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THE SUPREME COURT OF
THE NORTHERN TERRITORY

SCC 22549958

THE KING

and

WM

(Sentence)

BURNS J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON WEDNESDAY 13 MAY 2026

Transcribed by:
EPIQ

HIS HONOUR: WM, on 27 April 2026, you entered a plea of guilty to the following charge.

Count 1 on the indictment, a charge that on 8 October 2025 at Darwin in the Northern Territory of Australia, you committed the offence of theft and used force on a person who I will refer to as GZ when committing the offence and immediately after the offence, with the intention of committing the offence, escaping from the scene of the offence.

The robbery involved the following circumstance of aggravation, namely that you were in company with TE and that you and TE had possession of offensive weapons, namely knives, when committing the offence. An agreed statement of facts was tendered at your sentence hearing.

At 12:40 am on the morning of 8 October 2025, you and your co-offender attended the BP service station in Wishart, with the intention of entering and stealing from within. At the time of entering the service station, you were both carrying knives concealed within your clothing.

Upon entering the store, you both wandered the aisles. Your co-offender collected two bottles of water and placed those on the counter. You began communicating with the staff member, GZ, and asked him for cigarettes.

As GZ opened the cigarette drawer, you immediately jumped the front counter and produced a large knife from the waistband of your shorts, which you held towards GZ in a threatening manner.

Your co-offender also jumped the counter, producing a large knife and held it towards GZ, who began retreating, with both you and your co-offender advancing on him, holding the knives in a threatening manner.

Whilst GZ retreated towards the kitchen area, you initially entered the staff office space whilst your co-offender began searching through the cigarette drawer, removing multiple packets of cigarettes. After having a brief look through the office, you walked into the kitchen, located GZ and then whilst holding him at knifepoint demanded that he hand over the keys to his car.

Whilst still holding the knife, you then forced GZ to take you to where the car keys were kept. GZ subsequently complied with this request and took you to where he had his car keys stored and handed them over.

Following this, you returned to the front counter, where you and your co-offender removed multiple packets of cigarettes and then opened two tills, where you removed a quantity of cash. In total, approximately ten packets of cigarettes were stolen and around \$1000 in Australian currency.

Following this, you and your co-offender exited the service station and entered the car park area, where you used the keys to unlock a white Toyota Yaris which

belonged to GZ. Whilst running to the vehicle, your co-offender dropped a quantity of cash on the ground, which he stopped to pick up before running over to the vehicle to join you as you had just entered the driver's seat.

You are subsequently alleged to have committed further offences. They are not before this court and are before the Youth Justice Court. I ignore those charges for present purposes.

At the time of this offending, you were 15 years old and your co-offender, TE, was 16.

I received a victim impact statement from GZ. He acknowledges that he did not suffer any physical harm during this offending but he suffered stress, nervousness and anxiety afterwards. He still gets headaches and his body shakes when he thinks about the offence. He suffered financial loss as a result of your actions. The victim continues to feel unsafe at work and generally.

You did not give evidence at your sentence hearing but your lawyer provided me with some information about your background. In addition, I have had the benefit of a presentence report prepared under s 70 of the *Youth Justice Act*.

You had only just turned 15 years old at the time of this offence. You are a young Aboriginal man who experienced significant instability and trauma in your formative years.

You have two younger sisters, with whom you have a good relationship. Your parents are separated and your father has children with another partner. Your mother also has children with another partner, and that person is now your stepfather.

You spent your childhood between multiple caregivers, including your paternal grandmother, who cared for you extensively, your maternal grandmother and your uncle and your parents. Your paternal grandmother has been assisting your mother to care for you since you were born, and she became your primary carer in 2012. She cared for you until you were 8 or 9 years old, when you returned to your mother's care.

You remained in your mother's care for some time before you went into the care of your maternal grandmother in Jabiru. It was around that time that you first came into the care of the Department of Children and Families. I am told that you have been taken into care on two occasions and you are currently subject to a long-term protection order.

You have been living in your current intensive therapeutic residential care placement since 2024, and I am informed that you have found some stability there. You told the author of the presentence report that your carers are good to you and support your needs.

You have been subject to 40 child protection notifications between 2010 and 2023. Those notifications relate to exposure to domestic violence, paternal substance misuse and neglect.

The first notification was made four days prior to your birth and relates to concerns about your father attended school in an elevated state. This raised concerns as your parents were residing together and your mother was only 14 years old when she gave birth to you.

Notifications raising concerns about you continued through your early years, including concerns about exposure to domestic violence, experiencing neglect and significant exposure to and use of drugs and alcohol.

In 2012, before you turned 2, you were taken to Royal Darwin Hospital with what was believed to be a non-accidental cigarette burn. Concerns were raised at various times about you not receiving food due to your parents using money for drugs and gambling and also concerns about you having a fractured finger as a result of being assaulted by your father.

The current plan by the Department of Children and Families is to begin a transition to an independent plan to prepare you for adulthood. You will continue to live at [REDACTED]. Investigations are being undertaken regarding reunification with extended family.

