

KTBC has pleaded guilty to one count of aggravated armed robbery. There is also an application that a suspended detention order of 10 months be restored, that is, that it be served.

The defendant was aged 17 at the time. He committed the crime with two other youths, BNA, aged 17 years and BAH, aged 16.

At approximately 5:00 am, on 18 September 2024, BAH arrived at his mother's address in Lutana in the company of BNA and the defendant. BAH took a large kitchen knife and informed his mother he was "going to do crime".

The three youths walked to the United Service Station on the Brooker Highway in Lutana, a distance of approximately 850 metres.

At approximately 5:25 am, the defendant and the two others entered the premises through the main entrance. Their entrance was captured on CCTV footage. BNA was wearing a black balaclava and had a hammer which he concealed. BAH was wearing a cap and was carrying the kitchen knife which he had concealed. KTBC did not have a weapon. He was wearing a balaclava covering his face.

Once they entered, they walked straight towards the back of the store, past the service counter and a customer waiting to be served. They opened the door reserved for staff only, gaining access to the area behind the counter where the complainants, Sai Dhanekula and Ajay Panchal, were working. BAH was carrying the kitchen knife, and BNA was carrying the hammer.

BAH held the knife out towards the complainant Ajay Panchal and demanded he locate "smokes" and open the till. The complainant retreated to the corner at the far end of the staff-only area with the other complainant. The only entry and exit to that area was blocked by the defendants.

BNA pointed the hammer at the complainants and demanded they open the till. The complainants complied and opened the till. BNA began removing notes and coins before removing the entire cash register, disconnecting the electrical cord with the hammer.

Meanwhile, BAH and KTBC entered a rear storeroom. KTBC removed a cardboard box containing cartons of cigarettes. BAH rummaged through the contents of a drawer opposite the cash register and removed several individual packets of cigarettes.

The three youths left the service station, taking the stolen items with them, and walking past two customers waiting to be served.

Police were notified and searched the Lutana area, locating some items of clothing worn by the youths and the hammer on Derwent Park Road.

BAH and KTBC took a taxi to an address in Mornington. At approximately 10:00 am police officers found them asleep there. During a search of the address police officers found property stolen from the service station, namely \$2,493.45 in cash and 10 sealed packets of cigarettes and tobacco.

During the search police officers located KTBC's mobile phone. Police located photos taken in the previous 24 hours of the defendant posing with large wads of cash and of him in the company of BAH.

Later that same day, BNA was located by police at an address in Lutana along with stolen property, including 17 packets of cigarettes and a tobacco pouch, a smashed cash till, and \$101 in cash.

During the late afternoon the defendant participated in an electronically recorded interview in the presence of a Justice of the Peace. He denied involvement and lied to police telling them a false account that he had been asleep at his grandmother's house at the time of the robbery. He said that BAH arrived at the house and told him that he and BNA had done a burglary. One of BAH's friends had stolen his clothes.

BAH and BNA have both pleaded guilty and been sentenced.

The defendant spent seven days in custody on this matter in September 2024. The defendant has an extensive history of relevant prior offending. He has previously committed many crimes involving stealing and burglary and crimes involving the infliction of violence and threats of violence. He has been sentenced to a range of sentencing orders under the *Youth Justice Act* including detention. Detention orders have also been imposed for breaches of suspended detention orders.

Of particular relevance here, he committed an armed robbery in 2020 and attempted aggravated armed robbery in March 2024. On 23 August 2024 he was sentenced to a 10-month detention order which was wholly suspended on condition that he commit no offence punishable by imprisonment for 12 months. He also was required to perform 49 hours of community service.

The crime before the court today was committed less than one month later. It is a clear breach of the condition that he not commit any offences punishable by imprisonment. The crime before the court today is very similar offending.

As mentioned, there is an application pursuant to s 94 of the *Youth Justice Act* that the defendant serve that sentence of 10 months' detention.

At around the same time, less than one month after he was sentenced by Estcourt J, he committed other offences involving burglary and stealing and assaults committed when detained in custody. He was sentenced in the Magistrates Court to two months' detention wholly suspended for 18 months.

