

SG, you plead guilty to aggravated armed robbery. I will also sentence you on your plea of guilty to using and possessing cannabis which would ordinarily be dealt with in the Youth Justice Court.

At about 10.50 pm on 13 August 2024, when you were 17, you went into the Domino's pizza store in Kings Meadows with another young man. You were wearing a hat and gloves and a shirt which covered your face and you carried a claw hammer. Your companion was wearing gloves and his face was covered by a balaclava and a beanie. He had a machete. Your companion went to the male staff member standing at the counter and demanded money. While he did that you approached a customer, held the hammer up by your side, backed him against the wall to prevent him from leaving and told him not to say anything or do anything silly. The staff member removed notes and coins from the safe box behind the counter. You grabbed money from the counter. The staff member then went to the till and removed the cash which was grabbed by your associate. You and he then left. In all about \$580 was stolen.

You were intercepted very soon afterwards nearby in a car. The hammer and machete, your clothing and the notes and coins were all in the car. You were arrested. When you were interviewed you admitted what you had done and said that, although you intended to be scary, you did not intend to hurt anyone. You also admitted that you had identified a place to park your car earlier in the day and then driven past the store once or twice to check for patrols before you went inside.

Your personal circumstances were described to me by your lawyer and in a pre-sentence report prepared by a youth justice officer. You have no prior convictions. It is in your favour that you quickly admitted what you had done and entered a very early plea of guilty. You are still 17. You live with your father and step mother and they are supportive of you, as is your grandmother who you are close to. You have had some serious problems at school. Between year 8 and year 10 your education was disrupted by your poor behaviour. You are currently enrolled in year 11 at Launceston College and you claimed that this has been very good but your attendance and performance has been poor. You were enrolled in a school based apprenticeship this year but it was cancelled some months ago. You do not abuse alcohol but, at the time of this crime you were using cannabis heavily.

You reported to the author of the report that you have medication for ADHD and oppositional defiance disorder. Since this crime you have been attending weekly sessions with a clinical psychologist, Ruth Paul. She has helped you to reduce your use of cannabis and encouraged your engagement in positive activities. More recently you have been working with your father in his landscaping business and he describes your improvement.

The crime of aggravated armed robbery is very serious and should generally lead to a sentence of imprisonment. This was not a spontaneous crime. You had planned where to park your car, prepared disguises and weapons and driven past a couple of times before going in. Your crime was committed against people who were in the type of business which is an easy target. The staff and customers of such businesses are entitled to the protection of the law. The fear that the staff member and customer experienced was very likely added to by your use of disguises. The weapons you and your companion took with you carried an implied threat of violence. Although you told the police that you had no intention of using the weapons or being violent, your victims did not know that. Money was stolen, but the seriousness of crimes like this arises principally

because of the highly damaging effect that they can have on victims like the people you threatened. They are frequently traumatised and suffer from long term psychological symptoms. I do not have any information in this case about impact on the customer but the victim impact statement I have received from the employee describes the type of effects that you would expect from a crime of this nature. He was frightened and he continues to suffer both financial and psychological impact as a result. The employee was separated from you and your co-offender by the counter but that was not the case with the customer.

Even though you were 17 at the time and you are still 17, the seriousness of this crime means that it must be dealt with in the Supreme Court. Accordingly, it is open to me to sentence you to imprisonment. That would mean that you would be sent to an adult prison. However, because of your age I also have power to sentence you according to the Youth Justice Act. Because of your youth, your rehabilitation and long term welfare are very important. I think it very likely that you were too immature to fully understand how serious your actions were. That is demonstrated by the fact that you thought you could use the money you got to buy your father a birthday present. You are still at a stage where hopefully your behaviour and attitude might be turned around for the better. Actual detention or imprisonment may have a seriously corrupting and damaging effect on you. The Youth Justice Report recommends a probation order. I agree that a sentence should provide for your ongoing support, but a 12 month probation order is nowhere near harsh enough for a crime as serious as this. It requires a period of detention. Because of your early plea of guilty, your lack of prior matters, what I accept is a genuine remorse and your personal circumstances, I have decided to wholly suspended the period of detention but combine it with a requirement for community service. That suspended detention order will reinforce and facilitate your ongoing supervision and encourage your rehabilitation. The seriousness of this crime requires that I record a conviction.

You are convicted on the indictment. On complaint 35130/24 I do not record a conviction and I make no further order. I order that the hammer and machete seized by the police are forfeited to the State. No hardship will result from that order. I direct that the orders I am about to make be administered by the Youth Justice Division. On the indictment I make a community service order and order that you serve 140 hours of community service. In addition I make a detention order for a period of 18 months. I order that the whole of that period be suspended for a period of 18 months. The suspended detention order will be subject to the usual conditions prescribed by the legislation, which are:

- (a) during the period specified in the order, you must not commit another offence which, if committed by an adult would be punishable by imprisonment;
- (b) during the period of suspension, you must report to the assigned Youth Justice worker as required by that worker;
- (c) during the period of suspension, you must receive visits from the assigned Youth Justice worker as required by that worker;
- (d) you must notify the assigned Youth Justice worker of any change during the period of suspension of your residence, your employment, your school or other education or training establishments before or within two days after that change;
- (e) during the period of suspension, you must obey the reasonable and lawful instructions of the assigned Youth Justice worker;
- (f) you must attend educational, personal, health or other programmes as directed by the assigned Youth Justice worker;
- (g) you must, as directed by the Secretary, submit to testing for controlled substances or alcohol; and

- (h) you must undergo medical, psychological, psychiatric or drug counselling or treatment as directed by the assigned Youth Justice worker;
- (i) you must abstain from using controlled substances;
- (j) you must reside at an address approved by your assigned Youth Justice worker; and,
- (k) for the first six months during which this order is in place you must not leave your place of residence between 10 pm and 5 am.