You have a diagnosis of ADHD and you also have strong indicators of foetal alcohol spectrum disorder. You experienced marked difficulties with attention, impulse control, emotional regulation, mood stability, anger outburst and behavioural dysregulation.

You have a history of poor mental health, with reports of suicidal ideation, first reported when you were just 9 years old. You have enduring and significant ongoing mental health difficulties that impact your daily functioning.

As a result of your childhood trauma, your ADHD diagnosis and cognitive difficulties, you have found school very difficult. You have a history of poor school attendance. I am told that since being granted bail, you have returned to school and are attending consistently.

You are currently supported on a modified timetable to assist your re-engagement. You report having a positive relationship with one of your teachers. This teacher has reported that when you are present in class, you are focussed, capable and apply yourself well.

You have expressed motivation to attend school more regularly and you have shown interest in pursuing bricklaying or similar trade-based work in the future, and you would like to explore part-time employment to begin earning your own income.

I am told that one day you hope to be able to get a block of land for yourself and you have recently opened your own bank account and have a bank card, which supports your goal of financial independence. I am told that you enjoy spending time with family, swimming and driving with your carers. You have creative hobbies in graffiti art and making rap music.

The presentence report states that you have a history of substance use, including cannabis, alcohol and inhalants. You reported that you first started using alcohol at the age of 10. You reported having used cannabis and ecstasy in the past but said you are not currently using these substances.

You admitted that you had been consuming alcohol before you committed the present offences but told the author of the presentence report that you did not believe that you need help with your alcohol or drug use.

The presentence report concludes that you have multiple and complex needs that require a structured, consistent and supportive approach. You have developmental and cognitive impairments, including ADHD and indicators of FASD, which affect your attention, memory, impulse control and emotional regulation. You also struggle with anger and emotional control.

You have some insight into your behaviour and you feel disappointed in yourself when you do the wrong thing. The report states that you want to do better and stay out of trouble. You stated that having an electronic monitoring device has helped keep you on track.

The report notes that you have shown caring behaviour, especially towards your younger sisters. This is, quite clearly, a strength. You are currently involved with or receiving support from a number of community-based organisations and you have continuing support from your paternal grandmother.

You recently participated in a restorative justice conference. In the course of the conference, you expressed regret for participating in this robbery. You also acknowledged how your offending had affected the victim. I accept that there are a number of positives which arose out of this conference.

There are a number of positive circumstances in your life which point towards you being able to change and become someone that you yourself can be proud of and that those who support you can be proud of. I accept that you have been making progress since you were released on bail and you have been accepting the assistance that has been provided to you by community members and organisations.

You undoubtedly have the ability to achieve your goals, but like everyone else, you have to accept that it will not be easy and that you will require help from time to time. It is particularly important in your case that you learn to take your time before reacting to suggestions or things that happen to you in your life so that you can make good decisions about your future.

If you continue on the path that you have recently been following, then you have good prospects of rehabilitation. Much will depend upon you showing commitment to continuing on this path.

I will proceed to sentence you under the *Youth Justice Act*. This is the first occasion on which you will have been sentenced by a court. While the offence of aggravated robbery is a serious crime, as is demonstrated by the maximum penalty of life imprisonment, not all such offences need to be dealt with under the *Sentencing Act*.

I will not record a conviction because you are entering a time of your life when you will be looking to find your first employment. Having a conviction recorded against you may stand in the way of you obtaining employment, and that is not in your interest or in the best interests of the community. The community is best served by encouraging you to achieve your goals and to avoid further offending.

You were arrested on 8 October 2025 and remained in custody until you were granted bail on 9 February 2026. In addition, you have spent periods on remand for matters that have either been withdrawn by the prosecution or of which you were ultimately acquitted. I will take that into account in a general way in sentencing you.

You entered an early plea of guilty to this charge, saving the community the cost of a defended trial. I accept that your plea of guilty also demonstrates remorse. I must note, however, that the prosecution case against you was very strong. I will reduce by about 20 percent the otherwise appropriate sentence because of your plea of guilty.

Your lawyer submitted that I should deal with the matter by way of a simple good behaviour order. In my opinion, the offence is too serious to be dealt with in this way. I will proceed by way of a partially suspended sentence.

On the charge of aggravated robbery, without recording a conviction, you are sentenced to 12 months' detention, commencing on 9 February 2026, taking into account the period that you have already served whilst awaiting sentence, and expiring on 8 February 2027.

That sentence will be suspended as of today, 13 May 2026. And there will be a period commencing today and expiring on 8 February 2027 during which you are not to commit any further offences. That order is subject to the following conditions.

- 1) That you are to follow all reasonable directions and supervision of a Community Youth Justice Officer.
- 2) You are to reside at [REDACTED] or as directed by a Community Youth Justice Officer.
- 3) You are to submit to a curfew between 7 pm and 7 am and not leave your nominated residence without permission from a Community Youth Justice

Officer except in the case of medical or a dental emergency.

