

TPS, you have 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, aged 18; SS, 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 SS kicked the counter and threw items of stock around, and at Mr Raza, causing some damage to the stock. You, KS, and SS 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, you had a silver-coloured spanner, and SS 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. SS was 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. You and CS 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, SS, 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 by police and participated in a video recorded interview. You admitted what you had done and that it was wrong and told police you regretted what you had done.

You pleaded guilty at an early stage before you were committed to this Court.

Three of your co-offenders, KS, CS, and now SS, 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 relevant prior offences and 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 a period of two years. SS was 15 at the time and was sentenced under the *Youth Justice Act* to an order of suspended detention of six months and 56 hours of community service.

You were 16 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 note that you did not receive any of the cash stolen or the cigarettes.

I take into account that you were remanded in custody on 10 May 2024 until 28 May 2024 on these charges as a result of a contravention of your bail.

You and SS reoffended and on 31 July 2024, you committed a crime and were charged with aggravated robbery involving the American Convenience Store. You have pleaded guilty to stealing with force and you were sentenced on 14 November 2024 in the Youth Justice Court to a release and adjourn order. You spent time remanded in custody from 1 August 2024 until 18 October 2024 when I made an order releasing you on bail.

During your time at Ashley, you reflected on your actions and worked hard in terms of your schoolwork. You took it very seriously and you did well. You also demonstrated a real aptitude for AFL football, and you are keen to pursue that. When I released you on bail in October, I explained then that it was an important opportunity for you to demonstrate progress and be co-operative with court orders. I have a report from a Youth Justice worker, Taylor Rand, dated 29 November 2024. It shows that you continue to demonstrate good progress and a compliant and positive attitude. It says that you have demonstrated the capacity to reflect on your offending and the impacts your offending has had on yourself, on the victim, and on the community.

You have no prior history of offending. I also take into account that you do not have a history of drug or alcohol abuse.

I take into account your family circumstances. Your life growing up was very difficult. There were many notifications to Child Safety Services regarding the family with incidents noted as involving family violence, neglect, and emotional abuse. Your father had a significant alcohol problem and perpetrated family violence against your mother, which has had a significant adverse impact upon you. There was a lengthy period of instability from when you spent time living in temporary accommodation until last year when stable and permanent housing was provided. Your attendance and engagement at school had steadily declined since grade 7 and

particularly during the period of housing instability. Despite this, you are a capable student, and you are motivated to continue with your education next year. You are having discussions with a Youth Justice worker about the Rosny Futures Program at Rosny College for next year.

You remain on good terms with your father, and you have a close relationship with your mother and siblings. Your mother is very supportive of you, and you are a helpful and respectful son.

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 that you are committed to 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 impose a community service order of 56 hours.

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.