QUEENSLAND COURTS AND TRIBUNALS

TRANSCRIPT OF PROCEEDINGS

CHILDRENS COURT OF QUEENSLAND

JUDGE SMITH

Indictment No 523 of 2023

THE KING

v.

J.M.B   **Defendant**

BRISBANE

10.31 AM, TUESDAY, 5 MARCH 2024

DAY 1

ORDER

Any rulings in this transcript may be extracted and revised by the presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: Well, this is an application for sentencing review with respect to a 12-month probation order imposed on J in the Childrens Court at P- on 17 April 2023. On that occasion, the young person pleaded guilty to unlawful stalking. The allegation was that on 14 February 2023, the child attended the complainant's home.

5   There were a number of phone calls and voice messages made by the child. On the 6th of March, the child attended the address again, tried to enter the house, there was a physical struggle, and the child was arrested. The child had no criminal history at the time of sentence. The child was 15 years of age at the time of the offending and has since turned 16.

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A statutory declaration was tendered by the Defence solicitor in the Magistrates Court, which noted the child was born in S- and at 11 months of age, was relinquished by his biological mother. At this time, Ms B commenced parenting the child. The child was diagnosed with … at birth and had been prescribed drugs for

15   this since the age of one. Ms B formally adopted the child in 2018.

They moved to Australia in August 2021 because of COVID. Transitioning to Australia was difficult. The child was attending E- State High School. An assessment summary tendered showed the child might have had significant

20   difficulties with impulse control, empathy and prosocial behaviour. The child met the criteria for conduct disorder, attention deficit hyperactivity disorder, dissociative disorder and antisocial personality disorder. There are also impacts of infant trauma and neglect. The child is an Australian citizen and as Ms Littledale has pointed out, the child was diagnosed with autism spectrum disorder recently.

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I have had regard to the relevant law concerning this matter and to the proceedings below. The Crown concedes that I should reduce the probation order. The fact is this child was 15 years of age and came before the Court with no criminal history. A probation order was a good idea in this case, but I agree that six months was more

30   appropriate. I have been informed that the child has done very well on this order and, indeed, has voluntarily engaged since the order was ceased by Youth Justice when the application for sentencing review was filed.

In all of the circumstances, bearing in mind that the child has undergone six months

35   and three weeks, and bearing in mind the fact the child has done very well, he is still in – at school and addressing the problems that he has, I have decided to, in lieu of the order made in the Magistrates Court, impose a six month and three-week probation order. Otherwise, the orders remain in place.