

Attempted armed robbery & Assault with intent to rob
from an individual, committed on smaller establishments
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are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.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:

agg	aggravated
att	attempted
burg	burglary
conc	concurrent
cum	cumulative
ct	count
EFP	eligible for parole
imp	imprisonment
PG	plead guilty
susp	suspended
TES	total effective sentence

No.	Case	Antecedents	Summary/Facts	Sentence	Appeal
4.	<p><i>Mackey v The State of Western Australia</i></p> <p>[2025] WASCA 120</p> <p>Delivered 12/08/2025</p>	<p>27 yrs at time offending.</p> <p>Convicted after trial (cts 1–3). Convicted after PG (ct 4).</p> <p>Minor criminal history; traffic offences, numerous wilful damage and trespass offences.</p> <p>Born and raised in rural WA communities; middle of three children.</p> <p>Left school part way through year 10; completed a boilermaker apprenticeship; gainfully employed as a welder.</p> <p>Diagnosed ADHD at 10 yrs of age.</p> <p><u>Co-offender — Mr Jones</u></p> <p><i>Jones v The State of Western Australia</i> [2024] WASCA 115</p> <p>31 yrs at time offending.</p> <p>One of four children; suffered abuse as a child.</p> <p>Left school in yr 10; obtained various trade qualifications; operated his own fabrication business.</p> <p>Diagnosed with ADHD.</p> <p>Abused alcohol and cocaine.</p> <p><u>Co-offender — Mr French</u></p> <p>26 yrs at time offending.</p> <p>Criminal history; AOBH; poss controlled weapon.</p> <p>Born and raised in WA; parents separated at 2 yrs of age; father</p>	<p>Ct 1: Agg home burg. Ct 2: Agg Ass with intent to rob. Ct 3: Wilful damage. Ct 4: SMV.</p> <p>On the day of the offending Mr Jones, Mr French, and Mr Thorne were at the home of another drinking and socialising for some hours. Shortly after 10:00 pm, the group agreed to attend the victim’s property with the intent of forcibly recovering property.</p> <p>The appellant was woken by a phone call immediately prior to the offending and agreed to the meet the group at a service station to provide assistance.</p> <p><u>Ct 1</u></p> <p>Around 11:00 pm, the victim, JB was awoken by the sounds of two motorcycles in the driveway of the premises in which he lived. JB got up, turned on the living room light and opened the front door. JB saw Mr Jones pacing towards him wielding a baseball bat. JB retreated into the premises. Mr Jones and the co-offenders followed JB; Mr Jones then struck JB to the head with the baseball bat.</p> <p><u>Ct 2</u></p> <p>JB eventually moved to the couch; there, Mr Jones struck him multiple times with the baseball bat. Mr Jones then demanded JB’s car keys, and threatened to kill him if he did not comply. Once in possession of JB’s keys, Mr Jones and the two co-offenders then left the building.</p> <p><u>Ct 4</u></p> <p>The appellant and the co-offenders then drove off in JB’s vehicle.</p> <p><u>Ct 3</u></p>	<p>Ct 1: 5 yrs 8 mths imp (HS). Ct 2: 1 yr 6 mths imp (cum). Ct 3: 1 yr imp (conc). Ct 4: 2 yrs imp (conc).</p> <p>TES: 7 yrs 2 mths imp.</p> <p>EFP.</p> <p><u>Co-offender — Mr Jones</u></p> <p><i>Jones v The State of Western Australia</i> [2024] WASCA 115</p> <p>Ct 1: 6 yrs 6 mths imp (HS). Ct 2: 3 yr 3 mths imp (conc). Ct 3: 1 yr imp (conc). Ct 4: 2 yrs imp (conc).</p> <p>Served cum on a 5 yr sentence for unrelated offending.</p> <p>TES: 11 yrs 6 mths imp.</p> <p><u>Co-offender — Mr French</u></p> <p>Ct 1: 5 yrs 8 mths imp (HS). Ct 2: 1 yr 6 mths imp (cum). Ct 3: 1 yr imp (conc). Ct 4: 2 yrs imp (conc).</p> <p>TES: 7 yrs 2 mths imp.</p> <p>EFP.</p> <p><u>Co-offender — Mr Thorne</u></p> <p>Ct 1: 5 yrs 8 mths imp (HS). Ct 2: 1 yr 6 mths imp (cum). Ct 3: 1 yr imp (conc). Ct 4: 2 yrs imp (conc).</p> <p>TES: 7 yrs 2 mths imp.</p> <p>EFP.</p> <p>The trial judge was satisfied that Mr Jones, Mr French, and Mr Thorne attended JB’s premises with the common intention of</p>	<p>Appeal dismissed (leave refused).</p> <p>Appeal concerned the first limb of the totality principle and parity with co-offenders.</p> <p>At [55] ‘the appellant was charged with separate offences in counts 1 and 2, constituted by separate acts which occurred at separate times (albeit that the conduct charged in count 2 was immediately followed from the conduct in count 1). It is relevant to the assessment of the overall criminality involved in all of the appellant’s offending to note that his criminal responsibility arose under s 7(b), s 7(c) and s 8 of the Code rather than as a person who “actually did” the acts which constituted the offences. However, no double punishment is involved in punishing the appellant for both offences for which he is criminally responsible in that manner. The assessment of the appellant’s overall criminality properly took into account the two separate offences for which the appellant’s criminal responsibility for those offences arose [in the course of a single continuous course of conduct] did not preclude some degree of accumulation of the sentences imposed on counts 1 and 2 of the indictment.’