

Scott Cameron Parker has been found guilty of stealing cash to the value of approximately \$300 as an alternative verdict to aggravated armed robbery.

I must make determinations of fact that are consistent with the verdict. I find that the defendant felt aggrieved with the complainant, Geoffrey Nichols, as he believed he had stolen \$50 from the dashboard of his vehicle. He had also formed a low opinion of him and felt annoyed with him, generally. Mr Parker was staying at a female friend's house, and Mr Parker seems to have been annoyed that Mr Nichols was spending some time there.

During the evening of 11 March 2022, the defendant, the complainant and the female friend were at the Elwick Hotel in Glenorchy. The complainant had withdrawn \$500 from a nearby ATM and the defendant happened to see what he described as a wad of twenty-dollar notes in the complainant's wallet. Mr Parker had earlier demanded the complainant repay him the money he owed him, and the complainant had given him \$40. Mr Parker wanted the balance of \$10 he believed the complainant owed him. There was also evidence about a "trap" the defendant set for the complainant in which he sold the complainant fake drugs for \$50. Mr Parker may have been demanding the money for that transaction, as well. Given the illegality of what Mr Parker said was for sale, and the lie he told about it, he had a dubious reason to feel aggrieved about that, as well. Mr Parker then became obsessed about the complainant needing to repay him the cash he had in his wallet, and that the complainant had been crying poor earlier that day. At the time of the offence, Mr Parker was living in his car and the \$50 that went missing was the only money he had.

The complainant went to leave the Elwick Hotel and go to a service station to purchase a drink. The defendant followed him outside, wanting to get the complainant into his car and demand the money he was owed. He insisted he give the complainant a lift. The complainant agreed and got into the front passenger seat.

When in the car, the defendant demanded his money. The defendant gave evidence that he struck the complainant to the top of his head with a steering wheel lock, and there is no dispute about this. This was a forceful blow. In accordance with the jury's verdict, I find that immediately preceding that blow, the complainant pulled out a knife and threatened to stab the defendant with it, and in striking the complainant with the steering wheel lock, the defendant acted in self-defence. In other words, Mr Parker's violence was not in order to steal but in order to defend himself. Shortly after that, the defendant scruffed hold of the complainant's upper clothing and shoved him hard up against the B pillar in the car. Again, the defendant demanded his \$10.

The complainant felt intimidated by the verbal demand given the defendant's upper hand in the situation, and the complainant gave the defendant the contents of his wallet by either handing the money to him or throwing it at him, the amount of which was at least \$240, but which may have been as much as \$380. The injured complainant then left the defendant's car to seek medical help. The defendant drove his car to the service station and spent some of the cash by putting fuel in his car. At the point the complainant left the car and his money behind, or in the

moments thereafter, the defendant dishonestly took the money and formed the intention not to return it.

The defendant is 49 years of age⁵ and has a number of prior convictions for offences of dishonesty. He has served terms of imprisonment for his dishonesty and other offending. He served a sentence of 16 months' imprisonment from 15 March 2022. He was eligible to apply for parole but did not pursue an application because he did not then have a stable residential address.

Mr Parker has spent 31 days in custody in relation to the original charge arising from this incident.

He now has a residential address available as a temporary measure and is on a waiting list for public housing. He has eight children with whom he has positive relationships.

He suffers from post-traumatic stress disorder as a result of an experience when he was incarcerated as a youth. He has sought counselling in relation to his condition. He has a history of drug abuse, but he has been abstinent since July last year.

Mr Parker is considered to be a suitable candidate for supervision in order to consolidate his progress, both in relation to his post-traumatic stress disorder and in relation to his abstinence from drugs, and in order to improve his circumstances generally, and the defendant can see that benefit. He has not been supervised by Community Corrections in terms of parole or community-based sentencing options since 2013.

Taking into account the time Mr Parker has spent in custody, and his positive attitude to supervision, I am satisfied that a Community Correction Order is appropriate.

I record a conviction and impose a Community Correction Order for 12 months. Mr Parker:

- You must not commit an offence punishable by imprisonment for the operational period of 12 months;
- You must report to Community Corrections at 75 Liverpool Street, Hobart, no later than 4:00 pm tomorrow;
- You must submit to the supervision of a probation officer as required by the probation officer;
- You must comply with the reasonable and lawful directions of a probation officer;
- You must not leave or remain outside Tasmania without the permission of a probation officer;
- You must give notice to a probation officer of any change of address or employment before, or within 2 working days after, the change;
- You must undergo assessment and treatment for drug dependency as directed by a probation officer; and
- You must submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer

I make a compensation order in favour of Geoffrey Allen Nichols with the terms adjourned sine die.