

STATE OF TASMANIA v WJD
COMMENTS ON PASSING SENTENCE

24 APRIL 2026
SHANAHAN CJ

WJD, you have pleaded guilty to one count of aggravated burglary contrary to s 245(a)(i) and (iii) of the *Criminal Code* 1924 on indictment 16 of 2026, and a further count of aggravated armed robbery contrary to s 240(4) of the *Criminal Code*.

An offence under s 240(4) of the *Criminal Code* is a "prescribed offence" in relation to a youth who was 17 at the time of offending, see the definition of "prescribed offence" at s 3 of the *Youth Justice Act* 1997, at paragraph (c) of that definition. I also note the definition of "youth" in the same provision. As a result of s 108 of the *Youth Justice Act*, s 31 of that Act applies to restrict the reporting of proceedings. As a consequence I have anonymised your name and that of your co-offenders.

You have pleaded guilty to the first count that at West Moonah in Tasmania, on or about 8 October 2021, you entered [address redacted], a place used for the purposes of human habitation, with intent to commit a crime, namely assault, and/or stealing therein, and at the time you were armed with spanners or similar objects.

You have also pleaded guilty to the second count that at the same place and time, whilst armed as described in count 1 and being in the company of other persons, stole an iPhone and Addidas sneakers from [name redacted] and immediately before, at and after stealing those items struck him repeatedly with a number of objects including a spanner and threw a mop at him in order to obtain the property and prevent resistance to the stealing.

Your date of birth is 16 February 2004, and at the time of your offending, you were aged 17. There were other males involved in your offending, they included offender W, born 10 October 2003, aged 17 at the time of the offending, and offender B, born 27 November 2002, aged 18 at the time of the offending. I will refer to them jointly as your co-offenders.

The complainant was a male born on 31 May 1997. At the time of this offending, he resided at an address in Moonah and was aged 24. The complainant did not know you or any of the other offenders.

On the evening of the 8 October 2021, the complainant was at his home. The complainant's housemate was also home in her bedroom. The complainant was downstairs sitting at a desk using his phone. He had a second phone, an iPhone, on charge next to him on the table.

On that evening, you, and your co-offenders were at offender B's address in Moonah. Whilst at that address, you consumed alcohol. You and offender B had a discussion about stealing a television and decided upon the complainant's address. At approximately 8.20pm, you, and your co-offenders went to the complainant's home. At that time you were in possession of a number of tools, including spanners.

From outside the complainant's home, you observed the complainant sitting downstairs at his desk. You entered through an unlocked door and went downstairs. You took the complainant's iPhone from the table and demanded the second phone that he had in his possession. The complainant was confused and asked what was going on.

You dragged the complainant to the ground, and you and one or more of your co-offenders started to hit the complainant to the head with the spanners and other tools you had brought with you.

The complainant was hit to the head approximately ten times with these weapons. At some point during the incident, the complainant hit offender B to the head with a cup. This caused two wounds for which offender B later sought medical attention. His wounds were glued shut.

The complainant told you all to leave his house and to give him back his iPhone. You, and your co-offenders ran upstairs, and the complainant followed. You picked up the complainant's mop and threw it at him, and that mop connected with the complainant's head. The complainant caught up to offender W and hit him to the head with the mug. The complainant detained offender W in the stairwell until police attended.

As you and offender B were fleeing, the complainant called out to his housemate and asked her to call the police. The complainant's iPhone and a pair of his Adidas shoes were stolen. The shoes were later located and returned to the complainant.

Ambulance Tasmania attended the complainant's home on the night of the offending and transported him to the Royal Hobart Hospital. As a result of the offending, the complainant suffered two wounds to his scalp. The first was a seven-centimetre laceration to the right anterior parietal region, which was one centimetre deep, and the second was a four-centimetre vertical laceration to the left posterior parietal region. The complainant required staples on both wounds. I viewed the photographs of the complainant's injuries.

Offender W was arrested on the night of the offending, and he was interviewed. He identified both you and offender B as having been involved in the offending. Offender W's matter was dealt with via a community conference with Tasmania Police for charges of aggravated robbery and aggravated burglary. He completed 20 hours of community service and provided an apology to the complainant.

