

COMMENTS ON PASSING SENTENCE

WOOD J

JCL, you have pleaded guilty to one count of aggravated armed robbery. On 23 May 2023, in the company of two others, you robbed Woolworths of seven packets of meat while armed with a knife and used violence after the stealing to overcome resistance to the stealing.

On 30 March 2023, you, aged 15; LH, aged 16; and JM, aged 15, made a plan to steal meat from the Woolworths supermarket at the Shoreline Shopping Centre. The three of you entered the store at about midday. Peter Scicluna and Umair Ahmed, employed by Wilson Security, were at the supermarket working as covert security in plain clothes at the time.

You and your co-offenders made your way to the fresh meat section where the group was observed by Mr Ahmed. JM placed a quantity of scotch fillet steaks in his jacket and LH placed a quantity of steak in his backpack. Meanwhile, you kept watch. The three of you then ran to the exit.

Both security officers approached the three to try and prevent them from carrying out the stealing. Mr Scicluna grabbed LH's backpack and his collar to hold him. LH continued to try and leave the store. Mr Ahmed also grabbed his backpack to try and stop him. JM punched Mr Scicluna to the face. A scuffle ensued between Mr Scicluna and JM during which JM pushed Mr Scicluna and he tripped. You then became involved in the scuffle.

JM and LH pushed and punched the complainants. Then JM grabbed LH by the clothing and pulled him away. JM ran toward the exit of Woolworths with the stolen meat, leaving LH, you, and the two security officers. Mr Ahmed grabbed LH's backpack, as LH still had hold of it, and LH said to you, "Pull the knife out, pull it out". Mr Ahmed told LH that he was security for Woolworths and after repeating this three times, LH let go of the backpack.

Mr Ahmed emptied the contents involving approximately eight trays of meat into the aisle. LH said to you, "Get your knife out". LH picked up the backpack and walked towards the exit in your direction, where you were waiting for him. As the complainants approached, you removed a knife wrapped in material from your trouser pocket. While facing the complainants, you held the knife out for a few seconds before placing it back in your pocket.

This caused Mr Ahmed to feel panicked and fearful he would be stabbed. Both you and LH then left Woolworths.

The total value of meat that was stolen was approximately \$137.20.

On 8 June 2023, police officers went to your home address to speak to you about the incident. You refused to be interviewed.

Aggravated armed robbery is a serious crime. In this case, it was aggravated by the fact that there were three of you carrying out the crime together, and you were armed in that you had a knife and pulled that out in order to intimidate the security officers.

You became involved on the spur of the moment and someone else encouraged you to take out the knife. I accept that you were not intending to use it. I can see you were reluctant to bring out the knife and when you did, it was not for long before you put it back in your pocket.

You appreciate that you made a very bad decision in becoming involved in this crime. You understand the impact your offending had on the security staff and that they would have been scared, not knowing what you were capable of.

This could have turned out much worse. Once a knife is brought to a situation, there is a heightened risk of serious injury, and things can easily get out of control. If the security officer had tackled you, someone could have got hurt.

I accept that you regret your involvement, and you are genuinely sorry.

Your actions have impacted your family, and your mother was shocked, disappointed, sad, and no doubt also stressed about having to see lawyers and go to court.

I can see that you have learnt a very important life lesson: to think through the consequences of your behaviour and think about how things can go wrong and how your life can take a drastic down-turn as a result of just one bad decision.

At the time of this crime, you were not involved with the criminal justice system. You offended later in October and committed two offences of trespass and two of stealing. Those charges were dismissed on condition that you be of good behaviour. Significantly, you have not breached that condition. You have not offended since then, which is a period of 12 months.

It seems that your life is now back on track.

You have been making good efforts with your education. You are in grade 11 at Rosny College and engaged in the Rosny Futures Program. You have just completed your White Card Training. A report from one of your teachers, Kate O'Neill, indicates that after a reluctant start, you are now reacting in a positive way to teachers and staff and engaging with support.

There are a lot of positive factors that indicate you have good prospects for the future. Most importantly, you have a close and supportive family, and two positive role models in your older brothers, who are both employed full-time.

You are motivated to keep away from drugs and you can see the downside of using cannabis, namely that it kills your motivation and makes you feel lazy. You are aware of the dangers of alcohol, and I expect you have seen people do irresponsible things when they are drunk. The report also tells me you are making good efforts to keep away from young people who are a negative influence on you.

I hope you have made a commitment not to reoffend so that you will not have to come to court again, and this is the last time.

I think you have made that commitment. You do not want to be involved in criminal behaviour again. You are taking positive steps all in the right directions and there is, in my view, a strong chance you will not reoffend, and that you have a bright future ahead of you. I am going to give you an opportunity to demonstrate that. The order I make today will mean that you will not have a conviction for this crime of aggravated armed robbery. You can go to job interviews and say, "I have no convictions".

Pursuant to s 47(1)(d) of the *Youth Justice Act*, I make an order releasing you without conviction and adjourning the proceedings for 12 months on conditions that you be of good behaviour and be subject to supervision from a youth justice worker.

I make a compensation order, pursuant to s 68(1) of the *Sentencing Act*, in favour of Woolworths Group Ltd in an amount to be assessed.