

STATE OF TASMANIA v COREY JAMES DAVID WORDSWORTH
STATE OF TASMANIA v COREY SHANE WORDSWORTH

6 OCTOBER 2023

COMMENTS ON PASSING SENTENCE

ESTCOURT J

The defendants, Corey James Wordsworth, who I will respectfully refer to as Wordsworth Junior, born 11 September 2000 and Corey Shane Wordsworth, who, similarly I will refer to as Wordsworth Senior, born 9 January 1981, have each pleaded guilty to one count of burglary and one count of stealing.

Wordsworth Senior is the father of Wordsworth Junior. At the time of the offending, Wordsworth Junior was 20 years of age and Wordsworth Senior was 39 years of age. Both defendants were initially jointly charged with Chantelle Maree Brandon and Kylie Wise, however they have already pleaded guilty and were sentenced in the Magistrates Court.

At the time of the offending, the complainant owned and operated the Heritage Roadhouse at Bagdad. At the time of the offending, Ms Brandon was employed by the complainant as a store worker. She commenced working at the store in August 2020. Her duties included opening and closing the shop. As part of her role she knew where the keys were kept to unlock the store and she knew the key code to activate and disarm the alarm.

On Wednesday 28 October 2020, the store was closed at 6.00pm. A till reconciliation was completed and the tills were stored in the cigarette storeroom overnight. There were four tills in the storeroom, which contained a total of \$2,024.30. At approximately 11.30 pm on 28 October 2020, Ms Brandon drove Ms Wise to Wordsworth Senior's house. They waited outside until he arrived home at approximately 1.30am. Upon Wordsworth Senior arriving home, the four offenders then planned to steal cash and cigarettes from the roadhouse. It is clear from messages between them that although the source of the idea might have been Ms Brandon, the four were intimately involved in the planning of the burglary.

At approximately 2.17am on 29 October 2020, the two defendants, and Ms Brandon and Ms Wise left Wordsworth Senior's house in Wise's vehicle. She initially drove, but at some point in the journey between there and Bagdad, she pulled over and Brandon entered the driver's seat. Brandon drove the other three to the area of the roadhouse. She told them that the key to enter the front door was kept in the meter box outside the store and told them the code to deactivate the alarm. She dropped them off up the road from the roadhouse. The two defendants entered the back storeroom where the cigarettes and tills were located. They put cigarettes, tobacco products, cigarette lighters, phone chargers and sunglasses cases into a large doona cover. They dragged the doona cover to the front of the store and also took the tills to the front of the store. Ms Wise emptied the cigarette cupboards behind the counter, placing cigarettes and tobacco products into a second doona cover.

Ms Brandon reversed the vehicle stopping outside the front door to the store and the offenders loaded the stolen items into the vehicle before Ms Brandon drove away. After about five minutes it was realised that one of the doona covers full of stolen items had been left inside the store. Wordsworth Senior drove them back and Ms Wise entered the store and collected the second doona cover. Upon arriving back at Wordsworth Senior's house the four offenders unloaded the stolen property from the vehicle and divided up the property amongst themselves.

Following the offending, a stocktake was conducted by the complainant. In total \$55,201.27 of cigarette and tobacco products were stolen. The amount of stolen cigarette and tobacco products has been recovered, to the extent of \$21,492.15. That is to say, that \$33,709.12 of the cigarette and tobacco products have not been recovered.

In addition, the following was stolen:

- The two tills, containing a combined \$2,024.30 cash;
- Eight Smart Cell Car Chargers, one Smart Cell Lightning Cable and five Urban Boom USB Cables, all which have been recovered;
- 19 empty sunglass pouches, which have been recovered;
- 35 BIC cigarette lighters, which have been recovered; and
- Two V energy drinks.

Pursuant to s 68(1) of the *Sentencing Act* 1997, a compensation order is sought in favour of the complainant in an amount to be assessed. I make the order and adjourn the assessment to a date to be fixed.

Pursuant to s 68(1) of the *Sentencing Act* 1997, a compensation order is sought in favour of Steadfast Taswide Insurance Brokers in an amount to be assessed. I note the application and adjourn any further hearing on it until a date to be fixed. The reason for that being there was some uncertainty as to whether the brokers or the insurer should be the subject of the compensation order.

