

STATE OF TASMANIA v CADE GEORDIE HAINES
COMMENTS ON PASSING SENTENCE

13 APRIL 2021
BRETT J

Mr Haines, a jury has found you guilty of the following crimes: 1 count of burglary, 1 count of attempted stealing, 3 counts of unlawfully injuring property and 1 count of stealing.

You committed these crimes on 25 November 2018. The jury was clearly satisfied that you are the person depicted in the CCTV footage. Around 5:30am, you unlawfully entered the premises of Veolia environmental services. The crimes were committed during a course of criminal conduct which occurred over the next 20 to 30 minutes. Your intention was to steal a motor vehicle. You first attempted to steal a Nissan utility owned by Veolia, which was parked in the compound. This was the subject of count 2. You smashed a window of the vehicle and made an unsuccessful attempt to start it by manipulating wiring near the steering wheel. The damage to the window and the wiring is the subject of count 3. I infer that your lack of success in starting this vehicle prompted a decision to break into the office building in the compound in order to search for keys to one of the other vehicles parked on the premises. You gained access to this building by removing a window. You took keys from a key rack in the building, and managed to start a Mazda utility. You then used this vehicle as a battering ram in an attempt to open the main gates of the compound which were locked and secured with a chain. The CCTV shows you using the vehicle to repeatedly ram the gates. However, you were unsuccessful in breaking them open. You then used the vehicle in an attempt to break through the adjoining cyclone wire perimeter fence. The vehicle eventually became entangled in the fence, but your actions did cause substantial damage to the fence and to the vehicle. At this point, you can be seen on the CCTV leaving the vehicle and returning to the building, clearly for the purpose of obtaining the keys of another vehicle. You then drove this vehicle, an Isuzu tipper truck, through the damaged perimeter fence and away from the premises. The police found the vehicle at your home about three weeks later. It had been modified to disguise its identity. You had disposed of some equipment which had been on the vehicle prior to its theft. It is clear that you had been, or at least your intention was, to use this vehicle for a commercial operation. Although the owner recovered all of the vehicles, your criminal conduct caused damage to vehicles and infrastructure of an aggregate value in excess of \$40,000.

I regard your crimes as a serious example of a burglary of commercial premises, reflecting a high degree of moral culpability. Your actions were deliberate and clearly premeditated. Although the site is located in an industrial area, you committed these crimes at a time when people could easily have been present in other businesses, or even at this one. Your violent treatment of the property showed a complete disregard and disdain for the rights of the owner and its employees. You have demonstrated no remorse, and there are no mitigating circumstances.

You were 30 years of age when you committed these crimes and you are now 32. Although you have a lengthy criminal history which commenced when you were very young, there is little, if anything, in the nature of dishonesty offending prior to the commission of these crimes. However, you have subsequently been convicted of numerous burglaries committed a few months before this one, as well as other offences, including one minor offence of dishonesty, committed subsequently. Although the subsequent convictions do not aggravate your criminality in respect of these crimes, they do provide a context which demonstrates that your conduct on this occasion was not isolated nor out of character. However, you do not seem to have continued with dishonest offending of this level of seriousness and you are currently subject to a community corrections order relating to some of the other offending. The

community corrections report suggests that initially you were difficult to engage in supervision but in recent months, you have been compliant with that order and have been pursuing employment opportunities. It would seem that you have, of recent times, been making some effort to pursue rehabilitation. It seems that illicit drug use has been a problem for you over the longer term, although your counsel does not assert a link between that and this particular offending. I am sure, however, that it has in a general way contributed to your criminal conduct.

Taking everything into account, your conduct warrants the imposition of a sentence of imprisonment. The serious nature of the offending requires that you actually serve some of that sentence. Given what I perceive to be some commitment to rehabilitation, I will suspend part of the sentence in order to provide an opportunity for ongoing supervision.

Accordingly, the orders I make are as follows:

- 1 You are convicted of the crimes of which you have been found guilty.
- 2 You are sentenced to a global term of 18 months' imprisonment, which will be backdated to 25 March 2021. The last nine months of the sentence will be suspended for a period of 18 months on the following conditions:
 - (a) That you are not to commit another offence punishable by imprisonment during that period.
 - (b) That you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from when you lawfully cease to be imprisoned under this sentence. The Court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within 3 clear days of the day that you lawfully cease to be imprisoned under this sentence. In addition to the core conditions the order shall also include the following special conditions:
 - (i) you must, during the operational period of the order:
 - (1) attend educational and other programs as directed by the Court or a probation officer;
 - (2) submit to the supervision of a probation officer as required by the probation officer;
 - (3) undergo assessment and treatment for drug dependency as directed by a probation officer;
 - (4) submit to testing for drug use as directed by a probation officer.
- 3 You are not eligible for parole in respect of the operational sentence.
- 4 I make a compensation order in favour of Veolia Environmental Services in a sum to be assessed and I adjourn assessment to a date to be fixed.