

Mr Brown, you have pleaded guilty to one count of aggravated robbery.

You committed the crime on 17 October 2024 in the carpark of the Mowbray Hotel. Around midnight, you approached the complainant who was sitting in the driver's seat of his motor vehicle. He had spent the evening at the hotel and was on his way home. You did not know him but you had approached him earlier in the evening to ask to use his phone. When you reached his car, you asked for a lift home which he refused. You then left but returned about three minutes later. You opened the front driver's side door, grabbed the complainant and tried to remove him from the vehicle. You then went to the passenger front door and got into the vehicle, rummaged through it and took the complainant's wallet. You then left the carpark but returned after a short time. The complainant was standing beside his car. You then perpetrated a protracted assault on him, which included punching him repeatedly to the head and body while he was on the ground, using your forearm to strangle him on three separate occasions and repeatedly pushing and hitting him. One of the acts of strangulation caused him to lose consciousness for a short time. You also drove his car forward a couple of times. The complainant eventually got away from you and sought help. After he did this, you kicked the panels of his car and stole property from it, in particular some charity collection tins which contained \$200 in cash, \$40 in coins and a pair of sunglasses. The property has not been recovered.

The complainant was taken by ambulance to hospital. He sustained multiple cuts and abrasions to his face, a swollen tongue and tenderness to his chest. I have received an impact statement from him. Understandably, the psychological impact on him has been significant. It includes ongoing symptoms of depression and difficulty coming to terms with what you did to him. He also still suffers ongoing symptoms of the physical injuries including constant pain and headaches

You were 21 years of age when you committed this crime and you are now 22. You had a good upbringing, have a supportive family and your education continued to grade 10. Your only prior convictions are a group of offences which appear to arise out of a public fight which I infer was broken up by police. I conclude this because the convictions include behaving in a violent manner and also resisting, threatening and using abusive language to a police officer. This happened when you were 18 and the offending has some similar characteristics to those demonstrated during your commission of this crime. I am told by your counsel that notwithstanding your family background you have developed a problem with both alcohol and drugs. Your counsel submits that this was directly linked to your offending on the night in question and I suspect also underlies the offences committed by you at 18. The fact that you may have been under the influence of substances provides you with no mitigation, but it is relevant to my assessment of your prospects for rehabilitation.

Your counsel also puts to me that you are extremely remorseful for your conduct on this occasion and its consequences on the complainant. I accept this, it is consistent with your plea of guilty which was entered in the Magistrates Court at an early time. The plea has also avoided the need for the complainant to give evidence in a trial against you. Of course, you should be remorseful, what you did was disgraceful and constitutes serious criminal conduct. This man was entitled to return home safely. Your attack on him was prolonged, brutal and dangerous. The three acts of strangulation, one of which caused him to lose consciousness, were particularly dangerous. It is

well-established that strangulation can easily and quickly cause serious injury or death. It can have prolonged consequences which may not manifest immediately. It is particularly concerning that in your intoxicated state you would have had little if any capacity to accurately assess or moderate the degree of force being used by you. Both the complainant and you are fortunate that he does not appear to have suffered any serious or lasting physical injury. The same, of course, cannot be said for the psychological consequences of an attack such as this. I accept that there is potential for those consequences to extend into the long-term.

There is no question that both general deterrence and denunciation are important sentencing considerations. Random drunken violence such as this is prevalent, is of concern to the community and will not be tolerated by the courts. Further, the sentencing consideration of community protection is also relevant. On the other hand, I must take into account your age and minimal criminal history. It is clear in my view that you have now reached the point where you need to make choices about your life, in particular whether you are going to deal with your drug and alcohol problem and live a law-abiding and fulfilling life, or whether you are going to give in to the influence of those substances and head down a path of misery and probably crime. There is no question that your conduct deserves a sentence of imprisonment, and I intend to impose one. However, I also place significant emphasis on your rehabilitation. I am prepared to accept that you are committed to this course. In my view, the appropriate sentence is a wholly suspended term of imprisonment which will include a requirement for community supervision. I should note that the pre-sentence report indicated that you are a suitable candidate for community supervision.

The orders I make are as follows:

- a You are convicted of the crime to which you have pleaded guilty;
- b You are sentenced to a global term of 18 months imprisonment, which will be wholly suspended for a period of 2 years on the following conditions:
 - i that you are not to commit another offence punishable by imprisonment during that period.
 - ii that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from today. The court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within three clear days of today. In addition to the core conditions the order shall also include the following special conditions:
 - (a) *you must, during the operational period of the order,*
 - i *attend educational and other programs as directed by the court or a probation officer;*
 - ii *submit to the supervision of a probation officer as required by the probation officer;*
 - iii *undergo assessment and treatment for drug dependency as directed by a probation officer;*

- iv submit to testing for drug use as directed by a probation officer;*
 - v undergo assessment and treatment for alcohol dependency as directed by a probation officer;*
 - vi submit to testing for alcohol use as directed by a probation officer;*
 - vii submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;*
 - viii attend, participate in and complete the EQUIPS addiction program if and as directed by a probation officer*
 - ix attend, participate in and complete the EQUIPS aggression program if and as directed by a probation officer*
- c I make a compensation order in favour of Clinton Webb in the amount to be assessed and I adjourn assessment sine die