

STATE OF TASMANIA v JMS
COMMENTS ON PASSING SENTENCE

3 JULY 2026
ESTCOURT J

The defendant is JMS, who was born on 17 January 2011. His co-accused is Seth Andrew Cooper-Hanfling, who was born on 23 May 2005. Both have been charged on different complaints with identical counts and particulars. First, is an aggravated armed robbery, contrary to s 240(4) of the *Criminal Code*. Second, is wounding, contrary to s 172 of the *Code*.

The defendant is currently exactly 15 years and three months old. On the date of the offending, which was 8 August 2025, he was 14 years and six months old. Aggravated armed robbery is a prescribed offence for a 14 to 16 year old under the *Youth Justice Act 1997*, which is why JMS is in this Court.

The defendant pleaded guilty to aggravated armed robbery on 11 March 2026. The complainant is Gurpreet Singh, who was born in 1996. He is a taxi driver. On 7 August 2025, he began his shift at about 10:30pm. On 8 August, at around 4:47am, the defendants used a payphone on Invermay Road to order a taxi pick up. The making of the calls captured on CCTV.

The complainant accepted the fare and picked up the defendants from outside the Invermay IGA at around 4:55am. There was some initial discussion about how they would pay for the fare and JMS made a phone call, arranged for someone to transfer \$15 to the complainant's bank account. He told the complainant that someone else had a taxi subsidy card and would pay the remaining fare on arrival. JMS got into the rear passenger seat and his co-accused got into the front passenger seat of the taxi and the complainant began driving towards Rocherlea.

A short time later they arrived at Rocherlea and began waiting for someone to arrive to pay the remaining \$8.20. The co-accused in the front seat told the complainant he "needed to have a pee" and both out of the taxi. A few minutes later they asked the complainant if they could wait in the car because it was cold outside. They got back in, but left the doors open. Shortly afterwards, they both got out again for about 20 seconds before getting back into the taxi. Another minute passed and the co-accused in the front seat said to the complainant, words to the effect of, "give me everything you've got". The complainant looked up to see the defendant and the co-accused were both holding knives. He described the knife held by the co-accused as about 30 centimetres long and looked like stainless steel. The co-accused was holding the knife in his left hand. The complainant described the knife held by the defendant as looking more like a pocket knife with a very short blade.

From the rear passenger seat, the defendant leaned forward and stabbed the complainant to his left shoulder. The complainant reached into his jacket pocket to take out cash and handed it to the co-accused. As he was doing so, either the defendant or the co-accused stabbed the complainant again to the back of his left upper arm. The co-accused the complainant where his wallet was? The complainant told him that he did not carry a wallet but had a little more cash in his pocket. He took out more cash and gave it to the co-accused. The complainant estimated it was about \$350 to \$400.

As the defendant was handling the money, the complainant realised that they were both standing outside the car and not leaning in through the open doors, so he took the chance to drive away and pressed the panic button in his taxi. This alerted the taxi base station, who contacted police and ambulance.

The State asserts that both the defendant and the co-accused as joint principals in the commission of the aggravated armed robbery. With respect as to who actually inflicted each stab wound, the State asserts that the defendant inflicted the first stab wound to the complainant's shoulder, which is captured on CCTV. The State does not seek to prove who caused the second stab wound to the complainant's upper arm, but asserts that the defendant is criminally responsible for it on the basis that it occurred in the prosecution of a common purpose, that being to rob the complainant.

This incident occurred while the complainant was at work. Since then, he has experienced serious emotional and physical difficulties. Emotionally, he often feels very low, distressed and on edge. He has lost interest in things he used to enjoy and frequently feels drained of energy. At times he feels emotionally numb. He has returned to work, however, he is only able to do modified duties and cannot return to his pre-injury role. He now only services trusted private clients and has ceased working with the general public. This has resulted in a reduction of his income of approximately \$1,000 to \$2,000 per week.