- 4) You are to wear or have attached an approved monitoring device and follow any direction in relation to the monitoring device unless directed by a Community Youth Justice Officer.
- 5) You are not to attend at the Ampol service station in Berrimah or any other location as directed by a Community Youth Justice Officer.
- 6) You are not to have any contact with TE via social media or in person unless directed by a Community Youth Justice Officer or participating in any educational or therapeutic programs.
- 7) You are not to consume or possess any illicit substances and you are to submit to testing as directed by police or a Community Youth Justice Officer.
- 8) You are to participate in any programs or education as directed by Community Youth Justice Officer.

WM, what that means is this: without recording a conviction, I have imposed a sentence of 12 months' detention. I have backdated that to 9 February this year. That is to take into account the period of time that you have already spent in custody before being sentenced. So that is time that you have already served.

The sentence is suspended as of today. And the sentence ends on 8 February 2027. During that period, you have to comply with the directions that I have given you. Most particularly, you cannot commit any further offending and you have to accept the supervision that is given to you by Community Youth Justice.

If you do not commit any further offences before 8 February and you comply with the directions that I have given you, then at the end of that period, that is 8 February, the matter is finished and you will not be subject to any more orders.

But if you do commit a further offence or you do not comply with the orders that I have given you, then you can be brought back before the court to be dealt with again in relation to this, and a further period of detention can be imposed.

Do you understand all of that?

THE ACCUSED: Yes, your Honour.

HIS HONOUR: Is there anything arising?

MS HART: Yes, your Honour, just briefly in relation to the conditions that your Honour's imposed.

HIS HONOUR: Just one moment. Yes.

MS HART: My apologies, your Honour. Just briefly in relation to the conditions imposed, and my apologies, I should have raised this earlier, there is an application in relation to the curfew to make it an hour or two later.

HIS HONOUR: All right. So what is the time?

MS HART: I'm seeking 9 pm 'til 7 am, your Honour.

HIS HONOUR: All right. I will make that 9 pm until 7 am.

MS HART: Thank you, your Honour. And in relation to condition (g) around substances, it's my submission that that condition should be in relation to alcohol, noting that that's the only substance raised in the offending.

HIS HONOUR: What do you want to say in relation to that?

MR BODEL: I was going to raise the exact one. I'm not seeking to remove the don't do illicit substances condition, your Honour. But I didn't actually hear your Honour say that alcohol was prohibited, and given the young person's underage still, he should not be drinking anyway.

HIS HONOUR: Well, he has used illicit substances in the past.

MR BODEL: Yes.

HIS HONOUR: So I will leave illicit substances in and I will amend that so that it reads "you are not to consume or possess any alcohol - - -

MR BODEL: May it please.

HIS HONOUR: - - - or illicit substances."

MS HART: I hear what your Honour's saying in relation to his history. My ultimate submission is that where it doesn't arise on a factual matrix or in the presentence report in terms of him outlining and verbalised that alcohol was a contributing factor, I do say - - -

HIS HONOUR: Yes. I understand that and I understand the submission that you are putting to me, but long experience dictates that sometimes there is a real risk that when a person stops using one substance, they may transfer to another one. And it is particularly concerning in circumstances where there is a history of using other illicit substances. So, for that reason, I do not intend to change that condition.

MS HART: May it please the court. And, your Honour, finally, in relation to the backdate date - - -

HIS HONOUR: Yes.

MS HART: - - - I wholly appreciate that this might just be the way that your Honour wishes to deal with it, but my understanding is that he'd already served four months referable in terms of the relevant backdate to February. Was your Honour's intention to have that suspended after three months today?

HIS HONOUR: Sorry, how much - my understanding was that the appropriate date to backdate it to was 8 February - sorry, 9 February 2026. Am I wrong?

MS HART: Yes. I understand that's the date that he was granted bail.

HIS HONOUR: Yes.

MS HART: My submission is that - - -

HIS HONOUR: How long had he served?

MS HART: Four months and two days, your Honour.

MR BODEL: That's right, your Honour.

HIS HONOUR: All right. So what is the correct date?

MR BODEL: I'm just finding the backdate now, your Honour.

HIS HONOUR: Thank you.

MS HART: In my submission, it's 8 January. My apologies for not making that clear. I don't think I raised that in my written submissions.

HIS HONOUR: All right.

HIS HONOUR: Is that accepted by the prosecution?

MR BODEL: We're about three - my friend and I are about three days off, your Honour. Could I just have a moment to fix this?

HIS HONOUR: All right.

MR BODEL: The 8th of January, your Honour.

HIS HONOUR: The 8th of January?

MR BODEL: Yes, your Honour.

HIS HONOUR: Yes. All right. So I am changing that so that the sentence begins on 8 January this year and expires on 7 January next year, because he had actually spent longer in presentence custody than I was aware of. All right. Other than that, and as I said, I have changed the curfew condition to between 9 pm and 7 am.

MS HART: May it please the court.

MR BODEL: May it please.

HIS HONOUR: All right. I will adjourn then.
