

N.B. Copyright in this transcript is the property of the Crown. If this transcript is copied without the authority of the Attorney-General of the Northern Territory, proceedings for infringement will be taken.

THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 22427838

THE KING

and

PH

(Sentence)

GRANT CJ

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON THURSDAY 14 MAY 2026

Transcribed by:
EPIQ

HIS HONOUR: PH, you have pleaded guilty to the offence of aggravated robbery, contrary to s 218 of the *Criminal Code*. The circumstances of aggravation were that you were in company with three co-offenders and that you and one of your co-offenders were armed with machetes while you were committing the offence. The maximum penalty for that crime, with those aggravating circumstances, is life imprisonment.

The facts of the offending can be summarised as follows.

You were 17 years old at the time. The victim was a 28-year-old service station attendant. In the early hours of 16 September 2024, you and your co-offenders entered that service station with the obvious intention of robbing it. You and one of your co-offenders were carrying black machetes. You approached the cash register. You pointed the machete you were carrying at the victim and you threatened to "cut him" unless he gave you money.

As this was happening, one of your co-offenders threw a full soft drink bottle at the Perspex screen dividing the service counter from the public area of the service station. I should just pause there to note that the reason there was a Perspex screen installed is because robberies like this one are so prevalent in the Northern Territory community that screens are necessary to protect vulnerable workers. That is a disgrace.

The co-offender who was holding the machete then also tried to breach the Perspex screen. When he was unable to do that, the first co-offender threw another bottle at the screen and kicked it on no fewer than five occasions in a further attempt to breach it. As that was happening, the third co-offender stole a number of items from the fridges and left the store. You and the other co-offenders left shortly after that.

You were located and arrested the following afternoon. You were granted bail on 19 September 2024, meaning that at that particular point in time you spent three days in custody referable to this offending.

Only two months after your release on bail, you went on to commit the further offences of burglary and property damage on 21 November 2024. By that time, you had turned 18 years of age. You were arrested on the same day you committed those further offences.

On 22 November 2024, the Local Court dealt with you for those offences you had committed as an adult and sentenced you without conviction to a Community Correction Order. That, unfortunately, did not have corrective effect. At the same time, you were sentenced by the Youth Justice Court for the offences of aggravated burglary, theft and property damage which you had committed on 8 September 2024, prior to the offending I am dealing with here today. In fact, those offences were committed a little more than a week before you committed the aggravated robbery for which you now stand to be sentenced. For those offences, you were sentenced to a good behaviour order without conviction.

It appears that you were initially remanded after the imposition of those non-custodial sentences on 22 November 2024, presumably with reference to the current charge. You were then granted further bail on 28 November 2024, which means that you spent a total of eight days in custody as a result of those various circumstances.

You were then arrested on 3 October 2025 for a breach of bail and granted further bail on 7 October 2025.

You obviously learnt nothing from those previous interactions with the justice system, because on 8 February this year you went on to commit the offences of property damage and going armed with an offensive weapon. That last charge is particularly concerning given the nature of this robbery and the fact that you were armed with a machete during the course of this robbery.

On 10 February 2026, you were dealt with by the Local Court for those offences and sentenced to 2 months' imprisonment which was suspended forthwith. In other words, you served only three days in respect of those offences.

You were then arrested on allegations of further offending about a week later, on 18 February 2026. As a result of that incident, you have been charged, as I understand it, with aggravated assault, contravention of a domestic violence order and breach of bail. You have been remanded in custody since the date of your arrest on 18 February 2026.

I am told that those matters were last before the Local Court two days ago on 12 May 2026 and that at that time the matter was adjourned to 15 May 2026, prospectively for a bail application. I am told that you will be pleading guilty to those further offences and that it is only a matter of negotiating the facts.

During the various periods you have been on bail since committing this robbery offence you have breached the conditions of your bail on 9 May 2025, 17 December 2025 and 20 January 2026. On 30 January 2026, you were convicted by the Local Court and fined for those breaches.

To this point in time, you have spent approximately three months in custody since you committed the offence I am dealing with here today, although that period of custody is not referable solely to this offending.

