

NM, you plead guilty to the armed robbery of the St Leonards Milk Bar on 14 December 2024. You were then and still are 16. I am also to sentence you for other offences which would normally be dealt with in the Youth Justice Court. On that night, before the robbery, you unsuccessfully attempted to break into the St Leonards supermarket and newsagency by kicking in the door. After the robbery you broke into a milk bar on St Georges Square by smashing the window. You went inside where you did more damage and stole drink and an iPhone worth about \$1,000. You then broke into the Invermay IGA by smashing the window. Inside you damaged the till and internal doors and stole keys, cash and cigarettes worth a total of about \$247. The damage done to these premises cost many thousands of dollars to repair. Although you were driving around with others you were the person who committed all these crimes.

Returning to the armed robbery, just after 3 am on 14 December 2024 you went to the St Leonards Milk Bar with four other young persons. You used a brick to smash the bottom glass panel of the front door, crawled through and went inside. You were carrying a tyre iron and a makeshift knife, a piece of iron with a sharpened edge. The owner of the milk bar and another employee had started work early and were in the rear of the business. The owner heard you breaking in and came out to see what was happening. He was holding a baseball bat and told you to leave but you aggressively challenged him with both the weapons you were holding and demanded to know where the safe was. When the owner retreated to the rear of the shop you came around the counter and checked the till for money. By this time the owner and the employee had withdrawn to the rear of the premises but, when you found the till empty you also went out the back. You found and stole the combination safe containing about \$2,500. The safe itself was worth a further \$200. As you went to leave the owner threw the baseball bat at you to try to prevent you taking the safe. You lunged at him and a staff member with the edged weapon you had. You went out the door and left in the same car you arrived in. The robbery was recorded on CCTV which I have seen. What is notable about the whole incident is how aggressive you were to the two men who were there, despite your youth.

You were arrested that night when the police arrived when you were inside the Invermay IGA. When you spoke to the police you admitted not only that you committed these crimes, you also told the police that you were prepared to injure the people at the milk bar had they tried to stop you.

Although you are only 16 this is not the first time you have committed a robbery like this. On 11 June last year you were sentenced by another judge for robbing the same Invermay IGA with a knife on 21 February 2024. On that occasion the judge accepted that the purpose was to steal food because you were hungry but you made serious threats of violence to the people in the store. By the time you were sentenced you had been in detention for almost four months so the judge decided to release you and ordered that you perform community service. She thought you may take the chance to get help from the support available under her order. Two days later a magistrate made a 12 month probation order for a series of burglaries and thefts which you committed in early 2024. The community service order and the probation order made little difference. Despite the judge's hopes for you, throughout the rest of 2024 you continued to steal and commit burglaries. You spent some further time in custody from 9 to 17 October and then were remanded again on 24 October 2024. On 5 December 2024, after having spent that time in custody, a magistrate made a five month detention order but wholly suspended it. That meant that you were released subject to the suspended detention order. Regrettably, that order made no

difference either. This crime was committed just over a week later. Not only that, but between 5 December and your arrest on 14 December you stole from three other businesses and broke into a service station. The result was that you were required to serve the five month period of detention from 14 December 2024 and a separate three months detention for the new offending but to be served at the same time. Your earliest release date for those sentences is 14 March 2025. The crimes for which I am to sentence you put you in breach of the community service order made on 11 June 2024 and you are to be re-sentenced in respect to that order.

I have a new pre-sentence report from Youth Justice. It outlines the very difficult time you have had since you were young. You were born in Tasmania but your family moved frequently. As a result school was hard for you. You stopped going by the time you were 14 and started to get into trouble. Your parents separated in 2019. In 2022 you moved to Melbourne with your mother and because of her work commitments in Tasmania you were left alone for long periods. You fell into bad company. Added to this trauma and neglect you have abused alcohol and drugs since you were young which in turn badly affects your mental health. According to an assessment conducted by Dr Georgina O'Donnell in June 2024 you may have an acquired brain injury from an assault in 2023 but I have not been made aware of any formal cognitive assessment. She records that you were admitted to hospital in Victoria in December 2023 for drug induced psychosis. You told her that in the period before you spoke to her that you had been drinking several bottles of spirits each week. For the last year or so your situation has been very troubling. You have not had stable housing and you have not stopped committing crimes. It has been suggested that this arises in part from a need to fend for yourself but the overwhelming factor behind it is that you commit crime to facilitate your substance abuse. You refused an offer of supported crisis accommodation when you were released on 5 December 2024. Instead you decided to stay with friends and you had nothing to do with the youth justice workers who were attempting to help you. You were entitled to Centrelink benefits if you had bothered to have them reinstated. You say that you are now prepared to take advantage of the community supports available to you but in light of the way you have behaved over the last year or so you will need to demonstrate that with action before I accept that you are willing to change.