That two month sentence of detention wholly suspended was imposed in January 2025. It is noted that he has not been dealt with for any crimes since then, although it is understood that he has matters outstanding in the Magistrates Court. Still, it represents a significant improvement in his offending and attitude.

The defendant is a young Aboriginal man. His circumstances are presently stable. He is living with his grandfather and younger sister. He has been subject to very strict conditions since September 2024 after he was released from Ashley Youth Detention Centre. He has a girlfriend and they have been together since he was 16. They are expecting their first child and he is looking forward to being a father. She is very supportive but she has made it clear that if he continues to reoffend or receive a term of imprisonment, she will end the relationship. This

provides the defendant with motivation to stay out of trouble. They are planning their future together and they are on a public housing waiting list.

The defendant was diagnosed as a child with attention deficit hyperactivity disorder and oppositional defiant disorder. In 2023 he was diagnosed with foetal alcohol spectrum disorder, and he has been assessed by the National Disability Insurance Scheme and funding for support has been approved. It is expected that this support will mean that he is allocated support workers to assist with daily tasks and activities. He is presently receiving a disability pension.

His early childhood was deprived and there were a large number of notifications to Child Safety Services from 2007, when he was born, involving parental drug use, offending, family violence, neglect, and physical abuse.

There were periods of stability and safety. He lived with his great-grandmother from the age of two years until 10 years. She passed away in 2018 and he felt that loss very much. There was then a period which was very disruptive when he lived with extended family members.

Then in 2019 he began living with his grandfather who became the defendant's primary carer and main support.

He has had minimal contact with his mother since he was a baby. In more recent years he spent time with his father which was a positive development. Tragically his father had a serious motorbike accident and died as a result of his injuries. This was very distressing for the defendant. He was in detention at the time which made it exceptionally difficult and led to a deterioration in his behaviour which is reflected in the commission of offences. He is still suffering and is likely to need ongoing support and counselling.

The defendant's grandfather has been a constant support in the defendant's life and that continued after his release in September 2024. He is an important role model and they have a close relationship. His grandfather provides him with accommodation and has been a surety while the defendant has been on very strict conditions akin to house arrest since then. He also provides strict routines which have been stabilising for the defendant. His grandfather does not condone offending or drug use.

The defendant's education was disrupted and his level of engagement and attendance was poor. However, he engaged at school while at Ashley Youth Detention Centre and enjoyed practical hands-on activities. He has completed some courses, programs, and training while at Ashley and under the direction of his Youth Justice worker and hopes to pursue a qualification and find employment. That should be encouraged. It appears that his NDIS funding will cover training and employment support.

The last 12 months have been a positive time for the defendant, and he has been meeting with his Youth Justice worker regularly and undertaking community service and constructive activities such as attending the Bridgewater PCYC. The Youth Justice report tells me that the period since the defendant was bailed on strict conditions in September 2024 represents his most positive period of youth justice supervision and community service engagement. The defendant has participated in the activities consistently and with enthusiasm. I note Youth Justice supervision will end on 27 July 2026.

The defendant's past offending has been very closely linked to his use of methamphetamine. He was affected by methamphetamine when he committed this crime of aggravated armed

robbery. Up until then he was in a cycle of drug-taking and offending. He has made very significant progress since September 2024. Ongoing support and relapse prevention would be useful especially noting the association between stressful life events and past use.

The defendant is, however, using cannabis and he needs help to address that because it is a drug that does harm physically and mentally, and also has an effect on your motivation to do the things you want to achieve in life.

Another positive is that the defendant has avoided the influence of the others who were involved with him in committing the crime. He has shown an understanding of the impact on the victims. He understands the victims have to work to live, and crime at their workplace is extremely stressful and difficult.

I have taken into account the sentences imposed on the defendant's co-offenders. Both were under 18 years at the time of sentence, and were dealt with under the *Youth Justice Act* and received a detention order of 12 months. The sentences imposed reflect their individual circumstances, their respective ages, and facts such as prior offending.

