

STATE OF TASMANIA v CHRISTOPHER DAVID JENKINS
COMMENTS ON PASSING SENTENCE

22 September 2025
JAGO J

Mr Jenkins, you have been found guilty by a jury of the crime of aggravated robbery. This verdict was returned as an alternative to the crime of aggravated armed robbery. I must sentence you on the basis of facts I find proved beyond reasonable doubt which are consistent with the verdict of the jury. The verdict of the jury obviously indicates they were not satisfied beyond reasonable doubt that you were in possession of a knife at the time of the robbery.

The aggravated robbery was committed on 5 December 2021. In addition, I am dealing with a related charge – an offence of aggravated burglary committed a few days later, on 8 December, at the same premises in which you committed the aggravated robbery.

The complainant in the robbery was unknown to you. You and your co-offender, a Brendan Stubbs, decided to attend the complainant's home with a view to stealing cannabis. In addition to stealing cannabis, it seems your behaviour was also motivated by a misguided belief that the complainant had sold cannabis to a young female and subsequently demanded payment for the cannabis through sexual services. There is no evidence whatsoever that there was any truth to that allegation, but your attendance at the complainant's home had an element of retribution associated with it. That aggravates the crime in my view, because this was planned, and not spontaneous.

When you and Mr Stubbs arrived at the complainant's home, he was watching car racing on the television. One of you banged loudly on the front door and the complainant told you to go around the back because access via the front door was blocked.

When the complainant opened the rear sliding door, he saw you and Mr Stubbs standing there. You said something to the complainant about racing. He replied with words to the effect of "No, not here, wrong place." Almost immediately, the situation escalated into a confronting, aggressive and dangerous one. You started demanding firearms from the garage and also demanded marijuana plants. You started threatening the complainant and you were swearing at him. The complainant described you as "going off your head, jumping about and threatening me".

You continued to demand firearms, saying to the complainant "I know you've got guns in the garage." The complainant tried to appease you. He offered you some small marijuana plants that were growing at his premises. You said you did not want those but wanted "the real plants". The complainant led you to the bedroom where he had a small amount of cannabis, intending to give it you in the hope you would leave. As you were walking towards the bedroom, an air rifle that was leaning against the wall in the hallway was knocked over. You picked up the rifle up and passed it to Mr Stubbs. You followed the complainant into the bedroom. He gave you a container which contained some cannabis. Around this point, you began accusing the complainant of being a paedophile. The complainant told you he did not know what you were talking about. You then reiterated your demands for the firearms. You asked him where the keys to the gun safe were. The complainant told you they were in the kitchen. At one point, when you were in the kitchen, you took the air rifle from Mr Stubbs and threatened to shoot the complainant. The firearm was in an inoperable position when you did this, but nevertheless it is indicative of the bizarre and threatening behaviour that you were displaying. The complainant had no way of knowing how far you may take things. He described your behaviour as "absolutely crazy...as aggressive as I've ever seen".

You found the keys to the gun safe and then went to the garage where you unlocked the firearms safe and removed a Winchester rifle and ammunition.

Having taken the firearm, you noticed that there were some security cameras at the premises. You asked the complainant where the hard drive was. The complainant told you it was in the rumpus room. You re-entered the house and demanded the complainant retrieve the hard drive. He did so and handed it to you. You then demanded money from the complainant. He retrieved \$50 from his wallet and handed that to you. During all of this you continued to behave in an aggressive, threatening and unpredictable manner. For example, you were saying things like "you've seen our faces. I'll need to do something about that"; you also told the complainant that if he called the police, you would come back and shoot him. You threatened to burn his house down. The whole ordeal must have been very frightening for the complainant.

Eventually, you and Mr Stubbs began to leave the premises. The complainant followed you outside. When you left, you had the cannabis, the air rifle, the Winchester rifle, the CCTV hard drive and \$50 cash. I note the cannabis was not particularised as part of the robbery charge, presumably because of the way in which you obtained it, but your demanding of the cannabis was part of the events that unfolded this night and your refusal to leave even after you had obtained it, undoubtedly added to the uncertainty of the situation for the complainant.

