

STATE OF TASMANIA v BJT
COMMENTS ON PASSING SENTENCE

16 OCTOBER 2025
CUTHBERTSON J

BJT, you have pleaded guilty to a charge of aggravated armed robbery. On 12 December 2024 at 3:00am in the morning, you went to a house in Kings Meadows with another young person, JPS. You were 14 years old at the time. JPS was 17 years old. You were both wearing face coverings. The two of you went into the rear yard and removed the lock from a KTM 450 motorcycle using bolt cutters you brought with you. You then took the motorcycle from the yard, wheeling it into the street.

The complainant, who had been asleep in the house, woke up, looked out of the window and saw the two of you down the street with the motorcycle. The motorcycle belonged to his wife's brother. The complainant and his wife both went outside. You were still on the street, but JPS had returned to the front yard of the house and appeared to be looking for something. The complainant's wife approached JPS and he began to run away. The complainant approached you. You dropped the motorcycle and began to run away too. The complainant picked up the motorcycle and went to take it home.

Unfortunately, you and JPS did not leave it at that. You both started to head back towards the complainant. You had the bolt cutters in your hand and said, "if you don't drop the bike, I will bash your head in" and "we are taking this fucking bike". The complainant dropped the bike. He was afraid of what might happen. He walked backwards, holding both his hands up in the air. JPS then approached the complainant holding a hammer raised above his shoulder. The complainant continued to walk backwards. In the meantime, the complainant's two children, who were aged five and two, had also come outside. They were both crying. The complainant's son said, "please do not hurt my dad". The complainant yelled at his children to go back inside and lock the door. He then said to JPS, "just take the bike and fuck off, my kids are out here, please do not do anything in front of the kids". JPS was only one metre away from the complainant when he said this. JPS stopped walking towards the complainant and said, "just go back inside, if you call the police, I will come back with a gun and shoot you". At the same time, you were arguing with the complainant's wife. When the complainant ran back towards his house with his wife, you and JPS headed back to the motorcycle. You eventually got the motorcycle started and took it to a nearby park. You and JPS denied taking the motorcycle further but it has not been recovered.

You were interviewed about this matter two days later. You told police that a person at the address wanted the bike gone. The State does not accept this. You admitted taking bolt cutters. You admitted taking the bike and pushing it down the road. You agreed that someone came outside and that they were threatened. You agreed that the person you were with was holding a hammer and that the complainant was threatened with the hammer to get the motorcycle back. You denied threatening the complainant yourself. You agreed that there was a female and children present during part of the incident.

Your mobile phone was seized by police. Photos and videos of you and JPS on the motorcycle were on your phone.

You are criminally responsible for your own conduct and that of JPS. You have been charged with aggravated armed robbery on the basis that:

- you and JPS both stole the motorcycle;

- that you were armed with a dangerous or offensive weapon or instrument at the time of the theft. In your case it was the bolt cutters. JPS had the hammer;
- you threatened to use violence upon the complainant to obtain the motorcycle or to prevent or to overcome resistance to the stealing of it; and
- you threatened violence at or immediately after stealing the motorcycle. The State also says that the two of you assaulted the complainant by threatening gestures and words.

The complainant did not make a victim impact statement but reported to counsel for the State that he had never experienced such fear in his life. He said that the worst bit was finding out how young you and JPS were. His five year old child kept asking if the men were coming back for weeks. He was most upset that his children witnessed what had occurred and said it was terrifying for him to go to bed at night.

You have relevant prior matters. They include:

- six charges of motor vehicle stealing and three charges of attempting to steal a motor vehicle.
- a charge of aggravated carjacking;
- a charge of unlawfully setting fire to a car;
- ten burglary charges and three attempted burglaries;
- two aggravated burglary charges and one attempted aggravated burglary;
- three trespass charges;
- 26 stealing charges and an unlawful possession of property charge;
- eight injury or destroy property charges;
- one charge of assault;
- multiple driving offences including two charges of evade police.

The circumstances of two of your prior matters were highlighted during the sentencing hearing before me. The charge of aggravated carjacking involved you and two other young people jumping into a delivery driver's car that was parked in the drive through section of the Pizza Pub in Launceston. The driver had left the keys in the car while he went to collect some deliveries. His nine year old son was waiting in the car. One of you told the child you were going to kidnap him. You all drove off with the child still in the car. He managed to open the door while the car was moving and got out while the car was still in the driveway of the Pizza Pub. The three of you continued to drive off. It must have been terrifying for the child. The other matter, a charge of assault, was committed by you with three others. It involved an attack of an Uber Eats delivery driver. He was kicked in the forehead by another member of your group when he tried to retrieve his phone which he had dropped on the ground.

