

You all ran to CL's car parked in Collins Street. The car was driven to your place in Warrane, where the offenders changed their clothing. Afterwards, KS was dropped at his home in Glenorchy. The car was intercepted by police in the early hours of the morning with Ms Ling driving and passengers, SS, TS, and yourself. Inside the car, police located the ball pein hammer, the spanner, and a packet of cigarettes.

Both incidents were captured on CCTV footage. I have watched the footage and Mr Raza was subjected to what was an intimidating and aggressive group of males in his workplace which, without any doubt, would have been a terrifying experience.

You were arrested and participated in a video recorded interview. You were frank and co-operative, and admitted your involvement and that your motive was to get "some quick cash". You described it as a mutual thing between all of you and you said your intention was not to hurt the guy. They didn't get anything from the store. They talked about it when they got back to the car and decided to go back. You admitted having the hammer for the purpose of intimidation. You said the purpose of the weapons was to hit something and make him more scared, but you did not know why you hit the screen on top of the cash register. You said afterwards KS threw the cigarettes out of the window.

You expressed remorse in your interview, saying you "felt bad for the guy, he definitely would have been ... fearing for his life." You said it was "110% the wrong thing to do." In your words, you said you knew you "fucked up, plain and simple, and it's time to face it".

You were initially refused bail and spent 26 days in custody. You have been subject to extremely strict bail conditions since.

You have two prior matters which were the subject of two sentencing outcomes imposed by the Youth Justice Court with conditions requiring good behaviour and which did not result in a conviction. The second term requiring good behaviour was imposed in January 2023 for 12 months, and you breached that condition by committing these crimes.

One of your co-offenders, KS, has been sentenced. He was 16 at the time and he was sentenced under the *Youth Justice Act* to eight months' detention wholly suspended for 12 months.

As an 18-year-old, you were an adult and must be sentenced as an adult.

It might be noted that others in the group carried out more serious acts than you did. Some of them physically struck Mr Raza or threatened him with a knife at close quarters. However, you are all equally responsible for one another's acts. You all participated in two very serious crimes, and you all had different roles to enable the crime to be committed as planned.

You were 18 years of age at the time of offending. You are the eldest of five siblings, two of whom are co-offenders. Your parents' lifestyle was chaotic and involved drug-taking, alcohol abuse, enduring domestic violence, and the presence of an anti-social cohort. As a child and in your teenage years, you were exposed to that lifestyle and family violence perpetrated by your father mostly upon your mother, but also upon yourself and your siblings.

You developed mental illness in your teenage years and did not pursue your education beyond grade 10. While you are an intelligent young man, your mental illness was by then having a significant impact upon you.

A positive factor in your teenage years was that you developed an interest in boxing and took up training at a local boxing club and engaged with people who abided by strong values promoted by the sport of self-discipline and respect. You demonstrated a talent for the sport and achieved some success. You have been unable to pursue the sport since your offending due to your restrictive bail conditions but hope to return to it.

You moved out of home around the age of 15 but at the time of offending were living in your mother's house. Your brothers and cousin were a poor influence on you and entrenched in the influences you had been exposed to growing up.

As a child, you were diagnosed with attention deficit hyperactivity disorder and complex post-traumatic stress disorder, but you also developed a serious psychotic disorder which was not diagnosed until after this offending.

Your first episode of psychosis was at 16 when you were hospitalised but did not receive follow-up care or anti-psychotic medication. Essentially, there were other episodes of illness when it was plain you were suffering from an untreated mental health condition involving psychotic and paranoid symptoms. While you came to the attention of clinicians and received treatment in the short term, there was limited follow-up care and ongoing treatment was not put in place.

I have a report from Dr Jordan dated 24 May 2024 which documents these episodes. Dr Jordan notes that by the time of your offending, your psychotic symptoms had worsened, and you were not taking any antipsychotic medication, and for some months had not been having contact with Mental Health Services.

While it is unclear what role the symptoms had in your offending, Dr Jordan opines that "in all probability, they would have had some impact upon his level of judgement and decision-making". Dr Jordan adds that it does not appear, however, that your mental health disorders have played a significant role in your decision making and actions in committing the crimes.

