

XYZ you have pleaded guilty, on indictment 448 of 2025, being a single count of aggravated armed robbery, contrary to s 240(4) of the *Criminal Code 1924*.

There is also an application I deal with the two charges on complaint 6554/25 pursuant to s 385A of the *Criminal Code*. Section 385A allows a Judge of this Court, when a person is convicted of a crime, to deal with simple offences in certain circumstances. The complaint can be found at page 1 of the Crown papers. At the sentencing hearing, I accepted your plea of guilty, through your counsel, Mr Arnold, to the first charge on complaint 6554/25, that of motor vehicle stealing. Thus, this sentencing disposition deals with both your conviction for aggravated armed robbery and also for motor vehicle stealing.

The complaint charges two simple offences. First, motor vehicle stealing contrary to s 37(1)(b) of the *Police Offences Act 1935*, and the second of stealing pursuant to s 234 of the *Criminal Code*. At the sentencing hearing on 12 December 2025, I discharged the second offence of stealing on that complaint because it was subsumed by the single count of aggravated armed robbery on the indictment.

You were born on 18 October 2009, and you were aged 15 years at the time of your offending. Turning to the facts. The complainant in this matter is "ABC". At the material time, ABC was aged 20 years, was an employee of Domino's Pizza, and had been in that employment for three months.

On Thursday, 8 May 2025, at 10.37pm, a phone call was made to Domino's Pizza, making a pizza order. The delivery address was an address in Gagebrook, and a request was made that the order be paid for in cash upon delivery. The male person who made the phone call was not identified, but Domino's Pizza had the delivery address recorded as that of "JN".

When the operator informed the caller that payment was required before delivery, the caller hung up. The store later received an online order in the name of "JB", requesting a pizza delivery to the same address. The order was accepted and processed. The order was to be paid for upon delivery.

At approximately 11.10pm, the complainant drove his personal motor vehicle to the delivery address in Gagebrook in order to deliver the pizzas that had been ordered. He carried the pizzas inside a pizza hotbox to the front door of the residence. At this time, you met the complainant at the open front door. The complainant informed you of the cost of the pizza order and asked how you would be paying for the order. You said you would pay by cash, but kept stalling, saying words to the effect of, "Oh, yeah," a few times.

You then produced a knife, namely a kitchen knife with a black handle, approximately 20 centimetres in length. A picture of the knife is found at p 7 of the Crown Papers.

You brandished the knife towards the complainant, and the complainant feared he would be stabbed. The complainant was standing about half a metre away from you when you produced the knife. You then demanded the money from the cash tin, or float, which was located inside the pizza hotbox. The complainant asked if he could keep the pizza hotbox, and you said "No".

The complainant placed the pizza hotbox on the ground at the front door. The cash tin was located inside the pizza hotbox. The cash tin contained approximately forty dollars at that time.

A second person (who was unidentified) then appeared and approached the complainant from the rear of the property. This person's face was covered with a black bandana and had a hood over their head. You then demanded the complainant hand over the keys to his vehicle which was parked on the roadway. The complainant, out of fear of both persons, handed his keys to you. You and the second person began walking towards the complainant's vehicle.

At this time, a third person (also unidentified) appeared from within the residence. This third person collected the pizza hot box and cash tin, then walked down the driveway towards you and the second person. The second person and the third person made threats to the complainant, including words to the effect of, "I'll rape you" and "just stab him." You, the second person and the third person approached the complainant's vehicle and entered it. You all drove off.

The complainant then fled on foot and door-knocked residences seeking assistance. He did not have his mobile phone, as this was in his vehicle. A neighbour assisted him to contact police.

A short time later police attended and located the complainant who provided a statement outlining the events. Police saturated the area in attempts to locate the complainant's vehicle and received GPS data from Domino's Pizza.

Just prior to midnight, the complainant's vehicle was located in grassland at a Gagebrook address. The vehicle was abandoned, empty and unlocked. There was no apparent damage to the vehicle, and all personal belongings in the vehicle were accounted for.

