

STATE OF TASMANIA v JAMES DANIEL COLGRAVE-LOCKWOOD 11 MARCH 2025
COMMENTS ON PASSING SENTENCE PEARCE J

James Colgrave-Lockwood you plead guilty to aggravated robbery. The crime was committed at just before 4 pm on 12 August 2023 against Patrick Hill who was then aged 49. You were 28. You confronted Mr Hill as he was walking along Davies Street in George Town. You demanded that he give you money. When he said that he did not have any you abused him, pulled the black lanyard which contained his keys from around his neck and then began punching the right side of his head. You punched him several times causing him to black out and fall to the ground. You then kicked him to his head and face about six times. You took the lanyard and his phone and ran off.

After the assault on 12 August 2023 Mr Hill's injuries were photographed both on the day and later at the police station. The photographs are confronting. They show Mr Hill's right eye bruised and swollen shut, and blood from injuries to his forehead, under his eye and particularly to his mouth. There were also injuries to his right forearm and hands which were bruised and bleeding. The later photographs portray extensive bruising extending from around his eye down to under his chin, mostly on the right side. Despite the apparent seriousness of his injuries they were not initially fully investigated. He eventually went to hospital in Launceston two days later with persistent headache, visual changes and periods of altered conscious state. Medical examinations and investigations revealed the extensive facial bruising I have described, a fracture of the facial bone between his nose and upper jaw, a possible broken nose, and haemorrhages under the surface of his right eye.

Mr Hill's phone was found by a nearby resident in his letterbox a couple of days later and handed in. Analysis of DNA recovered from the phone strongly matched your DNA. You were arrested on 31 August 2023 after you assaulted Mr Hill again, on that day by punching and slapping him to his face. You have already been sentenced by a magistrate for that offence to which I will return shortly. You were interviewed on 1 September 2023 and denied any involvement in the robbery, falsely claiming that you had gone to Hobart on the bus before the robbery was committed.

Your plea of guilty is in your favour although it does not come at a particularly early stage. It facilitates justice, avoids a trial including the prospect of the victim having to give evidence. You are now aged 30. You are an aboriginal man. Before going into custody you lived with your mother in George Town. You have two children. The youngest was born since you have been in custody. Your parents separated when you were 13 as a consequence of your father's violence. Despite this you went to live with him on the west coast. You left school at grade 8, aged 14, and began to work with your father in his towing and wrecking business but left for Victoria where you lived for a few years. When you returned to Tasmania around 2014, aged 19, you began abusing illicit drugs and alcohol which have greatly affected your life since then. Your use of methylamphetamine became particularly heavy, including in the year before this crime. Since being in prison you have been placed on medication which seems to be controlling your addiction. You have successfully completed a resilience program. Prison has been onerous as a result of lockdowns to which many prisoners have been subjected.

All of your background is reflected in your record which is a considerable one for dishonesty, drug offences, breaching bail, family violence offences and other anti-social conduct. Many community based sentencing orders have been tried. You served terms of imprisonment in 2021 and 2022 and on 6 December 2023 you were sentenced to imprisonment for five months from

31 August 2023 for a considerable number of offences including the common assault of Mr Hill on 31 August 2023 to which I referred earlier. You were due to be released after having served that term on 31 January 2024, but you have remained in custody so the sentence I impose should commence then. Included in your prior convictions are three for common assault. One was a long time ago, one was against a former partner in 2018 and one against a family member in 2021. The sentence on 6 December 2023 is not a prior conviction for sentencing purposes but the further assault of Mr Hill strongly indicates the absence of any remorse for the earlier crime.

The crime for which you are now to be sentenced is a serious one. It was committed in public, was motivated by dishonesty and involved infliction of damaging violence with a lasting impact on a vulnerable victim. According to your counsel the crime resulted from a chance encounter in the street when you were heavily drug affected. That of course is no excuse, nor does it make the crime any less serious. Mr Hill's victim impact statement indicates that he continues to suffer the physical and psychological impact of this crime. He feels unsafe and vulnerable whenever he is away from his home.

James Colgrave-Lockwood, you are convicted on the indictment. You are sentenced to imprisonment for two years and nine months from 31 January 2024. I order that you not be eligible for parole until you have served eighteen months of the term.