Attempted armed robbery & Assault with intent to rob

from an individual, committed on smaller establishments, using a syringe ss 552, 392 and 393 Criminal Code

From 1 January 2021

Transitional Sentencing Provisions: This table is divided into thirds based on the three relevant periods of Sentencing Provisions:

- Post-transitional provisions period (from 14/01/2009 31/08/2003) -
- Transitional provisions period (between 31/08/2003 and 14/01/2009) _
- Pre-transitional provisions period (pre 31/08/2003)

These periods are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.

Glossary:

Glossary:	S N	, ,
agg att burg conc cum ct EFP imp PG susp TES	aggravated attempted burglary concurrent cumulative count eligible for parole imprisonment plead guilty suspended total effective sentence	
	30,50	

Att Armed Robbery & Assault WI to Rob 03.09.21

Current as at 3 September 2021

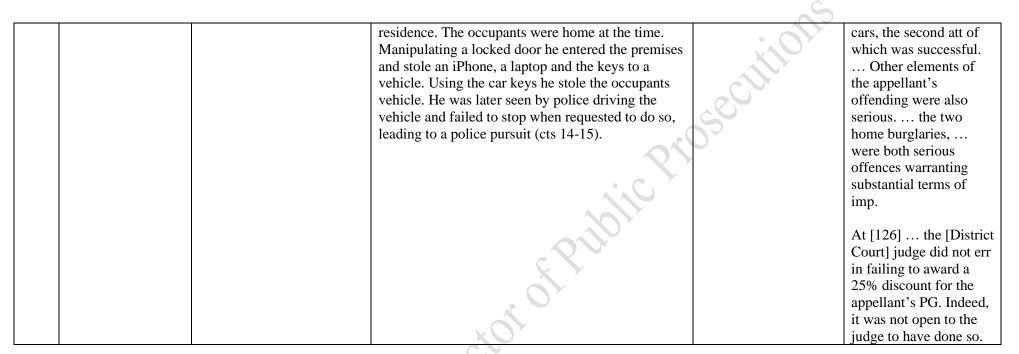
lo.	Case	Antecedents	Summary/Facts	Sentence	Appeal
1.	Brooks v The State	39 yrs at time sentencing.	Indictment -Supreme	Indictment - Supreme	Dismissed (leave
	of Western		Ct 1: Agg armed robbery.	Ct 1: 4 yrs 4 mths imp	refused) – on papers.
	Australia	Indictment -Supreme	Ct 2: Armed so as to cause terror.	(cum).	
		Convicted after trial.		Ct 2: 9 mths imp	Indictment - Supreme
	[2021] WASCA		Magistrate Court	(cum).	Appeal concerned
	156	Magistrates Court	Offending comprised 19 offences on various dates,		length of sentence and
	100	Convicted after PG (20%	including breaches of bail, unlicensed possession of	TES 5 yrs 1 mth imp	totality principle.
	Delivered	discount).	a firearm, no authority to drive, trespass, burglary	(cum on sentence	totunty principie.
	03/09/2021	discounty.	and stealing.	imposed by Supreme	Magistrate Court
	05/07/2021	Indictment - District	and stearing.	Court).	Appeal concerned
		Convicted after late PG	Magistrate Court appeal commenced in Supreme	EFP.	totality principles and
		(15% discount).	Court referred to Court of Appeal.		error (allowing
		(15% discount).	court referred to court of Appeul.	Magistrate Court	summary charges to r
		Lengthy criminal history;	Indictment – District	TES 1 yr 3 mths imp.	be dealt with by
		including interstate	Cts 1 & 3: Criminal damage.	EFP.	superior court).
		offending.	Cts 2 & 4: Stealing.		superior court).
		ononang.	Cts 5-6: Poss stolen or unlawfully obtained	Indictment - District	Indictment - District
		Traumatic childhood;	property.	Ct 1: 6 mths imp	Appeal concern error
		experienced death of older	Ct 7: Escaping lawful custody.	(conc).	cum sentences; totalit
		sister when he was aged 6	Cts 8 & 12: Robbery.	Ct 2: 12 mths imp	principle (crushing
		yrs; mother a yr later.	Ct 9: Aiding a person to escape lawful custody.	(conc).	effect of accumulated
		yrs, mother a yr fater.	Ct 10: Assault public officer.	Ct 3: 15 mths imp	sentences from differ
		Lived with physically	Ct 11: Assault with intent to rob.	(conc).	jurisdictions) and erro
		violent grandmother;	Ct 13: Burglary.	Ct 4: 15 mths imp	(plea discount).
		subsequently lived with his	Ct 14: Agg Burglary.	(conc).	(pica discount).
		father who was physically	Ct 15: Steal motor vehicle.	Ct 5: 6 mths imp	At [54] The Supreme
		and emotionally abusive.	et 15. Stear motor venicle.	(conc).	Court judge was calle
		and emotionary abusive.	Indictment – Supreme Court	Ct 6: 12 mths imp	upon to sentence the
		Left school aged 13 yrs;	Brooks and a co-offender decided to rob a	(conc).	appellant only for two
		commenced using drugs.	newsagency. With their faces covered and each	Ct 7: 12 mths imp	offences: It was w
		commenced using drugs.	carrying a knife they rushed into the newsagency.	(conc) (no EFP).	open to her Honour to