At 12.25am on the 17 November 2021, offender B called the radio dispatch service. He was intoxicated and advised police he was involved in the incident. He was arrested and interviewed when sober. Offender B pleaded guilty to aggravated burglary and aggravated armed robbery.

On 6 March 2025, offender B was sentenced by her Honour Cuthbertson J, to a period of 18 months' imprisonment, wholly suspended for two years on the condition that he not commit any offence punishable by imprisonment. Her Honour also imposed a supervision order and made a compensation order in favour of the complainant in an amount to be assessed. I was provided with a copy of her Honour's comments on passing sentence.

You were arrested in relation to this and also an unrelated matter on 19 December 2024. You declined to participate in an interview with police. You were charged with these offences. You had your first appearance in the Youth Justice Division of the Hobart Magistrates Court on the 20 December 2024. You pleaded not guilty and were committed for trial to the Supreme Court, with your first directions hearing on 22 July 2025.

On 22 January 2026, the State received a proposal that you would plead guilty to an indictment comprising one count of aggravated armed robbery and one count of aggravated burglary, with

the assault becoming a particular of the aggravated armed robbery. This proposal was formally accepted by the State on 29 January 2026.

It is asserted, and I accept, that the accused is criminally responsible for his own acts and the acts of each of his co-offenders pursuant to s 4 of the *Criminal Code*.

Pursuant to s 68(1) of the *Sentencing Act*, the State seeks a compensation order in favour of the complainant in an amount to be assessed.

In respect of time in custody your counsel, upon sentencing submissions, accepted that there is no unallocated time. You are serving a sentence in relation to other matters.

For a youth you have an extensive criminal history. As a youth, you had relevant prior convictions, although no convictions were recorded for those matters. The relevant matters that predated your offending include six counts of trespass, four counts of stealing and two counts of destroying property. There were no convictions recorded, they were dealt with under the *Youth Justice Act*.

In February 2022, you were sentenced to a 12-month probation order in the Supreme Court for armed robbery. The armed robbery occurred on 13 December 2020. It involved you robbing your mother with a knife. The offending against your mother came before this offending, but you were sentenced for that offending after this offending occurred, for which I am to sentence you today.

Since the current offending, you have been convicted of other matters which, it is submitted by the State, goes to the need for specific deterrence. Your offending includes assault, attempted motor vehicle theft, aggravated burglary, stealing, common assault and aggravated assault with the use of a firearm. It was also pointed out that you have a poor record of compliance with court orders.

The State described your offending as "very serious". It involved going to the complainant's home whilst armed and confronting the complainant. It was done in company, whilst armed, it was pre-meditated and resulted in significant injuries to the complainant, he is very lucky that the consequences for him were not worse. I therefore accept the State's categorisation of this offending as "very serious".

Whilst there is no victim impact statement I infer that this would have been a terrifying experience for the complainant. The complainant, and his house mate, had the right to be, and feel, safe in their own home. At the time of this offending, you and your co-offenders were under the effect of alcohol.

I was told that you are currently in custody and due for release on 1 May 2026. At the date of sentencing submissions you had been incarcerated for a period of 265 days over three separate periods. At that date you had been continuously in custody since 30 July 2025.

You will be subject to a community correction order for a period of 12 months, to commence upon your release. I asked for a copy of that order.

I was told that you will be subject to a two month wholly suspended sentence on release, with an operative period of 18 months. Further, that the community correction order is tied to that

suspended sentence. It is a condition of your suspended term of imprisonment that you comply with the conditions of your community correction order.

In mitigation it was suggested that this is a particularly difficult sentencing exercise given your youth and that you were aged 17 at the time. Obviously, there has to be parity with the sentences meted out to your co-offenders. Unlike your co-offenders, you have a subsequent offending history which they did not. Specific deterrence has greater weight in your case.

Unlike offender W, who was arrested on the relevant date, and offender B, who effectively handed himself in, you were only apprehended following the gathering of forensic evidence and your arrest over three years after the commission of this offending. Your plea of guilty, as I say, came only after your arrest, and it was not an early plea. However, I acknowledge that your plea has a utilitarian value and I have taken that into account.

Whilst you have continued to offend since the matter for which I am sentencing you, I have to keep in mind the effect of any sentence I impose on you in the context of other sentencing dispositions to date. It might be observed that none of the sentences imposed to date appear to have dissuaded you from the commission of further offences.

