

**STATE OF TASMANIA v MNA
STATE OF TASMANIA v JFL
COMMENTS OF PASSING SENTENCE**

15 NOVEMBER 2023

BLOW CJ

You have both pleaded guilty to a charge of aggravated armed robbery, and also three charges of stealing. Together you staged a hold-up in a shop in Sandy Bay. You were armed with a Stanley knife and a hammer. You got away with \$180. It was a planned robbery. You went to three different shops and stole things that you wanted to use in the robbery. You spent \$95 of the stolen money but the police got the other \$85 back. This all happened back in July of last year. MNA, you were only 15 at the time. JFL, you were 17.

You have both been in trouble for stealing many times, but you have not had to come to the Supreme Court before, neither of you. The reason you are here, and not in the Magistrates Court, is that an armed robbery can cause terrible problems for the victim. The woman that you held up was not injured, but you robbed her when she was on her own. There were two of you, but there was only one of her. You had a knife. She was unarmed. She must have been scared of getting hurt. Sometimes people who get robbed have nightmares or other psychological problems for years and years afterwards. That is why armed robbery is always treated as a serious crime.

You both need to try to stay out of trouble. From what I have heard, you have both been doing pretty well this year staying out of trouble, and there are a lot of people who are trying to help each of you in all sorts of ways. If you keep getting into trouble, you could end up going to gaol over and over again when you are a bit older. You need to be careful, think ahead, and try to stop yourselves from doing stupid things.

Now, I have got reports from two different youth justice workers, one in Hobart and one in Launceston. The one in Launceston has recommended that I give a community service order. The one in Hobart has suggested that I give MNA a suspended detention order, but says she is suitable for a community service order. I think I should treat you equally, so I am going to give each of you a community service order. But MNA has spent much longer in custody than JFL in relation to all of this, so I will be giving JFL more hours of community service. I will be making probation orders, and I will be making other orders about the stolen money and the things taken from the shops.

MNA, I convict you and order you to perform 35 hours of community service. I make a probation order for a period of 12 months from today requiring you to report to your youth justice worker in Hobart within 2 working days. There will be special conditions: you must attend educational, personal health and other programs as directed by your assigned youth justice worker; you must, as directed by the Secretary, submit to testing for controlled substances or alcohol; you must undergo medical, psychiatric, psychological or drug counselling and treatment as directed by your assigned youth justice worker. I order you to pay the proprietor of Sunbeam Stationery \$95 by way of compensation.

JFL, I convict you and order you to perform 56 hours of community service. I make a probation order under s 65 of the *Youth Justice Act 1997* for a period of 12 months from today. You must report to your youth justice worker in Launceston within 2 working days. The order will include the same special conditions: you must attend educational, personal health and other programs as directed by your assigned youth justice worker; you must, as directed by the Secretary, submit to testing for controlled substances or alcohol; you must undergo medical, psychiatric,

psychological or drug counselling and treatment as directed by your assigned youth justice worker. I order you to pay the proprietor of Sunbeam Stationery \$95 by way of compensation.

I order that the scissors, Stanley knife and hammer seized by the police be forfeited to the State of Tasmania. I specify the total value of those items to be \$50. I make a restitution order requiring the \$85 held by Tasmania Police to be paid to the proprietor of Sunbeam Stationery.