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THE SUPREME COURT OF

THE NORTHERN TERRITORY

SCC 22604440

THE KING

and

ALPHONSE BOBBY

(Sentence)

GRANT CJ

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON FRIDAY 25 SEPTEMBER 2026

Transcribed by:
EPIQ

HIS HONOUR: Mr Bobby, 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 a co-offender at the time and that other person had possession of a knife while committing the offence. The maximum penalty for that offence is life imprisonment.

You have also pleaded guilty to a charge of trespass contrary to s 13 of the *Trespass Act* which has been transmitted from the Local Court to this court. The maximum penalty for that trespass offence is imprisonment for six months.

The facts of the robbery offence can be summarised briefly as follows. You were 19 years of age at the time and your co-offender was an 18-year-old male. The victim was a 36-year-old taxi driver.

At about 8 o'clock on the night of 23 January 2026 the victim had pulled up at a taxi rank in Palmerston. You had been drinking with your co-offender and another associate at a nearby tavern. You left the tavern and started walking back towards the shopping centre which took you past the taxi rank.

On seeing the victim sitting there you and your co-offender formed the intention to rob him. You approached the window of the taxi and engaged the victim in conversation about a fare to a nearby suburb. That, of course, was a pretext. You then got into the vehicle with your co-offender.

The co-offender sat directly behind the victim, produced a knife approximately 30 centimetres in length, held it towards the victim's shoulder and demanded money. The victim gave you a handful of coins. Your co-offender then demanded more money. The victim pleaded that he had only just started his shift and that he had no more money. In response the co-offender threatened to stab him.

The victim understandably feared for his life and managed to escape and run from the vehicle. As he was doing so, he called out to two security guards who were in the vicinity. As that was happening you and your co-offender continued rifling through the vehicle looking for things to steal.

When the security guards approached, your co-offender raised and brandished the knife he was still holding and threatened them. You then both left the area with the stolen money.

That conduct was all captured by the closed-circuit television camera which was mounted in the taxi and a closed-circuit television camera which was mounted in the street adjacent to the shopping centre.

The facts of the trespass offence can be summarised briefly as follows. Six days after that robbery – on the morning of 29 January 2026 – police went to your residence with the intention of arresting you for the robbery. When they arrived, you leapt over the back fence of the house where you had been staying and hid in the storeroom of a neighbouring property.

The occupant of that neighbouring property was inside his residence at the time. You were subsequently located by police and arrested without incident. You have been remanded in custody since that day.

You have an appalling criminal history despite your relative youth. That history includes offences of violence. That history includes convictions or findings of guilt for three prior episodes of aggravated robbery, negligently causing serious harm, multiple prior episodes of aggravated assault, assault with intent to steal, going armed with an offensive weapon, possessing an unlicensed firearm, aggravated burglary, aggravated unlawful use of a motor vehicle and multiple prior episodes of property damage, unlawful entry, stealing, theft and shoplifting. You also have recorded breaches of bail, orders suspending sentence and failures to comply with orders of the Youth Justice Court.

The current offending was committed while you were subject to a good behaviour condition imposed on an order suspending sentence which had been made by this court on 11 November 2024. That sentence was imposed for the offences of aggravated robbery, aggravated unlawful use of a motor vehicle, property damage, unlawful entry and stealing.

The aggravated robbery involved disturbingly similar conduct to the present robbery. You were in company with co-offenders. You formed the common intention to assault that victim and steal his vehicle. In accordance with that intention you and your co-offenders demanded that the victim give you the keys to the vehicle, kicked his legs from underneath him as he tried to run away, punched him to the back of his head and ultimately stole the vehicle.

The circumstances of the offending I am dealing with here today are all the more troubling given that it is effectively a repetition of conduct in which you have previously engaged, but in a more serious fashion.

You were still a juvenile when those offences were committed. You were sentenced to 15 months' detention which was suspended after you had served about nine and a half months, subject to supervision on 18 months on conditions.

One of the conditions of the order suspending sentence was that you not commit another offence punishable by imprisonment in the 18 months following your release. By this current offending you have committed a further offence of the same type while that condition remained in force.

Although it is not express in the sentencing remarks, it would appear that in November 2024 you were sentenced under the *Youth Justice Act*. Accordingly, the breach of the good behaviour condition falls to be dealt with under s 121 of that legislation. The order made by the Supreme Court in November 2024 is no longer in force and I must deal with you as if this court has just found you guilty of those offences for which you were sentenced back in November 2024.

Your criminal record has a number of additional consequences.

First, you are not entitled to any leniency on account of good character. You have demonstrated poor character over a number of years now.

Second, your offending elevates the importance of specific deterrence in this sentencing exercise. That is because you have not learned from the punishments which have previously been imposed on you, so it is necessary for this court to impose a sentence which makes you understand and realise that if you keep offending you will keep spending longer and longer periods in prison.

