

The defendant appears for sentence having pleaded guilty to one count of aggravated armed robbery committed on 19 October 2011. He was 15 years old at the time, which makes him now 16 years and 4 months old. The facts of the crime are that he and some other youths were drinking alcohol at the bus mall at Glenorchy. At about 10.45pm he and a 17 year old girl went into a hotel bottle shop, the defendant carrying a metal pole which he had picked up earlier. The girl was carrying two pairs of scissors. They were asked for identification. When none was produced, they were asked to leave, but refused. One of the shop attendants then waited outside. Meanwhile the girl stole a bottle of spirits. When the pair left, they were followed by a second attendant and asked to hand over the stolen alcohol. The girl threatened to stab this attendant after revealing the scissors in her trouser pocket. When the first attendant approached, this defendant produced the pole and told him not to follow. The two ran off and later drank the alcohol. When spoken to by police, the defendant admitted his involvement, saying he was heavily intoxicated at the time. He had earlier picked up the pole and decided to keep it after mucking around with it for a while. He said they had no money, and that it was the girl's idea to run in and get something. She took the bottle and passed it to him and he passed it back to her outside. He added that if either of the bottle shop attendants had tried to physically stop him leaving, he would have used violence to get away.

The defendant has a rather lengthy record starting at age 12 when he received an informal caution for assault. Since then he has been dealt with on 11 separate occasions for numerous offences including destroying property, stealing, motor vehicle stealing and numerous bail offences and associated offences. He had been dealt with for 15 offences of dishonesty and like offences before this crime. At the time of this crime he was the subject of two probation orders requiring him to be of good behaviour; one for 18 months commencing on 26 October 2010, the second for 12 months commencing on 19 April 2011. On 17 January 2012, mostly for offences committed after this crime, but for some before as well, he was sentenced to 10 weeks' detention, the execution of which was wholly suspended, and he was ordered to perform 60 hours of community service. On 14 February 2012 he was made the subject of a further community service order, this time for 10 hours. He is yet to complete the two orders. Lastly, I note that he is the subject of two conditional release orders, both operating for 12 months, one made on 17 January 2012, the last one on 13 March 2012.

I have a pre-sentence report update dated 3 April 2012. There is family violence and instability in his background, together with a diagnosis of ADHD, along with early cannabis and alcohol use. The report notes the significant degree of intoxication at the time of this crime, and some belated insight into the possible impact on the attendants, and the likely consequences for him in later life with a serious charge on his criminal record. The report notes that his offending behaviour has reduced markedly since this offence, and he appears to have made a conscious effort to stop getting into trouble by reducing his alcohol use and being more selective of the company he keeps. His attitude and motivation as to change are described as strengths. There are positive reports of his engagement with Youth Justice Services and in associated programs which include ones addressing drugs and alcohol and violence issues. It is said that he participated very well in community service projects in the early stages of the completion of the first order, but this has not been maintained, purportedly due to medical issues. He is assessed to be a moderate risk of re-offending, and a community service order is recommended.

It needs to be repeated that this sort of crime is very serious indeed. Attacks on businesses open late at night by two or more armed people are matters of very grave concern. I take into account the plea of guilty and that there has been, at least more recently, some expression of remorse. Intoxication is of course no excuse.

Mr C would you stand up please. I want to speak to you directly. I hope that you now realise, or are coming to recognise, that if you continue to offend, you will most likely end up in detention for a long time, or eventually serve very long periods of imprisonment in an adult prison. You must continue to try to sort out your problems with alcohol. Drinking too much, along with mixing with the wrong type of people seems to get you into trouble. Particularly because of your history of offending and particularly in light of the fact that you were in breach of two probation orders at the time of this crime, it calls for a lengthy period of detention, but there seems to have been a significant recent change in your attitude, and there are encouraging signs. This leads me to accepting the recommendation of a community service order. However, as a personal deterrent, and as a reflection of the seriousness of the crime, I will also impose a period of detention, but reduced from what it might have been to take account of the community service order. I will suspend the balance of the term after taking into account the time of 30 days you have already spent in custody. You must also understand that this is probably your last chance. You have had plenty of warnings.

I will make these orders under Part 4 of the *Youth Justice Act*. Mr C, I think it is appropriate that you are convicted of the crime. You are sentenced to nine months' detention to commence on 20 March 2012, with the balance from today being suspended on the condition that for a period of 18 months you do not commit an offence which, if committed by an adult, would be punishable by imprisonment. Further conditions of the suspension are that you abstain from drinking alcohol and that you must attend educational, personal, health and other programs, including those relating to alcohol and drug use, as directed by the assigned youth justice worker. I make a community service order for 100 hours, and you will have to report to a youth justice worker at Woodhouse Street, St Johns Park, New Town. I make a compensation order in favour of the proprietors of the Elwick Hotel in the sum of \$47.99. There is a victims of crime compensation levy of \$50 which you will have to pay and I allow 28 days for that payment.