

CL, you have pleaded guilty to one count of armed robbery and the related offences of destroy property, common assault and unlawfully possess dangerous article in a public place. On 10 November 2025 at around 1.40 pm you attend the BWS bottle shop in the Shorewell Park Shopping Centre. At the time a Ms Johnston was working in the store, together with some other employees. A Ms Davis was present in the store as a customer. There were also other customers present.

Ms Johnston recognised you from an earlier incident and tried to shut the doors as she saw you approaching. Unfortunately, the doors did not lock and you entered the store. You were wearing a black face covering and carrying a backpack. You approached an aisle where there were bottles of spirits on display. Ms Davis asked you not to steal anything. You reached into your track pants and retrieved a knife. You picked up a bottle of whiskey and pointed the knife towards Ms Davis's neck, obviously to dissuade her from interrupting your attempt to steal the whiskey. Concerned for her safety, Ms Davis grabbed your arm to prevent the knife from coming any closer to her. There was a struggle.

Ms Davis partner, Mr Airey, was waiting outside in a car and saw this. He entered the store and placed you in a headlock allowing Ms Davis to take the knife from you. Mr Airey tried to remove you from the store. Both of you fell to the ground. Eventually Mr Airey escorted you outside and tried to push you away from the store. You did not immediately leave the area. Concerned about this Mr Airey held you against a wall. At this point Ms Davis punched you to the head. The lawfulness of such an act is not a matter I need to resolve in this sentencing exercise.

You asked Mr Airey for his name and kept telling him that you needed money and you needed to feed your family. At one point you slapped Mr Airey to the face knocking his sunglasses off. Mr Airey was not injured, and the sunglasses were not damaged. This constitutes the count of common assault. As you left the area you told Ms Davis and Mr Airey that you were going to get more people and knives and you would be coming back to "get them". You told Mr Airey that you would be back in 10 minutes, and you were going to kill him.

Mr Airey and Ms Davis returned to the store and the doors were locked. Police were called. Approximately 10 minutes later you did return to the area and this time you were in company of four other people. You arrived in a vehicle. You and three others exited the vehicle and again approached the BSW bottle shop and attempted to force entry to the store. You punched and kicked at the glass door numerous times causing it to break in several areas. One of the other people who was with you, used some sort of object to smash the glass. At one point you picked up a wooden sign and threw it against the glass also in an endeavour to smash it. You caused several breaks in the glass but fortunately it did not give way completely and you did not gain entry. Your behaviour in destroying the glass door constitutes the count of destroy property. I have seen the CCTV footage of your endeavour to break the glass. Your behaviour was aggressive, confronting and unruly. Understandably, it caused the employees and customers within the store to feel very scared and apprehensive.

Police attended and watched the CCTV footage. They identified some of the people involved. They attended the residence where you were living, initially looking for another person. They

observed you to have cuts and bleeding to your right hand. They asked you about it. You admitted to police that you were the person who had been at the store with the knife and committed the armed robbery. You were subsequently arrested and interviewed. You told police that you committed the robbery because you wanted some alcohol to have a drink because it was your brother's birthday and he was in gaol.

You also told police that after you were confronted by Ms Davis and Mr Airey you became angry because "it didn't go as planned". You therefore "went and got a few mates and ... kind of smashed up the door a little bit". When asked why you returned you said to police "well when someone gets in a violent interaction with me, I don't like to just let it go. If someone is going to come at me, they want to come at me properly because it is either that or they are not leaving". When police asked you if your conduct was right or wrong, you replied by saying "it's by law the wrong thing to do, but the way I have been raised, if you want something and you really want it, you take it". The attitude displayed by such comments is obviously concerning. Initially, I was minded to the view that it was perhaps reflective of your young age lack of maturity and a desire to appear "hardcore" in front of police, but unfortunately you repeated similar sentiments to the author of the youth justice pre-sentence report, suggesting it is a far more entrenched attitude, reflective of your upbringing. It means specific deterrence is an important sentencing factor.

You have been in police custody since the time of your arrest and detention in respect to this matter since 11 November 2025.

You were only young -14 years and 10 months - at the time of this incident. You are now 15. With the exception of the common assault offence, you pleaded guilty to all matters in the Youth Justice Division of the Magistrates Court on 4 December 2025. Your pleas of guilty to this matter were entered at any early stage and count in your favour. You have been before the Youth Justice Court previously. On 7 November 2024 you pleaded guilty to the offences of destroy property, affray and stealing. These offences were committed when you were just 13. They were dealt with by way of a community conference.