You committed these prior offences between late November 2023 and October 2024. On 27 June 2024, you were made the subject of a 12 month probation order in the Youth Justice Court. You were back before that court on 12 September 2024. You had contravened the probation order. The magistrate on that occasion ordered that it continue. You also received a six week wholly suspended detention order at that same court appearance in relation to some new offending. It was a condition of that suspended detention order that you perform community service. You were back in the Youth Justice Court on 5 December 2024. At that time, you were being held in custody at Ashley Youth Detention Centre (AYDC). You had contravened the probation order again. You were resentenced to a six month detention order which was backdated to 22 October 2024 with the balance suspended for the matters to which that probation order related. You were also sentenced on a charge of evade police to a 60 day

detention order which was also backdated to 22 October 2024 with the balance suspended. This meant you were released from AYDC on 5 December 2024. Your record of prior matters shows that you have not had convictions recorded so far. I note, however, that the partially suspended detention orders imposed on 5 December 2024 should have attracted the recording of a conviction as a matter of law: see s 49(3) of the *Youth Justice Act 1997*.

You committed this aggravated armed robbery only a week after being released from AYDC and being sentenced in the Youth Justice Court. Two days after committing this offence, you committed the offences of motor vehicle stealing, unlawfully set fire to property, stealing and possession of stolen property. In February 2025 you committed further offences of receiving stolen property, stealing and motor vehicle stealing. You have pleaded guilty to those offences but have not yet been sentenced.

Because of this new offending, you were remanded at AYDC from 18 February 2025. On 20 March 2025 you were granted bail. You were remanded at AYDC again later that month when you were charged with aggravated burglary, 4 four counts of burglary, 4 four counts of stealing, motor vehicle stealing and unlawfully setting fire to property. You have pleaded guilty to these matters too, but have not yet been sentenced.

While you were in custody at AYDC, you were accepted as a participant in the JCP Youth Beast Program. This program offers 24/7 outreach support and encourages young people to engage in a range of activities, including overnight camps, activity days, mentor sessions, regular contact and community engagement. You were granted bail with conditions on 1 May 2025 to enable you to participate in this program.

You entered your plea of guilty to this charge before me on 24 June 2025. At that time I had a youth justice report that had previously been ordered by the Court. It was very positive. You had been engaging very well with JCP and enjoyed the time you spent with the staff. You had requested to take on a leadership role within the program. You had appropriately asked for assistance when things were not going well for you at home. Your attendance at school improved, although it was not ideal. You had asked for help to find employment. Youth Justice hoped that the support and encouragement you would receive from JCP for the next twelve months would assist you to continue to make positive choices and participate in prosocial activities within the community. You also expressed a willingness to engage in therapeutic support within the community and had organised an appointment with Mental Health Services to discuss your medication regime. Your sentencing in the Youth Justice Court had been adjourned to give you the opportunity to continue to demonstrate the positive progress you had made since being bailed from AYDC on 1 May 2025. In their report dated 20 June 2025, Youth Justice recommended that a probation order be made to give them the opportunity to encourage you to continue your participation in the JCP Youth Program and to assist you to engage with therapeutic support within the community.

I also decided that it would be a good idea to give you an opportunity to demonstrate that you could maintain positive engagement with JCP and keep out of trouble before I sentenced you. I thought engagement with JCP was your best opportunity to break the cycle of offending that you seemed to have gotten in to. I intended to sentence you after six months and planned to check in with you to see how you were going in the meantime. You continued to do well for a period. The updates I received indicated you were engaging with JCP and Youth Justice and attending appointments with mental health services. Everyone was very proud of you and your efforts, including me. Unfortunately, you disengaged from JCP from 30 July 2025. You also

disengaged from contact with Youth Justice. In that time, you travelled to Melbourne with your girlfriend. You ultimately returned to Launceston on 7 August 2025. You were arrested on 12 August 2025 on some new matters and remanded. You have been in custody ever since.

You are now 15 years old. You live with your mother and four siblings. Your parents separated before you were born but you stayed close to your father until he died by suicide in 2021. I have no doubt that this was a very traumatic time for you and for the rest of your family. Your grandfather died shortly after. These losses coincide with you disengaging from school. You have a close relationship with your mother. Your mother has had difficulties controlling you. She has been concerned about you staying out at night and using alcohol and the behaviour you get up to when you are doing those things. You have previously been diagnosed with depression and ADHD. You are prescribed medication to treat those issues. While you were at AYDC earlier this year you had been commenced on another medication which you found beneficial. When you were bailed in May 2025, that medication was not continued. This is something that I find difficult to understand. In circumstances where AYDC went to the trouble of having you assessed to ensure you were on effective medication, proper through care should have included ensuring that treatment continued in the community when you were released. Instead, it was left to you and your family to make the necessary arrangements. This is far from satisfactory. To your credit, you made contact with mental health services and were able to have that prescription reinstated while you were on bail. That treatment is continuing now.

