

STATE OF TASMANIA v JACOB LEIGH BARRON
COMMENTS ON PASSING SENTENCE

GEASON J
21 JULY 2020

Mr Barron you appear for sentence on three counts of burglary and three counts of stealing. Your offending occurred over a short period between 24 December 2019 and 1 January 2020. It involved three separate acts - each within a few days of the other - of entering upon the premises of optometrists at Moonah and taking assorted glasses to the value of \$56,869.50.

On two occasions you committed this offence in the company of another person. On the third occasion you were accompanied by two other persons.

You told police that you had been in the store about a week before for the purposes of collecting prescription glasses, and it appears that gaining entry to the shop was relatively easy, involving the use of just a screwdriver.

Of the property stolen, you only managed to sell some of the sunglasses, but the monetary gain to you is not known.

About one quarter of the stolen property was recovered, but it cannot be resold. Nor can the store make an insurance claim in relation to the stolen property. The loss occasioned by your conduct is therefore substantial.

When you were interviewed by police you admitted your conduct; you told police that you were high during the offending.

This offending thus represents another instance of drug use associated with the commission of crimes. You have a long history of substance abuse. I have been provided with a detailed report which was prepared for another court for the purposes of assessing you for a drug treatment order, following similar offending in 2019.

You began using cannabis when you were aged 11. By age 14 this had escalated to a daily habit; you have continued to use it throughout adulthood, with periods of abstinence when incarcerated or playing sport.

At age 16 you began experimenting with harder drugs. Methamphetamine use is prominent in your history, often a daily habit. It was the use of harder drugs that brought you into conflict with the law. The spiral has been a downward one ever since. I think you are aware of this. You have some insight into your drug problem and its effect on your life, but no apparent capacity to deal with it. I say that because you have engaged in counselling with alcohol and drug services, completed an inpatient detoxification program, participated in residential treatment with the Salvation Army Bridge Program and attended another program called "Velocity", but none of this has succeeded.

A further opportunity was afforded to you when you were placed on a drug treatment order as part of a court mandated diversion program, but you failed to comply with the obligations attaching to the drug treatment order. That was a significant opportunity lost, and one which offered specialist support and an opportunity to be home with your parents who have supported you.

In that respect you had a good upbringing and the benefit of good family relationships. Not surprisingly, those relationships have been impacted by your drug use.

I acknowledge that you have been diagnosed with a number of medical conditions, including schizophrenia. But it is not submitted to me that your mental health condition is linked to this offending, or that any of the so-called *Verdins* principles are engaged.

It is observed that that your mental health condition improves when you are not using drugs, and at the moment I am told, you are not medicated for your schizophrenia.

You appear before me with a very poor record of prior convictions, including a significant number of prior convictions for burglary and stealing.

You are not to be sentenced again for that offending, of course, but it marks very clearly the need for a sentence which gives prominence to personal deterrence.

Your record exhibits numerous attempts by courts to extend to you an opportunity to do something about your drug habit – the drug treatment order the most recent example, but also suspended sentences intended to operate as an incentive to reform. As well there have been four probation orders and two community service orders since 2009. You present as a difficult sentencing proposition once those alternative sentencing measures are taken away, as they must be in view of your history of compliance with them.

The correct response from this Court is one which recognises the circumstances that explain your offending, but which imposes upon you a punishment for your persistent offending, in the hope that such sentence will serve as a wake-up call. That is an unsophisticated response in many ways, but as I have said, other approaches most notably the drug treatment order have not achieved the desired result. There is a point when you must realise that you need to do something, and that your continued drug use will lead to further offending and longer periods of incarceration, and that unless you do something about this that will become the pattern of your life.

Prison is an opportunity for you to stay away from drugs, and I hope to develop strategies for dealing with your habit by availing yourself of programs. They will provide skills which you can employ when you are released. I urge you to take advantage of the time to do that. If you do not, as I say, this pattern of drug taking, followed by offending and serving prison sentences will take away the best years of your life.

Having regard to your antecedents, the value of the property taken, and the loss that you have caused, and in the absence of other sentencing options, a long term of imprisonment is the only sentencing option. In fixing that term I have regard to the principle of totality.

The sentence I am about to impose is intended to punish you, to deter you from further offending, and to deter others from similar offending.

Your early plea of guilty attracts a discount. I will apply a 20% discount for the benefit to the administration of justice which accrues in consequence of your plea of guilty.

On a previous occasion a court has imposed upon you a suspended sentence of 6 months' imprisonment. This offending places you in breach of that order. I am asked to activate that

sentence. It is not submitted that it would be unjust to do so. It is appropriate to do so in the circumstances.

I activate the suspended sentence. I direct that it is to be served cumulatively to the sentence that I am about to impose in respect of the indictment. It is to commence on the date you were taken into custody for the new matters.

On the indictment I convict you. I sentence you to 2 years' imprisonment. I further order that you not be eligible for parole until you have served 12 months of that sentence.

The total sentence that I have just imposed on you Mr Barron is two years and six months. The six months is the suspended sentence that is activated and it commences when you went into custody. You have served most of that already. When you have served that sentence, the sentence I have imposed on the indictment will take effect. It runs for two years and you are eligible to apply for parole after you have served half of that sentence. The effect of the sentence I have just imposed is that you must serve 18 months' imprisonment before you are eligible to apply for parole. The Parole Board will be able to assess the progress that you have made and make appropriate orders if you are to be released at that time based upon their judgment of your progress, particularly in relation to dealing with your drug habit.

Finally I am asked to make a compensation order in favour of OPSM Tasmania in an amount to be assessed and I make that order.