

STATE OF TASMANIA v KYE DAVID McLAUGHLIN
COMMENTS ON PASSING SENTENCE

27 MAY 2026
JAGO J

Kye David McLaughlin, you have pleaded guilty to one count of aggravated armed robbery. The crime was committed on 9 July 2022. You were 19 years of age at the time of the crime. You were in the company of a youth, whom I shall refer to as "T".

You and T placed an order with Domino's Pizza. You used a delivery address at which neither of you resided. The delivery address was around the corner from the unit where you were then staying.

At approximately 10pm, the female Domino's delivery driver, who was aged 18, made her way to the delivery address. She had the pizza order, together with a cash float bag containing approximately \$250. The complainant parked the car opposite the delivery address and proceeded to get out with the pizza delivery and the cash bag. You and T approached her. Both of you were wearing bandanas covering part of your faces and had hoods pulled up over your heads. You carried a metal cap gun and T had a knife, which resembled a kitchen knife. The two of you approached the driver's door. T said "*Hi, we are robbing you*". He told the complainant that he was hungry and wanted the food. At this point, you gestured with the firearm towards the complainant but did not point it directly at her. It was nevertheless close enough that she could have reached out and touched it. Given the stress and anxiety, the complainant would undoubtedly have been experiencing, and the fact that this was occurring at a time when it was dark, it is entirely feasible that the complainant believed the firearm was genuine.

The complainant placed the delivery bag on the ground and sat back in the driver's seat, initially retaining the float bag. T told the complainant that you wanted the money as well and pointed the knife towards her. The knife came within an arm's length of her. The complainant placed the float bag, containing the cash, on top of the delivery bag. You said words to the effect of "*I promise this won't happen to you again*". You and your accomplice picked up the delivery and float bags and ran from the scene.

The complainant drove away. She returned to her place of employment and reported the matter. Police were contacted. They attended and located the delivery and float bags inside a bin, situated near to the unit where you and T were staying. It was around the corner from where the delivery driver had parked. When police searched the unit, they found the main of the pizza delivery order and a metal cap gun, which you provided to the police.

You and T were arrested. T participated in a record of interview. Initially, he made no admissions but upon the interview concluding, he became emotional and admitted to committing the robbery. You participated in an interview with police. You denied any involvement in the robbery. You claimed that a person named Peter had come to the unit and at some point, he had brought the pizzas into the unit. Even when told that T had made admissions to committing the robbery, you maintained that you were not involved, telling police that you "*know for a fact, I never fucking left the house*". You claimed it was simply not possible for you to have committed the robbery.

As noted, you were 19 years of age at the time you committed this crime. You are now 24. You experienced a difficult upbringing. Your parents separated before you were born. You have never had a relationship with your biological father. You only ever met him once. He is

now deceased. During your childhood, your mother had a number of relationships. Consequently, you have several siblings and half-siblings. You had a reasonably positive relationship with your first stepfather, but your mother and stepfather frequently argued and on two occasions, you were removed from the family home by Child Safety Services. You found those interventions traumatic. Ultimately, you were returned to the family home. Your first stepfather left when you were aged approximately 10. Your relationship with your second stepfather was not as positive. He was violent towards your mother and also physically assaulted you on occasion.

You were also the victim of sexual abuse during your childhood. Your stepfather left you with a male friend who sexually abused you. You told your mother about this, and it was reported to the authorities, but the perpetrator committed suicide before charges were laid.

At one point, you moved with your mother to live in South Australia. By this point you were using cannabis, and your behaviour was challenging. You were before the youth court of South Australia for matters of dishonesty and property damage when you were 17. When you were 18, you were before the Magistrates Court in South Australia for two counts of common assault.

Whilst living in South Australia, one of your younger siblings died in an incident at Hillcrest Primary School. I am told you were traumatised by this and carry significant guilt because your own behaviours meant that you were not available to support your family.

You returned to Tasmania in 2022. It seems your drug use continued. Around the time of this crime, you were using cannabis, MDMA and methyl amphetamine on a regular and heavy basis.

Your drug use continued after the commission of this crime. You were convicted of an assault that occurred in November 2022 and also a number of matters involving dishonesty offending and breaches of bail in the Magistrates Court in April 2025. At that time, you were placed upon a 12-month Community Correction order. I have obtained a Community Correction report in respect to you. It indicates that your compliance with that order was far from satisfactory, but it seems a transient lifestyle and unstable living arrangements may have contributed to that. I am told that you would welcome the opportunity for further assistance from Community Corrections, particularly in respect to your drug use.

You have also recently formed a relationship with a young lady who is a positive influence upon you. She supports you. You are currently living with her and her mother. This has been the most stable accommodation that you have had since your return to Tasmania in 2022. She has assisted you in ensuring you attend Court as required and is encouraging you to address your drug use. I am told that you have stopped the use of methyl amphetamine and MDMA, but you are still finding ceasing cannabis to be challenging.