The crime you committed is a serious matter. It was brazen conduct committed with other youths, both of them armed with weapons. You were well aware of that and participated in that crime. The victims were defenceless. You were not deterred by the presence of members of the public. It is the kind of crime where the victims might have tried to protect their employer's property or customers might have stepped in to help the victims and in such a situation there is a real prospect of someone being gravely hurt. I am conscious that you did not intend for anyone to be hurt and luckily no-one was hurt. However, the victims were subjected to a determined and terrifying experience in their workplace where they were entitled to be safe.

In light of your age now, I am satisfied that you should be sentenced as an adult, not under the *Youth Justice Act*. A term of imprisonment is required, the question is whether it can be suspended or should be served?

Taking into account your progress and the positive efforts you are making and have been making now since September 2024, I am satisfied that the term of imprisonment should be suspended and imposed together with an intensive community correction order. Community Corrections have said that if community-based supervision is ordered they would encourage and support you to engage with drug intervention, education and employment services, mental health and counselling services.

Because you are being sentenced as an adult, if you breach the suspended term of imprisonment then the likelihood is you will be required to serve it and if so, you will serve it in an adult prison.

The order I make is as follows.

You are convicted of aggravated armed robbery. I impose 12 months' imprisonment wholly suspended on condition that you not commit an offence that could attract a term of imprisonment for 18 months from today. For that same period, I impose three additional conditions:

- (a) You must submit to the supervision of a probation officer and comply with the statutory obligations that apply when subject to that condition;

- (b) You must comply with the community correction order I now impose; and
- (c) You must perform 70 hours of community service.

I impose a community correction order to be in place for a period of 18 months from today. For that period, you will be subject to the following strict conditions that you must comply with:

- (a) You must not commit an offence punishable by imprisonment;
- (b) You must, by 4 pm today report to Community Corrections at 75 Liverpool Street, Hobart TAS 7000;
- (c) You must report to a probation officer as required by that probation officer;
- (d) You must comply with the reasonable and lawful directions of a probation officer or supervisor;
- (e) You must not leave, or remain outside, Tasmania without the permission of a probation officer;
- (f) You must give notice to a probation officer of any change of address or employment before, or within two (2) clear working days after, the change;

Special conditions:

- (g) You must submit to the supervision of a probation officer as required by the probation officer;
- (h) You must attend, participate in, and complete the EQUIPS Addiction Program as directed by a probation officer;
- (i) You must attend, participate in, and complete the EQUIPS Aggression Program as directed by a probation officer;
- (j) You must attend educational and other programs as directed by a probation officer;
- (k) You must undergo assessment and treatment for drug dependency and relapse prevention as directed by a probation officer;
- (l) You must undergo assessment and treatment for alcohol dependency as directed by a probation officer;
- (m) You must comply with any directions regarding the consumption of alcohol if made by a probation officer;
- (n) You must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;

- (o) You must abide by any directions of your probation officer in relation to a curfew and the hours of that curfew if imposed from time to time, including during the day; and
- (p) you must appear before the Supreme Court at Hobart on Wednesday, 1st July 2026 at 4.15 pm for a review of this Order.

In relation to the proceedings relating to KTBC's breach of the suspended detention order imposed in this Court by Estcourt J, the State are seeking an order that that be restored. In other words, that the defendant serve 10 months in detention. Because KTBC is now 18 and soon to turn 19 it is likely that he would be transferred to Risdon Prison to serve that sentence. I am satisfied that that order restoring the sentence is not appropriate. It will completely negate the opportunity which I have just given KTBC of a suspended sentence of imprisonment. He has prospects of rehabilitation. As I have mentioned, his situation is much more stable now and he has a lot to look forward to with the birth of his child and a strong reason to stay out of trouble.

If I do not make an order restoring the sentence I have limited options available to me. The period of suspension expired in August last year. He has already been subject to some punishment because of the very strict bail conditions that I have referred to. He has been cooperative with those conditions. He has also complied with the sentencing orders imposed by Estcourt J that the defendant perform community service and be subject to a community correction order.

In relation to the application to restore the suspended detention order, I have decided to make no further order pursuant to s 94(4)(a) of the *Youth Justice Act*.