

Phillip Harris, you were found guilty by a jury of armed robbery. At about 6.45 am on Friday 11 November 2022 a man walked into the newsagent and post office at Ravenswood. The events, which took about a minute, were captured on good quality CCTV. The manager, Thomas Gray, was working behind the counter on his own. A female customer had just left. The offender was wearing a hooded top and his nose and face were covered by a cloth. He approached the counter and produced from the shopping bag he was carrying what was or appeared to be a rifle or shotgun with a telescopic sight but with the barrel removed. With his hand on or near the trigger the man pointed the firearm directly at Mr Gray from close range and aggressively demanded money from the till. When Mr Gray appeared to hesitate and walked along the counter the offender followed him along, became increasingly aggressive and made more threatening gestures with the firearm including more than once as if to strike him with it. Mr Gray took cash from the till and put it in the bag which the robber snatched back and left. About \$500 to \$600 was stolen.

At trial the only issue was the identity of the robber. It follows from the verdict that the jury was satisfied beyond reasonable doubt that the man was you.

At the time of the robbery you were aged 48 and you are now 50. You have seven children, two of whom are under 18, but you do not have care of them. According to your counsel you are medicated for PTSD which arises from your difficult childhood. However there is no evidence that any mental impairment is connected to the commission of this crime. You were a mechanic but you are in receipt of disability benefits. For a long time you have not had secure housing although recently you have shared a group house and your life has been relatively stable. There have been times in the past when you have used illicit drugs and abused alcohol. Since being released on bail in September 2023 you have made a contribution to the community by volunteering at a neighbourhood house.

You are not entitled to the mitigation a plea of guilty would have entailed. There has been no indication of remorse. You have some record for dishonesty and violence but it is not a particularly bad one. There are a relatively few offences spread over a long period and is mostly for petty theft and common assault. There are also some driving and minor drug offences. You have served a few short sentences of imprisonment. Most recently, in June 2023 you were sentenced to imprisonment for six weeks for burglary, stealing, destroying property and bail offences all committed in 2022, some before and some after this robbery. Then, in June 2024 you were sentenced to a wholly suspended term of six months for attempting to influence the members of a jury during the trial of another man on 3 December 2019. You have no prior convictions for robbery or related to firearms. When in the community you have had a transient lifestyle. You have spent 201 days in custody in relation to this crime which has not been taken into account in other sentences, so I will now take that into account in determining when your sentence commences. You were remanded in custody again on 25 February 2025.

At trial your former partner Jayne Patterson gave evidence that you admitted to her that you had committed a robbery at the Ravenswood Post Office. However she said you had told her that you had been bashed and held hostage before being given a gun and forced to do the robbery by other men to whom you owed money for drugs. In your police interview you denied any involvement with the robbery. However, CCTV evidence showed you to have been in the company of two other men both before and after the robbery, and that you shared at least some

of the proceeds with them. It was one of those men who went into the post office before you did. The defence of compulsion or duress was not available to you because of the operation of the *Criminal Code*, s 20. However, at least for the sentencing hearing, the onus of proving a matter which is in your favour lies on you. There is no other evidence of compulsion or duress from you or anyone else even though I think the jury must have accepted the evidence of Ms Patterson in other respects. No doubt because you maintain your denial of any involvement in the crime you have not given evidence that your will was somehow overborne. Even if it were the case that you committed this robbery as a result of threats of violence arising from a drug debt, I do not regard it as a mitigating factor of any weight. Those who get themselves into a position in which they face threats, even serious threats, arising from a debt for drugs cannot resort to crimes as serious as this, with all of the damage that it may do to others, as a means of escaping their situation.

Armed robbery has long been treated by the courts as a very serious crime for a number of reasons, and robberies involving the use of firearms are regarded as especially serious. The firearm used in this robbery has not been recovered. It cannot be known whether it was loaded and in working order but it could have been, and Mr Gray could not have known one way or the other. This is a case in which, although the firearm was not discharged, it was used in a very threatening way from a very close distance. Mr Gray was subjected to an experience which would have been terrifying for most people, added to by the use of a disguise. This was a planned robbery committed against the type of business which is vulnerable to crimes of this type, when there was certain to be at least one staff member present and possibly customers as well. One of your associates scoped the premises immediately before you entered. Money was stolen, but the seriousness of crimes like this arises principally because of the highly damaging effect that they can have on victims. They are frequently traumatised and suffer from long term psychological symptoms. There is no formal victim impact statement in this case but Mr Gray experienced the type of psychological impact that would be expected. He left this job two weeks later largely as a result of the robbery and the fear and anxiety it caused, some of which still persists.

Phillip Harris, you are convicted on the indictment. You are sentenced to imprisonment for four years from 8 August 2024. I order that you not be eligible for parole until you have served half of that term.