

**STATE OF TASMANIA v BENJAMIN THOMAS LYNCH and GAVIN ANDREW
ALEXANDER CAMERON
COMMENTS ON PASSING SENTENCE**

**28 FEBRUARY 2025
PEARCE J**

Benjamin Lynch and Gavin Cameron, you both plead guilty to dealing with proceeds of crime contrary to the *Crime (Confiscation of Profits) Act*, s 66A(2). In your case Mr Cameron I am also to sentence you on your plea of guilty to the summary offences of breaching bail, unlawfully possessing property and possessing a controlled drug.

Phillip Harris was found guilty by a jury of having committed an armed robbery of the Ravenswood newsagent and post office. At about 6.45 am on Friday 11 November 2022 he walked into the business wearing a hooded jumper and a face covering. He had what was, or appeared to be, a sawn off rifle or shot gun which he aggressively pointed at the manager from very close range and robbed him of between \$500 and \$600 from the till. You were both with Mr Harris immediately before the robbery. Mr Lynch entered the premises just before Mr Harris but left before he walked in. Immediately after the robbery you met not far away and what in fact was the proceeds of the robbery were divided. Mr Lynch, you received \$180 and Mr Cameron, you received \$185. You were quickly found by the police with that cash in your possession. It was before 7.00 am and you, Mr Cameron, by being there at that time, were in breach of the curfew condition on your bail. You had a stolen credit card in your possession along with an MDMA tablet.

You were both originally charged with armed robbery. It was alleged that you were involved in the robbery and in the circumstances which led to the robbery. However those allegations are not proceeded with and the State advanced the alternative charge to which you have pleaded guilty as representing your criminal responsibility. The result is that you are not to be sentenced for having instigated, aided or encouraged the robbery. Your criminal responsibility is to be determined on the basis that you knowingly received money you knew to have been the proceeds of crime. It is not an element of that crime that the money came from the robbery and you both deny any knowledge of what Mr Harris had just done, how serious it was and that the money was from that robbery. It must follow that you claim that the circumstances I have referred to, as far as they concern the robbery, are capable of innocent explanation. For the purposes of sentencing the State does not assert facts to the contrary. However you accept that you knew that the money was the proceeds of some dishonesty or other unlawful conduct which had just happened and you readily accepted it with that knowledge. For those reasons, the sentence imposed on each of you must be much less than the sentence imposed on Mr Harris because you are being sentenced for a different and much less serious crime.

It is in your favour that you pleaded guilty to the charge as it was ultimately formulated but it still seems to me that you avoided the risk of having been found guilty of a more serious crime.

Both of you have criminal records which are highly relevant to sentence.

Mr Lynch, you are now aged 32 but you were 29 at the time. Your record for driving, drug, bail and firearm offences extends back to when you were a youth. Most recently on 3 March 2023 you were sentenced to imprisonment for 10 months for a large number of summary offences committed through 2022 including receiving stolen property, stealing, driving while disqualified, possessing and using drugs, breaching a family violence order, possessing ammunition without a licence, aggravated burglary, evading police and breaches of bail. This crime was committed towards the end of that same period of offending.

Mr Cameron, you are now 27 and at the time were 24. You also have long record for dishonesty, bail, driving, drug and property offences. You have served many terms of imprisonment most recently when on 9 August 2023 you were sentenced to a term of seven months from 17 November 2022 for offences including stealing and motor vehicle stealing, trespass, burglary and numerous breaches of bail. In contrast to both Mr Lynch and Mr Harris you have a prior conviction for aggravated armed robbery. That crime was committed on 20 September 2017 a few days before your 20th birthday. You were sentenced to a term of three years with a long non-parole period. You have also already been in custody for a considerable period which is not attributable to any other sentence. You should not have had the credit card or the MDMA and your bail condition meant that you should not have been there at all.

The amount of stolen money you dealt with was small. It is an aggravating factor for both of you that that this crime was committed when you were on bail for other offending. In the circumstances, despite some differences in your respective records, I think you should receive the same sentence for the indictable charge. Mr Cameron, your total sentence should be longer to punish you for the other offences you committed. You have both already been in custody for a considerable period.. In your case Mr Lynch the period is 212 days. Mr Cameron, for you that period is 629 days. I will take that into account and adjust the commencement dates of the sentences accordingly.

You are both convicted on the indictment. Mr Lynch, you are sentenced to imprisonment for a term of three months from 6 June 2024. Mr Cameron you are also convicted on complaint 35180/22, counts 1, 2 and 3. I impose one sentence, a term of four months from 10 June 2023. For both of you I make no order as to eligibility for parole.