

You have pleaded guilty to one count of being an accessory after the fact to armed robbery. The circumstances, as they have just been described to me, were that you had been with friends, including Mr Broomhall, using morphine in the period leading up to this. Mr Broomhall had left the premises, indicating that he wanted to get some money. He took a knife with him. You did not think he was serious about doing anything, but it was obvious when he came back that he had done something. He brought back with him a box of morphine. He told you what he had done. You knew that he had committed a very serious offence which was the offence of armed robbery. He asked you to help him by taking his clothing away. He offered payment in the form of two morphine capsules. You accepted this, and acted as an accessory after the fact by taking the clothing away and by disposing of the empty box of morphine.

As I have heard, after Mr Broomhall had turned himself into police, you also voluntarily turned yourself into police. You made full admissions. You have pleaded guilty at an early opportunity.

The serious aspect of the offence is that somebody who helps another person who commits a serious offence contributes to the impact that that offence has caused, and people who help other people who have committed serious offences, by acting as an accessory after the fact, contribute to that type of offending generally.

In this case, Mr Broomhall had committed a very serious offence, and your actions assisted him. However, it has to be said, that the actions were probably towards the lower end of the range in terms of assistance. You simply disposed of some property. There was nothing else that was done that would help him avoid apprehension, and as it turned out, both he and you – I am prepared to accept this as an indication of your remorse – turned yourself into police and co-operated fully. You have co-operated fully, both in the investigation and in the administration of justice which has followed.

It is clear to me that the commission of this offence by you involved a short-term, ill-considered decision. I am prepared to accept your counsel's submission that your conduct was out of character. You have almost nothing in the way of prior offending. You are a young person. I am told that, although you have had problems with drugs, with the help of your parents you are getting on top of those. That is a very sensible course of action to take if you want to lead a happy life.

I intend to proceed in relation to sentencing this way. I have had regard to the sentence imposed on the principal offender, Mr Broomhall. I am going to convict you of the offence because it is a serious crime and a conviction in itself will deliver to you a significant punishment. It will be on your record, and when you go to seek employment, for example, it may well be – many employers these days do want to see a record of prior offending – you are going to have to explain that away. It will be a significant punishment for you.

However, given what I have been told about your character, and given the circumstances of the offence, I am prepared to accept an undertaking that you will be of good behaviour for a period of 18 months. I will adjourn the sentencing for that period. If you comply with the condition of the adjournment which is the giving of an undertaking to be of good behaviour,

and you comply with that by obeying the law in all respects, then you will not be called upon for sentence. However, you can be called upon for sentence and that would be particularly likely in circumstances where you have not complied with your undertaking. An undertaking is a promise to the Court. [Undertaking given.] Alright, I intend to deal with the matter that way. I accept the undertaking, and record a conviction and Mr Joseph will be released on that basis. You will have to pay a victims of crime compensation levy of \$50 within 28 days.