

ZHPW has pleaded guilty to a number of crimes committed with Jahiem Michael Robert John Brener.

First of all, he pleaded guilty to aggravated burglary, stealing and arson committed on 27 September 2024.

Master W and Mr Brener and a third person, aged 12, entered a house at Conrad Drive in Otago and stole three PlayStations, two computer monitors, one motorbike helmet and jacket, and jewellery. You helped Mr Brener take that property. Afterwards, you all went outside and Mr Brener set fire to a motorbike which was next to a studio. The fire spread to the studio and the building was destroyed.

You did not intend for the building to catch fire, but you did intend that Mr Brener would set fire to the bike and there was a real risk that the building would catch on fire. You were aware of that risk at the time Mr Brenner set fire to the bike.

The neighbour saw the fire and called the fire brigade. The fire officers put the fire out, but the building was destroyed.

The owner's son lived in the studio and all his belongings were completely destroyed. The estimated total amount of damage to the building and the loss of the destroyed property was approximately \$100,000. I have a victim impact statement, which tells me about the impact of the crimes committed on the owners of the property. Understandably, the crimes have caused them a lot of upset and stress. Some of the property was not covered by insurance. The son who lived in the studio has had to rent somewhere to live and that has been a really big expense for him. Worst of all, their son could easily have been asleep in the studio at the time, and not woken up. The thought that he could have died in the fire has been extremely distressing for the family. These crimes are very serious, Master W, and I am sure you understand that.

About 14 days later, you and Mr Brener committed another arson involving a shed at a different property in Conrad Drive. Mr Brener set fire to it, you were there, you knew what he was doing and you intended that it should catch on fire. The owner was in his carport at the time and saw Mr Brener, who told him his shed was on fire. The owner went to his shed and saw it was in flames and called 000. He tried to put out the fire with a garden hose and then the fire brigade arrived. They put out the fire, but the shed and the contents were destroyed. The total amount of damage caused was about \$15,000.

The owner of the shed has provided a victim impact statement. He said what happened was very unexpected and he has been worried with thoughts about injury to his family or damage to his house. He felt sad that people would want to damage his property. Some of the items that were destroyed in the fire cannot be replaced. He is a kind man and says that he hopes the young people who did this, make changes for the better and find a hobby or work they enjoy. In fact, he has a message for you. It is a kind message. It is "I believe there are good people out there" and he says to you, "let them help you. Good luck."

That same day, you and Mr Brener committed the crime of aggravated armed robbery. The two of you and the 12 year old person were on Pirie Street in New Town, near the New Town

Plaza Shopping Centre. Samundra Rimal was riding his e-scooter along the street. Mr Brener was on a push-bike while you and the 12 year old person were walking. The group of you approached Mr Rimal, you were right behind Mr Brener. Mr Brener asked Mr Rimal if he could have his scooter. Mr Rimal refused, he said "no". Mr Brener then removed a knife from his clothing and tried to take hold of the scooter and demanded that Mr Rimal give it to him. You were close by and wanting Mr Brener to steal the scooter. You knew Mr Brener had a knife. You both intended that Mr Brener steal the scooter. You are responsible for this crime because it was a probable consequence that Mr Brener would use the knife to threaten Mr Rimal so he would hand the scooter over to Mr Brener. I accept that while you are guilty for being involved and having that intention, you did not do anything yourself to help Mr Brener commit this crime.

Mr Rimal said he would call the police, and Mr Brener responded by saying several times, "if you call the police, I will stab you". Mr Rimal dropped the scooter and ran away. Mr Brener picked up the scooter and the three of you then rode to the shopping centre, riding it into the carpark and then in to and out of the store.

The final crime was attempted aggravated armed robbery. The same group of you, Mr Brener, and the other youth, were walking along the bike track towards the northern suburbs. Mr Biki Das was walking towards your group. He had his head down, looking at his phone. He looked up and saw Mr Brener standing in front of him. Mr Brener tried to grab his phone. You and the other young person were standing behind Mr Brener. Mr Das managed to avoid Mr Brener by moving around him and he tried to keep walking, but you and the other young person blocked his path. He managed to nudge past the other young person. Mr Das turned around to see Mr Brener holding a knife in the air, gesturing towards Mr Das and saying, "give me your bag or I will kill you".

