

Mr Fazackerley, you have pleaded guilty to one count of armed robbery and one count of assault.

Both crimes were committed on 9 April 2025. You committed the armed robbery by entering the Park Hotel at Invermay at about 10am. You were carrying a long metal pole. You used the pole to threaten patrons in the bar area, which caused them to leave and abandon various items of property. You collected the property and then leaned over the bar in order to reach the cash register and remove money from it. When a bar attendant yelled at you to stop, you threatened her with the metal pole and told her to get back. You continued to take the money. She tried to stop you but you again threatened her with the pole until she retreated away from you. You took cash from the till in the sum of \$1,372, together with two bottles of alcohol. You left the hotel with all of the stolen property but left the metal pole behind. After leaving, you threatened and harassed a number of people in an attempt to get access to a lift or a vehicle. This included getting into a nearby street sweeper vehicle, demanding a car from a car dealership staff member and threatening him by telling him you had a gun, and telling another employee that you had a knife. You did not have either a gun or a knife but your bizarre behaviour would clearly have concerned these people.

After your arrest by police, you were held at Launceston reception prison. While you were in your cell, you vomited and defecated and then threw a cup containing vomit, faecal matter and toilet water over a female corrections officer. The material got on her face and clothes and into her mouth.

You are 34 years of age. You have a lengthy and concerning criminal history. You have been committing serious crime since you were 13 years of age and as far as I can see, this has been a continuous pattern of behaviour throughout the whole of your life since then. The offending is varied and you have been sentenced to suspended and actual sentences of imprisonment on a number of occasions. You have also received sentences which include orders clearly designed to assist your rehabilitation. For example, in 2020, you were made subject to a drug treatment order. However, none of this sentencing seems to have deterred you from further offending. Some serious features of your criminal history are as follows. In 2013, you were sentenced to imprisonment for crimes which included attempted armed robbery. In 2015, you were sentenced for the crimes of aggravated armed robbery and Criminal Code assault. In 2019, a sentence of 698 days imprisonment was imposed on you for two counts of Criminal Code assault. In 2020, you were sentenced to imprisonment for the crime of robbery. In December 2020, five months after it was made, the drug treatment order was cancelled, the custodial period activated and you were sentenced for new offending. On 14 September 2023, you received a sentence of two years and five months' imprisonment for the crime of wounding. Four months of that sentence was suspended. You were subject to the suspended sentence when you committed the crimes to which you have pleaded guilty before me. An application has been made for the activation of that sentence and I am required to activate it unless I am of the opinion that it is unjust to do so. I am not of that opinion and accordingly the sentence must and will be activated. It would seem from this history that you committed the crimes I am dealing with within a relatively short time after being released from prison in respect of that sentence.

I regard your criminal conduct on this occasion in respect of both crimes as very serious. In respect of the armed robbery, you threatened the hotel employee with a weapon in her work

place. She and the hotel generally were vulnerable to this type of crime. She has suffered immense impact from what you did and that is not surprising because consequences of the type described by her are commonly seen as a consequence of this conduct of this nature. Those consequences can be far reaching as she has described and can also have affect for a very significant amount of time and sometimes those consequences are lifelong. Your actions also affected and undoubtedly scared a number of other people. It is well-known that crimes of this nature can have significant impact on all persons who are involved in such an event. Whether this actually occurred or not in this case, the potential for such harm was present. Your actions particularly as far as the employee who has provided the victim impact statement was concerned were resolute and heartless. You showed no concern for those who were subject to your criminal conduct. You compounded the impact of your criminal conduct by your actions afterwards. These comments apply with the same force to the assault on the corrections officer. That officer was simply carrying out her duty which included taking care of you and you acted towards her in a demeaning and appalling way. Again, I have heard a detailed and eloquent impact statement which sets out in significant detail the impact that she has experienced to date and undoubtedly will continue to experience in the future. Corrections officers perform a difficult job on behalf the community and they deserve the support of the courts when this type of crime is committed against them. There is a clear need for general deterrence and denunciation in respect of both crimes. Given your criminal history, and the fact that you were subject to a suspended sentence at the time, there is also a need to emphasis specific deterrence. I will however take into account in your favour that you have pleaded guilty to these crimes.

In my view, the only possible sentence is a significant term of imprisonment. Despite your past rejection of sentencing options designed to promote your rehabilitation, I will still provide for the possibility that you might embrace rehabilitation in the future by permitting the possibility of parole. However, the non-parole period will be fixed for a period which in respect of each crime I consider to be the minimum period that you should spend in prison for these crimes.

The orders I make are as follows:

- a You are convicted of the crimes to which you have pleaded guilty;
- b The suspended sentence of four months imprisonment which was imposed by this court on 14 September 2023 is activated. It will be served from the date that you were remanded in custody which is 9 April 2025. You are not eligible for parole until you have served three months of that sentence.
- c For the crime of armed robbery, you are sentenced to imprisonment for a term of two years and six months. That sentence will be served cumulatively upon the activated suspended sentence. You are not eligible for parole until you have served 21 months of that sentence.
- d For the crime of assault, you are sentenced to imprisonment for a term of 15 months. That sentence will be served cumulatively upon sentence imposed for the armed robbery. You are not eligible for parole until you have served 12 months of that sentence.
- e For the purposes of S 92A (3) of the *Sentencing Act*, I specify that:

- i the total term of imprisonment which you are liable to serve in respect of all of the above sentences is four years and one month commencing on 9 April 2025.
- ii the total period that you must serve before you become eligible for parole is the aggregate of the non-parole periods relating to the said sentences, which is a total period of three years commencing on 9 April 2025.