

Mr Davern, you have pleaded guilty to one count of armed robbery. At approximately 8.00am on 1 November 2023 you went into the Four Ways Newsagency at Devonport. You were wearing black sunglasses, black gloves and a grey hooded jacket with the hood pulled up over your head and around your face. You were carrying a cylindrical, metal object which contained a torch. As you approached the front counter, you held the metal object out towards the complainant, pointed it at him and said "This is an armed hold up. I want you to open up the till." The complainant told you he could not open the cash register as he did not have a key. You again demanded he open it. He again told you he was unable to do so. You pulled the cash register off the counter and ran out of the newsagency with it. You ran towards a nearby carpark. You were unable to open the cash register and eventually abandoned it, together with the metal object you had used to threaten the complainant, in nearby bushes. Your behaviour was observed by a number of civilian witnesses. You were arrested on 2 November 2023. You were in possession of the clothing you were wearing at the time of the armed robbery. When you committed the armed robbery you were subject to a partially suspended sentence, which had been imposed upon you by the Magistrates Court on 8 May 2023. This offending occurred within six months of the imposition of that partially suspended period of imprisonment. I have been asked to activate that sentence.

You are 40 years of age. You have had a very difficult upbringing. Your family life was very transient, moving regularly from place to place. This affected your schooling and your ability to form meaningful friendships. You left school in grade 8. You suffer from schizophrenia. You are currently subject to a mental health order, which mandates your receipt of Depo injections. You have struggled with a chronic drug addiction for most of your adult life. That is reflected in your appalling record of prior convictions. You have over 50 prior convictions for matters involving stealing or attempted stealing; 27 prior convictions for aggravated burglary, burglary or attempted burglary; a prior conviction for robbery; 2 prior convictions for common assault; a prior conviction for aggravated assault; prior convictions for receiving stolen property, being in possession of stolen property and dishonestly acquiring a financial advantage. You also have prior convictions for unlawfully carrying a dangerous article and being in possession of a dangerous article. For many, many years now you have been what can only be described as a persistent offender.

Your prior convictions are reflective of you committing crime in order to support your drug addiction. I am told that you now recognise that if you are to have any hope of a life free from regular periods of imprisonment, you must address that drug addiction. You are apparently desirous of doing so because your mother is aging and you want the opportunity to spend time with her in her later years. Of course, whether you are ultimately prepared to do the hard work that will be necessary to successfully address your long term drug addiction remains to be seen. I note you have previously had the benefit of sentences directed towards your rehabilitation, such as periods of suspended imprisonment, but to date they do not appear to have achieved their intended purpose.

Armed robbery is a very serious crime, predominately because of the consequences to those who are robbed, and the dangers such a crime presents to any member of the public who may be in the vicinity at the time of its commission. Here I have no information about the effect of your crime on the shop employee, but that does not mean the crime had no impact. It is common that victims of such robberies are often so traumatised that they suffer from lifelong

psychological symptoms. Fortunately, it appears no members of the public were in the newsagency when the crime occurred. Your crime was committed against a person who was working in the type of business which is vulnerable to this type of crime. The Court has a duty to protect those who are employed in such businesses.

I note the weapon you had was not as sinister as something like a firearm, but nevertheless it had the capacity to cause significant harm if used by you. That risk always exists, particularly because you were drug affected at the relevant time and, of course, you were not to know how the complainant may have reacted to your behaviour. I note many robberies of this nature are committed by persons who are motivated by reasons associated with drug addiction, and whilst that may go some way to explaining the crime, it does not, to any extent, lessen the seriousness of it. Indeed, it may well add to the need for general deterrence in an endeavour to dissuade others from acting in this way.

Whilst I accept this was a relatively unsophisticated and ill-conceived venture which did not result in any significant financial benefit, it is still most serious. You showed no regard for the potential impact of your crime upon the complainant. Your intent was on obtaining money to satisfy your own needs. Principles of general and specific deterrence, together with denunciation have much work to do in this sentencing exercise.

In relation to the suspended sentence I do not consider it unjust to activate it. No argument is advanced on your behalf to suggest it would be. This crime was committed within six months of the suspended sentence being imposed. I note the offences that gave rise to the suspended sentence were of a different nature, but in my view that is inconsequential. This is just another example of your ongoing and persistent unlawful behaviour. I activate the previously suspended period of imprisonment of two months and two weeks, which will commence on 2 November 2023. Having done so, I bear in mind principles of totality. You are convicted of the crime of armed robbery, and sentenced to imprisonment for two years and six months cumulative to the activated sentence. I order that you not be eligible for parole until you have served one half of that latter period of imprisonment.