Although those subsequent convictions and findings of guilt do not operate as prior convictions in the technical sense, they do show me for these purposes that your character and your behavioural regulation is very poor at this relatively early stage of your life and that personal deterrence is an important sentencing purpose in this exercise.

As the Crown has submitted, this was very serious conduct. You and one of your co-offenders were in possession of machetes, which are a particularly wicked

and dangerous weapon. You were in company with three others and the victim was alone and vulnerable. You threatened violence towards the victim and the incident itself involved a number of acts of violent conduct. As this court has frequently observed, it is important to recognise that the sentences which are imposed for this type of offending must operate as a deterrent to both you and other would-be offenders, and they must provide protection to those working in vulnerable positions such as service station attendants and taxi drivers who are so often the victims of this type offending.

Ranged against that, the offending was unsophisticated in nature. It did not involve any direct application of force to the victim. The value of the goods stolen was low in relative terms and the incident did not take place over any extended duration. Those features of the offending are not mitigating, but they do assist in the assessment of objective seriousness.

It is very difficult to characterise this offending as “childlike” in nature when it involved the use of machetes and obvious premeditation of a sort. In my assessment, this offending falls within the mid-range of objective seriousness because of the use of machetes and its brazen nature.

Of course, this type of unregulated behaviour and violent offending does not take place in a vacuum. I accept the defence submission that your life to date has been blighted by a degree of disadvantage and neglect.

I am told that you were raised in the Bulman community, which forms part of your mother's country. You also have connections to Jabiru and an outstation there through your father. You were raised at Bulman/Weemol largely by your maternal grandparents and an aunty. Sadly, your childhood was marred to a degree by housing instability, domestic violence and alcohol abuse. You were the subject of a number of child protection notifications between 2006 and 2024. Four of those notifications, I am told, proceeded to investigation. The first recorded investigation was in relation to the possible sexual assault of you by another child when you were 5 years of age, but that matter was not ultimately pursued by police.

These disadvantages are reflected in the fact that your school attendance over the years has fluctuated quite wildly between 20 percent and 75 percent. You attended various schools in Bulman, Barunga and Darwin over the course of your education. It seems that you discontinued any engagement with formal education in 2021 at year 9 level. There is some tabular reference in the Department of Education documents which contains the bare suggestion that you have some form of cognitive disability. However, there is nothing in the records from the Department of Children and Families or anything else before this court which bears out any proper basis for that suggestion.

Despite the various difficulties that I have described, there were aspects of your childhood which you very much enjoyed, particularly engaging in the traditional activities of hunting and fishing. Your upbringing was not unremittingly bleak.

Although you had no criminal history at the time you committed this offence, you have since been subject to a number of sentences in both the Youth Justice Court and the Local Court. Those sentences have all been designed to enhance your prospects of rehabilitation and allow you to demonstrate to the community and, incidentally, demonstrate to this court that you are capable of rehabilitation. In fashioning those sentences, both the Youth Justice Court and the Local Court have elevated the purpose of rehabilitation well above the other sentencing purposes of punishment, denunciation and deterrence. Unfortunately, PH, you do not seem to have learnt from those previous lenient dispositions, because you have committed two further episodes of offending involving violent conduct relatively close together in February this year. It would not appear that that leniency and those efforts to promote rehabilitation have made you improve your conduct at all.

Those matters obviously give rise to some concerns about your prospects of rehabilitation, notwithstanding your still relatively young age. The concerns in this respect are heightened by the fact that since you have been incarcerated on this most recent occasion, you have been found in possession of a weapon fashioned from a sharpened toothbrush. That does not sound to me like a man who has determined to distance himself from any sort of violent behaviours going into the future.

While I accept that your upbringing has been difficult and disadvantaged in the ways and respects I have described, and that that has some mitigating effect, it does not make you an inappropriate vehicle for personal deterrence and it does not absolve you of responsibility for what you have done. What it does is moderate the level of moral culpability that can be attributed to you.