Given you were leaving the premises with firearms, the complainant, bravely in my view, offered to take you somewhere as he did not want you wandering around the neighbourhood armed with firearms, particularly in light of the behaviour you had displayed. You drove the complainant's vehicle from the scene with the complainant in the front passenger seat. Eventually, you stopped the vehicle in a paddock. You put the keys under a seat. You and your co-accused fled. The complainant was able to drive back to his home.

At one point when you had been accusing the complainant of criminal conduct in respect to the young female, you told him that if you found out that the allegation was not true, you would return the property to him. The following day, you and Mr Stubbs did return to the premises with the gun bag containing the two rifles. When the complainant said to you, words to the effect of, "you've found out it was bullshit then"; you replied "that bitch won't answer the phone". You then handed the bag containing the firearms back to the complainant. One of you told him that you had "had a bit of a think about things, and it was a bad idea".

Any claim of remorse or contrition that might flow from the act of returning the firearm, is largely extinguished however by your behaviour a few days later. Around 10.20pm on 8 December, you, Mr Stubbs and a third male returned to the property intending to steal cannabis. This crime was detected on 9 December 2021, when the complainant noticed that the door to his garage was open and that a padlock on a shed next to the garage was missing. By this time, the complainant had installed additional security cameras. He checked his security camera footage, and it revealed three males, wearing hoodies and face masks wandering around the back of his home. You were one of these men, as was Mr Stubbs. Mr Stubbs had with him some type of weapon, either a knife or a block of wood. When Mr Stubbs spoke to police, he said that he took a steak knife to the property. He also said that at one point he picked up a block of wood. He said he had possession of these weapons because he knew the complainant had firearms at the premises, being the very firearms that you had initially stolen and then returned. This behaviour constitutes the crime of aggravated burglary.

Your crimes have had a serious impact upon the complainant. Although he demonstrated remarkable composure in the face of your frightening and threatening behaviour, the aftermath of the events have been considerable for him. He now feels hyper-vigilant and anxious. He has installed 15 security cameras onto his property, and he finds himself constantly checking them. He has a security monitor in his lounge room which serves as a constant reminder of how his life has changed since your invasion. His home, in a quiet bush setting, was once a place of peace for him, but he now lives in fear that he will be subject to further intrusion and violence, given the isolation of his premises. The complainant described that but for the assistance of friends, the impact of your criminal conduct may have been much worse.

The complainant also describes how being accused of sexual allegations against a young female really upset him and made him feel sick. In an insightful comment, the complainant also notes that one of the things that has troubled him the most since this incident, is that he felt things were getting to a point where he may have had to contemplate taking the life of another human being, because he feared his own life was at risk. This has troubled him, and it underlines why crimes of this nature are so serious.

I am satisfied that you behaved in an extremely aggressive, threatening and bizarre manner throughout all of this. Whilst you are not to be sentenced on the basis that you had a weapon, the complainant had no way of knowing how far things may escalate or what you might do. It is quite remarkable that the complainant remained so calm throughout his dealings with you. The robbery could easily have had far worse consequences. The sensible response of the complainant resulted in the incident concluding without any physical harm being occasioned, but the significant psychological trauma experienced by the complainant cannot be underestimated.

You invaded his home. You violated his right to feel safe and secure in the sanctity of his home. You made several demands and uttered several threats. You presented a real danger to him. You left the premises with firearms. They were eventually returned but given the agitated and disturbed state you were in when you left the home, your possession of the firearms was also a dangerous factor.

You are 38 years of age. You have a very long history of criminal offending. You were before the Youth Justice courts by the time you were 15. You served several periods of detention. As an adult, you have been sentenced to imprisonment on several occasions, predominantly for crimes of dishonesty. In July 2018, you were sentenced by this Court for two counts of Criminal Code assault and a count of wounding. You were sentenced to two and a half years' imprisonment.

At the time this crime occurred, you were subject to a suspended sentence. On 25 June 2021, the Hobart Magistrates Court sentenced you to a three-month period of imprisonment, wholly suspended for a period of two years for various offences of dishonesty. That sentence has since been breached and a substituted sentence imposed. It would have to be said that generally, your record of prior offending generally is very poor although it is trite to say you are not to be re-sentenced for your past history.

