

STATE OF TASMANIA v SHANNON LOUISE BROWN
COMMENTS ON PASSING SENTENCE

1 MAY 2020
PEARCE J

Shannon Brown, you plead guilty to aggravated burglary, stealing firearms and trafficking in firearms. I also agreed to deal with your plea of guilty to possessing a controlled drug. During the late morning on 11 September 2019 you drove with another female from Launceston to a house in Warrantina, near Scottsdale. You entered through the padlocked driveway fence, smashed a glass panel to unlock the door and, from safes inside the home you stole 15 firearms worth, in total, about \$23,200. You took seven of the firearms, and your co-offender took the rest. You were quickly identified from CCTV because you were known to the owner, and arrested the following day. A small amount of methylamphetamine was found in your clothing. You had already sold the firearms you kept, thereby trafficking in them. Messages on your phone made clear that you had in mind, when the guns were stolen, that there would be an immediate sale to a person who had purchased stolen goods from you before. You told the police of an address at which the firearms had been sold from where they were able to recover those firearms. I have not been told whether the rest have been recovered. You have been in custody since your arrest on 12 September 2019.

You are now aged 32. You have three children aged about 11, 9 and 4. The oldest two now live with their father interstate. The youngest has been placed with your aunt and uncle. You started using methylamphetamine, initially for recreation, prior to 2017 and you quickly became addicted. You spent a year living and working in northern Western Australia with the father of your youngest child in a temporarily successful effort to escape the influence of the drug. However your relationship ended. When, later, he took his own life, the trauma led you back to drug use. Unable to fund your addiction by honest means you turned to crime. You had no convictions for dishonesty until 1 August 2019 when you were sentenced by a magistrate to imprisonment for an effective term of nine months from 10 June 2019, six months and 21 days of which was suspended for two years. You were disqualified from driving and ordered to perform 84 hours of community service, including that you must attend the EQUIPS addiction program. Those sentences were imposed for offences committed in 2018 and early 2019 including, on my count, 31 counts of stealing, nine counts of burglary, 13 counts of aggravated burglary, four counts of dishonestly obtaining a financial advantage, three counts of receiving, two counts of unlawfully possessing property, three counts of trespass, four bail offences, 16 counts of driving without a licence, one count of driving while disqualified, six counts of driving with an illicit drug in your body and one count each of using and possessing an illicit drug. Included in those offences was a burglary and stealing from the same property to which you returned to steal these firearms. Counsel for the State gave me slightly different figures for the number of dishonesty offences, but the general picture is the same.

The time you spent in prison interrupted your drug use, and steps were taken to support your recovery following your release, but you quickly relapsed. By committing the crimes for which you are now to be sentenced you breached a condition of the suspended sentence. Because I was not satisfied that it would be unjust to activate the six month and 21 day suspended sentence I made an order activating it on 27 February 2020 and ordered that you serve it from 12 September 2019. I ordered that you not be eligible for parole in respect to that sentence. Allowing for remissions, you were due for release in January this year. You have been in custody since then. It remains for me to sentence you for the new crimes. You have been assessed as suitable for the making of a drug treatment order. I am in no doubt of the connection between your drug use and the crimes you committed. I may only make a drug

treatment order, which favours rehabilitation over other sentencing factors, if I am satisfied that it is the appropriate order to make in all the circumstances. The principal consideration militating against the making of an order is the need for punishment and deterrence for the crimes you committed. Stealing and trafficking in firearms are serious crimes. Trafficking in firearms is the most serious in the hierarchy of offences provided for in that legislation. The Parliament and the community recognise the strong link between stolen firearms and crimes involving violence and dishonesty. You did not sell the guns you stole for much money, but stolen firearms almost inevitably end up in the hands of criminals. Although the firearms you took were recovered, the same cannot be said about the others stolen at the same time. General deterrence is a very strong sentencing factor. Those who seek to gain by stealing firearms and selling stolen firearms must understand that the chance of profit is to be balanced against the prospect of strong punishment. It is an aggravating factor that you committed these crimes while subject to the suspended sentence.

