

Adrian Patrick Farnell has been found guilty of attempting to commit aggravated armed robbery. Mid-afternoon on 16 July 2015 the defendant committed this crime in the company of another male, his identity unknown. The defendant was extremely intoxicated and the crime was seemingly unplanned.

The defendant and his co-offender were walking in the vicinity of the Goodwood Post Office and Newsagency when the defendant pulled a stake from a garden bed. The two men entered the newsagency with the hoods of their jackets pulled up, but their faces fully visible. The defendant was armed with the garden stake. Mrs Baker, the proprietor, was working alone in the newsagency. There were no other customers present. The co-offender demanded money and the defendant brought the stake down onto the glass counter, smashing it. Mrs Baker left her place behind the counter to leave via the front door which was the only exit. The defendant knocked over a stand of confectionary sitting on the counter. As Mrs Baker walked past them, the defendant struck her arm with the stake with some force. She pushed the defendant and the two offenders fell to the ground taking a magazine rack with them. She fled into the shop next door raising the alarm. One of the men was heard to say to the other “grab the till”, but they fled without taking anything. The defendant removed his jacket and threw it over a fence where it was later found and scientifically examined and found to contain some DNA which matched the defendant’s profile. The two men were observed by local residents and one of the residents positively identified the defendant’s photograph as being the man with the garden stake. The other offender has not been identified and has not been apprehended.

Later, the defendant was interviewed by police. He claimed he had no recall of the incident. I accept his lack of recall was genuine. I find that it was due to his extreme state of intoxication at the time he committed the crime. Of course, that extreme state of intoxication is no excuse whatsoever and it is not a factor in mitigation.

Mrs Baker sustained a large area of bruising to her right arm. She was subjected to a traumatic experience which has left her still affected and feeling anxious. The crime has had a significant effect upon her and her husband in other respects. Mrs Baker and her husband had owned the Goodwood Post Office and Newsagency for approximately 17 years. They were in the process of trying to sell the business and the building. Their plans were to retire on the proceeds. After the incident Mrs Baker was unable to work in the shop alone, and due to the difficulties that that caused, they ended up selling the building for substantially less than the government valuation and now they do not have enough money to retire on. Mrs Baker has had to find other employment. The business is no longer operating and the community of Goodwood has suffered too, having lost its local newsagency and post office.

The defendant is 35 years of age and he has a chronic alcohol problem which has a very debilitating effect on his life. He drinks to excess to the point where he becomes inebriated. He lives an itinerant lifestyle. He has been prescribed naltrexone, the effect of which is to make alcohol unpalatable. His withdrawal symptoms were so severe when remanded in custody last year that he required medication. He has an

appalling record of drink-driving related offences and offences for driving whilst disqualified. He has been sentenced to lengthy periods of imprisonment as a result. His record also includes a significant number of dishonesty offences, as well as some for destroying property. I note that he does not seem to have a propensity for violent offending. He has just one prior conviction for an offence of violence, being an offence of common assault committed in 2007.

The defendant has made use of his time in custody, working as a cleaner and completing a correspondence course focussing on literacy and maths and a computer course. He is enrolled in a course which will provide him with a certificate II in cleaning. He has participated in programs that have been offered to him. He is on the waiting list for a drug and alcohol course. I note that last year he attended the Bridge Program for four weeks whilst on the waiting list for the residential program.

The defendant evidently has a strong work ethic. He spent three months working last year for a landscaping business. He proved himself to be a good and reliable worker. It seems that his alcoholism did not interfere with his work. The owner of the business has attended part of the court proceedings and has offered the defendant work on a permanent full-time basis.

It is hoped that the defendant will continue to address his alcohol problem, undertake the courses that are available to him in prison and also the residential Bridge program on his release. Clearly, he needs assistance with respect to his chronic alcohol problem. If he is able to address his alcohol problem, he has reasonable prospects of reform. The offer of employment is a positive factor enhancing his prospects. An early opportunity to apply for parole would be appropriate given his circumstances.

Nevertheless, a lengthy prison sentence is required. The crime was carried out in a highly intimidating and threatening manner involving both damage to property and violence against the proprietor.

The fact that the attempted robbery was aggravated, in that it was committed in company of another male, contributed to the menacing nature of the conduct. Another concerning factor was the vulnerability of the business to this kind of attack. These crimes cause much community concern. I am conscious that it was apparently opportunistic, involved no real planning, and the weapon used was less offensive and dangerous than other weapons commonly used in such armed robberies.

I record a conviction. Adrian Patrick Farnell is sentenced to 26 months' imprisonment from 19 November 2015. He is not to be eligible to apply for parole until he has served 14 months' imprisonment.

I record the victims of crime compensation levy of \$50 and the defendant has 28 days to pay that from the date of his release.