Mr Das turned around and tried to walk away but you were holding a knife out as well. You said to Mr Das, "trying to run, are you?". Mr Das started to run along the bike track. He ran approximately 30 metres before Mr Brener caught up to him and pushed him in the back, causing him to fall to the ground. Then both you and Mr Brener were standing over him, both of you holding a knife. Mr Das said he did not have anything in his bag. One of you said he was to give the two of you whatever was inside. Mr Das quickly got up and ran along the bike track and onto Lampton Avenue, and when he arrived home, he called the police. Meanwhile, the three of you left the area.

Your lawyer has told me that you a big part of the reason why you pulled out a knife and got involved was because you were upset that he nudged past your 12 year old friend. Well, Master W, that is just no excuse at all. The poor man was trying to get away from Mr Brener. He was very frightened and Mr Brenner was trying to steal his phone.

You and Mr Brener were found by police that evening and both of you went to an address in Conrad Drive with the police. It was Mr Brener's home, but you were spending a lot of time there. Police officers searched the house and found some of the stolen jewellery. Police officers found out from Cash Converters that on 28 September 2024, Mr Brener sold a PlayStation and one computer monitor for \$80. Police took your mobile phone and you gave them your PIN code, so you co-operated with police. They found a video of the first fire and a video days later of the burnt area. Police also found messages about selling a PlayStation on your phone.

You were interviewed by police in the presence of your parents. You admitted to police some of what you had done but did not tell the police the truth about everything that you did.

You were 15 years of age at the time. You are 17 years of age now, you will be 18 in November. You have a court outcome from September last year for destroy property and recklessly throwing a missile, a rock, to the danger of another person. Those two offences were both committed on 8 October 2024, in the same time period that you committed the crimes that we have before the Court today. On 2 September last year, the Court released you without conviction on condition that you be of good behaviour for 12 months. I note you have not breached that condition. You have not committed any further offences since that date, and that is a good indication that your situation and attitude have changed for the better.

In deciding on the sentence, I must take into account your background. You have a caring and supportive family, and you have grown up in a stable environment. As a child, you had to deal with a lot of challenges. You have Attention Deficit Hyperactivity Disorder, which meant that school was difficult. You stopped going to school completely in grade 7 when you were 13 years of age. One reason for that was that you were severely bullied at school, and also outside school. You cannot yet read or write, but there is still good time to learn.

I also take into account what was happening in your life at the time you committed these crimes with Mr Brener. You were not going to school and things were hard at home at that time because of your father's medical condition and that was worrying you a lot. As well, you had broken up with the girlfriend you had at the time. You were spending a lot of time with Mr Brener at his house and staying there. The friendship was a bad situation. You were both unsupervised, you were bored, nothing to do, not going to school and consuming cannabis together. I understand that your ADHD symptoms were difficult and there were problems with different medications. Unfortunately, you had been taking cannabis to try and deal with those symptoms. When you were spending time with Mr Brener and staying at his place, that cannabis use increased, you were subject to bad peer influence, and the three of you engaged in criminal behaviour. So, a really negative situation for you to be in.

Your situation has improved a great deal since then. There are some really good signs about your attitude. You spent one night in custody and you were released on bail in October 2024, almost two years ago. You having been living at home for some of that time on really strict conditions. You have complied with those conditions.

You are receiving assessment and treatment from a multi-disciplinary team with Child and Youth Mental Health Services. You are taking medication now for ADHD. You are seeing a paediatrician. You have been assessed by Dr David Tuck, senior clinical psychologist, and diagnosed with Mild Intellectual Development Disorder. You also have anxiety and depressive symptoms and have been diagnosed with complex Post-Traumatic Stress Disorder and are receiving treatment and support. The trauma included witnessing your father experience severe medical complications from his medical condition.

You have stopped taking cannabis. Child and Youth Mental Health Services will provide support if needed in relation to substance use. I note that you feel that some of the cannabis you took was contaminated with another drug and that affected your behaviour. If you take an illegal drug, cannabis, you do not know what is in it, which is a good reason not to consume

cannabis. There are other reasons you should not consume cannabis. Cannabis is harmful for your brain and harmful for your mental health.