However, you have now been in custody for almost seven months. It is in your favour that you entered an early plea of guilty. Although you have given up no chance of acquittal you indicated a willingness to facilitate justice. You say that you are willing to give evidence against your co-accused if called. The community benefits from assisting you to overcome your addiction, if that can be achieved, is obvious. A residential treatment option is recommended. The difficulty which has arisen is that, by reason of the COVID-19 pandemic, the availability of rehabilitation services is very limited. Despite this, the CMD program officers have, with officers of the Salvation Army BRIDGE Program and the Tasmanian Health Service Inpatient Withdrawal Unit, been working diligently towards a solution in co-operation with an alcohol and drug counsellor within the Tasmanian Prison Service. No residential treatment facilities are currently available and there is likely to be some delay until they become available. In your case, there is a risk that the effectiveness of an order will be reduced as a result. However, the other result of the pandemic is to emphasise that prison sentences should be imposed only when there is no proper alternative. A suitable residential address with a trusted friend has been found, and the CMD program officers are willing and able to start work as best they can. Balancing all of those considerations, I have decided that it is appropriate to make the order. The result is that you will be subject to the difficult and demanding obligations to which persons subject to an order are expected to comply. It will be up to you to demonstrate your ability to do so, and to vindicate the considerable effort which has been expended by your counsel and the services to which I have referred to put in place the circumstances which enable the order to be put in place. It is in your favour that you have contributed to that effort. The consequences of non-compliance is likely to be a return to prison.

Shannon Brown, I order that the seven firearms seized by Tasmania Police be returned to Nelson Carins. I make a compensation order in favour of Nelson Carins and Sarah Carins and order that determination of the amount of the order be adjourned to a date to be fixed. You are convicted on each count. I impose one sentence. I make a drug treatment order pursuant to the *Sentencing Act 1997*, s 27B. The custodial part of the order is a term of imprisonment of 15 months. You are not required to serve all or any of the custodial part of the drug treatment order unless it is activated. It may be activated if you fail to comply with the treatment and supervision part of the order which has the following core conditions:

- 1 you must not, in Tasmania or elsewhere, commit another imprisonable offence;

- 2 you must attend the Magistrates Court at Launceston at 2.15 pm on 7 May 2020 and at any other time and place as directed by the Court, your case manager or court diversion officer;
- 3 you must report to a case manager or court diversion officer at 111 Cameron Street, Launceston within 2 clear working days of your release from custody;
- 4 you must undergo such treatment of your illicit drug use problem as directed by your case manager or court diversion officers or as from time to time specified by the Magistrates Court or this Court;
- 5 you must report to, and accept visits from your case manager, or court diversion officers;
- 6 you must reside at [address] or such other address as may be approved by your case manager, and you must, unless there are special circumstances, give your case manager at least two clear working days' notice before any change, or proposed change, of address;
- 7 you must be present at [address] (or any other address as advised to your case manager in accordance with core condition 6 above) between 10pm and 6am daily, and present yourself to officers of Tasmania Police during those hours if required;
- 8 you must not leave Tasmania except with the permission, granted either generally or in a particular case, of the Magistrates Court or this Court;
- 9 you must comply with all lawful directions of the Magistrates Court or this Court;
- 10 you must comply with all reasonable directions of your case manager and court diversion officers concerning the core conditions and program conditions of the order.

There will be further program conditions of the order that:

- 1 you must submit to urinalysis and oral fluid testing as required by your case manager or court diversion officer;
- 2 you must submit to detoxification or other treatment, whether or not residential in nature, as directed by your case manager or court diversion officer;
- 3 you must submit to random drug testing during the life of this Order;
- 4 you must attend vocational, educational, employment, rehabilitation or other programs as directed by your case manager or court diversion officer;
- 5 you must submit to medical, psychiatric or psychological treatment as directed by your case manager or court diversion officer;
- 6 you must not associate with persons or classes of persons as directed by your case manager or court diversion officer;
- 7 you must not use any non-prescribed substance or illicit drug;
- 8 you must not use any medication unless prescribed to you by a treating medical practitioner, approved by your court diversion officer and in accordance with the medication directions for use;
- 9 you must attend counselling as directed by your case manager or court diversion officer;

- 10 you must complete a weekly journal and present this journal to the Magistrates Court or this Court on each appearance before the court;
- 11 you must attend for assessment and if deemed suitable participate in and complete the EQUIPS Addiction Program;
- 12 you must submit to random drug testing as directed by your case manager or court diversion officers;
- 13 you must maintain the use of, and remain contactable by, a mobile phone capable of sending and receiving messages about drug testing, case management and/or counselling appointments from your case manager and court diversion officers; and,
- 14 you must remain contactable by means of that phone at all times;
- 15 you must reside at [address] and not change that address without the approval of your court diversion officer or case managers, the Magistrates Court or this Court;
- 16 within two working days of your release you must commence the referral and assessment process for the Missiondale Therapeutic Community;
- 17 you must be assessed for, and attend and complete as directed, the Inpatient Withdrawal Unit program and the Bridge Residential Rehabilitation Program (Ulverstone) as directed by your Court Diversion Officer.