</p> <p>At [56] ‘... the appellant willingly aided and supported Mr Jones, as his criminality moved from forcibly entering the dwelling and assaulting the complainant to using violence to steal the complainant’s car keys. The appellant was, throughout, physically present, providing support, and willing to assist further if required. The appellant’s ongoing support of Mr Jones’ conduct the subject of count 2 involved criminality going beyond his support of the earlier conduct the subject of count 1.’</p> <p>At [57] ‘in addition, in determining the appropriate total effective sentence, the trial judge was required to assess the overall criminality involved in all of the appellant’s offending. This included the offending charged in counts 3 and 4 of the indictment. Where the principle of totality comes into effect, it is of little importance how the ultimate aggregate is made up ... The trial judge’s conclusion that a total effective sentence of 7 years 2 months’ imprisonment reflected the appellant’s overall criminality for all of the offending charged in counts 1 – 4 of the indictment did not involve any error of principle and was not unreasonable or plainly unjust. Having properly reached that conclusion in the exercise of her Honour’s sentencing discretion, it was open to the trial judge to give effect to the conclusion by reducing the sentence for count 2 which she would otherwise have imposed and ordering that sentence to be served cumulatively upon the sentence for count 1 while the sentences for counts 3 and 4 were to be served concurrently.’</p> <p>At [65] ‘as the trial judge appropriately recognised, the degree of criminality involved in Mr Jones’ commission of the offences charged</p>

		<p>died in a car accident at 11 yrs of age.</p> <p>Left school in yr 11; worked as a tyre fitter.</p> <p>One young child with autism; married at time of sentencing.</p> <p><u>Co-offender — Mr Thorne</u></p> <p>26 yrs at time offending.</p> <p>Born in Victoria; spent childhood in Queensland; family later moved to WA; stable upbringing.</p> <p>Completed year 12; qualified carpenter; worked in the mining industry.</p> <p>Abused alcohol and cocaine.</p>	<p>During the incident, numerous glass windows of the residence were smashed, as well as the rear window of another occupant's vehicle.</p>	<p>assaulting and threatening someone, if necessary. The appellant had joined this common intention by the time he entered the complainant's premises. Mr Jones was the instigator of the enterprise, with the co-offenders acting as willing participants.</p> <p>The trial judge could not make a finding as to who damaged the vehicle, but found the conduct was a probable consequence of the common purpose for which the offenders were equally responsible.</p> <p>The trial judge found that the appellant was not a party to any discussions that occurred prior to his attendance at the service station; however, he was willing to do the bidding of Mr Jones with limited information.</p>	<p>in the current indictment was greater than the appellant's. Mr Jones was the instigator of the offending and was one of the persons who assaulted the complainant. The appellant's antecedents were better than those of Mr Jones. Other things being equal, it would be expected that the appellant would receive a lower sentence than Mr Jones for the same offences in the current indictment of which they had both been convicted.</p> <p>At [66] 'however, other things were not equal as between Mr Jones and the appellant. The significant difference was that Mr Jones was already serving a sentence of 5 years' immediate imprisonment when he was sentenced for the offences charged in the current indictment.'</p> <p>At [67] 'the present case is one where the overall total effective sentences imposed on Mr Jones and the appellant provide a more meaningful comparator than the sentences for the offences charged in the current indictment ... The overall total effective sentence received by Mr Jones was 4 years 2 months longer than that received by the appellant. That difference appropriately reflects Mr Jones' commission of the grievous bodily harm offence, his greater criminality in committing the offences charged in the current indictment, his less favourable antecedents and the application of the totality principle.'