While in custody you have been attending school at Ashley. You have engaged well and demonstrated improvement across all subjects. That suggests that you have the capacity to do better if you choose to do so. I think that for you it is crucial that you take the educational opportunities which are available to you. You have limited family support and no stable accommodation when you leave custody. Youth Justice may be able to find accommodation for you in Devonport which is closer to your mother but her priority seems to be her employment.

You are still very young. In weighing up the matters to be taken into account in determining what sentence to impose I am required to ensure that your rehabilitation is given more weight than any other individual matter. But that is now to be balanced against other factors, especially protection of the public. Despite the attempts made by judges and magistrates and the youth justice officers to steer you in the right direction through community service, probation and then a suspended detention order you have kept committing offences. This robbery was an especially serious crime. It must have been very traumatising for the victims who you threatened in a very real and aggressive way with frightening weapons. You admitted that you were prepared to use the weapons if the victims got in your way and your conduct shown on the CCTV seems to back that up. Businesses like this and the people who work in them are vulnerable to this type of robbery and are entitled to be protected. Had you been a mature adult offender with a prior conviction for armed robbery that crime alone would have demanded a term of imprisonment of at least three years if not longer. As I have said, you were even prepared to go back to the same

businesses you robbed in February 2024. According to the youth justice assessment the risk you pose has significantly increased since you were sentenced in June 2024. The only appropriate sentence is a further period of detention and this time it should be for a significant period. As the author of the youth justice report has recommended I will suspend part of that period as another attempt to persuade you to behave when you leave custody. In the first instance a further period of actual custody is necessary. I was asked to make it concurrent with the terms imposed by the magistrate but that was for separate offending and I have concluded that the sentence I impose should be in addition to those terms.

NM, you are convicted on the indictment. You are also convicted on complaint 36913/24, counts 1, 3, 4, 5 and 6. The following orders are made under Part 4 of the *Youth Justice Act* 1997 and the responsible Department in relation to that Act is to be responsible for all or any matters relating to the administration of the orders. I am satisfied that you have contravened the community service order made 11 June 2024. I revoke that order and, without conviction, make a probation order to operate for 12 months after your release from detention, with special conditions that:

- (a) that you must attend educational, personal, health and other programs as directed by your assigned youth justice worker, and
- (b) you must undergo medical, psychiatric, psychological, and drug counselling and treatment as directed by your assigned youth justice worker.

On the indictment and on complaint 36913/24, counts 1, 3, 4, 5 and 6, I impose one sentence. I make a detention order for a term of 18 months to commence on 14 March 2025, the earliest release date for the sentences of detention you are presently serving. I suspend six months of that term for 12 months from your release. The earliest release date for that sentence is thus, if my calculations are correct, 14 September 2025. You are to report to the Youth Justice Division at Cameron Street in Launceston within two days of your release and during the 12 month period the order is in force the following other conditions will apply:

- (a) you must not commit another offence which if committed by an adult could be punishable by imprisonment;
- (b) you must report to the assigned youth justice worker as required by your youth justice worker;
- (c) you must receive visits from the assigned youth justice worker as required by the youth justice worker;
- (d) you must notify the assigned youth justice worker of any change during the period of suspension of residence, employment or school, or other educational or training establishment, before, or within 2 working days after, the change;
- (e) you must obey the reasonable and lawful instructions of the assigned youth justice worker;
- (f) you must attend educational, personal, health and other programs as directed by the assigned youth justice worker;
- (g) you must, as directed by the Secretary, submit to testing for controlled substances or alcohol;
- (h) you must undergo medical, psychiatric, psychological and drug counselling and treatment as directed by the assigned youth justice worker.

I make compensation orders in favour of the St Leonards Supermarket, St Leonards Milk Bar, Cuccina Cafeteria and Invermay IGA and order that the further terms of those orders be adjourned to a date to be fixed.