You have now admitted that you went out with JPS looking for a bike to steal. You have admitted there was a verbal altercation when the residents of the house came outside and confronted you and JPS. When you saw a young child, you told Youth Justice this made you hesitate because you did not want to scare the child. I expect you and JPS did not anticipate that someone would hear you and confront you that night, but this is always a risk when you steal something from a person's home, particularly at a time when you might expect someone to be at home. You had the choice to walk away when the complainant came outside. You and JPS started to do that. But you then returned to threaten the complainant and persist with taking the motorcycle. This was a terrible thing to do, particularly in front of the complainant's wife and small children who I accept were all incredibly frightened.

Youth Justice has assessed you as having high level criminogenic risks and needs. You are always polite and respectful when interacting with Youth Justice staff, but your engagement is sometimes inconsistent. Your engagement in programs at AYDC has also been good. You are consistently communicating with Youth Justice and JCP while at AYDC. You have been prioritising your mental health, going to school and attending programs, physical education, gym training and eating a healthy diet which all supports your rehabilitation. JCP are still willing to work with you in the community if that is possible.

Your offending was very bad. While any armed robbery or aggravated armed robbery is bad, this could not be said to be the worse case of such an offence. You did not set out that night intending to use force or threats of force to steal something. It was not planned that you would confront someone when taking the motorcycle. The items you used to threaten the complainant were tools that you and JPS had taken to assist in removing the bike rather than for the purpose of using them as weapons. You have committed similar offences in the past, most notably the car jacking and assault. You committed further offences after this one and are waiting to be sentenced in relation to a number of motor vehicle stealing and associated charges. There is, however, good reason to hope that this will not be the way that you behave for the rest of your life. You have a good family life. I accept it is not without difficulties, but you have a mother

who loves and supports you. Everyone tells me that you are someone who is very likeable and who can engage well with positive inputs and programs. You have been described as having a "great attitude and personality". You strike me as someone with a lot of potential. But you need to make some good choices on a consistent basis or else things will go very poorly for you in the future.

One of the options available to me is to sentence you under the *Youth Justice Act* rather than as an adult under the *Sentencing Act*. I have decided it is appropriate to take that course. You were only 14 years old when you committed this offence. If you were a year younger, the charge could have been dealt with in the Youth Justice Court. In my view, the sentencing options under the *Youth Justice Act* are adequate and more appropriate in this case.

You have now spent 137 days in custody at AYDC that have not been taken into account in any other sentencing order. I have decided that the sentence I impose will need to include a detention order. It will be backdated to 1 June 2025 to reflect the time you have already spent in custody. I have considered all other available sentences, and am satisfied no other sentence is appropriate in the circumstances of this case. In reaching that view, I take into account your prior matters, that suspended detention orders and time in AYDC did not stop you from offending. The sentence I impose also takes into account the circumstances of the offence, your plea of guilty, your personal circumstances and young age. I am required to ensure that your rehabilitation is given more weight than is given to any other individual matter. It is the most weighty consideration in my view, particularly in light of the potential you have demonstrated. You did engage with JCP and Youth Justice in a positive way for almost three months. The length of the period of detention and the probation order that I will also make reflects those considerations. It is now up to you to make good choices with the supports that can be made available to you to ensure you do not return to AYDC when you are ultimately released.

BJT you are convicted of the charge of aggravated armed robbery. You are sentenced to six months detention backdated to 1 June 2025. The earliest release date for that sentence is 1 September 2025. I also make a 12 month probation order commencing on your release from custody. The conditions of that order are that:

- (a) you must report to a youth justice worker at the offices of Youth Justice at 115-119 Cameron Street, Launceston within 2 working days after your release from AYDC; and
- (b) during the period of probation, you must report to the assigned youth justice worker as required by the youth justice worker; and
- (c) during the period of probation, you must receive visits from the assigned youth justice worker as required by the youth justice worker; and
- (d) during the period of probation, you must not commit another offence, including a prescribed offence, which if committed by an adult could be punishable by imprisonment; and
- (e) during the period of probation, you must not leave the State without the written permission of the Secretary; and
- (f) you must notify the assigned youth justice worker of any change during the period of probation of residence, employment or school, or other educational or training establishment, before, or within a reasonable period after, the change; and
- (g) during the period of probation, you must obey the reasonable and lawful instructions of the assigned youth justice worker.

In addition, I impose the following special conditions:

- (h) you must attend educational, personal, health and other programs as directed by the assigned youth justice worker; and
- (i) you must undergo medical, psychiatric, psychological and drug counselling and treatment as directed by the assigned youth justice worker.

It is my intention that these conditions be utilised to encourage your continued engagement with JCP and participation in education when you are in the community.