

STATE OF TASMANIA v BROCK GABRIEL IEZZI
COMMENTS ON PASSING SENTENCE

20 MARCH 2020
PEARCE J

Brock Iezzi, you plead guilty to one count of attempting to obtain a financial advantage. On 14 September 2019 you reported to the police that your 2017 Mitsubishi Triton utility had been stolen from the driveway of your home in Hadspen. You subsequently made a statutory declaration to that effect also listing the property in the utility at the time.

On the day of the police report you made an insurance claim by phone. In fact, the report and the declaration were false, and the claim was dishonest. You had crashed and badly damaged the vehicle on 13 September 2019, the day before the police report, when you were driving the car yourself on a gravel road while away on a camping and fishing trip. The vehicle was insured but your fear was that you would not be covered because the crash occurred as a result of you losing control when sending a text message on a mobile phone. Whether that was true or not has not been tested. You were spoken to by an insurance assessor a week later on 30 September 2019 and repeated your lie to him. However, it quickly became apparent to you that your attempt at deception would be discovered, and, on the same day, you called him back and told the truth.

You are aged 27. Your record is only for traffic offences and you have no prior convictions for dishonesty. You have entered an early plea of guilty. You and your partner have a baby who is only a few days old. You also have the support of your extended family. You have always held stable full time employment and you are currently a third year apprentice mechanical fitter.

I would accept that after crashing your car, you panicked about what the financial effect on you may be. You had borrowed money to help buy it. It was a stupid, crude, short lived and unsuccessful attempt at deception. You had a passenger at the time of the crash, and you arranged for others to pick you up from the crash site. None of those persons were party to your attempt, and it was inevitable that the truth would emerge. It is in your favour that you were the one to initiate the conversation so as to give an honest account, although I think that was, by then, partly motivated by fear of punishment and not only remorse. Conduct of this nature was not characteristic for you. You will suffer a heavy financial penalty regardless of the sentence I impose. Exposure to the criminal process has impressed on you the seriousness of what you did. I think that those combination of circumstances means that you have very likely learned your lesson and are unlikely to act in this way again. However, a sentence is required to mark the criminal dishonesty involved in what you attempted to do and to make clear what the consequences of insurance fraud may be. Insurance companies, in particular, are vulnerable to fraud of this nature. The company in this case did not pay the claim, but no doubt incurred some cost of the investigation. Courts must, when passing sentences, attempt to deter others from similar attempts. For that reason prison sentences are often imposed, although commonly suspended for first time offenders. Having said that, I do not think that this case is sufficiently serious to warrant imprisonment, suspended or otherwise. Community service is the appropriate sentence. That will have a real impact for you because it will have to be performed in addition to your full time employment.

Brock Iezzi, you are convicted on the indictment. I make a community corrections order the operative period of which will be 24 months from today. The core conditions will be set out in the order but include a condition that you report forthwith to a probation officer at the office of Community Corrections at 111 Cameron Street, Launceston and you must not commit an

offence punishable by imprisonment. I impose a special condition that during the operational period of the order you perform 70 hours of community service.