The defendant comes before the Court with no prior sentencing orders pre-dating the commission of this offence. His prior record is limited to a single sentence imposed in February 2026 in respect to a number of dishonesty related offences and a minor drug offence. The defendant was sentenced to a 12 months release and adjourn order, pursuant to s 47(1)D of the *Youth Justice Act* in respect of all matters but for the three stealing with force offences. In respect of those matters, he was sentenced on a global basis and was ordered to complete 40 hours of community service.

The defendant is 15 years of age, as I have said, but 14 at the time of the offending. The pre-sentence report with which I have been provided, outlines his personal circumstances in detail. He was born to the union of [name redacted] and [name redacted], who separated when the defendant was approximately one. The defendant is currently in his father's full time care and custody. He resides with his father, step-mother and step-siblings.

Unfortunately, he has experienced extreme trauma through periods of his life and has been subject to profound childhood deprivation. In his formative years and through other periods of his childhood, he has been exposed to parental drug use, maternal mental health challenges, including self-harm behaviour, family violence, physical abuse, early childhood exposure to violence and sexual content in gaming and audio visual entertainment, and housing instability. He was the subject of various care and protection orders commencing from 2012 with notifications commencing even before he was born.

At the time of the offending, the defendant was living in an unstable environment. He was disengaged with school. He had ceased living with his father, who was and still is his sole custodial parent. The defendant was residing with his mother throughout this time, and she was unstable in her own right. He instructs that his mother was a direct influence on his offending behaviour generally during this period. He instructs that some of the offences he has committed, represented in his prior criminal history, were committed at his mother's direction, or under her influence.

In the pre-sentence report and in Dr O'Donnell's psychiatric report, with which I have been provided, it is reported that the defendant has a history of substance abuse and alcohol misuse. He has reported that between January and September 2025, he has been drinking alcohol every

day and was using a number of illicit substances. His misuse of illicit drugs was to the extent that he required hospitalisation throughout 2025, including an overdose of Fentanyl.

He has a maturing insight into his past drug use, I am told, and has recognised the harm that this was causing to him and his decision making. He has ceased all alcohol and illicit drug use, except for the use of nicotine vapes, a habit upon which he is working to cease. This is consistent with what is reported in the pre-sentence report and the psychiatric report, likewise, his abstinence from illicit drugs and alcohol. His engagement with Ms Veronica Young of the Hive, is encouraging. She provides the defendant with drug and alcohol counselling.

The defendant is currently 15 years of age and, therefore, the Court is limited in sentencing him to up to 70 hours of community service, the remainder of the amount to which he could be sentenced. He was sentenced to 40 hours of community service on 3 February 2026. At the time of the pre-sentence report in March 2026, he had completed 21 of those hours. Since that time, he had completed all of his required community service hours and therefore all 70 hours are back, available to the Court, pursuant to s 72(a)A of the Act.

The defendant has been assessed as at high risk of re-offending, although this assessment may be different, I am told, if he was assessed based on his circumstances as they are today, noting the significant, positive change in his circumstances and demonstrated change in his behaviour. The recommendation by Youth Justice in the pre-sentence report, has been made in recognition of the defendant's age and limited prior history, his background and upbringing, and diagnosed conditions. Further, it notes that he has the ongoing support of his family, he is well engaged with education, he has accepted responsibility and expressed remorse for his behaviour. He has a good understanding and insight into the terms of the impact of that behaviour on his victim. Likewise, he has made a concerted effort to distance himself from anti-social friends.

The defendant has otherwise been assessed as suitable for a Youth Justice Community Service Order. He is able and willing to comply with those orders, as has already been demonstrated. In all of the circumstances, the defendant is sentenced pursuant to s 47(1)D of the *Youth Justices Act* to an order, which will contain all the core statutory conditions with a further special condition that he submit to the supervision of a Youth Justice worker, for a period of 12 months. In addition, I make an order pursuant to s 69 of the *Youth Justice Act*, the condition of which will be that the defendant completes 70 hours of community service. Given the defendant's age at the time of the offence, it is not appropriate to impose a conviction, particularly in the light of his prior record.