

STATE OF TASMANIA v KRISTY LOUISE ACKROYD
COMMENTS ON PASSING SENTENCE

24 FEBRUARY 2020
PEARCE J

Kristy Ackroyd, you plead guilty to stealing, aggravated burglary and robbery. On 22 September 2019 you were in George Town. You went into the Woolworths Supermarket and stole chocolate bars worth \$9.60. That was the stealing. You then went to the petrol station where you made a pest of yourself, before walking along the road to the home of Kelly Westergreen. You did not know her and she did not know you. Her three children aged 12, 5 and 4 were in the front yard. You walked past them, opened the front door and locked it behind you. You confronted Ms Westergreen just inside the door and irrationally stated that she owed you money. You demanded \$10 and told her to hurry up before someone gets hurt. She took \$10 from her wallet and gave it to you. You demanded more and took another \$25 even though that left her with no money for the taxi she was waiting for.

You left through the back door and jumped the fence, threatening her that if she called the police you would be back. The police were notified and you were arrested not long afterwards. You have been in custody since then.

You are aged 36. You have five children although they are not in your care. You had a terrible upbringing. You were abandoned by your parents and raised by your grandfather until you were 15. You became pregnant for the first time at age 17. The relationship became abusive and you lapsed into drug use, homelessness and committing offences. That has been the case ever since apart from a period of a few years between 2008 and 2011 when your life was relatively stable. Until relatively recently your record is mostly for driving offences, including drug and alcohol related driving offences. However in 2014 and 2015 you committed a number of bail, drug and dishonesty offences. In 2016, before they were dealt with, you went to Victoria. When you returned to Tasmania in 2018 you were arrested. On 28 February 2019 you were sentenced to imprisonment for six months from 27 December 2018, four months of which was suspended. You breached that suspended sentence by committing a number of shoplifting offences in June and July 2019. You failed to appear on 28 August 2019. You have been in custody since you were arrested for these crimes on 22 September 2019. You were sentenced for the summary matters on 18 December 2019 to a total term of five months, including the activated suspended sentence. You were due to be released on 22 January 2020 so the sentence I impose should commence then. I take into account the total term you will have served by the time you are released, allowing for the order I will make for parole.

It is in your favour that you pleaded guilty. That spares Ms Westergreen from having to give evidence and results in the charge being resolved quickly. You have participated in counselling and vocational training in prison in the hope of maximising your chance of leading a responsible and productive life when you are released. I would not have added to your sentence for the stealing, which is relatively trivial. Aggravated burglary and robbery is a different matter. You were affected by drugs at the time, but that does not excuse or lessen the seriousness of what you did. You entered the home of another person intending dishonesty and persistently demanded money with threats of violence. By locking the door and separating the victim from her children, you added to her fear for their safety as well as her own. I do not think you had any intention of real violence, but Ms Westergreen was not to know that and the experience must have been very distressing for her.

Kristy Ackroyd, you are convicted on each count. I make compensation orders in favour of Woolworth Supermarket in George Town in the sum of \$9.60 and Kelly Westergreen in the sum of \$10. I order that the \$25 seized from you be returned to Ms Westergreen. You are

sentenced to imprisonment for 10 months from 22 January 2020. I order that you not be eligible for parole until you have served six months of that term.