

SGS has pleaded guilty to one count of attempted aggravated armed robbery and one count of aggravated armed robbery.

You committed these crimes with four co-offenders: namely, your brothers, CS, and TS, aged 15; your cousin, KS, aged 16; and a female co-offender, CL, aged 18.

On the 12 November 2023, the five offenders went by car into the city in Hobart. CL drove you in her Holden Cruz and her role was to be the driver. The five of you planned an armed robbery of the American Convenience Store at 120 Liverpool Street.

At approximately 11:20 pm, CL dropped you off in Collins Street and remained in the car while you went to the store.

You entered the store with the others as a group. KS was the first inside and immediately threatened the store attendant, Mr Moshin Raza, who was standing behind the cash register, with a glass bottle, and demanded cash and cigarettes.

You and TS kicked the counter and threw items of stock around, and at Mr Raza, causing some damage to the stock. You, KS, and TS demanded that he give you cash and cigarettes. CS remained at the door of the store to ensure the door did not lock the group inside.

Mr Raza yelled at all of you to leave the store and refused to hand over cash and cigarettes. The group left the store without taking any items. On the way, KS threw the glass bottle at Mr Raza, striking him to the side of his face. The group returned to the vehicle and CL drove off.

Approximately 20 minutes later, at around 11:40 pm, the group returned and was dropped off near the store, this time each of the group was armed with a weapon. CS had a ball pein hammer, KS had a large kitchen knife, TS a silver-coloured spanner, and you had a metal rod. Your intention was that the weapons would be used to intimidate but not to harm anyone.

The group entered the store and approached Mr Raza, who was stationed behind the cash register and counter as before. KS moved behind the counter and threatened Mr Raza with the knife, at one point thrusting the knife towards him, and demanding that Mr Raza give him cash and cigarettes. You were in front of the counter and hit Mr Raza twice with the metal rod to the upper body/arm area. You and your co-offenders shouted threats at Mr Raza, threatening to kill him and hurt him.

Mr Raza removed approximately \$600 in cash and 15-20 packets of cigarettes and handed them over. CS and TS took cigarette lighters from the countertop.

The group then began to leave. As you were leaving, CS smashed part of the cash register with the hammer he was holding, destroying it.

You all ran to CL's car parked in Collins Street. KS was dropped at his home in Glenorchy. The car was intercepted by police in the early hours of the morning with CL driving and passengers, CS, 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 admitted some but not all of what you did. You expressed regret and guilt. You told police you wanted to apologise.

You pleaded guilty soon after you were committed to this Court.

Two of your co-offenders, KS and CS, have been sentenced. KS was 16 at the time and he was sentenced under the *Youth Justice Act* to eight months' detention wholly suspended for 12 months with convictions recorded. His circumstances are different in that he had committed relevant prior offences, and he had a conviction for attempted robbery and armed robbery. CS was 18 years of age, and he was sentenced as an adult to eight months' imprisonment wholly suspended on conditions for two years.

You were 15 years of age at the time and will be sentenced under the *Youth Justice Act*.

You all participated in two very serious crimes, and you are all equally responsible for one another's acts. I take into account that they were not your idea and that your immaturity and peer pressure played a part in your involvement.

You and TS reoffended and on 31 July 2024 committed a crime involving the American Convenience Store. The charge was originally one of aggravated robbery but later changed to stealing and resolved.

I take into account that you were remanded in custody on 31 July 2024 and spent 57 days in youth detention until you were bailed. In September this year, the Youth Justice Court imposed a sentence that you be released on condition that you be of good behaviour and engage in education.

While you have that relevant sentence imposed after the commission of the crimes, for sentence today, you have no prior offences.

I take into account your circumstances. Your family circumstances growing up were very difficult. Your father had a significant alcohol problem, and he was violent in the home. In 2021, your mother decided, for her safety and for the safety of you and your siblings, to leave the family home. There followed a lengthy period of instability from 2021 when you spent time living in shelters and temporary accommodation until August 2023 when stable accommodation was provided.

You have a close relationship with your mother, and she is very supportive of you, and you are helpful and a respectful son. At the time of the offences, you were not attending school. You responded very well to the education offered to you while in Ashley Detention Centre and, after a period in the community involving your reintegration into schooling, you are now enrolled in year 10 and looking forward to attending year 11 at Rosny College. You are a good student and have shown initiative and commitment towards your education.

You intend to do as well as you can while at school and you are having discussions with your teachers about obtaining an apprenticeship.

I have a helpful pre-sentence report from a Youth Justice worker, Trayci Cane. It is a positive report. You have expressed remorse and said that, if you could take it back, you would. You appreciate that your offending has had negative impact on your family and been particularly hard for your mother.

Mr S, as I'm sure you appreciate, these are serious crimes. Mr Raza was subjected to a terrifying ordeal on two occasions. He was hurt and 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.*

I take into account your young age, that you are very sorry for having committed these crimes, and that you have shown you are committed to both your education and a productive future away from bad influences.

The sentencing order is as follows. I do not record a conviction. I impose a global sentence of six months' detention which is wholly suspended for 12 months on condition that you must not commit an offence which, if committed by an adult, would be punishable by imprisonment; and that you be subject to the supervision of a youth justice officer for that period. Also, I make a community service order, and you must perform 56 hours of community service.

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.