

STATE OF TASMANIA v JACOB ALEXANDER RALPH HAWORTH 3 JUNE 2021
COMMENTS ON PASSING SENTENCE MARSHALL AJ

Mr Jacob Haworth was found guilty by a jury of the crime of dealing with the proceeds of crime, contrary to s 66A(2) of the *Crime (Confiscation of Profits) Act* 1993. The jury is taken to have accepted the prosecution's case that at least \$30,000 worth of goods, mainly consisting of power tools, was stolen by persons known to Mr Haworth, who stored those goods in a garage used by him on his father's premises, with Mr Haworth knowing that the goods had been stolen.

The crime is a serious one because it facilitates the commission of crimes (stealing and burglary) by providing the hiding place for the storage of stolen goods. That is so even though Mr Haworth had nothing to do with the actual theft of the goods.

During the trial there was evidence that stolen goods recovered from Mr Haworth could be traced to owners, and had a combined value of \$30,000. There was evidence that there were other goods to a value of about \$12,000 that could not be traced to owners. Some of the items had insignificant value, and others were returned to Mr Haworth. For the purpose of sentencing, I am only sure that goods to the value of \$30,000 were proceeds of crime, and were dealt with by Mr Haworth.

Mr Haworth was 24 years of age at the time of the offending. He is now 28 years of age. The trial took a long time to come on for hearing, in large part due to the global pandemic. Mr Haworth is in a stable relationship with no dependants. He has spent time working in roofing and shed building, but due a leg injury has been unable to work in recent times, and is currently in receipt of Centrelink benefits. He has a history of some prior offending involving matters of dishonesty, but nothing as serious as this charge. He was charged in December 2016 with unlawful possession of property, to which he pleaded guilty, as well as minor drug charges, and received a sentence of 112 hours' community service.

After the commission of this offence he has been convicted of attempted stealing to the value of \$100 in April 2019 in respect of an event in December 2018. In June 2019 he was charged with being in possession of stolen property and computer fraud in relation to using a fuel card to obtain fuel to the value of \$1,028. He pleaded guilty to those and other charges on 12 March 2020, and was sentenced to a 12 month Community Corrections order for those and other offences. He has not been charged with or dealt with for any other offence since that time, and is no longer associating with persons who led him into committing this offence. I also note Mr Haworth has been assessed to be suitable to participate in court ordered community service.

In all the circumstances I consider that it is appropriate to sentence Mr Haworth to six months' imprisonment, wholly suspended for a period of 24 months on condition that he not commit any offence punishable by imprisonment in that time. I make a Community Corrections order for an operational period of two years, commencing today, with a special condition requiring Mr Haworth, within that period, to satisfactorily perform 100 hours' community service. I formally convict Mr Haworth of the charge on the indictment.