

Michelle Hodge, you plead guilty to aggravated armed robbery. The crime was committed on 15 June 2021. At about 6.30 pm you were travelling in a car with two men which stopped near a parked car in West Launceston in which two males, Samuel Winch and Alladin Beshir, were seated. One of your male associates walked towards that car and you accompanied him. The male approached Mr Winch, who was in the driver's seat, and demanded that he hand over money and anything else of value. When Mr Winch told him that he did not have any money the male produced a revolver and pointed it from close distance at Mr Winch's head. The male then walked to the passenger side and pointed it at Mr Beshir in the same way. Wishing to comply Mr Beshir got out of the car, took off his jumper and told the male that there were coins inside it. He went onto his knees at which time the male told you to slap him. In accordance with that direction you struck Mr Beshir to the right side of his face. The male then returned to the driver side of the car, opened the door and pointed the revolver again at Mr Winch. He told Mr Winch he was "not mucking around", demanded the keys and was told that they were in the ignition. Mr Winch got out of the car, I infer at the demand of the male, who then sat in the driver's seat. You got into the front passenger seat and the car was driven away, leaving Mr Winch and Mr Beshir behind. The car in which you arrived was then driven away by the other male who had stayed inside it throughout these events.

The police were called. Police officers saw Mr Winch's car being driven north on Wellington Street and tried to intercept it but the male driver failed to stop. It was followed to South Launceston but you and he left the car there and ran off. Your handbag was found nearby. You were found later and arrested. You immediately disclosed the identity of the co-offender.

Mr Winch's victim impact statement describes just the type of impact which might be expected of a crime of this nature. He and Mr Beshir were both only 17 at the time. Mr Winch understandably feared for his life. He subsequently suffered interrupted sleep and anxiety and has been undertaking professional counselling to address the serious psychological consequences which still affect him. There is no victim impact statement from Mr Beshir but he is very likely to have been affected in a similar way.

You are now aged 29. At the time you were 27. Your record until 2018 includes only some relatively minor dishonesty and driving related matters. In 2018 you were sentenced to a wholly suspended term for evading police, and a considerable number of drug related driving offences. In August 2021, after this crime, you were sentenced to a partly suspended term for more drug related driving matters and some dishonesty. The explanation for your conduct begins with a reference to the fact that, at the time, you were in a relationship with a man who subjected you to serious violence. You were conditioned to subject yourself to his control. Along with your drug use this was a primary reason that your only child was removed from your care in about 2020. On the day of this crime you were upset because a video call with your son had been cancelled. You went out with your friends and used drugs. The man who gave you a lift home, without you expecting it, picked up the male offender on the way. When the car stopped you were asked to accompany the man and you complied thinking his intention was limited to standing over the occupants of the other vehicle for cigarettes. You did not know he had a firearm. The seriousness of his intention escalated because of his actions. However, you are to be sentenced on the basis that what then happened was a probable consequence of the unlawful common intention, and of course you participated to some extent even after you realised he had the firearm.

It is in your favour that you have pleaded guilty although it is not an early plea. Part of the delay occurred because you left Tasmania for Queensland. You were extradited from that State but only recently. Usually that would remove any claim to remorse but the prosecution accepts that you left because it was the only way you could remove yourself from the threat posed by your violent former partner, and you stayed away through fear. You notified the child protection authorities, the police and the DPP when, where and why you were going and it is accepted that your reason was a genuine one. You did however commit some drug related offending in Queensland and spent a couple of months in prison. On your release on parole you were returned to Tasmania and this matter was quickly resolved. Your plea avoids the need for a trial and indicates a willingness to facilitate the course of justice. You have been in custody since 24 August 2023 having also spent another 11 days in custody which is to be taken into account. The other matter in your favour is that you have agreed to give evidence in the trial of the co-offender in accordance with the facts I have been given. The prosecution agrees that the evidence will be valuable. Your evidence, if accepted, is powerful evidence of his guilt. It is the policy of the criminal law to allow discounts in sentence in return for co-operation with the police and for giving evidence in relation to co-offenders. It encourages guilty persons to disclose and provide evidence to the police with the aim of bringing other offenders to justice. Further, by giving evidence you might be exposed to unpleasantness from the co-offender or his associates.

For the reasons I have explained, you are criminally responsible for all of the actions of your co-offender, as well as your own, but your criminal culpability is much less. You did not know he had a firearm or that he may produce and use it as he did. Once you realised what was going on you were in an invidious position. For the most part you were an onlooker. Your presence did not add significantly to the impact on the victims. Nevertheless, you were involved in a very serious crime in which you actually participated to some extent including with some violence. Even your original intention to join in standing over the men for cigarettes involved serious criminal conduct. But for your plea and co-operation I would have sentenced you to imprisonment for two and a half years. I would reduce that term by 15 per cent on account of your plea of guilty. I would reduce it by a further 25 per cent and allow the earliest opportunity for parole on account of your agreement to give evidence. If you fail to give evidence in accordance with your indication your sentence may be increased on appeal.

Michelle Hodge, you are convicted on the indictment. I make compensation orders in favour of both complainants in terms and amounts to be assessed. You are sentenced to imprisonment for one and a half years from 13 August 2023. I order that you not be eligible for parole until you have served half of that term.