The following day, the vehicle was forensically examined. A black-handled kitchen knife was located on the driver's seat of the vehicle. A fingerprint was located on the handle of this knife and a fingerprint was also obtained from the driver's side door of the vehicle.

Police attended the Gagebrook address to observe the scene. An empty pizza hot box and a receipt for the pizza order were located on the ground in the front yard of the residence. Pieces of pizza were located in the kitchen of the residence.

Police then received information which led them to attend a Gagebrook address, where a search warrant was executed. During the search, the cash tin was located.

On 21 May 2025, police received the results of the fingerprint examination. The fingerprints on the knife handle and the driver's side door of the vehicle returned a positive match for you.

On 5 June 2025, you were located by police at a Bridgewater address and placed under arrest. You were conveyed to the Glenorchy Police Station.

During your arrest, a mobile phone in your possession was seized by police. Analysis of the phone revealed that you were logged into social media accounts on that device. In particular, you were logged into Snapchat under an account in your name. Police identified one Snapchat message of relevance. On 9 May 2025 at 2.11am, a message was sent to another account, which read, *"I stole a Domino's car with a big knife. I told him to give me the keys."*

On 5 June 2025 at 6.28pm, you agreed to participate in an electronically recorded interview at

the Hobart Police Station. Under caution, you made the following comments: that you were not involved in the matter and do not know anyone that lives at the relevant Gagebrook address. You did not threaten anyone with a knife. You had not been in a vehicle of the type driven by the complainant when he delivered the pizza. You do not have a driver's licence. You do understand how DNA and fingerprints work, but your DNA or fingerprints would not be on the Domino's delivery vehicle. You do not know about the Snapchat message, and you had 'no comment' to all other questions.

At the conclusion of the interview, you were formally charged and detained. You have been remanded in custody since your arrest on 5 June 2025. On 18 September 2025, forensic examination was completed in respect of the stolen motor vehicle and the knife. Your DNA was located on the steering wheel and also on the knife handle.

I make a compensation order in favour of Domino's Pizza pursuant to s 68(1) of the *Sentencing Act 1997*, in an amount to be assessed.

This being a "serious offence" within the meaning of s 4 of the *Crime (Confiscation of Profits) Act 1993*, I accept the Crown's application pursuant to s 11(1)(a) of that Act and make an order pursuant to s 16 of the Act that the knife used by you in the aggravated armed robbery be forfeited to the State of Tasmania. For the purposes of s 16(4) of that Act, I accept the Crown's submission that the knife has minimal value.

Whilst no victim impact statement was provided, one does not need an overactive imagination to appreciate the impact on a 20 year old pizza delivery driver, when being threatened with a knife some 20 cm long, a knife that you yourself described as a "big knife" in your Snapchat message, especially when you were accompanied by two accomplices and those accomplices also threatened the complainant with rape and being stabbed.

You have an extensive list of prior convictions, many of which are serious and relevant prior convictions in the context of the matters now before this Court.

The Crown described your previous offending in the following terms. In respect of prior convictions between 2023 and 2024, you have been sentenced under the *Youth Justice Act 1997* for the following matters: aggravated armed robbery; attempted aggravated burglary; aggravated burglary; three burglaries; 28 counts of stealing; two counts of stealing with force; two of motor vehicle stealing; trespass; two failure to appears; two breaches of bail; three charges of possession of cannabis; possession of a restricted substance; common assault; wounding; destroy property; injure property; state false name; possession of dangerous article by two; recklessly discharge a missile; and make off without payment.

You were the subject to a probation order which was imposed on 15 January 2025 for 10 months. The order required you to attend educational and personal programs as directed by an assigned youth justice worker. The clear intention of that order was to assist you and to seek to dissuade you from further offending. That order was in force on 8 May 2025 when the matters for which you are being sentenced occurred. That suggests a disrespect for court orders and a recalcitrant disposition. Your prior convictions include possession of a machete and a flick knife and a wounding.

You are charged on indictment with a particularly serious charge, that of aggravated armed robbery. There appears to be a pattern of behaviour, a pattern of offending involving weapons,

bladed weapons on occasions, and that seems to be escalating.

