

STATE OF TASMANIA v ALAN JOHN COLLIER
COMMENTS ON PASSING SENTENCE

16 AUGUST 2024
PEARCE J

Alan Collier, you plead guilty to attempted armed robbery. At about 4.00 pm on 3 October 2023 Tai Tran, then aged 32, was walking towards his home in Kings Meadows having come from the nearby supermarket. At the intersection of Guy and Bond Streets you called out to him. He approached you wrongly believing it was someone he knew. You then grabbed and held him across his shoulder and repeatedly asked him whether he had any money and demanded he produced his wallet and phone. He told you he had nothing but you then produced a hammer with a screwdriver taped to it so that the shaft and tip protruded from the end of the handle. You held the weapon against his lower abdomen, said "you know what happens if you don't hand over the money", and continued to repeatedly demand that he hand over money and his wallet and phone. Eventually you pushed him away, lunged towards him with the weapon on your hand but saying that "this is your lucky day, I don't want to hurt you", flicked him on the forehead with your finger and then walked away.

The incident was captured on CCTV. The jacket you were wearing was recognised during an unrelated search of your address about a week later. You were arrested the following day at a different address where the weapon was found. You were there and admitted the weapon was yours. When you were interviewed you admitted that you were responsible for the attempted robbery. You claimed that you were desperate for money and could not feed your family.

You are now aged 43. You have two children aged 10 and 13 from a previous relationship with whom you have contact. Your plea of guilty is in your favour. You first appeared in the Magistrates Court on 22 November 2023 but pleaded not guilty on 10 April 2024. However when you first appeared in this Court on 3 June 2024 the Court was informed that the matter was likely to resolve and it has in fact resolved relatively promptly since then. The plea has avoided the need for a trial and accordingly saved the victim from having to recall these events and give evidence. I am satisfied that your plea indicates an acceptance of responsibility and, in your case, some remorse. At the time of this crime your only record was for traffic regulation offences. During your adult life you have held stable employment including with Temco. You held a position with Jim's Mowing. You then decided to take up a handyman franchise yourself. It was not a success. You overcommitted yourself financially. Your mental health declined, exacerbated by excessive gambling and methylamphetamine use which your counsel described as a stress response. Your situation deteriorated. You lost the franchise and were left with substantial debts even after the sale of your home. On the day of this crime you had care of your children and you were afraid you could not feed them. The crime was committed from desperation rather than malice. To the extent that this is so, however, your desperation was at least in part of your own making through gambling and drug use. Your decision to commit this crime was spontaneous. You claim to have been carrying the weapon you had in your backpack for protection from others that had threatened you with a firearm, I infer for money you owed for drugs.

This was not the only crime which your circumstances gave rise to. On 16 May 2024 you were sentenced by a magistrate to a twelve month community correction order for other offences committed before, on the day of, and after the attempted robbery. On 14 June 2023 you drove a motor vehicle with methylamphetamine in your blood. On 12 October 2023, the day of your arrest, you were found with methylamphetamine and a glass Ice pipe. On 3 October 2023, the same day as the attempted robbery, you committed an aggravated burglary and a burglary, and

stole goods worth more than \$4000 and a motor vehicle. You have been complying with the terms of the community correction order.

Courts in this State and elsewhere have long emphasised the seriousness of the crime of armed robbery. Armed robbery is a primarily a crime against the person. It can have a profound impact on victims. The fact that your attempt was unsuccessful does not reduce the seriousness of your crime. You claim that you had no intention to harm Mr Tran but he was not to know that. He was violently confronted by a man he did not know, in a public place, with a weapon capable of inflicting serious injury. He suffered no physical injury but the experience was terrifying and traumatising for him. His victim impact statement describes how frightened he was for himself and, indirectly, his partner. He feared for his life. He could not sleep for weeks. His university studies were interrupted. He experiences ongoing fear and distrust of others when in public. Such psychological impacts are what are to be expected and are likely to be very long lasting. In an eloquent plea your counsel said everything which could possibly be said on your behalf. She submitted that there are good prospects for your rehabilitation. A drug treatment order, if you were a suitable candidate is primarily concerned with rehabilitation, but it would not in my view sufficiently reflect the need for punishment and deterrence. I was asked to consider deferring the sentence so that you could take up an opportunity for employment and put yourself in a position in which home detention might be available. I have little doubt, as your counsel correctly submitted, that prison will do nothing to advance your rehabilitation and may leave you in even more reduced circumstances. However it is important that you and others who are tempted to commit these types of crimes understand that normally they will be met with significant terms of imprisonment. For those reasons imprisonment is the only appropriate sentence, and it is my duty to sentence you accordingly. To take account of your plea of guilty I will reduce the head sentence I would otherwise have imposed by nine months and allow the earliest opportunity for parole.

You are convicted and sentenced to imprisonment for 18 months from today. I order that you not be eligible for parole until you have served half of that term.