You have experienced a very difficult upbringing. Your parents separated when you were about 8. When you were about 4 you were the victim of a sexual assault committed by a family friend. During your time at the Ashley Detention Centre, you were also subject to sexual abuse. You have recently received a compensation payment via the redress scheme for such abuse.

By the age of 14, you had made the choice to leave home, and thereafter spent a period of time living on the streets. Very quickly, both alcohol and illicit drugs became a difficulty for you. You have struggled with addiction in respect to both substances since. This is reflected in your record of prior convictions. There have been periods when you have been able to remain abstinent. For example, in 2022, whilst you were on bail for this matter, you obtained employment as a gardener. This helped you remain drug free for a period of about 18 months, but eventually you returned to past ways and resumed your drug use. This also led to further offending, which is currently outstanding in the Magistrates Court.

You have spent some time in custody in respect to these matters. Initially, you were remanded in custody for about one month, and you were then returned to custody following the jury verdict on 8 May 2025. You have been in custody since then. Your counsel submits on your behalf that this most recent period in custody has given you the opportunity to really reflect upon matters. You are now adamant that you want to address your drug addiction once and for all. Whilst remanded, you have taken the opportunity to access several services. You have completed the Respectful Men programme and have sought out drug and alcohol counselling. You have made arrangements to be admitted to the Bridge Programme upon your ultimate release. Your counsel asked that I have you assessed as to your suitability for Court Mandated Drug Diversion programme. Normally, for a crime of this nature, I would not contemplate doing so, but there does appear to be a real want on your part to improve things. I have been provided with a psychological report from Jeffrey Cummins. It indicates that you have been diagnosed with PTSD and Antisocial Personality Disorder. It also suggests you are at risk of institutionalisation, and that addressing your history of addiction is imperative if that is to be avoided. In my view, now is a critical time. Your desire to change appears real. It is unlikely you will be able to achieve that change without specialist intervention. If such change is not achieved, it is highly unlikely that you will ever move away from the cycle of disadvantage, substance abuse, crime and incarceration. Keeping you on that cycle is not in your, nor the community's, interests. You are considered suitable for participation on the Court Mandated Drug Diversion programme. I am satisfied there is a direct nexus between your drug addiction and this offending. I should note your co-accused, Mr Stubbs was sentenced to a Home Detention Order. I do not consider parity has much work to do in this sentencing exercise as Mr Stubbs' role in this, and therefore his culpability, was far less than yours. His record is also not as bad as yours.

The CMD report appears to be quite positive. It indicates that you provided a clean drug test, consistent with you not having used illicit substances whilst you have been in custody. It also confirms that you have made arrangements to attend at drug rehabilitation services upon your release from custody. The author of the report indicates you appear to be motivated to address your long-standing substance abuse issues and appear committed to undertaking the work that will be necessary, if you are to achieve long term abstinence from drugs.

Because it does appear as though you are genuinely committed to making positive change, and it does appear as though you have gained some insight into the issues that alcohol and drugs have caused for you during your life, I am satisfied that despite your past, there remains potential for your rehabilitation. However, that must be balanced against other important sentencing considerations. There is no question this was serious criminal conduct. You went to the complainant's home with an intention to steal from him. You were with another person. You confronted him in a manner that was aggressive, threatening, belligerent and unpredictable. Your crime has had a profound impact upon him. What has happened to the complainant is typical of the significant emotional and psychological damage that is frequently

seen as a consequence of crimes of this nature. Invading someone's home almost inevitably results in feelings of insecurity, a reduced sense of safety and an inability to feel comfortable within one's own home. That is a great loss, and it is an effect that is likely to last for a considerable time. Your offending is of such a nature that punishment, general deterrence, specific deterrence and denunciation are important sentencing considerations. As I have said, however, in my view, this is a critical point if long term rehabilitation is ever to be achieved. I have therefore determined that I am going to extend to you the opportunity to demonstrate that you will do as you claim, and I intend to impose a Court Mandated Drug Diversion order. It is an onerous sentencing outcome. It requires commitment. I am satisfied it meets all relevant sentencing principles. You should be under no illusion however Mr Jenkins, that this was a very finely balanced determination. It is an outcome that might be seen as somewhat lenient, but I think that you should be given one last chance, particularly given the positive steps that you were able to undertake throughout 2022. I make it very clear to you, however, that if you do not grasp this opportunity, you should not expect any further leniency. I also make it clear that in setting the custodial component, I have taken into account the time you have already spent in custody, and so therefore you will be liable to serve **all** of the custodial component if you fail to comply with the CMD requirements. In other words, you have no custodial time "in credit" if you fail to successfully complete the CMD order.

