

STATE OF TASMANIA v LDG
COMMENTS ON PASSING SENTENCE

21 JULY 2025
JAGO J

LDG, you have pleaded guilty to the crime of attempting to commit aggravated robbery. On 27 May 2024 at approximately 6.10am, you and two others, a female aged 24 and a Mr Robert Cummings who was aged 35, travelled to the home of the complainant. The female knew the complainant and had previously visited his residence. It was thought there may be drugs on the premises, although I pause to note there is nothing before me to confirm the same. Apparently, however, Mr Cummings also held some angst towards the complainant, although it is not clear as to whether you were aware of that. Your involvement in this matter was predominately motivated by the prospect of obtaining drugs.

The complainant was awoken by the sound of a vehicle entering his driveway. Mr Cummings went to the door and when the complainant opened it, he entered and struck the complainant with a closed fist to his face. The blow caused the complainant to fall to the ground. You and the female entered the residence. The complainant tried to flee into the lounge room but you and Mr Cummings followed him. Meanwhile, the female searched the residence for drugs. You picked up a guitar that was in the lounge area and used it to threaten the complainant. You demanded that the complainant *"give us your stuff or you're getting it"*. You then struck the complainant several times with the guitar before he was able to grab hold of it himself. Upon him showing resistance, you kicked him several times causing an injury to his ribs and hip. Mr Cummings was standing close by, saying words to the effect of *"don't fight back, it will be over soon"*.

The female returned from her search of the bedroom and indicated she was unable to find any drugs. All three of you left the residence.

The complainant followed you all outside and noted the registration number of the vehicle in which you had travelled. The matter was reported to police. The complainant attended the Northwest Regional Hospital. He had tenderness to the sternum and ribs, a graze to the right mandible and bi-lateral nose bleeds. All injuries were treated conservatively with basic pain relief.

You were arrested a short time later. You participated in a record of interview with the police. You agreed you had travelled to the house with the other two participants. You admitted entering the residence and assaulting the complainant.

The complainant has been badly affected by this incident. Whilst his physical injuries healed without complication, he has been left with significant psychological harm. He is now hyper vigilant, anxious, scared to go out and feels very uncomfortable around people with whom he is not familiar. He is constantly worried that something similar will again occur.

You are 17 years of age. You were 16 when this crime was committed. You have been before the Youth Justice Court on several occasions. In April 2021, you received a release and adjourn order without community supervision. In December 2021, you received another release and adjourn order, this time with supervision. That was for several offences involving dishonesty and destruction of property. You have also been subject to supervision by way of supported bail since May 2024. There have been occasions when you have been remanded at the Ashley Youth Detention Centre. I am told that in total you have spent some 26 days remanded in

detention, some of that time seemingly relates to this offending. I am also told you found that to be a difficult experience.

At the time this crime occurred, you were experiencing a number of difficulties in your home life. Whilst you have a good relationship with your mother and father, your upbringing has been tumultuous. Several of your siblings have been subject to care and protection orders and are involved in the criminal justice system. One of your elder brothers introduced you to methylamphetamine. You quickly developed an addiction to it and you were using methylamphetamine heavily when this crime occurred. Also in 2024, there was a period where you were not living within the family home. Rather, you were staying with friends and spending time with people who were also drug users. You made some bad choices in terms of the people with whom you were associating.

In early 2024, your mother was diagnosed with cancer. This necessitated her receiving surgery and treatment, and she was unwell for many months. She was not in a position to support you, and it was during this period, when you were largely living without family support, that this crime occurred. You have also experienced a number of mental health difficulties, undoubtedly exacerbated by your drug use. You have been diagnosed with ADHD, Oppositional Defiant Disorder, Autism Spectrum Disorder and Prolonged Sleep Latency. There have been considerable difficulties in obtaining appropriate and consistent mental health care. You have been on waiting lists for paediatric support services for a considerable period and there have been many changes in your prescribed medications. This has led to a rather ad hoc treatment regime. At times you have not been medicated at all.

Pleasingly, it seems that in more recent times matters have started to settle. During your last admission to Ashley Youth Detention Centre, you were placed on an alternate medication which appears to be helping in the management of your mental health difficulties. You also began working with a mentoring programme, known as Big Heart, in February 2025. That has been very positive for you, and your social worker describes you as being committed to and engaged with the programme. As part of that programme, you have been enrolled in an automotive course at TAFE and you are very eager to pursue that.

I have received a Youth Justice Report in respect to you. In my assessment, it is positive. It describes you as having good insight into the wrongfulness of your behaviour. You have expressed remorse to the victim of your crime and you have also demonstrated an understanding of the role your drug use played in all of this. You are committed to addressing your drug addiction and wish to engage in further counselling to support you in the abstinence from drugs. The report recommends a probation order to provide you with continued support and encourage your engagement in positive law abiding activities.

I am satisfied that there is a strong indication that you are committed to make the changes that are necessary to get your life back on track. Given your young age, placing emphasis upon your rehabilitation is appropriate, and I therefore intend to sentence you pursuant to the provisions of the *Youth Justice Act*. I do not consider parity has any work to do here given the differences in age and criminal history between you and your co-accused. It is necessary, however, to mark the seriousness of this crime. There can be no question that what you did was terrible. In company with two others, you forced entry to the complainant's home and demanded he provide you with drugs. You offered violence to the complainant by hitting him several times with a guitar and kicking him whilst he lay on the ground in order to achieve your purpose. People are entitled to feel safe within their own homes and despite your young age

and difficult upbringing, there needs to be a consequence commensurate with the objective seriousness of your behaviour. In addition to encouraging your rehabilitation, there needs to be an aspect of punishment. I therefore intend to require you to perform some community service activity.

I make the following orders. Without conviction, I impose a probation order pursuant to s 47(1)(f) of the *Youth Justice Act* for a period of 12 months.

The probation order will include all the legislative conditions set out in s 65(1) of the *Youth Justice Act*. A copy of those conditions will be provided to you. Additionally, there will be the following special conditions:

- You must attend educational, personal, health and other programmes as directed by your assigned Youth Justice worker;
- You must abstain from using controlled substances;
- You must, as directed by the Secretary, submit to testing for controlled substances;
- You must undergo medical, psychiatric, psychological and drug counselling and treatment as specified in the order, or as directed by your assigned Youth Justice worker.

Further I order, that you must perform in a satisfactory manner 70 hours of community service activity. Such activity to be assigned to you by a Youth Justice worker. You must comply with all reasonable directions given to you by your assigned Youth Justice worker. You must comply with all reasonable directions given by your Youth Justice worker as to the performance of the community service activity.

I warn you, LDG, that if you breach the terms of the probation order, or you fail to satisfactorily complete your community service, an application can be made that I resentence you. A sentence that emphasises your rehabilitation may not be the outcome of any resentencing, if you fail to demonstrate that you are committed to it.