aged 28 yrs.behind the counter to give him money. When the co-offender went behind the counter the woman picked up a cricket bat, so he pushed the woman with force, causing her to fall on the floor. He put the knife near her neck and repeated his demand for (cone).Curt and Magistrates C.U.S. onthis imp (cone).Ithel two offences, bearing in mind that they involved distinct (cone).2 yr relationship at time offending; young son together; partner history of substance abuse and offending behaviour, reported to have made significant positive changes in her lifestyle; partner and her grents supportive.The co-offender grabbed the till drawer and took about \$450 in cash before running. Brooks pushed the daughter off balance and followed.Cu 13: 15 mths imp (conc).At [56] What occurred (curm).Nene Brooks was chased by two men, he stopped an Arity Appression and stress; diagnosed with PTSD.The co-offender grabbed the till drawer and took about \$450 in cash before running. Brooks pushed the daughter off balance and followed.Cu 13: 15 mths imp (conc).At [83] we are satistice totality principle by the Supreme Court, District Court and the may involvement in the offence.Entrenched drug use.Indictment - District Court Brooks drove a stolen truck up to the double gates of a business. After trying to break the padlock to the gates with bolt cutters, he at to smash through here with the truck. The gates and the linked chain fence were extensively damaged (ct 1).Curta diagastrates Curta duagastrates Curta duagastrates Curta duagastrates Curta duagastrates Curta duagastrates Curta duagastrates Curta duagastrates Curta duagastrates Curta duagastrates Curta duagastrates Cu			Co.	
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them with the truck. The gates and the linked chain fence were extensively damaged (ct 1). disposition would have been any more		of a business. After trying to break the padlock to	of about three wks.	been dealt with
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		them with the truck. The gates and the linked chain	sentencing exercises:	disposition would have
TES 9 yrs 6 mths imp favourable from the		fence were extensively damaged (ct 1).	-	been any more
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Brooks drove a stolen truck to the entry of a	EFP.	appellant's perspective.
business. After cutting the lock to a gate he drove to		the sentencing judge
a parked caravan valued at \$45,000 and hitched the	Indictment - Supreme	in the District Court
caravan to the back of his vehicle. As he drove	The trial judge found	was acutely aware of,
away the chain snapped, so he left, leaving the	the armed robbery	and carefully weighed,
caravan behind (ct 2).	objectively very	the sentences that had
	serious; the offence	already been imposed
At a car wash Brooks, driving the same stolen	was planned; both	in determining what
truck, reversed at speed into two industrial vacuum	offenders were armed	sentences should be
units causing \$29,358.20 in damage. He and his	and disguised; they	imposed for the
male passenger then att unsuccessfully to take one	chose a vulnerable	offences dealt with in
of the units. They left and returned a short time later	target and threatened	the District Court.
with a chisel and hammer, which they used to	two vulnerable	
separate one of the units from its base. They then	women, both shouting	At [87]-[88] In our
carried it to the truck and left (cts 3 and 4).	and screaming.	view, the appellant's
		offending conduct that
During a burglary, a dinghy, boat trailer, boat	The trial judge took	was the subject of his
engine and a fuel jerry can were stolen.	into account time spent	sentence in the
	by the appellant on	Magistrates Court was
Brooks arranged to store a boat at a rural property.	remand for the murder	of a nature and extent
The owner agreed and a short time later he attended	charge and time	that demanded a
the property with a boat, a boat motor and fuel jerry	already spent in	sentence that was cum
can.	protective custody, and	on the sentence in the
	would in the future	Supreme Court to a not
Some wks later a stealing offence occurred. The	serve, for the current	insubstantial extent
stolen items included a bobcat and trailer. The	offending.	Not is it reasonably
bobcat was fitted with a GPS tracking device. The	.	arguable that the
same day Brooks attended the same rural property	Letter of apology	sentences imposed by
with the stolen bobcat to store it at the property.	tendered; otherwise no	the Chief Magistrate
The bobcat was tracked to its location and police	demonstrated genuine	produced a result that
were alerted. A search of the property located the	remorse; not at a low	was, in the relevant
stolen bobcat (cts 5 and 6).	risk of reoffending;	sense, crushing, so as to