I make the following orders. you are convicted of the crimes of aggravated robbery and aggravated burglary. I impose one sentence, and that is a Drug Treatment Order with a custodial component of two years.

You will not be required to serve any part of that sentence unless you are ordered to do so by a court as a result of you not complying with the treatment and supervision part of the Order. The Drug Treatment Order will contain all of the usual core and programme conditions contained in ss 27(g) and 27(h) of the *Sentencing Act* 1997. These conditions are lengthy and a copy of them will be provided to you in writing. In summary, they are as follows:

- 1 You must not in Tasmania or elsewhere, commit another imprisonable offence;
- 2 You must attend the Hobart Magistrates Court, on 29 September 2025 at 10.00am, and thereafter attend the Magistrates Court or this Court as and when directed to do so;
- 3 You must report directly to a Court Diversion Officer at Community Corrections, Hobart by 10am tomorrow, the 23rd September 2025, for induction onto this order;
- 4 You must undergo such treatment for your illicit drug use as directed by your case manager or Court Diversion Officer, or as from time to time specified by the Magistrates Court or this Court;
- 5 You must report to and accept visits from your case manager or Court Diversion Officer;
- 6 You must, unless there are special circumstances, give your case manager at least two clear working days' notice before any change of address;
- 7 You must not leave Tasmania except with the permission, granted either generally or in a particular case, of the Magistrates Court or this Court;
- 8 You must comply with all lawful directions of the Magistrates Court or this Court;
- 9 You must comply with all reasonable directions of your case manager and Court Diversion Officers concerning the core conditions and programme conditions of this order.

Additionally, the following programme conditions are imposed:

- 10 Throughout the duration of the order, you must reside at **[address redacted]** or another address approved by your Court Diversion Officer or case manager and you must not change that address without the prior approval of the Court, your Court Diversion Officer or case manager. You must be at that address daily between the hours of 9pm and 7am and present to a police officer if directed to do so;
- 11 You must not use or possess any controlled substance within the meaning of that term in the *Misuse of Drugs Act 2001*;
- 12 You must not use any medication unless prescribed to you by a treating medical practitioner, approved by your Court Diversion Officer, or case manager and any such use must be in accordance with the relevant directions for use;
- 13 You must submit to random testing for the presence of drugs as directed by your case manager or Court Diversion Officer;
- 14 You must submit to urinalysis as directed by your case manager or Court Diversion Officer;
- 15 You must submit to oral fluid testing as directed by your case manager or Court Diversion Officer;
- 16 You must submit to detoxification or other treatment, whether or not residential in nature, as directed by your case manager or Court Diversion Officer;
- 17 You must not associate with any persons or classes of persons as directed by your case manager or Court Diversion Officer;
- 18 You must attend for assessment, and if deemed suitable, participate in and complete any vocational, educational, employment, rehabilitation or other programmes including, if directed to do so, the Equips Addiction programme;
- 19 You must attend counselling and/or treatment as directed by your case manager or Court Diversion Officer;
- 20 You must submit to medical, psychiatric or psychological treatment as directed by your case manager or Court Diversion Officer;
- 21 You must maintain the use of and remain contactable by a mobile phone that is capable of receiving messages about drug testing, case management and/or counselling appointments from your case manager or Court Diversion Officer;
- 22 Unless permitted by the Court or your case manager or Court Diversion Officer, you must not consume alcohol or any other intoxicating substance, throughout the duration of the order and you must submit to breath testing or other testing to determine the presence of alcohol, as directed by your case manager or Court Diversion Officer or a member of Tasmania police.
- 23 You must comply with any family violence order, interim family violence order, police family violence order or recognised domestic violence order within the meaning of the *Domestic Violence (National Recognition) Act 2016*, and any variation made thereto, which is made against you.