I was told in mitigation that you experienced a dysfunctional childhood and how you were raised. You were born and raised in Southern Tasmania by your mother, you did not have any contact or relationship with your biological father until you were 14. Your parents had been separated up until that point. When they resumed their relationship, I am told you were exposed to your father's abusive behaviour towards your mother, and that he was severely drug affected, that he stole from your mother, and he physically abused her.

I understand as a teenager you felt unsafe at home, and that, despite your parents having resumed their relationship, you rejected any relationship with your biological father. You struggled to understand your mother's commitment to your father, and, I am told, that you have come to recognise the control your father had over your mother at this time, that she was the victim of significant family violence and that you came to understand her behaviour and choices in that context.

You have had considerable difficulty with alcohol, and illicit drugs, throughout your life. Your illicit substance use has been a predominant factor in your offending. You have had levels of support in the community before, and I am told at various times, excelled in the community, in that you have been abstinent from drugs and alcohol, engaged in employment, and had stable accommodation for periods of six to nine months at times.

It was acknowledged that it has been an unfortunate and recurrent theme that when something goes wrong, you have relapsed.

It was put that your offending can be traced back to the armed robbery you committed against your mother. In December 2020, at the age of 16, whilst you were experiencing a level of transience, you demanded money from your mother, who refused to provide it. You then demanded her medication, she again refused to provide it, and you then threatened her with a knife. I am told you regret that matter but you have to live with it. I understand that you and your mother have been able to repair your relationship, but nonetheless, you are ashamed of that particular conduct.

It is unclear how that attitude extends to, or embraces, the matters that I now have to sentence you for. It is unclear how your shame in respect of your conduct towards your mother works in the context of your preparedness to commit aggravated armed robberies against others in the community.

I understand at the relevant time you were living transiently, using drugs, spending time with pro-criminal associates, stealing items in order to fund your drug use, and often stealing items alongside other young offenders.

It was submitted that at that time you were in the midst of an escalating drug problem, disengaged from school, and in essence, had lost your way. You first experienced custodial detention at Ashley Youth Detention Centre in March 2021. When you were sentenced by Justice Jago for the crime against your mother, it was submitted to Justice Jago that the impact of some 11 days in custody had been salutary and that you were making good progress.

Experience obviously now shows that was not the case. These crimes for which I am sentencing you occurred some months later in late 2021. The difficulty with accepting that this offending is just a lapse in what has otherwise been a lengthy period of compliance is the nature of this offending, its circumstances and the disregard you showed for the complainant and his housemate.

It was conceded that you made an extremely poor, extremely dangerous decision in the circumstances to commit this offence. I am told you are deeply regretful of that. Not only because of the impact that it has had on the victim, but because you had otherwise been engaging in the community very positively, with school, with youth workers, repairing your relationship with your mother, not using alcohol or drugs.

It was also conceded that, ultimately, you have not been able to stop offending at this point, and that highlights the need for general and specific deterrence; and especially, specific deterrence in your case.

It was put that your offending on this occasion arose from socialising between the three of you who were involved in the offending, and drinking alcohol heavily, and ultimately, the aggravated armed robbery has effectively emerged out of a common purpose and intention to prosecute an unlawful purpose by entering the address with the intention of stealing therein. I was told that the confrontation with the complainant was not premeditated but it was, of course, a natural consequence of entering the complainant's home armed with the relevant intention to steal.

In late 2022, I was told that you were drawn back into a pro-offending peer group, spending time with them, and relapsed in relation to using illicit substances, and that eventually saw you spend a period of 24 days in custody in early 2023. That was the first time that you experienced detention in the Risdon Prison complex.

After being sentenced and released in late January 2023, you had a stable period engaging with an employment provider, and secured work ultimately without the assistance of the employment provider and started working at Tassal in Margate on a casual basis. Unfortunately, after six months or thereabouts, you were involved in a car accident which required hospitalisation. I am told you were unable to work for three months and lost your job as a result.

You then managed to obtain work for a waste management company and later at Ingham's chicken factory. You started working there in February 2024. At that time, you were living with a friend's grandparents in Midway Point in an independent unit under their house. You were also in a positive and supportive romantic relationship. I am told you were not using alcohol or drugs, and that you were coming to recognise the impact that drugs and alcohol had on you in influencing your behaviour and decision-making.

