

The defendant Jake Mark Pearce, aged 22 has pleaded guilty to a number of offences, including trafficking in a controlled substance, escape, aggravated burglary, stealing, possessing a firearm when not the holder of a firearm licence, possession of ammunition, possession of stolen property, and driving whilst disqualified. These matters are set out in an indictment dated 16 October 2020, and the remainder forming part of complaint 8610/2019, in respect of which I have agreed to deal under s 385A of the *Criminal Code*.

At about 5am on Saturday, 31 August 2019 the defendant was found in breach of his bail.

A search was undertaken and he was found to be in possession of a mobile phone. A search of the area in the immediate vicinity located an 'Adidas' shoulder bag containing cards, a wallet, 22 small snap lock bags each containing 0.1 grams of methylamphetamine, digital scales, snap lock bags and \$700 in cash.

A search of a vehicle nearby was also undertaken by police and a live 12 gauge cartridge was located in the rear passenger side foot well, as well as a used Ice pipe was located in the front passenger side door trim.

Police subsequently undertook an examination of the mobile phone and located a significant number of drug-related messages. The defendant had sent a number of messages to various contacts informing them that he had Ice and was asking who was looking for drugs to buy.

The Crown asserts that that defendant was selling methylamphetamine for cash on his own behalf, and that is borne out by text messages which form part of the Crown statement of facts.

Based on the defendant's admissions that he sold Ice in single 'point' amounts for \$50, he was found in possession of about \$1100 worth of methylamphetamine, ready for sale.

Based on his admissions of trafficking in that drug between 1 May 2019 and 31 August 2019 and selling between 5 points a day and 10 points a day, he sold over the period of the indictment between \$7,500 and \$23,000 worth of the drug.

The defendant was processed at the Hobart Police Station before being conveyed in police custody to the Royal Hobart Hospital for the purpose of taking a blood sample.

After the completion of the blood test the defendant took off his jumper, threw it at the police officer and ran out of the hospital along Liverpool Street.

At the 1 Collins Street units the defendant entered a unit and stole a bicycle, which was later sold by an associate for \$300.

At about 11.15am on 12 September 2019 police located the defendant at an address in Risdon Vale and a search of those premises located a 12 Gauge Shotgun; 3 x 12 Gauge cartridges on the stock of the shotgun; (c) 2 x snap lock bags containing 2 Codapane Forte tablets each; a box of empty snap lock bags; digital scales; and another OPPO axismobile phone.

A Black Honda motorcycle was also located, which the defendant claimed was his. Checks on police systems indicate that the motorcycle had been stolen.

The defendant has a lengthy record, somewhat misleading by virtue of the way it is recorded. In fact he has received only sentencing orders on three prior occasions for his offending, and he has no significant relevant prior convictions.

He was 21 at the time of the offending. He grew up as the eldest in a family of 9 children. His parents separated when he was 13 years old, and that had consequences for his education. His father is deaf, and the defendant, at age 13, became his father's primary carer, being adept at sign language having learned it at a very young age. His assistance to his father varied over the years but he still provides regular support.

I am told that the defendant has recently become involved with a young lady who has no ties to those involved in criminal activities. She appears to have exerted a positive influence upon him, and I am told that the defendant has appeared emotionally stable and more conscientious regarding his circumstances and future than previously observed. It is his intention to remain drug-free, to stay away from negative influences, and to re-engage with friends who spend time in outdoor pursuits. He would like to obtain employment in mechanics. His uncle runs a business that engages in recycling materials and it is hoped he can obtain work there for a period.

The defendant's offending is serious, in particular the trafficking of methylamphetamine. It is an insidious drug which brings misery and suffering to those who use it, and is responsible for a great deal of crime committed by those seeking to buy it. Having said that, the period of the trafficking in this case is not great, and the amount of drugs and money involved is relatively modest. Moreover, the defendant remains a young offender. He has pleaded guilty and he remains deserving of the opportunity to rehabilitate.

He has spent a total of 290 days in custody and, as I must, I take that into account fully in assessing sentence.

The defendant is convicted of each of the crimes and offences to which he has pleaded guilty today.

I impose a single sentence of 7 months' home detention noting that home detention is not subject to parole as is imprisonment.

All of the core conditions contained in s 42AD(1) of Part 5A of the *Sentencing Act* 1997 are imposed.

With specific consideration to s 42AD(1)(g) and (h), the following conditions are added to the order:

Mr Pearce:

- 1 You must, during all of the operational period of the order submit to electronic monitoring, including by wearing or carrying an electronic device.

- 2 During the period that you are required to submit to electronic monitoring:
- a you must not remove, tamper with, damage, disable or interfere with the proper functioning of any electronic device or equipment used for the purpose of electronic monitoring;
 - b you must not allow anyone else to remove, tamper with, damage, disable or interfere with the proper functioning of any electronic device or equipment used for the purpose of electronic monitoring;
 - c you must comply with all reasonable and lawful directions given to you in relation to the electronic monitoring, including in relation to the installation, attachment or operation of a device, or a system, used for the purposes of electronic monitoring by:
 - i a police officer;
 - ii a probation officer or prescribed officer; or
 - iii another person whose functions involve the installation or operation of a device, or a system, used for the purposes of electronic monitoring.

The following specific conditions are added to the order:

- 1 You must, during the operational period of the order, remain at [address] at all times unless approved by a probation officer.
- 2 Upon your leaving Court this afternoon, or at the latest before 10am tomorrow, you must attend the Community Corrections office at 3 Terry Street, Glenorchy for induction onto this order.
- 3 You must, during the operational period of the order, maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through this device at all times.
- 4 You must submit to the supervision of a Community Corrections officer as required by that officer.
- 5 You must not, during the operational period of the order, take any illicit or prohibited substances. Illicit and prohibited substances include.
 - a Any controlled drug as defined by the *Misuse of Drugs Act* 2001.
 - b Any medication containing an Opiate, Benzodiazepine, Bupropion, Hydrochloride or Pseudoephedrine, unless you provide written evidence from your medical professional that you have been prescribed the relevant medication.
 - c you must not, during the operational period of the order, consume alcohol, and you must, if directed to do so by a police officer or Community Corrections

officer, submit to a breath test, urine test, or other test, for the presence of alcohol.

I make a forfeiture order in favour of the State in respect of all items listed on Property Seizure Record Receipt No 173424, Property Seizure Record Receipt No 98041, Property Seizure Record Receipt No 158060 and items 1, 2, 3, 5, 6, 7, 8, 9 and 10 on Property Seizure Record Receipt No 181859.

I admit Mr Pearce to bail to appear in this Court on 26 February 2021 at 10am.