

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN [SQUARE BRACKETS].

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<http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM155054.html>

**IN THE YOUTH COURT
AT HASTINGS**

**CRI-2018-220-00042
[2018] NZYC 515**

POLICE YOUTH AID

Prosecutor

v

[RL]

Young Person

Hearing: 13 September 2018

Appearances: S Norris for the Prosecutor
K Monk for the Young Person

Judgment: 13 September 2018

NOTES OF JUDGE P J CALLINICOS ON SENTENCING

[1] This is the sentencing outcome in the Youth Court concerning a young man [RL], who is charged with two offences occurring on 23 April 2018 being; the serious offence of aggravated robbery and a second charge of unlawful getting into a vehicle.

[2] [RL] admitted to those charges at a family group conference, at which the conference agreed that there should be a plan and report obtained from a social worker. That report was obtained, and covers the essential matters that the Court are required to take into account under the Oranga Tamariki Act 1989, specifically the sentencing factors in s 284 and the principles in s 208.

[3] I need not repeat in full the report, it is comprehensive. It is sad to say that, like so many young people in the Youth Court, [RL] has had an upbringing that is far less than desirable and far less than young people deserve to have. It is also sad to note that as Senior Constable Norris has indicated, [RL] seems to hold the view that he only sees a future for him which is one of crime and imprisonment. It is extremely distressing that any young person, especially someone of 16 years of age, has such a bleak view of their future. Often it does not take much to change that future. Often all it takes is the opportunity to see that there is a whole other world outside of the one which he is in, a much happier world and one which is often achieved by; involvement with positive other young people rather than negative ones, a life away from the normalisation of alcohol and drugs and all the ills that go with it.

[4] The report records the turbulent upbringing [RL] has had. I wholly recognise that the fact [RL] is here today is largely not a product of his own initiative, but a product of what he has endured all his lifetime. I sincerely hope his whanāu, if they wish the best for him in the future, dig deep themselves to give him at last some positive guidance to steer him away from what could be the inevitability of a life in adult prisons. He will turn 17 next March and the future is looking rather bleak for him.

[5] In terms of the actual offending; he was with a brother, they were armed with a knife and hammer and entered a service station, robbing it of cash and tobacco. A scenario which is repeated on a daily basis throughout Aotearoa New Zealand, where young men and young women place themselves at jeopardy of charges carrying a

maximum of 14 years' imprisonment and where if he was an adult would be facing probably three years' imprisonment today. All for a little bit of cash and cigarettes. One needs to get things in perspective.

[6] The report notes that [RL] struggled to explain his behaviours. He said he just wanted to do something crazy with his brother, and he certainly did. The report notes that he while has not come to the attention for new offending, he did commit a number of bail breaches. He did not have a great insight into his actions or his offending. The report makes no comment upon reparation, it notes that the response of his whanāu was that his mother is angry and upset by his offending and that her sons do not realise the impact that their offending has had on her.

[7] In terms of the causative factors; alcohol and drug abuse has played a part in the wider thinking but it was not active in this particular offence. But the main causative factor is his sense that this sort of behaviour is normal and acceptable.

[8] A psychological report was obtained by Dr Dillon and it observed that she was unconvinced that, without substantial pro-social interventions, [RL] could make the necessary adjustments to live a productive and crime free life. She recommended that he be placed in a residential facility which might offer him the learning and opportunity to at least consider a different pathway forward. Her report notes that [RL] is a likeable young man who does have positive aspects to him. I sincerely hope that a residential sentence might afford him opportunity to view the world differently. While I am not optimistic of that change, I do recognise that in accordance with the principles in the Act, it is the least restrictive outcome appropriate in all the circumstances in accordance with the principles in the Act.

[9] I sentence [RL] to six months' supervision with residence in accordance with the plan which has been filed. He will be entitled to an early release hearing on 4 January 2019. The issue as to a follow up supervision order can be made on a split sentencing basis on that day.

P J Callinicos
Youth Court Judge