

STATE OF TASMANIA v ADAM ROY TRIFFETT
COMMENTS ON PASSING SENTENCE

16 JUNE 2020
PEARCE J

Adam Triffett, you plead guilty to stealing firearms. At about 3.30 pm on 9 May 2019 you and Aydain House were driven by your girlfriend to a home in Ravenswood. While she acted as lookout, you and Mr House forced entry into and ransacked the house. You were wearing masks but there was no-one home. You found the firearm safe which Mr House broke into and stole a .22 rim fire rifle, a 12 gauge shotgun and a .270 centre-fire rifle. You helped load the guns into the car together with some other items you had stolen. Your car was recognised and when the police searched a property associated with you, they found the centre fire rifle and other stolen items. The shotgun was recovered from a different property. The .22 rifle has not been recovered, although you told the police where you last saw it.

When you were interviewed you made some admissions. You claimed that you had gone to the house intending to steal a quantity of cannabis which you believed was inside. You came across the guns by chance and Mr House decided to steal them. Stealing firearms is very serious because stolen firearms generally fall out of the control of the authorities and into the hands of persons who use them to commit serious crimes involving dishonesty and violence. This was an opportunistic crime as it applied to the firearms, but you decided to participate in its commission nevertheless.

You are aged 35. You started to commit offences when you were a young man. As an adult you have committed offences of dishonesty and violence. You were given a suspended sentence for assault in 2009. In 2010 you were given another short suspended sentence for aggravated burglary and stealing and again in 2013 for stealing. Your driving record is poor and in 2014 you were sentenced to imprisonment for two years for causing grievous bodily harm by dangerous driving. You were released on parole in 2016.

You have pleaded guilty, a factor in your favour which carries particular weight at the moment. You have already been sentenced by a magistrate for other offences which were committed in the same period as this crime, including the associated aggravated burglary and stealing. You were sentenced to about 15 weeks' imprisonment for those two offences and you have served that term. There were also other drug related offences, driving offences, bail offences and eight other counts of stealing. You were subject to a warrant for those offences at the time of this crime. A drug treatment order was made with a custodial part of five months. As a result, I cannot make a drug treatment order. The *Sentencing Act* 1997, s 27B(1)(e)(iii), prohibits a court from making a drug treatment order if the person to be sentenced is already subject to a drug treatment order. It is clear however, as the magistrate must have been satisfied, that you have a demonstrated history of drug abuse which was closely linked to this crime and the other offences you committed at and around the same time. If I sentence you to actual imprisonment, as you likely well know, that will put an end to the drug treatment order. This causes me some hesitation, as a sentence of actual imprisonment is generally required for stealing guns, especially if one or more of those guns is not recovered. However, Mr House was sentenced to a drug treatment order for his part in this crime, as well as for other serious offending.

I have decided that the fair and appropriate course is to impose a sentence of imprisonment but wholly suspend it. If you can successfully reform, we will all benefit. I will make it a special condition of the sentence that you successfully complete the drug treatment order. For the purposes of this order you will be regarded as having successfully completed the drug treatment order if:

- (a) the order is cancelled as a reward under s 27L(1)(a) or (b) of the *Sentencing Act* 1997; or
- (b) the treatment and supervision part of the order is cancelled by a court on the second anniversary review without activation, at the time of the review, of any part of the custodial part of the order.

The result of that order is that, if you do not fully or substantially comply with the terms of the drug treatment order until it is completed, or if you re-offend, you will not only serve all or some of the five month custodial part of the drug treatment order, but the sentence I am about to impose as well, unless that is unjust. I will suspend that sentence for a considerable period so it will be hanging over your head for a long time. You are not likely to get a second chance.

Adam Triffett, you are convicted. I make a compensation order in favour of the person who will be named in the formal order in a sum to be assessed. You are sentenced to imprisonment for twelve months. I wholly suspend that sentence for two and a half years from today. It is a condition of that sentence that while it is in force you do not commit another offence punishable by imprisonment. I impose a special condition that you successfully complete the drug treatment order made by a magistrate on 11 February 2020 in the terms that I have explained. If you breach that condition you may be brought back to this Court and re-sentenced.