Third, your prospects of rehabilitation must be assessed as very poor at this point in time given your repetitive offending behaviours. That sustained conduct also substantially reduces the leniency and consideration to which you would otherwise be entitled on account of your youth.

Finally, your history of disregard for the law means that you are not an appropriate candidate for an order suspending sentence. For that reason, I will be fixing a non-parole period in this case.

So far as your other personal circumstances are concerned, they were described at some length in the sentencing remarks which were made in November 2024 and they have been addressed in detail in written submissions provided by your barrister.

By way of very brief summary, you were born in Western Australia in the Roebourne/Port Hedland region but relocated to Darwin with your mother as a relatively young child. I am told that you retain familial and cultural connections to that area in Western Australia.

You were exposed to domestic violence in your childhood, and you were the subject of multiple notifications to the child protection authorities. You didn't thrive in the school environment, and you ceased formal schooling at some stage in Year 10. Even before that point in time there had been a degree of disengagement from education and disruption in the various institutions you had been attending.

After leaving school you undertook some casual blue-collar work for some indeterminate period of time after leaving school. You have also engaged in various forms of vocational activity during periods of incarceration. I am told you are currently working in the prison as a sports and recreation cleaner.

Your difficulties with education are attributable, in part at least, to speech and developmental delays as a child, a child diagnosis of attention deficit hyperactivity disorder and a more recently diagnosed language disorder. Those diagnoses are confirmed by a neurological assessment report which was undertaken in February 2023. You also have a history of cannabis and alcohol abuse which I have no doubt operates as a criminogenic factor.

As the sentencing judge found in November 2024, your circumstances are such as to implicate the *Bugmy* principle.

Against that background of personal circumstance, the offending in this case was obviously very serious in nature. Any robbery using a knife causes grave concern in the community. You bear responsibility for the use of that knife even allowing for the fact that you were not the one holding it at the time. The use of the knife was part of your common purpose with your co-offender.

The principal sentencing purposes for this type of offending will be punishment, denunciation, deterrence and community protection. The purpose of rehabilitation must necessarily take a backseat. Although that purpose would ordinarily be paramount in the case of a youth, by your sustained course of offending over many years you have forgone that entitlement to paramountcy.

It is clear from a survey of your criminal record that the Youth Justice Court adopted what can only be described as a relentlessly lenient and therapeutic approach to your prior episodes of offending. That was no doubt in a well-intentioned attempt to foster your rehabilitation. That attempt has been manifestly unsuccessful to this point in time.

Rather than taking advantage of that leniency and the opportunities for rehabilitation which were presented, you continued offending in an increasingly serious fashion. Having said that I have no doubt that the impairments which I have described operate to reduce your moral culpability to some degree and to reduce the weight to be accorded to personal and general deterrence in the sentencing exercise. At the same time, however, they increase your risk of re-offending.

That moderation with reference to your impairments notwithstanding, the Court of Criminal Appeal has observed that severe punishment is required for offenders who commit aggravated robbery. That is because it is a crime for which there is less room for subjective factors to be considered in mitigation.

People who commit serious offences of this type have to be held accountable, made aware of their obligations under the law and made aware of the consequences of contravening the law. That imperative is only increased and reinforced by the prevalence of the particular type of offending in which you engaged.

The Court of Criminal Appeal has also said that sentences imposed for the robbery of victims in vulnerable circumstances such as taxi drivers and service station attendants must contain a very substantial component for general deterrence.

You will be given a discount for your pleas of guilty to the two offences I am dealing with today. That is because by those pleas you have accepted criminal responsibility for what you did and you have facilitated the course of justice. However, I am not prepared to accept that you are genuinely remorseful for your conduct. You repetitive offending tells against any such finding.

Although that may be a consequence of your impairments, it remains the case that I cannot see any objective evidence of remorse at all beyond the bare fact that the guilty pleas have been entered.

This robbery falls within the mid-range of the scale of seriousness for the crime of aggravated robbery in relative terms. It was unsophisticated and opportunistic. No actual physical harm was inflicted on the victim and the property stolen was of relatively low value. However, the victim was threatened with a knife during the offending, and I have no doubt that it would have been terrifying for him.

The trespass offence is obviously of a much lower level of seriousness but still involved an incursion into a different victim's property for the purpose of avoiding apprehension by police.

So far as the breach of the order suspending sentence made by this court in November 2024 is concerned, I do not consider that it is necessary to impose a sentence to imprisonment any greater than was imposed by the sentencing judge at that time. However, I will be recording convictions for those five offences as an act of social censure and to reflect your contumelious disregard of the orders that were made at that time.

I also consider that you should only be liable to serve the period of five months and 16 days which remains outstanding from that sentence. In other words, the sentence structure should take into account the fact that you have already served nine months and 14 days of the sentence imposed in November 2024.

