

STATE OF TASMANIA v GLENN STURLEY MEYER
COMMENTS ON PASSING SENTENCE

26 APRIL 2013
ESTCOURT J

The defendant has pleaded guilty to a charge of robbery, contrary to the *Criminal Code*, s240(1).

At about 5.20pm on Saturday 3 November 2012, the defendant, then aged 38, who had been drinking, entered the Kentucky Fried Chicken store on Main Road Claremont with his right hand in his jacket pocket and approached the 14 year old male sales assistant who was working there, saying, "*Come here ... I have a gun in my pocket, give me all the money*". As he spoke he raised his right hand pocket towards the sales assistant.

The sales assistant could not open the cash register without a sale going through so he called a second employee over. On the Crown facts that are no longer denied by the defendant, he twice repeated, "*I've got a fucking gun, give me the money*", and while the second employee was searching for the key to the register, the defendant said, "*I am not mucking about, I've got a gun*".

He had no gun, although, when he pulled his hand slightly out of his jacket pocket at one point he appeared to be holding something metallic and the second employee at least, thought it was a gun.

While this was happening, a young boy unknowingly came in to the store and stood next to the defendant ready to place his order. The defendant took between a \$100 and \$200, now agreed to be \$150, and left the store and started running. He was apprehended two days later after being identified from CCTV footage.

The defendant made a full confession of the commission of the crime to police, and told them that he needed money for his partner's daughter's school lunches, bus fares, medication, rent and cigarettes. He was going through a property settlement and was trying to pay the mortgage on the house of his ex-partner, his own rent, child support, a collection service and a finance company.

He told police that he got away with about \$150 which he spent on milk, bread and cigarettes on his way home and with which he later bought other grocery items and gave some money to his partner.

The defendant also told police that he did not know what came over him, that everything just got too much and he was desperate. It was a last minute decision he said, after he had checked his bank balances at an ATM and found he had nothing. He told police that he was ashamed as he had been brought up better than that and, indeed, it seems that he was, and he told police that he was "*very, very sorry*".

The threatened employees were young, one in particular, and would have been frightened, and in sentencing the defendant, I am very conscious that a risk associated with his crime was that it could have had a long lasting impact on the victims. They have not made victim impact statements, however.

It is obvious that the defendant's crime whilst grave, was impetuous, unplanned and amateurish. It is also obvious that the commission of the crime was out of character, the defendant having no relevant prior convictions.

In sentencing the defendant I also take into account his co-operation with police, his early plea of guilty and his immediate expressions of shame and remorse, which I have no reason to doubt.

Robbery is a very serious crime, usually warranting an immediate custodial penalty. However, taking into account all of the matters I have enumerated, together with the fact that he has voluntarily attended sessions with a psychologist, is currently undergoing an alcohol rehabilitation program with Alcohol and Drug Services, and plans to enter into the Salvation Army Bridge Program on Monday to address his problems with alcohol abuse, I propose to wholly suspend the sentence of imprisonment that is clearly called for. In the case of this defendant I am of the view that the fact of the suspended sentence will reinforce his shame and remorse and his determination to rehabilitate himself, and should ensure that he will not offend again.

Mr Meyer, you are convicted of robbery and you are sentenced to seven months' imprisonment, which sentence I wholly suspend on condition that you commit no offence that is punishable by imprisonment for a period of two years. I should make it clear that there are many offences that are punishable by imprisonment, not just offences involving violence or dishonesty. So, if you are to stay out of prison, in effect you need to stay out of all trouble with the law.

I make a compensation order in the sum of \$150 in favour of the proprietor of Kentucky Fried Chicken, Claremont.

I make the usual order under the Victims of Crime Compensation Act and I allow a period of 28 days in which to pay the levy.