</p> <p>At [68] 'we do not accept the appellant's submission to the effect that the criminality involved in his offending was less than that involved in the offending by Mr French and Mr Thorne ... The roles of each in the offending were the same, and each of Mr French, Mr Thorne and the appellant formed or joined in the unlawful common purpose less than an hour before the offending began.'</p> <p>At [71] 'the antecedents of the appellant, Mr French and Mr Thorne were broadly similar, and the relatively minor differences between them tended to cancel each other out.'</p> <p>At [73] 'having regard to all of the circumstances of the case, the lack of difference in the sentences imposed on the appellant and on Mr French and Mr Thorne did not give rise to a legitimate or justifiable sense of grievance, nor give the appearance in the mind of an objective observer that justice has not been done.'</p>
3.	<p><i>Fitzgerald v The State of Western Australia</i></p> <p>[2024] WASCA 58</p> <p>Delivered 24/05/2024</p>	<p>44 yrs at time sentencing.</p> <p>Convicted after trial.</p> <p>Significant criminal history: property damage; disorderly behaviour; assault; armed in public; obstructing police; trespass; breach of bail; burglary; fraud; stealing; possession of drugs; traffic offences; breach of</p>	<p>Ct 1: Agg burg. Ct 2: Crim damage. Ct 3: Agg threats with intent to rob. Ct 4: Agg threats with intent to rob.</p> <p>The appellant and the victim, A, were known to each other and lived in separate units in the same complex.</p> <p><u>Cts 1 & 2</u></p>	<p>Ct 1: 4 yrs imp (HS). Ct 2: No penalty. Ct 3: 2 yrs 6 mths imp (cum). Ct 4: 2 yrs 6 mths imp (conc).</p> <p>TES 6 yrs 6 mths imp.</p> <p>EFP.</p> <p>The sentencing judge found that the appellant's criminal history required some</p>	<p>Appeal dismissed (leave refused).</p> <p>Appeal concerned length of individual sentences and first limb of totality principle.</p> <p>At [50] 'there is no merit to the appellant's submission that the individual sentence for the aggravated burglary charged in ct 1 is manifestly excessive.'</p> <p>At [52] 'home invasions, which involve forcible entry into residential premises known or suspected to be occupied at the time, accompanied</p>

		<p>community-based orders.</p> <p>Born in Perth; good relationship with parents; parents and brother are supportive.</p> <p>Completed high school; worked for 16 yrs in mining and construction.</p> <p>Engaged to be married; in relationship for 10 yrs at time sentencing; adult child from previous relationship.</p> <p>Long history of substance use; cannabis from 13 yrs; other drugs to self-medicate; alcohol use.</p> <p>Sexually abused as a child; never received counselling.</p> <p>ADHD; history of depression, mood swings, and insomnia.</p>	<p>Whilst A was in his own lounge room, the appellant smashed the patio sliding door and entered the unit wielding a samurai sword. The appellant demanded drugs from A, then charged at him with the sword.</p> <p>A ran and locked himself in a bedroom. The appellant followed, and repeatedly thrust the sword through the bedroom door, narrowly missing A on one occasion. The door eventually broke and A escaped the residence.</p> <p><u>Cts 3 & 4</u></p> <p>A returned to the unit with two males, R and S. The appellant was still inside A's unit with A's dog. The appellant was still holding the sword. The appellant walked towards R and S and demanded they hand over their phones. The appellant swung the sword from side to side and threatened to kill R and S if they did not hand him their mobile phones. R and S backed away, and another neighbour called the police. The appellant subsequently fled the scene.</p>	<p>weight to be given to specific deterrence and protection of the community.</p> <p>The sentencing judge found that there was a considerable risk of the appellant re-offending if he did not access psychological assistance.</p> <p>The offending had caused A to suffer depression and feel anxious about further attacks; experience infrequent suicidal thoughts; property damage has taken some time and cost to replace.</p> <p>The sentencing judge found that the appellant showed little remorse for the offending.</p> <p>The appellant was attending weekly Narcotics Anonymous meetings whilst in prison.</p>	<p>by threatened or actual violence, are generally significantly more serious than home burglaries which lack those characteristics. There has long been a recognition that sentences for home burglary need to be firmed up.'</p> <p>At [53] 'the present case involves a serious example of a home invasion burglary.'</p> <p>At [56] '...having regard to the similarity of the elements [between ss 392 and 393 offences], cases dealing with the two kinds of offences are likely to be broadly comparable.'</p> <p>At [57] 'this court has acknowledged that: the range of sentences commonly imposed for a single offence of armed robbery, depending upon the circumstances, was 4 to 6 yrs imprisonment. It is not unusual for a court to impose a sentence of 5 to 6 yrs imprisonment after trial for a single count of armed robbery.'</p> <p>At [59] 'the sentence of 2 yrs 6 mths' immediate imprisonment imposed for each of cts 3 and 4 falls below that commonly imposed range.'</p>