The Crown submitted, and I accept, that this is a crime which clearly involved some degree of planning, given the phone call that was made earlier, you answering the door with a knife in your possession, and the involvement of another two unidentified persons.

You have pleaded guilty, which always has some value, but you have done so in this instance in the face of a very strong Crown case, supported by DNA and fingerprint evidence.

I received an up-dated s 104 report since the sentencing hearing, dated "February 2026", albeit without page numbers. I have also received a further pre-sentence report, dated 6 February 2026. I received both documents this morning and will refer to them in the context of the matters raised in mitigation.

In mitigation I was taken to two reports regarding you. One earlier un-dated report provided to Magistrate Hartnett in the Magistrates Court under s 104 of the *Youth Justice Act 199*, and a second made under s 105 of that Act, dated 8 December 2025.

The first, the s 104 report, sets out your family details. It identifies your mother, but there is no information as to the identity of your father. You are one of six siblings, albeit of those siblings, they are half-siblings, you are the only child of your mother and father.

Historically, you have resided with your maternal grandmother. You are currently detained. The s 104 report sets out concerns with your behaviour from 2011 and your interactions with the justice system until October 2024. That report noted concerns arising from the risk of your then current offending and your risk taking behaviours.

I ordered an up-date of the s 104 report because I was told that you were coming back before the Magistrates Court after the sentencing hearing on 12 December 2025. I have received email dated 4 February 2026, copied to the DPP, which indicated that you appeared in the Magistrate's Court on 15 December 2025. That email indicates that two representatives from Child Safety attended the Magistrate's Court on that occasion and advised that Child Safety did not intend to intervene, and that no application was being made for a care and protection order. I am advised that it was unclear if Youth Justice had any involvement in that decision.

I was also advised that Child Safety were aware that a further s 104 report had been ordered by this Court. I now have that up-date. At un-numbered page 2, that report states:

"Since allocation within the Child Safety Service, attempts have been made to engage with ...[your]... mother. Whilst there has been some success in this space, [she] remains an ineffective Guardian. An assessment of ...[your]... safety was completed and finalised in December 2025. Whilst the Child Safety Service determined that ...[you were]... at risk of instability in [your] placement options, limited support from [your] guardian and engagement in significant anti-social behaviours, it was determined that making a Care and Protection Order was not required."

I am advised in the s 104 up-date, at un-numbered page 2, that:

"[You] ... currently [have] new matters pending in the Launceston Magistrate's Court following incidents at Ashley Youth Detention Centre in December 2025."

I am then told that "[You were] ... one of the young people involved in the escape from detention in December 2026". That appears unlikely given that it is currently 13 February 2026 and we are yet to get to December. On that basis, I am assuming that is a typographical error and may recall to events of December 2025.

I am advised that you have started speaking to your mother by telephone from Ashley Youth Detention Centre, and that support is being offered to you to obtain a copy of your birth certificate. It is stated at un-numbered page 3 of the s 104 up-date that:

"The Child Safety Service in collaboration with the professional Care Team working with you will seek to ensure that you are linked with appropriate services, which includes youth shelters that will be put to you as an accommodation option at the point of release from Ashley Youth Detention Centre."

I am not confident that this proposition will provide you with the support you need in the community given your family instability and absence of appropriate accommodation. I have no information as to the adequacy or nature of the accommodation in such shelters.

It was submitted in mitigation that you have only had minimal opportunity for supervision in the community.

The second report, the s 105 report, is said to be limited because your mother was unable to be reached at the relevant time. Your s 105 report states that your mother was 14 or 15 years old when you were born. No details of your father were provided.

The s 105 report states that you described frequently feeling angry, easily triggered and prone to lashing out physically. You reported that your mood fluctuates in response to stressors, boredom and frustration. You reported engaging intermittently in self-harming behaviour over the last few years. You denied suicidal ideation or previous suicide attempts. You endorsed thoughts of harming others when angry or intoxicated, you said "I think about shooting people in the face with a gun". You also described experiencing transient paranoia and suspicious ideations whilst under the influence of methamphetamine.