As I have already said, the offence of robbery is depressingly common in the Northern Territory community. It is also the type of offending which causes particular disquiet in the community. It is all very well to say that allowance must be made for immaturity and poor impulse control, but there is also a very strong imperative that young offenders are held accountable for their conduct. That was recognised by the Court of Criminal Appeal in *R v Stokes*, which is cited by your barrister in his submissions. In that case, the court noted that severe punishment was required for those who commit armed robbery, even youthful offenders. That is because it is a crime where there is less room for the ameliorating effect of subjective factors to be considered by the court. A sentence involving detention is by far the most common disposition in cases of armed robbery, even where the offender is a youth. That is because, as I have said, youths have to be made aware of their obligations under the law and made aware of the consequences of contravening the law in a such serious fashion.

Having regard to the objective seriousness of the offending in this case, a sentence to detention, now imprisonment, is clearly required. I am going to be dealing with this matter under the provisions of the *Sentencing Act* rather than the *Youth Justice Act* given the seriousness of the offence, your use of a bladed weapon, the fact that you are now a 19-year-old man who has been dealt with in the adult courts on a number of occasions and that you are incarcerated in an adult

prison at the present time. There is also no appropriate disposition available under the *Youth Justice Act* which is unavailable under the *Sentencing Act* in this case. The two exceptions to that are that I will be deploying the *Youth Justice Act* to avoid the mandatory sentencing requirements in s 78B of the *Sentencing Act* and in the determination of whether or not a conviction should be imposed for this offending.

I have ordered an assessment of your suitability for supervision on an order suspending sentence. While that assessment notes your history of offending, as I have attempted to describe in these remarks, it does assess you as suitable for supervision subject to various conditions and on the understanding that you will return to live in Bulman. I understand that those conditions have been explained to you by both Community Corrections and your legal representatives, and you have indicated a willingness to comply with them if you take the benefit of an order suspending sentence.

I do have residual concerns about your ability and your willingness to comply with the conditions of an order suspending sentence. That is because you have demonstrated what I would characterise as a repeated failure to comply with conditional release orders in the past, including bail and good behaviour orders. I also do necessarily accept that residence in Bulman will remove or quarantine you from criminogenic influences. However, I also do not consider that you have reached the point at this stage in your life where you have lost any entitlement or claim to an order suspending sentence such that a non-parole period must be fixed.

The Crown accepts that you have indicated a plea of guilty at an early stage, and you will be given an appropriate discount for your willingness to accept criminal responsibility and to facilitate the course of justice. However, I am unable to accept on the state of the evidence that you are genuinely remorseful for your conduct. Not only is there no direct evidence to that effect beyond the bare plea of guilty in response to a very strong Crown case, but such a finding would be, in my assessment, entirely at odds with your conduct for the last 18 months.

I will also be recording a conviction for this offence for much the same reasons as I am sentencing you under the adult legislation rather than the youth justice legislation. Given the nature of this offending and your reoffending after previous non-conviction dispositions, I consider that a conviction is required to formally indicate censure for your conduct on this occasion. In making that determination, I do not consider that the recording of a conviction will have any particular deterrent effect on you, but I am also unable to see that it will have any negative or deleterious impact on your future prospects in the labour market or otherwise. Quite apart from anything else, you already have convictions for going armed with an offensive weapon, property damage and two breaches of bail.

Having regard to those matters, PH, please stand up while I sentence you.

I make the following orders.

- 1) The offender is convicted of the offence charged by indictment dated 5 May 2026.
- 2) The offender is sentenced to imprisonment for 18 months, which is backdated to 1 February 2026.
- 3) That sentence to imprisonment is suspended after the offender has served 6 months, subject to supervision by Community Corrections for a period of 12 months following release on the conditions set out in the assessment of offender suitability for supervision, dated 11 May 2026.
- 4) An operational period of 12 months following release is fixed for the purposes of ss 40(6) and 43 of the *Sentencing Act*.

Is there anything arising out of that, Mr Bodel?

MR BODEL: No, your Honour.

HIS HONOUR: Mr Goldsbrough-Reardon.

All right. Thank you very much for your attendance and your assistance in the matter, counsel.

Adjourn the court, please.