Ms Wise was sentenced to six months' imprisonment, wholly suspended for three years. However, the complete facts of the offending were not presented to the Magistrate at the sentencing hearing. The Magistrate was informed that the cigarettes were found during the course of police searches, but was not informed that a significant quantity of the stolen products had not been recovered by police.

Ms Brandon was sentenced on 17 November 2021 to six months' imprisonment of which two months was suspended for a period of three years.

Wordsworth Junior has pleaded guilty to a second indictment charging him with two counts of aggravated assault. On 28 June 2021 at 4:30am, the complainants, Owen Vanson and Blake Hobart were driving around in Mr Hobart's car with another male, Timothy Braslin. The car broke down so they went to the defendant's address in Glenorchy. The two complainants did not know the defendant, however Mr Braslin did.

Mr Braslin got out of the car when they arrived. The defendant was out the front of the house. They had some kind of argument. The argument seemed to be over a motorbike the defendant believed was stolen and that Mr Braslin had something to do with it. The defendant produced a sawn off shot gun and waved it around. The complainants saw this from the car, where they remained. The argument was resolved and they were able to fix their car at the address. The three of them then left in the vehicle.

At around 6:30am, the complainants and Mr Braslin went to the defendant's girlfriend's house in Glenorchy. The defendant was also there. He and Mr Braslin had another argument about the motorbike, with the defendant again accusing Mr Braslin of having something to do with it being stolen. He also believed that Mr Vanson and Mr Hobart had something to do with the missing bike.

The defendant produced the firearm again and approached the vehicle with the complainants inside. He opened the front passenger door and said to Mr Braslin, whilst looking at Mr Vanson, that Mr Vanson looked like the person who was responsible for stealing the motorbike. The defendant pointed the shotgun at Mr Vanson's face and said "where the fuck is the bike?" Mr Vanson said that he did not know what he was talking about. The defendant responded "tell me where it is, or I will shoot you". The accused put the shot gun into Mr Vanson's mouth. He told him "I will blow your head across the back of the car". He also told him that if he did not tell him where the bike was he would shoot his legs off, drag him inside, tie him up and chop his fingers off until he told him.

The defendant walked to the driver side door of the vehicle, opened the rear passenger door and said to Mr Hobart "you, you fucking scum", and poked him to the face multiple times with the gun whilst asking where the bike was. He also poked him in the ribs with the firearm and threatened to shoot him. The defendant took the car keys from Mr Hobart's car out of the ignition. He told him the vehicle was his and he was not giving it back until they found the motor bike. He threatened them again and told them not to report the matter to the police.

Mr Vanson called his sister, who came and picked him and Mr Hobart up. She arrived shortly after, and they left the area. Both complainants were visibly shaken and frightened.

The defendant was subsequently arrested and charged and detained for court. He appeared on 29 June 2021 and applied for bail, which was refused. He entered a plea of not guilty and was committed to the Supreme Court to first appear on 19 July 2021. He applied for bail on the 20 July 2021, which was granted. A preliminary proceedings application was made and granted on 6 September 2021 and those proceedings were concluded in the Hobart Magistrate Court on 16 November 2021. The defendant had his bail suspended on a number of occasions and applied for bail, which was granted. He failed to appear on 4 July 2022. He was subsequently located and was extradited back to the State on 8 December 2022.

The file was completed to a trial standard on the indication that the matter would not resolve. The two complainants gave evidence at the preliminary proceedings. It was then indicated on about 7 March 2023 that the matter would resolve after a proposal was put by the State.

There are no victim impact statements although Crown Counsel notes that this would have been an extraordinarily frightening incident for both complainants. They are both young men and were likely to have been very frightened at the prospect of having to give evidence.

On my calculations, the time in custody not attributed to a sentence is 247 days. That may now be longer.

The defendant has an extensive history of prior offending as a youth and as an adult has some prior convictions, relevant to both indictments.