I note that your accomplice was sentenced as a youth. He was only 16 years at the time of the crime. You were three years older but could still appropriately be described as a young offender. Despite the fact that you were an adult and he was a youth, parity of sentence has some part to play here. There is no reason to distinguish between the two of you in terms of criminal responsibility. You are each liable for all of the criminal conduct, either as a principal or as a party to the other's actions. There is, however, an important distinguishing feature in my view. Your co-accused made admissions to police and pleaded guilty at a very early stage. He, therefore, received the full mitigatory benefit of an early plea of guilty. Conversely, your

plea of guilty was entered at a very late stage, only after the matter had been listed for trial and the complainant and witnesses had been fully briefed in anticipation of the trial proceeding.

This matter was committed to the Supreme Court in November 2023. Initially, you indicated through your counsel that the matter would resolve, but that did not eventuate. You then had a change of counsel and it was indicated that the matter would require a trial. In December 2025, the matter was flagged to be listed in the April 2026 trial grid, and it subsequently was. You indicated a plea of guilty only three working days prior to the date on which the trial was due to commence. Whilst your plea of guilty retains some value because the complainant has been saved the ordeal of having to give evidence, in my view the value to be attributed to it, is quite minimal, given the protracted history of this matter and the late plea. The mitigatory benefit of your plea of guilty is far less than that of your co-accused.

The crime of aggravated armed robbery is very serious and should generally lead to a sentence of imprisonment. This was not a spontaneous crime. You had planned to place the delivery order and provided the false address. You then prepared disguises, at least in the form of the bandanas and hooded jumpers. You armed yourself with weapons and used those weapons in an intentionally threatening, albeit I accept, not overtly violent, manner. The presence of weapons and your use of disguises would have added to the fear and anxiety felt by the complainant. Given the circumstances, it is unlikely that she would have been able to rationalise that the firearm was only a cap gun. She had no way of knowing what you or your co-accused might do, or what harm might be occasioned to her.

Your crime was committed against a person who was in a business which is an easy target. Pizza delivery drivers are, by the very nature of the work, often young people. They are entitled to the protection of the law. Whilst the value of the food and cash stolen might not be high, the seriousness of crimes like this arises principally because of the highly damaging effect that such crimes can have upon victims. People who are the victims of crimes of this nature are frequently traumatised and can often suffer long term psychological symptoms. This has happened here. I have received a victim impact statement from the complainant. She found the experience terrifying. She was unable to continue in her employment following the incident. Her schooling was affected. She was in Year 12 when the crime occurred and was unable to focus on her studies and her marks suffered, in what is an important school year. This impacted on her ability to pursue her intended university degree. She has experienced anxiety and panic attacks following this incident. She found the delay in having the matter finalised and the anticipation of the matter proceeding to a trial, a particularly difficult thing. She felt the long delay meant she could not move past the incident.

As noted, I have received a Community Corrections' report. It suggests that despite the compliance difficulties associated with the previous order, you are suitable for supervision. The report indicates you are making efforts towards stability and have shown some insight into the seriousness of your offending.

I think there is a sufficiently positive indication in the report to have some hope that your behaviour and attitude might be changing for the better. You have the support of a partner and you have stable accommodation. You are willing to receive assistance in terms of your alcohol and drug use, and your mental health challenges.

There is no question a crime as serious as this requires the imposition of a sentence of imprisonment. The question I have grappled with is whether it is appropriate to suspend some

or all of that period of imprisonment. Taking into account your progress and the positive supports you now have in place, I am satisfied that the term of imprisonment should be suspended, and you be given the opportunity to demonstrate that you are capable of becoming a law-abiding individual. To assist in that regard, I will also impose a Community Correction order. You should clearly understand, however, Mr McLaughlin, that this was a finely balanced determination. If you are foolish enough to breach the suspended term of imprisonment, then the likelihood is that you will be required to serve it.

I make the following orders. You are convicted of the crime of aggravated armed robbery. I impose a sentence of 14 months' imprisonment, wholly suspended on condition that you not commit any offence that could attract a term of imprisonment for a period of two years from today. Additionally, I impose a Community Correction order to be in place for a period of 18 months from today. For that operational period, you will be subject to the following conditions. Firstly, the statutory core conditions of a Community Correction order are imposed. Those conditions will be set out in a document that will be provided to you. I also impose the following special conditions:

- You must, during the operational period of the order, submit to the supervision of a probation officer as required by a probation officer.
- You must comply with directions regarding referrals to and compliance with alcohol and drug services.
- You must undergo assessment and treatment for alcohol and/or drug dependency if directed to do so by a probation officer.
- You must, for the duration of the operational period of the order, submit to medical, psychological or psychiatric assessment or treatment or counselling if directed to do so by a probation officer.
- You must, if directed to do so by a probation officer, attend, participate in and complete the EQUIPS Addiction Programme.
- You must, if directed to do so by a probation officer, attend, participate in and complete the EQUIPS Aggression Programme.

I direct that you report to Community Corrections, Glenorchy, by close of business tomorrow, Thursday, 28 May 2026.