You have a lot to deal with right now. I note that you have been stressed about these Court proceedings. I take into account that you have pleaded guilty. You have accepted responsibility. You have a medical condition called familial adenomatous polyposis. You are going to have surgery in about the next three months.

You have not been involved in any offending now for almost two years. When the pre-sentence report was prepared, your mother was asked how you were going and she told Youth Justice that your behaviour is positive, you are understanding the seriousness of what you did wrong, and that you are rebuilding family relationships.

I note that for some of the time that you have been on bail you were employed as a painter but there was a traumatic accident at work, which you witnessed. So, you are not working as a painter now and you are focussing on your mental health, which is important. You are spending time helping your father with vehicle maintenance which is good experience. In the future, you want to obtain employment as a mechanic. You are also avoiding people who are a bad influence on your life. Another positive factor.

In terms of your attitude, I am told that you are very sorry for what you did. You have said that you "hate" what you did and you appreciate the fear and worry that you caused the victims and you wished that you had tried to stop the crimes being committed.

You understand that what you did had a bad effect on the victims, but also your family, particularly your grandfather. You are trying to make up for your crimes by doing the right thing.

In the future, if it is possible, you would like to live with your auntie at White Beach and go to college at Sorell.

I am going to refer to Dr O'Donnell's report and legal issues that are relevant.

Dr O'Donnell has provided a report of 3 August 2026, in which she states that your mental health conditions of neurodevelopmental disorders (mild intellectual disability and ADHD), in addition to complex Post-Traumatic Stress Disorder, impaired your ability to exercise appropriate judgment and to make calm and rational choices, or to think clearly, and obscured the intent to commit the offence. Your intellectual functioning is extremely low compared to your peers. You are regarded by Dr O'Donnell as socially vulnerable to exploitation, also relevant to your ability to exercise appropriate judgment.

Dr O'Donnell has the opinion that you have heightened risk factors for mental health deterioration.

I turn now to summarise the situation. These are very serious crimes. Setting fire to buildings is very dangerous. Robbing people is serious. Robbing people with knives is especially serious and adds real danger. Someone could easily panic in that situation which could result in someone being badly injured or worse. You understand that very well. You were young and influenced by someone older than you. The offending was not your idea and you did much less than Mr Brener. But you should not have got involved.

The fact you understand that is very important. You have been trying hard ever since you were released on bail - almost two years ago. You have kept away from negative influences. You are very sorry for what you have done, and you have good plans for your future. You have been co-operative with community-based intervention, and your family are supporting this intervention and your efforts.

As one of the victims said, you have good people to help you. I can see that you are letting them help you and you are working with them.

Because of all of these positive factors, I am satisfied that a suspended detention order is appropriate.

You are sentenced under the *Youth Justice Act* 1997, not under the adult *Sentencing Act*. I impose a sentence of 16 months' detention as a total sentence for all of your offending. The whole of that sentence is suspended for 18 months starting from today.

That period is subject to conditions that:

- you must not commit another offence, which if committed by an adult could be punishable by imprisonment.
- You are subject to supervision from Youth Justice.
- You must report to Youth Justice at St Johns Park New Town by 5pm this Friday.
- You must report to your youth justice worker as required by the youth justice worker and comply with all other conditions set out in the *Youth Justice Act*.

Youth Justice will work with you and your family and other supports to develop a community case plan for you.

You are suitable for community service hours. I require you to perform 70 hours of community service, within 12 months.

I do not record convictions. That will help you in the future with finding employment. You can say at a job interview: I have no convictions.

If you do not commit any further offences for 18 months from today, then you do not have to serve the time in detention. The sentence is telling you these crimes are serious, you could have gone to Ashely for 16 months. The sentence is also telling you that because of all the efforts you have been making you deserve a second chance. You have not offended now for almost two years. I am sure you can keep going. You are on the right track. Keep up the good work.

Pursuant to s 68(1) of the *Sentencing Act* 1997, I make compensation orders in favour of Shaun and Elena Thayer, Jacob Thayer, Rolf Barnes, Samundra Rimal and Biki Das, the victims. The applications are adjourned sine die for assessment.