During the period from late January 2023 until late 2024, I am told you were quite stable in the community. Albeit, during that time you did commit an offence of common assault. But otherwise it is put that there was a lengthy period during which you complied with the law. Unfortunately, that stability did not last and you re-offended in December 2024 and there was further offending throughout 2025, which resulted in you being remanded in custody in late July 2025.

I am told that you are frustrated at where you are in life, and have reflected on what has led to you being sentenced to periods of custody. I am told you are disappointed in yourself and live your life with a lot of regret. Your mother has been in quite poor health, she suffered a brain aneurysm which required surgery. Her ill health is said to be of great concern to you. It is put that your intention on release is to support your mother, engage with the community correction order, and keep your head down and not re-offend. That would require abstinence from drugs and alcohol.

It was accepted that the Court should proceed to sentence you under the *Sentencing Act*, as opposed to the *Youth Justice Act*. It was submitted that the Court consider a wholly suspended sentence, in line with your adult co-accused, who received an 18 month wholly suspended term of imprisonment.

WJD, you are convicted on both counts on the indictment. Your offending must have occasioned significant fear and distress in the complainant and his housemate. Striking the complainant to the head with a weapon was a very violent act. Such actions demand a sentence reflecting the need for general and specific deterrence, particularly when the offender has a tendency to lapse in and out of pro-criminal peer groups.

A term of immediate imprisonment is necessary to express the need for general and specific deterrence, the question is what period if any, of that sentence should be suspended and how it might work with a community correction order?

I impose a single sentence to take effect at the end of your current sentence, which I understand gives an effective start date of 1 May 2026. I sentence you to 18 months' imprisonment, but I suspend the whole of that term for 18 months. I make the order suspending the whole of your sentence subject to the supervision of a probation officer under s 24(2) of the *Sentencing Act* in which regard I make the following community corrections order.

I make a community corrections order under s 42AN of the *Sentencing Act* to commence on your release, which I understand to be 1 May 2026 and operate for a period 18 months. That order will include all the core conditions under s 42AO of the *Sentencing Act*, which include:

- (1) You must not commit an offence punishable by imprisonment;

- (2) You must attend the Community Corrections office at Hobart for induction into this order during business hours and no later than 10:00am on the first business day following your release from custody;
- (3) You must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer, and comply with the reasonable and lawful directions of a probation officer or supervisor;
- (4) You must, during the operation period of this order, maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through that device at all times;
- (5) You must not leave or remain outside Tasmania without the permission of a probation officer;
- (6) You must notify a probation officer of any change of address or employment before or within two working days after the change.

The following special conditions under s 42AP of the *Sentencing Act* will also apply during the operational period of the order:

- (7) You must not, during the operational period of the order, take any illicit or prohibited substances. Illicit and prohibited substances include:
 - (a) any controlled drug as defined by the *Misuse of Drugs Act* 2001;
 - (b) any medication containing an opiate, benzodiazepine, bupropion, hydrochloride or pseudoephedrine, unless you provide written evidence from your medical professional that you have been prescribed the relevant medication;
- (8) You must not, during the operational period of the order, consume alcohol, and you must if directed to do so by a police officer or community corrections officer, submit to a breath test, urine test or other test for the presence of alcohol;
- (9) You must submit to testing for drug use as directed by the probation officer;
- (10) You must, during the operational period of the order, submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer, and you must attend and participate in and complete the EQUIPS Addiction Program as directed.

I spent some time considering whether I should suspend all or part of your sentence. In the end I have chosen to focus on the future and your youth, and your obvious need for rehabilitation. The effect of the order, which I make under s 24(2) of the *Sentencing Act*, is that the community corrections order works as a condition upon which the suspension of 18 months of your sentence rests. If you breach those conditions you may be brought back to the Court for re-sentencing and required to serve the term of imprisonment imposed today. By making these orders under s 24(2) I further acknowledge the seriousness of your offending.

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

It is to be hoped that your time in custody, coupled with a period of supervision in the community, will provide you with the services you need to turn your life around. Of course, whether it does or not is entirely a matter for you.