

STATE OF TASMANIA v TOBY DAVID TORRENTS
COMMENTS ON PASSING SENTENCE

20 NOVEMBER 2020
BLOW CJ

Toby David Torrents, you have pleaded guilty to two charges of aggravated burglary and two charges of stealing. You and another person burgled the same house in Blackstone Heights on two consecutive nights in July of this year. On the first night, the two of you stole an electric bike and three other bikes, and not much else. But, on the second night, between you, you stole dozens of items, and the result of all this is that property worth over \$70,000 was stolen, and over \$8,000 worth of damage was caused to the property. The only property that the police have been able to recover has been a camera and a remote controller for the garage door, which happened to be in your backpack when you got arrested in relation to something else. The value of items stolen makes these serious crimes.

You are 25 years old. You have got quite a lot of prior convictions for driving, drug and firearm offences. But you have no convictions for offences involving dishonesty that were committed prior to March of this year. You are serving some prison sentences now. You were taken into custody on 10 July and subsequently sentenced by a magistrate to a total of 13 months' imprisonment. Before then you had only spent time in prison once, when 33 days of a suspended sentence were activated in the middle of last year.

There are a number of bad things about the crimes that I am dealing with. The value of the things that were stolen was very large. You were on bail on other charges at the time. You returned to the place that you had burgled because you had worked out that it was unoccupied and there was more to be taken from there.

I accept that you regret what you did. I accept that you want to get away from the people that you were associating with when you got yourself into trouble earlier this year. It counts in your favour that you have pleaded guilty. But these crimes are so serious that I am going to have to give you more gaol time. I take into account the fact that this comes on top of those other sentences that were imposed by a magistrate. I note that you will be eligible for parole after serving 6½ months of your other sentences, and that, subject to anything that I do, you would have been eligible for parole in late January.

I am going to give you a slightly shorter sentence than I otherwise would because this comes on top of your other sentences. I am going to suspend part of it, and I am going to impose the shortest possible non-parole period, because of the indications that you want to stay out of trouble once you get out.

I convict you and sentence you to 12 months' imprisonment, cumulatively with your other sentences. I suspend four months of that sentence on condition that you commit no offence punishable by imprisonment within two years after your release from prison. I order that you will not be eligible for parole until you have served four months of this sentence. I make a compensation order in favour of AAI Ltd in the sum of \$82,920.51. I make a second compensation order in favour of Robyn Ann Moon and Rodney Phillip Geelan in the sum of \$1,200.