

STATE OF TASMANIA v JACK BRADLEY HARVEY
COMMENTS ON PASSING SENTENCE

25 MAY 2021
BLOW CJ

Jack Bradley Harvey, you have pleaded guilty to a charge of unlawfully setting fire to property. You committed this crime when you were in prison. On 28 April 2020, you set fire to two mattresses, some bedding, various items of clothing, some shelving, a desk, and a television set in your cell. You were sharing that cell with another man. You were locked in when you started the fire. Correctional officers happened to be in the next cell. They noticed the smoke. They opened the door and the fire was put out. You resisted. You would not leave your cell. It was necessary for officers to use OC spray to get you to leave your cell. It was necessary for you and your cellmate, as well as the occupants of the next cell, and various officers, to receive medical attention. You and your cellmate needed treated because of the OC spray, but nobody else needed treatment.

The cost of repairing the damage was over \$14,000. There does not seem to be much chance that you will ever be able to pay any of that amount, but I am going to have to make a compensation order.

At the time, you were 22 years old. You are now 23. You have lots of prior convictions. You have been in and out of prison. That is probably because of the unfortunate childhood and adolescence that you had. You have had almost nothing to do with your father. Your mother was not able to look after you. You started using drugs in your early teens. You have been in and out of custody ever since. You have had a drug problem ever since then. To your credit, you have tried to overcome it on a number of occasions, but you have not succeeded. You have mental health problems. You have been diagnosed as suffering from schizophrenia.

You committed this crime in the middle of the COVID-19 lockdown in the autumn of last year. You were becoming increasingly agitated because of conditions at the prison. You were kept in your cell for 23 hours a day, most days. You wanted to be moved to another cell where you could be by yourself, but that did not happen. You did not get on with the other man in the cell. You must have lost your self-control on the day that you started the fire.

Usually prisoners who do things like this get sentenced to about six months' imprisonment. Because of your mental illness problems, and your plea of guilty, and the stress that you were under at the time, I will make your sentence a bit shorter than that. But it will have to be a prison sentence. I will take into account the time that you have spent in custody and backdate the sentence.

I convict you and sentence you to four months' imprisonment with effect from 23 March 2021. I order you to pay the Director of Corrective Services \$14,520.52 by way of compensation for the State's loss.