

STATE OF TASMANIA v BM
COMMENTS ON PASSING SENTENCE

13 OCTOBER 2025
BRETT J

You have pleaded guilty to two counts of aggravated armed robbery and two counts of armed robbery.

The first count of armed robbery was committed on 22 February 2025. At about 7:30 pm, you entered a bottleshop with a hood pulled up over your head and tightly around your face. You were carrying a knife. When you were approached by a shop attendant and asked to leave, you produced the knife and threatened him with it. You told him that you would stab him if he interfered. You then took some drinks and ran from the store.

You committed the first count of aggravated armed robbery on the following day. At about 10:08 am, you went to a different bottleshop. You were in company with another youth, who waited outside during the robbery. You started to take some drinks, but an alarm went off and you were approached by a store attendant. There was a female customer at the service counter who said something to you. You threatened both the store attendant and the customer with a weapon saying to them “Get back. I’m going to stab you. I’m serious, I have done this before”. They thought that the weapon was a knife and but it was in fact a pair of pliers that had been provided to you by your companion. On that occasion you stole alcohol to the value of \$160.30

You were arrested by police on the same day but were released on bail on 6 March 2025. On 12 March, you committed the second crime of armed robbery. At around 2 pm, you entered yet another bottleshop, this time wearing a plastic facemask and carrying a knife. It was obvious that you were there to carry out a robbery and the store attendant tried to lock the door but you got in before he did. There were customers in the store, who were assisted to leave. Despite being told that police were on their way, you started to load drinks into a bag. When a security guard tried to take the bag from you, you threatened to stab him with a knife. You were carrying a knife in your hand but it fell from your hand. You then started to leave the store but as a security guard followed you, you threatened to hit him with a bottle of wine. Eventually you ran from the store, you threw the wine over your shoulder, causing it to smash. You also dropped the drinks you had taken and they too smashed on the floor.

The final crime, aggravated armed robbery, was committed about 10 minutes later in another liquor store. You and another youth entered the store with your faces covered and again you were carrying a knife. You were yelling at the occupants of the store to “get down, get the fuck down”. As you did this, you raised the knife. A customer entered the store and you yelled at the customer to get out. You threatened a store attendant with the knife when she tried to help the customer leave the store. You told her to put her hands up while pointing the knife at her. You demanded that store attendants point out a particular brand of alcohol and threatened another customer, an elderly female, when she tried to use her mobile phone to film the robbery. You and your companion then left with the stolen liquor. As you did, you yelled at three people who were outside filming you. The value of the stolen liquor on this occasion was \$133.30. You were apprehended by police a short time later.

You are 14 years of age. You and your mother came to Australia as refugees seven years ago. You completed primary school but experienced difficulty with high school and were diverted into an alternative education program, where you have made positive progress. You have also been involved with a community-based program which provides you with support in the

community. A report from this program speaks highly of you. So also does a report from the social worker at Ashleigh where you have been held on remand. What comes through from these reports is that you are essentially a good person with lots of potential, but you are also easily led and influenced by others, and at times in a negative direction. It seems that at least one of the crimes was committed after you had been influenced to do it by others of your age or older.

Because of your young age, I am going to sentence you under the *Youth Justice Act*. Having said that, it is very clear that you need to spend some further time in detention as a punishment for what you did. The crimes were very serious and there is no other suitable alternatives than some period in detention. You may not completely understand just how harmful your actions were but threatening people in this way with a weapon can and often does cause very significant and ongoing harm to them. At least one person threatened by you has provided an impact statement describing the very severe impact from your actions. I am also concerned about the fact that you continued to commit these crimes even after you had been arrested by police for the earlier crimes and put before the courts. The reports indicate that you have a clear appreciation of what is right and wrong, but your actions do not always match your words and you do not live up to the promises you make about your conduct. This might be because you are still young and are influenced by others, but at some stage you are going to have to learn to take responsibility for your own conduct.

I intend to accept the recommendation of the youth justice report that there should be a detention order, some of which you have to serve but with some suspended. I am concerned about your young age being in Ashleigh but having said that, I think the structured environment of detention may be good for you provided it is for a limited time. You will certainly have the opportunity to pursue some education while you are there, and also to think about the choices you have made and will make in the future.

Given your age, I do not record convictions in respect of these crimes. Further I intend to impose a global sentence for all of these crimes. The sentence will be a period of detention for 12 months. That detention will be backdated to 20 August 2025. The last six months of the sentence will be suspended for a period of 12 months, with the period of suspension to commence on the day you are actually released from custody. I calculate and specify your earliest release date as 20 November 2025.

I make compensation orders as follows:

- 1 A compensation order in favour of the proprietor of T.R.C Celebrations Bottleshop, 125 Patterson Street, Launceston, in the sum of \$171.00.
- 2 A compensation order in favour of the proprietor of B.W.S Bottleshop and Liquor Store, 254 Invermay Road, Mowbray, in the sum of \$160.30.
- 3 A compensation order in favour of the proprietor of B.W.S Bottle Shop and Liquor Store, 50 Wellington Street, Launceston, in the sum of \$24.50.
- 4 A compensation order in favour of the proprietor of First Choice Liquor Store, 59 Bathurst Street, Launceston, in the sum of \$133.30.