

Zane Henderson, you were found guilty by a jury of aggravated armed robbery. Subject to the verdict it is for me to find facts for sentence but, in this case, the facts follow from the verdict. The crime was committed on 15 June 2021. At about 6.30 pm you were travelling in a car with Michelle Hodge and another man. You stopped near a parked car in West Launceston in which two males, Samuel Winch and Alladin Beshir, were seated. You were wearing a hooded top and a bandana to cover the lower part of your face. You approached Mr Winch, who was in the driver's seat. You asked for a cigarette but then began to make demands for money. You then produced a firearm, a small revolver. Through the driver's window you pointed the revolver at Mr Winch's head. You demanded he remove himself from the car. You walked to the passenger side of the car and pointed the gun threateningly at Mr Beshir with demands for money. He was removed from the car and was on his knees. You returned to show Mr Winch the bullets in the chamber of the gun to make clear that you were serious. You demanded car keys and were told that they were in the ignition. You then drove off in the car with Ms Hodge and some other items belonging to Mr Winch and Mr Bashir, leaving them behind. The car in which you arrived was then driven away by the other male who had stayed inside it throughout these events.

At trial you admitted your part in the robbery but did not admit that you were in possession of a firearm. The jury was satisfied beyond reasonable doubt of the truth and reliability of the evidence of Mr Winch and Mr Beshir and Ms Hodge that you did have a revolver as they described. I found their evidence, particularly the evidence of Mr Winch and Mr Beshir on that question, to be compelling. I am satisfied from the description given by Mr Winch that it was a real gun. Both Mr Winch and Mr Beshir thought it was a real gun and the fear they must have felt reflected belief. The consequence of my finding that it was a real gun is that your crime was accompanied by the risk of death or injury by discharge, although that did not occur.

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 left the car there and ran off. You were found later and arrested.

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. When giving evidence he gave the impression that he was a stoic person, but he is still a very young man and I think that it is very likely to have been affected in a similar way. He was forced to his knees and I have no doubt that he also feared for his life. For crimes like this it is possible that the effect may be very long lasting, if not lifelong.

You are now aged 28. You were 25 when this crime was committed. You have an extensive criminal record beginning when you were a youth and have served terms of imprisonment as an adult. Earlier sentencing comments refer to the fact that you have had a very difficult life, and were in State care from a young age. You have received counselling for some of the consequences of that. Your record is mostly for dishonesty in the nature of burglary, aggravated burglary and computer related fraud. A drug treatment order was made on 29 January 2020 but was not successful. On 3 September 2020 you were sentenced to imprisonment for what appears to be a term of 12 months from May 2020. It is not clear when you were released but your record

indicates that you were back in the community offending by March 2021. This crime was committed on 15 June 2021. You have since been sentenced for the other offending which included possession of an imitation Glock pistol, two counts of possessing a dangerous article and dishonesty and bail offences. On 23 November 2021 you were sentenced to imprisonment for nine months commencing 30 June 2021.

Although your record is mostly for dishonesty it is necessary that I return to one particular prior conviction. On 6 July 2017 you were sentenced to imprisonment for 22 months for a very serious assault committed on 16 October 2014. The victim was a female who was 18 at the time. It is relevant that at the time of the crime you were only 19 and that about seven years passed before this further serious crime of violence.

Michelle Hodge was sentenced to imprisonment for one and a half years, but no issue of parity arises. She pleaded guilty and was given a discount on her sentence for her agreement to give evidence in your trial including that you had a firearm. More importantly, your criminal culpability is much greater. She was sentenced on the basis that her intention was to stand over the men for cigarettes and she did not know that you had a gun until you produced it. Once you did so she was in an invidious position but was responsible for its use because it was a probable consequence of the common intention.

You are to be sentenced for an extremely serious crime. It involves dishonesty. The car was recovered. However the seriousness of the crime is mostly because it is a crime against the persons you robbed. The events took only a few minutes but in that time you subjected two very young men who were strangers to you and minding their own business to what must have been a terrifying ordeal. They were in suburban Launceston but in a quite secluded area at the end of a dark road with little chance of help being immediately available. You were the main instigator and actor. You are not entitled to the mitigation a plea of guilty would have attracted. You accepted some wrongdoing but denied the factor which made your crime so much more serious. There has been little demonstration of remorse.

You have spent most of the last four and a half years in prison. You were due to be released from the 23 November 2021 sentence on 29 March 2022. You were then remanded in custody on this matter until granted bail on 8 September 2023, a total period of 528 days. That period of custody will be taken into account in deciding when the sentence will commence. It is also relevant to totality but this crime involved substantial separate criminality and two different victims. You were again remanded in custody on 12 December 2023. The sentence will thus commence on 2 July 2022. I will allow for parole but only after you have served a term which adequately serves the need for punishment and deterrence.

Zane Henderson, you are convicted and sentenced to imprisonment for four years from 2 July 2022. I order that you not be eligible for parole until you have served two years and six months of that term.