

STATE OF TASMANIA v JORDAN MICHAEL CAUSON
COMMENTS ON PASSING SENTENCE

2 JULY 2021
BRETT J

Mr Causon, you have pleaded guilty on the indictment to one count of attempting to unlawfully set fire to property and another count of actually doing so. You have also pleaded guilty to a number of associated summary offences, which I have agreed to hear and determine pursuant to section 385A of the *Criminal Code*. These are one count of burglary, one count of stealing, four counts of computer-related fraud, one count of motor vehicle stealing and one count of attempted computer-related fraud.

You committed all of the offences in the early hours of 31 March 2020 in Hobart. You were in company with three other people, including your then partner. It is obvious to me that you and your companions were looking for vehicles to unlawfully enter and steal from. The first set of offences relates to a vehicle parked in a residential area in South Hobart. It had been inadvertently left unlocked and the complainant had left his wallet in the car. You unlawfully entered the car and took the wallet, which contained a number of debit and credit cards, as well as some other property. You used the cards to make a number of fraudulent transactions, with an aggregate value of \$127.68. The property taken by you from the vehicle was valued at \$980. After you had stolen these items, you made a rudimentary attempt to set the vehicle on fire by lighting a paper napkin and leaving it in the car. However, the fire did not take hold and, accordingly, you are guilty only of attempting to set fire to the vehicle.

On the same night, presumably after you had committed the first set of offences, you and your companions located another vehicle parked in a residential area in West Hobart, outside its owner's residence. It seems that the owner may have inadvertently left her keys in the ignition of the vehicle and this enabled you to enter the vehicle. There is no evidence that you or your companions were armed with any form of implement for the purpose of forcibly entering the vehicles. You stole the vehicle, drove it to a location near the residence of one of your co-accused and then set fire to it. It was completely destroyed, along with various items of personal property left in the vehicle by the owner. The vehicle was estimated to be valued at \$14,200 and was insured.

You are now 21 years of age and were 20 when you committed these offences. You started life in difficult circumstances when your parents separated when you were very young and child protection became involved in your care. However, it seems that you were soon after placed in the care of your grandparents, who provided a supportive environment for your childhood. You have a long-standing diagnosis of ADHD and are now in receipt of a disability support pension related to that condition. You have endured some tragedies in the last few years, including the death of your mother eight years ago and the death of your older brother in a motorbike accident. The relationship with your partner has now ended and you have returned to your grandparents' residence on the north-west coast. You and your former partner have a young child and I am told by your counsel that you still get on well with your former partner, and you are taking your responsibilities as a parent seriously. Your counsel submits that you have improved your behaviour since your daughter's birth and this is confirmed by your grandfather.

You have a poor criminal history which includes being dealt with on a number of occasions for numerous offences as a youth. These include similar offending to that for which are appearing before me. Your only sentencing as an adult was on 5 May 2021, when you were placed on a community corrections order by a magistrate, which included both probation supervision and community service. Again, the relevant offending was similar to that with which I am dealing,

and some of it was committed around the same time as this offending. However, I am told by your counsel that you have not been charged with any further offences since that sentence, and it is submitted that this is consistent with your claimed intention to rehabilitate.

I am prepared to accept that your expressed intention is genuine. I think that rehabilitation should be given emphasis in this sentence, particularly because of your age. It is to be hoped that with the motivation of parenthood and the support of your grandparents, you will commit yourself to genuine rehabilitation. This is a critical time for you, and the choices you make now will undoubtedly determine how the rest of your life plays out. You owe it to yourself, your family and your daughter to put criminal behaviour behind you and to live your life in a law-abiding and positive way. Having said this, the crimes and offences committed by you are serious. The destruction of the motor vehicle, and breaking into, stealing from and attempting to set fire to the other vehicle demonstrated a blatant disregard for the rights and welfare of the owners of that property. This was deliberate dishonesty and it is to be condemned. Your conduct affected innocent people and they and the community are entitled to justice. It deserves punishment by way of a sentence of imprisonment. However, I am not going to actually send you to jail on this occasion, but if you reject the opportunity I offer you and commit this kind of criminal conduct in the future, then you can certainly expect to end up in prison. On this occasion, I will give emphasis to rehabilitation by wholly suspending the sentence of imprisonment but will make the suspension of sentence conditional upon probation supervision and the performance of further community service.

Accordingly, the orders I make are as follows:

- 1 You are convicted of the crimes and the offences to which you have pleaded guilty.
- 2 You are sentenced to a global term of 8 months' imprisonment. The entire sentence will be suspended for a period of 30 months on the following conditions:
 - (a) That you are not to commit another offence punishable by imprisonment during that period.
 - (b) That you will perform community service for a period of 77 hours. It is intended that this community service will be in addition to that imposed by the sentence dated 5 May 2021. The Court notes that the sections referred to in s 24(5A) of the *Sentencing Act* apply to this condition. For the purpose of those provisions:
 - (i) you must report to a probation officer at the office of community corrections in Burnie within 3 clear days of today and
 - (ii) the operational period of the order is 30 months.
 - (c) That you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 30 months. That period will commence from today. 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 today. In addition to the core conditions, the order shall also include the following special conditions:
 - (d) you must, during the operational period of the order,

- (i) attend educational and other programs as directed by the court or a probation officer;
- (ii) submit to the supervision of a probation officer as required by the probation officer;
- (iii) submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;

3 I make the following compensation orders:

- An order in favour of Timothy David Paine in the sum of \$1107.68
- An order in favour of Youi Insurance in an amount to be assessed.
- An order in favour of Freya Lucy Sant in an amount to be assessed.

I adjourn assessment of those sums sine die.