		reasonable prospects	infringe the second
	Brooks was apprehended in connection with an	of rehabilitation; steps	limb of the totality
	armed robbery (the Supreme Court offence). He	taken to become a	principle
	was conveyed to a police station and detained. His	better father while on	
	partner was also held in the same detention area.	remand.	At [117]-[119] The
	The two shouted at each other and became		appellant was sentenced
	increasingly agitated. When an officer opened his	Indictment – District	in the District Court for
	cell door he grabbed the officer and during a	The sentencing judge	15 offences. Several of
	struggle took the officer's swipe card. After freeing	found the appellant's	them involved appalling
	his partner he ran away (cts 7-10).	offending the subject	offending that would
		of cts 1-4 serious and	have terrified or
	After fleeing custody Brooks ran in front of a	premediated acts of	endangered members of
	vehicle, opened the driver's door, grabbed hold of	dishonesty; it would	the public. Further, [he]
	the driver and tried to forcibly remove her from the	have been a terrifying	used violence to escape
	car. Fearing for herself and her passenger she	experience for the	from legal custody
	accelerated away (ct 11).	victims of cts 11 and	the appellant's
		12, were ordinary	offending the subject of
	Brooks then got in the passenger seat of a stationary	members of the	cts 7 – 12 of itself
	vehicle. He shouted at the driver to go and, fearing	community going	would ordinarily have
	for his safety, he complied. He ignored the driver's	about their daily	justified and required a
	request to get out and became more agitated. At a	business; the offending	TES substantially
	red light he told the driver to get out, which he did.	necessitated a sentence	higher than the TES
	Brooks threatened the driver if he called the police.	that sufficiently	imposed in the
	The vehicle was later found extensively damaged	denounced the	District Court. As the
	(ct 12).	appellant's conduct	judge observed, cts 11
		and provided	and 12 were each very
C \	Brooks gained entry to a home by smashing a	appropriate personal	serious offences in
	sliding door. He cut the phone line and searched a	and general deterrence.	which the appellant
0'	bedroom. He left the premises by forcing open a	-	used violence towards
	rear window. No items were stolen (ct 13).		entirely innocent
			members of the public
CXN	On the same day Brooks broke into a different		in an att to steal their



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