2.	<p><i>Momand v The State of Western Australia</i></p> <p>[2024] WASCA 14</p> <p>Delivered 07/02/2024</p>	<p>42 yrs at time offending. 46 yrs at time sentencing.</p> <p>Convicted after PG (5% for ct 1 and 10% for cts 2 & 3)</p> <p>Subject of 12-mth intensive supervision order at time offending.</p> <p>Significant criminal history: assault; breach of restraining orders; poss of unlicensed firearm; steal motor vehicle; AOBH; poss a controlled weapon; being armed in a way to cause fear.</p> <p>Living with mother at time offending; several siblings.</p> <p>Suffers from undiagnosed</p>	<p>Ct 1: Crim damage. Ct 2: Assault with intent to rob. Ct 3: Making a threat to unlawfully harm another.</p> <p><u>Ct 1</u></p> <p>The appellant drove his vehicle into the car park of a shopping centre. He drove out, then returned two minutes later. The appellant then drove his vehicle in a straight line directly into a parked vehicle. The appellant got out of his vehicle and walked into the shopping centre.</p> <p><u>Ct 2</u></p> <p>The appellant walked into a store and collected several items. He took those items to the checkout and placed them on the counter. When asked for</p>	<p>Ct 1: 6 mths imp (cum). Ct 2: 18 mths imp (cum). Ct 3: 12 mths imp (conc).</p> <p>TES: 2 yrs imp.</p> <p>EFP.</p> <p>The sentencing judge noted that the appellant had originally been charged with attempted robbery and following negotiations, the charge had been replaced by cts 2 and 3 on the indictment.</p> <p>The sentencing judge found that the criminal damage offence was plainly deliberate.</p> <p>The sentencing judge found that the appellant had used violence, when an attempt was made to stop the appellant from stealing the items.</p> <p>The sentencing judge found that the appellant</p>	<p>Appeal dismissed (leave refused).</p> <p>Appeal concerned length of sentence for ct 1 and the discount imposed for cts 2 & 3.</p> <p>At [36] 'offences of criminal damage can occur in a wide variety of circumstances. The nature of the act that caused the damage and the value of the damage caused are relevant considerations. In this case, the appellant drove his car deliberately into another car in a car park. The act occurred in an area to which the public have access...It was simply a random act of destruction carried out without any apparent concern for the consequences.'</p> <p>At [38] 'there was nothing in the appellant's personal history that mitigated the offending.'</p> <p>At [41] '... the sentence of 6 mths imprisonment imposed on ct 1 was plainly open to the sentencing judge.'</p>

		<p>depression; acknowledged he was ‘out of control’ and did not understand the consequences of what he was doing.</p> <p>Previous drug use.</p>	<p>payment, the appellant stated Kensington Police would pay and attempted to walk away with the items. The shop assistant came to the front of the count and tried to retrieve the items. There was a scuffle in which both the appellant and shop assistant were both holding the plastic bag.</p> <p>The appellant then punched the shop assistant to the face. There was a further scuffle and both men fell to the floor, wrestling.</p> <p><u>Ct 3</u></p> <p>The appellant then threatened to stab the shop assistant with whom he was wrestling and tried to pull a retractable knife from his trouser pocket. On seeing the knife, the assistant moved away.</p>	<p>had threatened to stab the attendant and then made a show of trying to pull the retractable knife from his pocket.</p> <p>The sentencing judge noted that the offending occurred in the early hours of the morning, and the people who work during these periods are vulnerable.</p>	