You were examined by a psychiatric registrar in November 2025 who suspected undiagnosed ADHD and recommended more formal assessment. There was also a suggestion of emerging Cluster B personality traits. As I understand it that means a pattern of intense emotions and erratic behaviour, and often a hard time maintaining close or healthy relationships with others.

You have a history of cannabis and alcohol abuse and a more recent history with methamphetamines, and you continue to experience cravings for methamphetamines when in a low mood.

Your description of your offending was reported, you said it began primarily with theft and has now progressed to recent charges for violent offences. You attributed your offending to using methamphetamine. The psychiatric report records that you expressed limited insight into the nature and seriousness of your offending.

The recommendations note that you are "at high risk of misadventure related to your emotion dysregulation and substance use". Importantly, the psychiatric report noted that addressing your underlying trauma and related symptomology will be limited whilst your substance use is severe.

There appears to be an issue with stable accommodation in the community. That is a foundational difficulty if you are to be supervised in the community and remain sober. In the most recent pre-sentence report I have it states at p 3 that:

"[You] ... have consistently experienced transience and homelessness in the community staying with various people, including adults, where [you] have previously stated that 'I need to stay away from adults that aren't a good influence on me'".

Your counsel, in mitigation, made the following submissions. You were aged only 15 at the time of the offending, and you are now aged 16, you spent your 16th birthday in Ashley Youth Detention Centre. I have already noted that despite your youth, you have a lengthy criminal history and appear to be at a high risk of further offending.

I was told that your parents separated when you were only a baby. You do not know your father who you have only met once, and that meeting was incidental. You have no interest in pursuing a relationship with your father. As I have said, you have five half-siblings, and a younger sister with whom you report a close relationship.

You grew up with your mother and you do not speak highly of your upbringing. You report that it was physically abusive. You left home at the age of 13, and since then you have had an exceptionally unstable living situation. You have had little contact with your mother since then. You are being supported by adults in the community who are not seen as responsible or appropriate by authorities, and who you admit can be poor influences on you.

Your counsel submitted that you have very few appropriate adult role models in the community and have limited or no stability. You have been supported at times by your maternal grandparents and other extended family, including uncles and aunts, however, some of these people are also involved in the justice system and are not necessarily appropriate, and many of those relationships have broken down.

It was put that the s104 report ordered by the Magistrates Court is six pages long, and your engagement, or the notifications to Child Safety, could be described as extensive. Despite that, it is said that you are not currently subject to any Child Safety orders, and that is something that is being investigated. Further, that since November of 2011, when you were aged three, there have been at least 22 notifications through Child Safety Services, and they include your mother having been responsible for harm towards you and your sister for neglect; concerns that when you were only a toddler that your mother was offending whilst you were present; concerns of sexual abuse within the extended family; concerns of exposure to family violence; concerns about rubbish, fires in the yard, and the state of the home.

These included multiple concerns of personal hygiene and general appearance of you and your siblings; a lack of food and the condition of school uniforms; multiple concerns about lack of school attendance and disengagement from education; concerns from a very young age that you were attending school under the influence and for drug-related behaviours; concerns more recently about you not having an appropriate bail address.

It may be accepted that you have been exposed to multiple traumatic events during your life, and that you are now engaging in risk taking and harmful behaviours. Whilst your background may explain how you have arrived in your current circumstances, that background is not an

excuse and does not mitigate the risk you pose to others when using methamphetamine.

I have noted the issue you have with stable accommodation. It was put on your behalf during sentencing submissions that someone from Child Safety had spoken to you recently that they were checking up on you to see how you were, they were trying to get you a house but had not provided any details as to when or where, and you have had no recent correspondence with Child Safety. It was suggested that there is a difficulty with information regarding your circumstances being passed between Child Safety and Youth Justice.

Without stable accommodation, it is hard to imagine orders that could allow adequate supervision in the community. I am told that you generally reside around the Gagebrook area, that you have previously been bailed to live with friends and family, but the adults at those addresses are unable to provide safe and stable accommodation and that is the position of Youth Justice.

