened to "thump" her and to "sell" her if she did not. In the weeks leading up to the robbery she had been subject to physical and sexual violence.
- Her ex-partner gave her his clothes to wear and helped her cover her tattoos with tape.
- He typed out the note. He told her she needed to go into the pharmacy and give the pharmacist the note.
- He had driven her to the pharmacy and when they got there, he told her to go inside and get the stuff.
- When she got back into the car after the robbery, he drove away. Somewhere near the University of Tasmania he exited the vehicle and took the backpack with the medication in it, his clothes and the note.
- The defendant then drove herself home. Her ex-partner returned approximately an hour and a half later and had only had a handful, "probably six or seven, maybe eight" tablets left. She didn't know what he did with the rest of them.
- She told her ex-partner she didn't want to do the robbery, but he threatened her if she didn't.

- While she was doing the robbery she said to the pharmacist "I'm sorry" and "I don't want to hurt you".
- She was using heroin at the time of the robbery. Her ex-partner was purchasing drugs online and was supplying her with them. The week previous, police had raided their house and taken some of his drugs and he had blamed her for this.

All of those matters are accepted by the State.

Pursuant to s 68 of the *Sentencing Act* 1997 the State seeks a compensation order in favour of the Sandy Bay Discount Pharmacy in that amount of \$1,161.90 and absent to any submissions to the contrary I make that order.

The defendant has no relevant prior convictions and she has been sober since April 2020 after having separated from her ex-partner, obtained protection from him and entered the Bridge Program several months after the robbery. Indeed, she was arrested there as has already been noted. She is thus, clearly not a candidate for a drug treatment order.

The defendant has been assessed as unsuitable for home detention due to the potential impact of isolation on her emotional and psychological well-being

Given the level of coercion upon the defendant to commit this crime exercised by her violent former partner, upon whom she was reliant to supply her heroin addiction, and given her subsequent rehabilitation, her plea of guilty and the lack of some obvious aggravating features attending the robbery, it might be, on one view, appropriate to impose only minimal punishment. However, general deterrence looms large in cases of daylight robberies of pharmacies and other commercial premises, where customers and staff are present.

The defendant is convicted of aggravated robbery and is sentenced to 18 months' imprisonment, which sentence I wholly suspend on condition that the defendant commit no offence punishable by imprisonment for a period of 12 months.

In addition I make a community correction order for a period of 12 months. In addition to the statutory core conditions of the order, I include special conditions that during the operational period of the order the offender must, during the operational period attend educational and other programs as directed by a probation officer and submit to the supervision of a probation officer as required by the probation officer.