1.	<p><i>Brooks v The State of Western Australia</i></p> <p>[2021] WASCA 156</p> <p>Delivered 03/09/2021</p>	<p>39 yrs at time sentencing.</p> <p><u>Indictment -Supreme</u> Convicted after trial.</p> <p><u>Magistrates Court</u> Convicted after PG (20% discount).</p> <p><u>Indictment - District</u> Convicted after late PG (15% discount).</p> <p>Lengthy criminal history; including interstate offending.</p> <p>Traumatic childhood; experienced death of older sister when he was aged 6 yrs; mother a yr later.</p> <p>Lived with physically violent grandmother; subsequently lived with his father who was physically and emotionally abusive.</p> <p>Left school aged 13 yrs; commenced using drugs.</p>	<p><u>Indictment -Supreme</u> Ct 1: Agg armed robbery. Ct 2: Armed so as to cause terror.</p> <p><u>Magistrate Court</u> Offending comprised 19 offences on various dates, including breaches of bail, unlicensed possession of a firearm, no authority to drive, trespass, burglary and stealing.</p> <p>Magistrate Court appeal commenced in Supreme Court referred to Court of Appeal.</p> <p><u>Indictment – District</u> Cts 1 & 3: Criminal damage. Cts 2 & 4: Stealing. Cts 5-6: Poss stolen or unlawfully obtained property. Ct 7: Escaping lawful custody. Cts 8 & 12: Robbery. Ct 9: Aiding a person to escape lawful custody. Ct 10: Assault public officer. Ct 11: Assault with intent to rob. Ct 13: Burglary. Ct 14: Agg Burglary. Ct 15: Steal motor vehicle.</p>	<p><u>Indictment - Supreme</u> Ct 1: 4 yrs 4 mths imp (cum). Ct 2: 9 mths imp (cum).</p> <p>TES 5 yrs 1 mth imp (cum on sentence imposed by Supreme Court). EFP.</p> <p><u>Magistrate Court</u> TES 1 yr 3 mths imp. EFP.</p> <p><u>Indictment - District</u> Ct 1: 6 mths imp (conc). Ct 2: 12 mths imp (conc). Ct 3: 15 mths imp (conc). Ct 4: 15 mths imp (conc). Ct 5: 6 mths imp (conc). Ct 6: 12 mths imp (conc). Ct 7: 12 mths imp (conc) (no EFP). Ct 8: 14 mths imp (cum on Supreme Court and Magistrates Court sentences). Ct 9: 6 mths imp (conc). Ct 10: 3 mths imp (conc). Ct 11: 3 mths imp (cum). Ct 12: 21 mths imp (cum). Ct 13: 15 mths imp (conc). Ct 14: 2 yrs imp (conc). Ct 15: 9 mths imp (conc).</p>	<p>Dismissed (leave refused) – on papers.</p> <p><u>Indictment - Supreme</u> Appeal concerned length of sentence and totality principle.</p> <p><u>Magistrate Court</u> Appeal concerned totality principles and error (allowing summary charges to not be dealt with by superior court).</p> <p><u>Indictment - District</u> Appeal concern error in cum sentences; totality principle (crushing effect of accumulated sentences from different jurisdictions) and error (plea discount).</p> <p>At [54] The Supreme Court judge was called upon to sentence the appellant only for two offences: ... It was well open to her Honour to order a degree of accumulation between [the] two offences, bearing in mind that they involved distinct criminality and had different victims.</p> <p>At [56] What occurred in the District Court, mths after the Supreme Court judge imposed sentence, does not (and cannot) provide any basis to allege an infringement of either limb of the totality principle by the Supreme Court judge’s sentence. ...</p> <p>At [83] ... we are satisfied that there is no reason to suppose that, had the summary offences, and the indictable offences all been dealt with together, the overall disposition would have been any more favourable from the appellant’s perspective. ... the sentencing judge in the District Court was acutely aware of, and carefully weighed, the sentences that</p>

		<p>Left home aged 15 yrs; reconciled with his family aged 28 yrs.</p> <p>Inconsistent early employment history; trade work late twenties; self-employed roof plumber early thirties.</p> <p>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 parents supportive.</p> <p>Severe symptoms of anxiety, depression and stress; diagnosed with PTSD.</p> <p>Entrenched drug use.</p>	<p><u>Indictment – Supreme Court</u> Brooks and a co-offender decided to rob a newsagency. With their faces covered and each carrying a knife they rushed into the newsagency.</p> <p>The co-offender shouted at the woman working 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 money.</p> <p>The woman’s daughter heard her mother’s screams and began to telephone the police. Brooks screamed at her to put the phone away and pointed his knife at her, telling her that he would stab her.</p> <p>The co-offender grabbed the till drawer and took about \$450 in cash before running. Brooks pushed the daughter off balance and followed.</p> <p>When Brooks was chased by two men, he stopped and threatened one of them with his knife.</p> <p>Brooks hid some items of clothing in an att to avoid being caught. He was arrested some wks later. He denied any involvement in the offence.</p> <p><u>Indictment – District Court</u> 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 att to smash through them with the truck. The gates and the linked chain fence were extensively damaged (ct 1).