

The defendant in this matter is HPB. At the time of the commission of these crimes he was 17 years of age. He was born on 22 June 2006. He has pleaded guilty to one charge of attempted aggravated armed robbery and one charge of attempted armed robbery.

The complainant in the Attempted Aggravated Armed Robbery is SC. At the time of the commission of the crime he was 16.

The complainant in the Attempted Armed Robbery is AL. At the time of the commission of the crime he was 14 years of age.

On Thursday 30 November 2023, at about 8:40am, the defendant was walking along New Town Road in New Town. The complainant was walking along Montagu Street on his way to school. As the complainant was walking towards the intersection of New Town Road and Montagu Street, HPB called out to the complainant by name. The complainant walked over to HPB. The complainant recognised him as somebody he went to school with. HPB began rummaging through his blue eski, pulled out a hammer, and said to the complainant *"Give me all your shit cunt"*. HPB then hit the complainant to the left side of the face with the hammer. The complainant brushed his hand past his face and noticed blood all over his hands. The complainant backed away from HPB, who put the hammer back in the eski and walked off towards the Hobart City High School. The complainant sustained a fractured cheek bone and attended the Royal Hobart Hospital for treatment.

At approximately 8:50am on the same day, the complainant AL, along with three other friends, were walking on the track near Pizza Hut in New Town, towards the Hobart City High School. AL observed HPB walking towards them. AL noticed HPB was carrying a hammer. HPB approached the complainant AL and raised his arm, holding the hammer, above his head. AL believed that HPB was going to hit him with the hammer.

While the hammer was still raised above his head, HPB pointed to the complainant AL and stated *"Give me your wallets and phones"*. HPB then asked complainant AL how old he was to which he replied "14". HPB said *"You're fucking lucky"*.

HPB turned to another member of the group and demanded his wallet and phone. The friend pulled out his mobile phone. HPB went to grab it, however the friend pulled the phone back towards himself and ran away towards the school. HPB turned around and threw the hammer towards the friend, which missed him. HPB began running after the friend, but stopped a short time later. The complainant AL ran away from HPB and when he turned around, he observed HPB pick up the hammer and walk off towards Pizza Hut.

HPB was arrested by police at about 11 o'clock that day.

HPB lives between his parents' address in Lenah valley and his sister's in Granton. He describes a happy and stable childhood and has a close and supportive family. His home life is safe and his parents care and provide for him. He also has a very close and supportive relationship with his sister and considers her a positive role model.

Until recently HPB had not been spending much time at home, as he has been in the grips of an addiction to illicit drugs, in particular methyl amphetamine. Despite his drug use and offending, his family remain supportive of him.

In addition to the general instability caused by drug addiction, HPB had been avoiding spending time at home as he did not want to expose his parents to his drug use, or his behaviour when effected by drugs.

He disengaged completely from education in the middle of 2023, when his drug use really escalated. He receives Centrelink and wants to look for work and is interested in labouring. He has not been able to realistically pursue employment recently due to his drug use and now, since then, bail conditions.

He was actively under the influence of methyl amphetamine and Xanax at the time of offending. He instructs that he is aware that his behaviour when under the influence of drugs is vastly different to his normal behaviour. HPB describes that when not using drugs, his behaviour and thoughts are that of a normal average 17 year old and he does not approve of violence or have a history of violent thoughts or actions. He instructs that being on ice changes him. It makes him not think about the consequences. It makes him think he is invincible and not care about the impact on other people.”

As part of his Pre-Sentence Report interview, I note that HPB accepted responsibility, said that he was not proud and would apologise to the victims if there was an appropriate opportunity.

HPB instructs his counsel that he knew the victims previously from school and had a generally friendly relationship with them and understands how upset they would be. He instructs that he understands that victims would feel scared and that they would feel they had to look over their shoulders. He described in his instructions that he would be devastated if someone did this to him or someone he was close to. All of that, of course, is confirmed in the Victim Impact Statement I have just read from the complainant AL.

Spending time in custody at Ashley Youth Detention Centre recently in relation to other matters was a circuit breaker that HPB needed and he is determined not to return to drug use.

It is recommended by Youth Justice that I consider a disposition pursuant to s 47(1)(g) of the *Youth Justice Act* (1997), namely, order that HPB perform community service. Such an order would allow for him to repay the community for the harm that he has caused whilst ensuring that Youth Justice can support his involvement in alcohol and drug counselling. As part of HPB's community based order, Youth Justice would also be able to support his engagement with education and training providers.

Notwithstanding the seriousness of the first of the offences to which HPB has pleaded guilty, I see no reason, at this stage, not to accept the recommendation of Youth Justice. Accordingly, I impose a single sentence pursuant to s 69 (1) of the *Youth Justice Act*, of 70 hours of community service, which period of community service is to be cumulative to the 40 hours previously imposed.

I record no conviction.