

JS, you have pleaded guilty to one count of aggravated armed robbery. You committed the crime on 12 December 2024 in company with a 14-year-old youth. You went to the complainant's family home in Kings Meadows at 3 am in order to steal a motorcycle. You were both wearing face coverings and armed, you with a hammer and your companion with bolt cutters. You entered the property and wheeled the motorcycle, which was parked in the rear yard, down the road for a short distance where you tried unsuccessfully to start it. The complainant and his wife, who had been woken by barking dogs, came after you and confronted you. You dropped the motorcycle and both of you ran away. However, after a short time, you came back with the clear intention of retaking possession of the motorcycle. Your companion, who was carrying the bolt cutters, threatened the complainant by telling him that he would bash his head in if he did not let you take the bike. You then approached the complainant holding the hammer above your shoulder. The complainant's children aged five and two witnessed this and one of them asked you not to hurt his dad. The complainant demanded that you leave and not do anything in front of his children. You came close to him, told him to go back inside and also told him that if he called the police you would "come back with a gun and shoot him". You then left with the motorcycle. Although the police subsequently located videos recorded on your companion's phone which show you both on the motorcycle in nearby locations, it has not been recovered. You claim that you gave it to a friend and do not know what happened to it.

You committed this crime 23 days short of your 18th birthday. You are still eighteen now. You have had an impoverished and difficult childhood. You lived mostly with your mother, who was addicted to illicit drugs and experienced regular periods of incarceration. Unsurprisingly, your early exposure to illicit drug use has resulted in you developing a long-standing and serious drug problem. Since your early teenage years you have been largely independent and have experienced significant periods of homelessness. This general background is consistent with your criminal history, which is most concerning. Your record commences from the age of 13 when you were living in Queensland and contains numerous serious offences of dishonesty which include crimes comprising of or involving the use of violence. You have been living in Tasmania since the age of 14 and your criminal record in this State reveals a similar pattern. Sentencing orders to date have had little impact on your behaviour. You continue to offend in breach of and in what seems to be flagrant disregard of such orders. On 26 April 2024, a partially suspended detention order, which had been imposed for numerous prior offending, was activated because of new offending. However the sentence for the new offending, which included a serious assault, assaulting a police officer, aggravated robbery, attempted armed robbery and aggravated burglary was deferred. The deferral of the sentence only lasted for a month because on 20 May 2024 a 12 month detention order was imposed for these offences as well as further offending which included assault and demanding property with menaces. These offences seem to have been committed only a few days after the deferral of the sentence. You were released on a supervised release order on 7 November 2024, after serving half of the detention order. I note that you committed the crime with which I am dealing approximately one month later. Although you have been on bail since your arrest for this crime, you have continued to offend by failing to appear in court and I am told that new offending is now alleged against you. You were remanded in custody on 20 October 2025.

I regard your criminal conduct on this occasion as particularly serious. You entered the rear yard of these premises late at night and stole property from this family. You were armed and you had covered your faces. When confronted, you threatened violence with a weapon. You could simply have run away but you escalated the situation to complete the crime with the threat of violence. You did all of this in front of the owner's children. I am aware of your still youthful age and the fact that you had not turned 18 when you committed this crime, but I also take the view that violent and dishonest offending has become an entrenched pattern of behaviour for you. The use of sentencing options emphasising rehabilitation seems to have been unsuccessful. There is a clear need now for a sentence which emphasises both general and specific deterrence.

Given your age at the time of this offending and now, and the matters I have referred to in respect of both the nature of the offending and your prior criminal history, I am of the opinion that it is not appropriate to deal with this sentence under the *Youth Justice Act*. I will instead proceed under the Sentencing Act. The only appropriate sentence is the imposition of a term of imprisonment. In assessing the length of that sentence, I will take into account your youth and your early plea of guilty. I also have regard to the need for parity with your co-offender. However, he was only 14 at the time of this offending. On 16 October 2025, he was sentenced by another judge to 6 months detention and a 12 months probation order. Although he also had a lengthy criminal history, I think the age disparity is a significant difference between you. It seems to have been a significant factor in persuading the Judge to deal with the matter under the *Youth Justice Act*, which is not an outcome I consider to be appropriate for you.

Finally, the issue of totality must also be taken into account. By virtue of s 119 of the *Youth Justice Act*, upon the imposition of a sentence of imprisonment, the supervised release order to which you were subject at the time of this offending will be cancelled. A consequence of this automatic cancellation is that I am required to issue a warrant under s 120 requiring you to be returned to detention to serve the balance of the sentence of detention, reduced by the time between your release on 7 November 2024 and the commission of this offence on 12 December 2024. This will be a period slightly less than five months. The sentence I impose will be cumulative to this. However, I must also take into account the time you have spent on remand since your arrest for this crime. Because the sentence I impose will be cumulative to the balance of the detention order, I will not take this time into account by backdating the sentence. Instead, I will reduce the sentence I would otherwise have imposed by a period of one month to take account of this time. Finally, I was urged by your counsel to partially suspend the sentence rather than deal with community supervision by way of a non-parole order. Given your still young age, I accept this submission. This will also provide any future sentencer with some certainty as to the length of time you are likely to be incarcerated under the detention order and the cumulative sentence.

JS, you are convicted of this crime and sentenced to imprisonment for a term of 17 months. I have reduced the sentence from 18 months to take account of the time spent in custody on remand. That sentence will be served cumulatively upon the detention order which was imposed on 20 May 2024. The balance of the sentence after you have served a period of nine months of this sentence will be suspended for a period of 18 months on the following conditions:

- 1 that you are not to commit another offence punishable by imprisonment during that period.

- 2 that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from when you lawfully cease to be imprisoned under this sentence. The Court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within three clear days of the day that you lawfully cease to be imprisoned under the sentence. In addition to the core conditions the order shall also include the following special conditions:

(a) you must, during the operational period of the order,

- i attend educational and other programs as directed by the court or a probation officer;*
- ii submit to the supervision of a probation officer as required by the probation officer;*
- iii not consume alcohol or illicit drugs.*
- iv undergo assessment and treatment for drug dependency as directed by a probation officer;*
- v submit to testing for drug use as directed by a probation officer;*
- vi undergo assessment and treatment for alcohol dependency as directed by a probation officer;*
- vii submit to testing for alcohol use as directed by a probation officer;*
- viii submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;*
- ix attend, participate in and complete the EQUIPS addiction program as directed;*
- x attend, participate in and complete the EQUIPS aggression program as directed.*

- 3 You are not eligible for parole in respect of the operative part of the sentence.

- 4 Pursuant to s 120 of the Youth Justice Act, I order that a warrant issue directing the Secretary to return you to custody to serve the applicable balance of the detention order that was made on 20 May 2024.