When remanded in custody, you were housed in the prison hospital due to concerns about your mental health. Once bailed, you were reassessed by Mental Health Services and then finally assessed by a psychiatrist and considered to be significantly psychotic. Soon after, you were admitted to the "Hospital in the Home Team", which provided intense mental health support. Since then, you have been a case managed client with your local Mental Health Team and are receiving the treatment, care, and medication you need on an ongoing basis.

Dr Jordan notes you have been diagnosed with a psychotic disorder, most likely schizophrenia. He notes your difficult, traumatic upbringing and states there is also evidence that you may be suffering from a post-traumatic-stress-disorder-type illness. Your current psychiatrist has indicated you are suffering from complex post-traumatic stress disorder. You are still displaying symptoms consistent with a diagnosis of ADHD.

Since committing these crimes, there have been other very positive developments in your life. You have moved in with your partner's family at her mother's home. The family environment is warm and supportive; your partner's mother provides strong practical help and is committed to providing care and guidance for you and her daughter. You and your partner are happy together and see your relationship as long-term, and are expecting your first child. Your partner's mother describes your relationship as respectful and positive.

You have described living with your partner's family as life-changing, and that, "it feels weird to be loved, accepted, and supported in such a stable and loving family", revealing the very positive change to your life but also the contrast with your own family life. [...comments redacted...]

In terms of your mental health conditions, you have shown maturity in accepting your diagnosis and the recommendations of your treating practitioners. You understand the importance of treatment. It has been difficult with ongoing adjustments to your medication and side-effects to deal with, and you have remained committed to your treatment. You are fully compliant, and your response is a credit to you.

You are in the process of trying to improve your employment prospects by gaining your 'white card' and returning to boxing.

I have also taken into account that you are genuinely remorseful and pleaded guilty at a relatively early stage, allowing for the time required for Dr Jordan's report to be prepared. I take into account the 26 days you spent in custody and that you have been subject to and complied with onerous bail conditions since.

Mr Smedley, as I'm sure you appreciate, these are serious crimes. Mr Raza was subjected to a terrifying ordeal on two occasions. There was the chance that he could have been seriously harmed given the weapons involved, even though that was not intended. It was an unpredictable situation you all created.

When sentencing KS on 1 August 2024, Justice Estcourt stated: *These are very serious crimes which were planned and executed against vulnerable business premises. If committed by an adult, they would likely attract a prison sentence of between two to five years.*

From a psychiatric point of view, Dr Jordan states it is hoped that you can avoid a gaol sentence and continue your current treatment with your local Mental Health Team. Dr Jordan notes you have a complex array of mental health conditions which are prone to destabilisation.

An actual gaol sentence would be particularly harsh because of your illness and vulnerabilities. It would also be a major setback in terms of your progress and your rehabilitation, and expose you to influences you are trying to put behind you.

In your case, noting you are a young offender with a background of significant disadvantage and deprivation who is now living in a strongly supportive environment and doing your very best in terms of your mental health and taking the initiative to build a better life, I am satisfied an individualised approach is warranted and an actual gaol sentence is not required. In my view, a suspended term of imprisonment with supervision by a probation officer is appropriate.

The sentencing order is as follows. I record convictions. I impose a global sentence of eight months' imprisonment which is wholly suspended for two years on conditions that you must not commit any offence which is punishable by imprisonment. You must submit to the supervision of a probation officer for that period and report to a probation officer at 3 Terry Street, Glenorchy, by 4:00 pm tomorrow, and subsequently as required by a probation officer. You must comply with all reasonable and lawful directions of a probation officer or supervisor, and you must attend appointments and receive visits as required. There are obligations that you must not change your address or travel interstate without the prior approval of your probation officer.

Additional conditions are that you must, during the period of the order, undergo assessment and treatment for drug dependency as directed by a probation officer, and submit to testing for drug use as directed by a probation officer. You must undergo assessment and treatment for alcohol dependency as directed by a probation officer. You must, for the duration of the order,

submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer.

A compensation order is made pursuant to s 68(1) of the *Sentencing Act* 1997 in favour of Hobart Services Pty Ltd (trading as American Convenience Store) at 120 Liverpool Street, Hobart in Tasmania, in an amount to be assessed.