

STATE OF TASMANIA v JAMES PETER SAMPSON
COMMENTS ON PASSING SENTENCE

3 JULY 2024
JAGO J

Mr Sampson, you have pleaded guilty to one count of stealing. On 21 August 2021, you and another, whom I shall refer to as "D", entered a hotel room in Launceston. The complainant had hired the hotel room to pursue her occupation as an escort. Your accomplice had told you he needed to see her and speak with her. He entered the hotel room initially whilst you waited outside. He told the complainant that he was going to take a 10 per cent fee from anybody "doing business" in Launceston, and in return they would be offered protection. The complainant told D that she wanted nothing to do with such an arrangement. D then pressured her to provide him with some money. At one point he suggested she needed to go to an ATM and withdraw money.

Following this exchange, the complainant's boyfriend, who had been hiding in a cupboard, revealed himself. He told D to get out. There were some further verbal altercations, and the complainant was yelling and screaming. During this, D telephoned and asked you to come to the hotel room to assist. You found the hotel room by following the yelling and screaming. D let you in. Together, the two of you continued to demand money. The complainant handed over \$500 to D, but she held onto her handbag which contained other money, medication and her identification. There was a further exchange within the hotel room. Exactly what occurred is somewhat unclear, but at some point the complainant's boyfriend made a suggestion that D was in possession of a firearm. It seems he was not, but the suggestion left the complainant, feeling stressed and anxious, and she handed over her handbag. The handbag contained around \$5,500 in cash, as well as her house and car keys. You and D left the hotel room. The matter was reported to police. You were subsequently identified by way of a photo board identification procedure.

On 2 September 2021, you were arrested and participated in a record of interview. You admitted to police that you had dropped D at the hotel. You said initially you had been told to wait outside but then you received a phone call from D indicating a person had jumped out of the cupboard and that you should come and assist. You admitted to police going to the hotel room. You said there was an argument in the hotel room about money and the number of clients the complainant had. You said D was demanding money from the complainant and eventually the complainant handed money over. You said you did not know how much the complainant gave D. You also said at some point the complainant's handbag was taken by D. Again, you said you did not know how much money was in the handbag. You admitted D gave you around \$200-\$300 for your assistance.

You are 35 years of age. You have an appalling history of prior matters for dishonesty and violence. These offences commenced when you were a youth and have continued largely unabated into adulthood. In 2009, you were convicted in the Launceston Supreme Court of aggravated burglary and assault. In 2010, a partially suspended period of imprisonment was imposed upon you in the Magistrates Court for offences against police; offences contrary to the *Firearms Act*; breaching bail and breaching police family violence orders. In August 2011, you were sentenced to imprisonment for offences of common assault, aggravated burglary, stealing and some other offences including offences against police. In October 2011, you were sentenced in the Launceston Supreme Court for aggravated robbery and robbery. In 2012, you were sentenced to imprisonment for escape and receiving stolen property. In May 2017, you were sentenced in the Magistrates Court to a wholly suspended period of imprisonment for driving offences and matters of dishonesty. You subsequently breached this period of

suspended imprisonment and were required to serve it. In July 2017, you were sentenced to imprisonment for driving offences and matters of dishonesty. In November 2018, you were sentenced in the Launceston Supreme Court for the crime of pervert the course of justice. In September 2021, you were sentenced to a Drug Treatment Order for a number of offences of dishonesty. Whilst on the Drug Treatment Order you were required to serve a number of sanction days. Ultimately, you were unsuccessful in completing the Drug Treatment programme and you were required to serve the custodial component of the sentence. In addition to that sentence you were also sentenced for further offences of dishonesty in March 2023.

The end result of those more recent sentencing orders is that you have been in custody since 3 November 2022. Principles of totality are therefore relevant, but must be balanced against the need to punish you and denounce the commission of yet more criminal offending. You have a long history of criminal conduct, beginning when you were about 12. It is fair to say that you have been consistently before the courts for crimes of dishonesty and violence, together with a number of other offences. You have been sent to prison numerous times, you have been given the benefit of sentencing orders directed towards your rehabilitation, but nothing really seems to have changed.

It is submitted on your behalf that this most recent time in custody has given you cause to reflect, particularly in respect to your children and a wish to be a better father to them. You are a long term drug user. Your addiction to drugs has been a catalyst for much of your criminal offending. I am told that during this last period of incarceration you have made a concerted effort to abstain from the use of drugs. You are keen to maintain that abstinence in the community and rekindle a relationship with your children. They are currently subject to departmental orders, but are living with your mother. Your plan upon your release is to live with a friend who will provide you with support, and your hope is to slowly rebuild a relationship with your children. Of course, whether that is ultimately achieved is a matter for you. I suspect it will require considerable commitment on your part given your history.

As noted, there have been a number of sentences imposed upon you in the past that have been directed towards encouraging your rehabilitation. By and large, they appear to have been unsuccessful to date. Whether your current claims of a desire to change are rhetoric or reflective of a genuine commitment remains to be seen, but I think it is fair to assess your prospects of rehabilitation with caution. Of course, you are not to be re-sentenced for your prior criminal history, but personal deterrence, is a significant factor in sentencing.

I take into account your plea of guilty. I note that originally you were charged with a more serious offence but ultimately the matter proceeded in a manner that was consistent with the admissions you made to police.

This is a serious offence. The situation must have been most confronting for the complainant and her partner. I accept you were not originally involved in the demands for money but once D asked you for your assistance you willingly went to the hotel room and participated in demanding and obtaining the money. In all of the circumstances, I am of the view that a period of imprisonment is required. It will be a more lenient period than I would normally impose because it comes on top of you having been in custody for a significant period of time.

James Peter Sampson, you are convicted and I impose a sentence of four months' imprisonment, commencing 2 July 2024. I make a compensation order in favour of [complainant named] in an amount to be assessed.