I have received a helpful presentence report. It describes a very dysfunctional childhood. Your parents separated when you were young. Initially you remained in the care of your mother but then an incident occurred, and your father took you away and kept you in his care for an extended period. When you were approximately seven you were removed from your father's care and returned to live with your mother. Since then, you have had very limited contact with your father and have no ongoing relationship with him. Your mother has her own challenges, and your care has been characterised by instability and exposure to drug use and criminal behaviours. Child Safety Services have had extensive involvement with your family and there have been multiple instances of neglect, family violence, parental substance abuse and criminal activity noted as occurring within the family unit. It is difficult to identify any positive role model within your upbringing.

It is apparent from comments you made to the author of the presentence report that you have very little insight into the seriousness of your conduct. You told the report writer that the blame for the confrontation lay with the staff member who decided to intervene, rather than allowing you to continue with your offending behaviour. You suggested the difficulty arose because they "tried to be heroes". You also told the author of the presentence report that the incident occurred because you were having a bad day and you were feeling very upset and stressed that your brother was in custody on his birthday.

There are some positive aspects to the report. You have ongoing support through the Circular Head Aboriginal Corporation and they are willing to continue to provide you with support upon your release. You have also been attending school whilst in detention. Whilst your engagement has been somewhat sporadic, it is indicated that in more recent times your attitude towards attending school has improved significantly. You told the author of the presentence report that you are tired of your life being as it is and you wish to "do better".

You are hopeful of obtaining employment upon your release and believe this may provide you with the stability you need to make positive changes in your life. You recognise that if you are to achieve this you will need to stay away from alcohol and drugs which remain a difficulty for you. Your use of and attitude towards alcohol in particular remains a significant risk factor and you will need support if you are to be successful in bringing your use of that substance in the community under control.

Armed robbery is a serious crime for a number of reasons, including the very real risk that those who are robbed at knifepoint may develop serious psychological symptoms. That risk has been realised in this case. I have an impact statement from Ms Davis. She has been badly affected by your crimes. She believed she was going to die. She describes that she is now constantly anxious and hypervigilant and living in a constant state of uncertainty. She has experienced nightmares.

Ms Johnston was simply at work doing her job. Ms Davis was going about her own business as a customer. It was appalling that you subjected them to conduct which was both dangerous and threatening. Your conduct extended to assaulting Mr Airey when he stepped in to try and minimise the risk to his partner.

Your criminal conduct was aggravated by your return to the bottle shop, with others, after you had been removed. You displayed very threatening and aggressive behaviour. You caused significant fear to others who were forced to barricade themselves inside the bottle shop, uncertain as to whether you would gain entry on the second occasion, and if so, what you might do. Bottle shops are vulnerable to this type of crime and people who work within them are entitled to feel protected. Your actions presented a danger not only to the employees but also to members of the public who were present at the time.

Whilst this was a relatively unsophisticated endeavour which did not in fact produce any significant benefit to you, it was nevertheless a sustained and persistent endeavour exacerbated by your ongoing violence when you returned. Despite your plea of guilty, which has utilitarian value, you still do not truly appreciate the seriousness of your conduct. I have given careful consideration to whether I should sentence you pursuant to the provisions of the *Youth Justice Act* or the *Sentencing Act*. I have determined it is appropriate particularly considering your still young age to sentence you pursuant to the *Youth Justice Act*. I think given the principles associated with sentencing young offenders I ought to give you the opportunity to work towards changing your attitude and behaviours before you reach adulthood, in the hope that you will avoid spending long periods in an adult prison. If you committed a crime of this nature as an adult, there is no doubt you would face a lengthy term of imprisonment.

I make the following orders. I impose a single sentence. I convict you and sentence you to 12 months detention commencing 10 November 2025. The earliest release date is fixed at 11 May

2026. I make a probation order to operate for 18 months following your release from detention with special conditions that:

- (a) You must attend educational, personal health and other programs as directed by your assigned youth justice worker and
- (b) You must undergo medical, psychiatric, psychological and alcohol and drug counselling and/or treatment as directed by your assigned youth justice worker.

I order that you pay the proprietor of BWS Shorewell Park the sum of \$2,257.