I will come back to questions of cumulation and concurrency shortly.

I should also say that in conducting the re-sentencing exercise under s 121 of the *Youth Justice Act* I will be sentencing you under the *Sentencing Act*.

This sentencing exercise is further complicated by the fact that on 13 February 2026 you were found guilty by the Youth Justice Court of negligently causing serious harm. That court imposed a straight sentence of 12 months which was backdated to commence on 13 November 2025. The reason for the adoption of that date for backdating purpose remains opaque. It appears to me that you were at liberty between 15 September 2025 and the date of your arrest for this offending on 29 January 2026. Whatever the reason might be, the sentence imposed at that time does not expire until 12 November this year.

What that means is that the whole period of your incarceration since 29 January 2026 can be attributed to the service of that sentence for entirely different offending.

In addition to that complication, on 25 November 2025, which was less than two months before this aggravated robbery I am dealing with today, you were convicted in the Katherine Local Court of aggravated assault, going armed with an offensive weapon, shoplifting and driving unlicensed. You were sentenced to imprisonment for four months for those offences.

That sentence was backdated to commence on 16 September 2025 and suspended after you had served two months subject to an operational period of 12 months. The legislative effect of that operational period was that you were precluded from committing any further offence punishable by imprisonment during that period of 12 months. You obviously also had to comply with the other conditions of the order suspending sentence which had been imposed by the Local Court.

On 19 August this year, you were found by the Local Court to be in breach of the conditions of the order suspending sentence which it had imposed in November last year. As a consequence, the Local Court restored the two months which remained held in suspense and backdated that restoration to commence on 29 January 2026, which was the date you were arrested for the aggravated robbery I am dealing with here today. The consequence of that is that the restoration of two months was served entirely concurrently with the sentence imposed by the Youth Justice Court for the negligently causing serious harm offence.

For this fresh offence of robbery, I will be sentencing you to imprisonment for 2 years and 8 months after discount is allowed for your plea of guilty.

For the offence of trespass, I will be sentencing you to imprisonment for 24 days after discount.

This offending, the offending for which you were sentenced by this court in November 2024 and the offending for which you are currently serving the sentence imposed by the Local Court were all entirely unrelated in time and circumstance. There is no call for concurrency on that account.

If the sentences imposed by this court, including the November 2024 re-sentence, were to be served wholly cumulatively, it would yield a sentence in the order of 3 years and 2 months. If that sentence was, in turn, ordered to be served wholly cumulatively on the sentence imposed by the Local Court which you are currently serving, it would yield a total period of imprisonment of approximately four years from 29 January 2026.

Even allowing for the seriousness of the offending, the different episodes over which it was committed and the different victims upon whom it impacted, a sentence of that length would be apt to have a crushing effect on you. For that reason, I will be allowing some degree of concurrency in service of the principle of totality, both as between the individual sentences I impose and as between those sentences and the Local Court sentence you are currently serving.

As I have already stated, I will be imposing a non-parole period over the sentences I impose. I see no reason to fix that period at any greater or lesser proportion than 50 percent of the head sentence notwithstanding that the Youth Justice Court did not, and could not, fix a non-parole period in respect of the 12-month sentence it imposed in February this year.

Having regard to all those considerations, Mr Bobby, can you please stand up while I sentence you?

Counsel, I will have my Associate type these orders out and provide them to you. They are somewhat complex and you have leave to come back under s 112 of the *Sentencing Act* if there is any difficulty with the structure I am proposing here.

I make the following orders.

1) Pursuant to s 121(6)(b) of the *Youth Justice Act* the offender is convicted of the offences charged in file 22217118 and sentenced to imprisonment for a total period of 15 months by the application of the individual sentences imposed and the orders of concurrency made by the sentencing court on 11 September 2024, which sentence is backdated to commence on 29 July 2026.

2) The offender is convicted of the offence of trespass charged by summons in file 22604440 and sentenced to imprisonment for 24 days which is backdated to commence on 29 July 2026.

3) The offender is convicted of the offence of aggravated robbery charged by indictment in file 22604440 and sentenced to imprisonment for 2 years and 8 months which is to commence on 29 November 2026.

4) The total sentence is imprisonment for 3 years which is backdated to commence on 29 July 2026.

5) A single non-parole period of 18 months is fixed, also backdated to commence on 29 July 2026.

Subject to an opportunity to consider the terms of that, counsel, is there anything arising from the Crown?

MR BANWELL: No, your Honour. I will need to look at those orders carefully but, no.

HIS HONOUR: I think they are generally in accordance with what I have indicated during the course of submissions.

Yes, Ms Kerr, do you want to say anything at this stage?

MS KERR: No, your Honour.

HIS HONOUR: Thank you.

MR BANWELL: May it please the court.

HIS HONOUR: Thank you for your attendance and your assistance, counsel.

Adjourn the court, please.