I understand that you are having difficulty getting identity documents, a process that has been started but not completed, and I have already noted in the up-dated s 104 report that some progress has been made in that regard.

You have never worked. You attended Herdsmans Cove Primary School and your attendance was reasonable. You then went to Jordan River High School until grade 7, but your attendance dropped significantly at that time and you did not go to school after that. Whilst at Ashley Youth Detention Centre, it is reported that you have had good engagement with the school there. I am told that you do maths and literacy at school, and you work with a number of different teachers. I am told you enjoy the one-on-one support that you have had at the Ashley Youth Detention Centre school.

It is submitted on your behalf by the Principal, Mr Tom Viney, who said you have been attending and participating in about half of the reading fluency program, and that there have been demonstrated improvements. That is confirmed in the new pre-sentence report where it is said at p 5 that, "[You have] ... spoken positively about Ashley School, having interest in wood-working", and that you are "Open with re-engaging in school at some point although it is challenging to prioritise this when [you] are in the community".

I am told that in respect of your health, you are now going well and suffer no physical issues. Albeit you have previously suffered from anxiety, poor sleep and anger management problems. To assist with your mental health you have been speaking with other young people at Ashley Youth Detention Centre and I am told, on your behalf, that this has been helpful to you. You are currently medicated for ADHD despite not having a formal diagnosis, but you report that you have found this useful.

It was accepted that substance abuse is clearly a relevant factor in your offending.

During sentencing submissions I asked whether you find life easier in Ashley than outside?

I indicated that putting you back in the community at the moment, given your current situation, may simply be to set you up to fail yet again. In response, I was told that housing, income and support are things beyond your control. Whilst they may be parameters that you cannot change, they are of great significance to any sentencing disposition. I am not confident that Child Safety will be able to link you to accommodation on your release that is suitable to support

supervision in the community, particularly re-engagement with your education.

I am told that you take full responsibility for your involvement in your offending, and that is demonstrated by your plea of guilty. Your remorse is affirmed at page 2 of the recent pre-sentence report, which indicates you may have some insight into the effect of your conduct on the complainant.

I am told you were detained from 10 February until 8 April 2025. It was put that this time has not been allocated to any sentence. That was 58 days. There was some disagreement at the sentencing submissions amongst counsel as to the date to which any new sentence should be back-dated.

I will take into account that your time at Ashley has included periods of being locked down.

XYZ, you are convicted of one count of aggravated armed robbery on indictment 448 of 2025 and also a single charge of motor vehicle stealing on complaint 6554/25. It was a serious aggravated armed robbery with a lengthy bladed weapon and committed in company. The complainant must have been significantly shocked and traumatised. You represent a substantial risk to the public unless you deal with your issues around your use of methamphetamine and other illicit substances. Your ideation around shooting someone in the face is extremely troubling and a matter of concern.

You have had a very troubled up-bringing. You have lacked, and continue to lack, support in the community. You have no adult role models, no stable accommodation, income or support. Your worst offending is triggered by your use of methamphetamine, for which you still have cravings. Your report on your treatment at Ashley and engaging in education whilst incarcerated, has some positive elements. That is potentially offset by the suggestion in the up-dated s 104 report that you may allegedly have been involved in an attempted escape from Ashley, but as I have said earlier, I will not speculate about that.

I impose one sentence. I sentence you to 9 months' detention – backdated to 18 April 2025. Your earliest release date is 1 September 2025. The sentence reflects the seriousness of your offending and its impacts on the complainant, and the continuing risk you pose to the community, despite your youth. I have discounted that period because of your youth. Your offending appears to be slowly escalating. I do not make any orders suspending any part of your detention or community supervision because such orders are unsuitable for a youth in your position, which includes an absence of any support in the community, coupled with homelessness and no means of support.

The intention of this sentence is that having recognised the need for general and specific deterrence, you also have the opportunity to get assistance for your difficulties with methamphetamine, cannabis and alcohol and to continue your re-engagement with education at Ashley in order to turn your life around.