</p> <p>Brooks drove a stolen truck to the entry of a business. After cutting the lock to a gate he drove to a parked caravan</p>	<p>Sentenced in the Supreme Court, District Court and the Magistrates Court for a total of 36 offences. The most serious offences, were committed in a period of about three wks. The result of the three sentencing exercises:</p> <p>TES 9 yrs 6 mths imp. EFP.</p> <p><u>Indictment - Supreme</u> The trial judge found the armed robbery objectively very serious; the offence was planned; both offenders were armed and disguised; they chose a vulnerable target and threatened two vulnerable women, both shouting and screaming.</p> <p>The trial judge took into account time spent by the appellant on remand for the murder charge and time already spent in protective custody, and would in the future serve, for the current offending.</p> <p>Letter of apology tendered; otherwise no demonstrated genuine remorse; not at a low risk of reoffending; reasonable prospects of rehabilitation; steps taken to become a better father while on remand.</p> <p><u>Indictment – District</u> The sentencing judge found the appellant’s offending the subject of cts 1-4 serious and premediated acts of dishonesty; it would have been a terrifying experience for the victims of cts 11 and 12, were ordinary members of the community going about their daily business; the offending necessitated a sentence that sufficiently denounced the appellant’s conduct and provided appropriate personal and general deterrence.</p>	<p>had already been imposed ... in determining what sentences should be imposed for the offences dealt with in the District Court.</p> <p>At [87]-[88] In our view, the appellant’s offending conduct that was the subject of his sentence in the Magistrates Court was of a nature and extent that demanded a sentence that was cum on the sentence in the Supreme Court to a not insubstantial extent. ... Not is it reasonably arguable that the sentences imposed by the Chief Magistrate produced a result that was, in the relevant sense, crushing, so as to infringe the second limb of the totality principle. ...</p> <p>At [117]-[119] The appellant was sentenced in the District Court for 15 offences. Several of them involved appalling offending that would have terrified or endangered members of the public. Further, [he] used violence to escape from legal custody. ... the appellant’s offending the subject of cts 7 – 12 of itself would ordinarily have justified and required a TES substantially higher than the TES ... imposed ... in the District Court. As the judge observed, cts 11 and 12 were each very serious offences in which the appellant used violence towards entirely innocent members of the public in an att to steal their cars, the second att of which was successful. ... Other elements of the appellant’s offending were also serious. ... the two home burglaries, ... were both serious offences warranting substantial terms of imp.</p> <p>At [126] ... the [District Court] judge did not err in failing to award a 25% discount for the appellant’s PG. Indeed, it was not open to the judge to have done so.</p>
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			<p>valued at \$45,000 and hitched the caravan to the back of his vehicle. As he drove away the chain snapped, so he left, leaving the caravan behind (ct 2).</p> <p>At a car wash Brooks, driving the same stolen truck, reversed at speed into two industrial vacuum units causing \$29,358.20 in damage. He and his male passenger then att unsuccessfully to take one of the units. They left and returned a short time later with a chisel and hammer, which they used to separate one of the units from its base. They then carried it to the truck and left (cts 3 and 4).</p> <p>During a burglary, a dinghy, boat trailer, boat engine and a fuel jerry can were stolen.</p> <p>Brooks arranged to store a boat at a rural property. The owner agreed and a short time later he attended the property with a boat, a boat motor and fuel jerry can.</p> <p>Some wks later a stealing offence occurred. The stolen items included a bobcat and trailer. The bobcat was fitted with a GPS tracking device. The same day Brooks attended the same rural property with the stolen bobcat to store it at the property. The bobcat was tracked to its location and police were alerted. A search of the property located the stolen bobcat (cts 5 and 6).</p> <p>Brooks was apprehended in connection with an armed robbery (the Supreme Court offence). He was conveyed to a police station and detained. His partner was also held in the same detention area. The two shouted at each other and became increasingly agitated. When an officer opened his cell door he grabbed the officer and during a struggle took the officer's swipe card. After freeing his partner he ran away (cts 7-10).</p>		
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