He was subject to a period of suspended imprisonment when these crimes were committed. Application is made pursuant to s 27(4) of the *Sentencing Act* 1997 to breach the two month suspended sentence imposed on 23 July 2020 in the Hobart Magistrates Court for the offence of motor vehicle stealing. I grant that application and activate the suspended period of imprisonment, backdated to 8 December 2022 and I will check that date again with Counsel.

As noted, Wordsworth Junior is now 22 years of age, and was 20 years of age at the time of both sets of offences. He may still be regarded as a youthful offender. He has relevant non convictions for which he has been dealt with in the Youth Court for and in the Magistrate's Court in the past. He has not previously appeared for sentence in this Court. He has pleaded guilty, which I also take into account.

He is one of three children. The home was not a settled one and both his parents were addicted to illicit substances and he witnessed them using them from a young age. The defendant states that he rarely drank alcohol prior to going into custody, but he commenced using methamphetamine and cannabis from 16 years of age. At that time he was in a relationship and had fathered a child, who tragically died only hours after birth. Particularly given his age at the time of 15 years, he did not cope well and turned to drugs as a mean of coping with trauma and grief. That drug use continued until he went into custody in 2021. He was able to cease using and I am instructed as at the date of the sentencing hearing, he has remained drug free for the time that he was on bail prior to being remanded again.

I am told that he was not involved in the initial planning of the burglary. He was asked to go along and help, which he did. At the time, he was still using illicit substances and was promised drugs if he assisted with the offending. He did not receive any of the property but he did receive drugs as promised.

At the time of the two aggravated assaults the defendant was still using illicit substances. Now that he is not, he realises what a risk he posed and realises that the incident must have been terrifying for the victims.

As to the defendant Wordsworth Senior, pursuant to s 11(1)(a) of the *Crime (Confiscation of Profits) Act* 1993, an order is sought pursuant to s 16 of that Act that the \$210.00 seized by police from Wordsworth Senior on 29 October 2020 (located in his wallet and bedroom) be forfeited to the State as it is tainted property, being proceeds of crime. I grant that application.

Mr Wordsworth Senior also has prior convictions. He has also spent time in custody, not attributable to any other offending, which I understand to be, but will again check with Counsel, 37 days.

Wordsworth Senior is, as already noted, 42 years of age. His formative years were marred by being witness to family violence. His mother took flight and he moved with her to Queensland. He has not seen his father since. The defendant is a panel beater by trade. He was in a relationship 26 years, which bore three children and five grandchildren. That relationship, sadly, became dysfunctional and broke down. As a result, he lost his house, his accommodation, his business as a panel beater business, as well as contact with his children and grandchildren.

He commenced a relationship with Chantel Brandon. That relationship, was marred with drug addiction of both parties and there were police family violence orders in place in relation to both Ms Brandon and Mr Wordsworth, against each other, and benefitting each other.

The defendant was, at the time of the sentencing hearing, serving a prison sentence. He does not have an extensive record of dishonesty offences and such as there are, are mainly of some age. This is the longest sentence of imprisonment that he has been subject to. That nine month sentence was a global sentence relating to a family violence charges in which Ms Brandon was

the complainant. The relationship with Ms Brandon has now concluded, and Mr Wordsworth intends to reside with his mother in Bridgewater on release.

It is put on behalf of the defendant that the charge he faces is a single count. He accepts that he is a party but it is put that it was opportunistic, and he was recruited by Ms Brandon, who, as noted, was an employee of the complainant and made the arrangements.

Wordsworth Junior is convicted of burglary and stealing and of two counts of aggravated assault. I impose a single sentence of 18 months' imprisonment, cumulative to the two months' imprisonment I have just activated and backdated to 8 December 2022. The defendant is not to be eligible for parole until he has served nine months of that 18 month sentence.

Wordsworth Senior is convicted of one count of burglary and one count of stealing. Taking into account the defendant's plea of guilty, his part in the crime and the fact that Ms Brandon was sentenced to a six months' suspended sentence, albeit on incomplete facts, the defendant is sentenced to six months' imprisonment, which sentence I wholly suspend for a period of 12 months from the date of his release from custody, on condition that he commit no offence punishable by imprisonment during that period.