

STATE OF TASMANIA v LEIGH ANTHONY GREY
COMMENTS ON PASSING SENTENCE

1 DECEMBER 2021
BLOW CJ

Leigh Anthony Grey, you have pleaded guilty to charges of aggravated burglary, unlawfully destroying property, unlawfully setting fire to property, and arson. You committed all of these crimes in the early hours of a morning in August 2020. The main victim of these crimes was a man with whom you were angry because your wife had left you and gone to live with him. You thought he was a close friend. Initially, after she left you, you were not told that she left you for him. She had been gone about a month when you committed these crimes.

What you did was out of character. You have reached your mid-40s with no serious convictions. You have not had any convictions for over 20 years. But you were angry. You got drunk over several hours leading up to the commission of these crimes. You went to the other man's home, intending to confront him in the early hours of the morning. He and your estranged wife were not there. Nobody was there. You broke into his house and trashed it. By breaking in with the intention of damaging property inside, you committed the crime of aggravated burglary. You proceeded to damage doors, a shower screen, a carpet, a TV, security cameras, a wall heater, a lounge suite, kitchen chairs, trophies and picture frames.

You left, but you had cut your hand, and you went back to do something about that. And then it crossed your mind that you could damage the man's car. You set fire to it, and by doing that you committed the crime of unlawfully setting fire to property. At the time you set fire to it, it crossed your mind that the garage might catch alight, but you did not care whether that happened or not. It did catch alight. The car and the garage and carport were destroyed. By causing the fire that destroyed the building, you committed the crime of arson.

This combination of crimes is the sort of thing for which I could very easily impose a prison sentence of something like a year. But there are things that count in your favour. I have already spoken about your good record, and the fact that you have not been in any trouble at all with the police for over 20 years. You have a good work record. You are a qualified carpenter. You have worked as a builder. You are working part-time as a factory hand in Smithton.

You deeply regret what you did. I have been told that there is not a day of your life that goes by that you do not regret going to the other man's house in the first place. You are apparently in a financial position to make good the losses that you have caused to that man. The contents of his house were not insured. His car was, and the landlord's property was insured as well. You are going to end up having to pay tens of thousands of dollars by way of compensation, assuming that the victim and the insurance companies pursue their rights. There is no reason why they should not. You have pleaded guilty at a very early stage. Even though these crimes were committed about 15 months ago, there is no suggestion that you have dragged the proceedings out by any reluctance to plead guilty and have the matter dealt with.

The question that I have been wrestling with, as I have indicated, is whether these crimes are so serious, despite your good record and the other mitigating circumstances, that I should consider sentencing you to home detention. It is a borderline situation. I think justice will be done if I convict you – a conviction is a significant thing – and impose a wholly suspended prison sentence, and a fine. So that is what I am going to do.

In relation to the four charges, I convict you and sentence you to 10 months' imprisonment, wholly suspended on condition that you commit no offence punishable by imprisonment for a

period of 12 months. I also order you to pay a fine of \$3,000 within 28 days. I also make compensation orders requiring you to pay compensation to Jason Hunt, Commonwealth Insurance Ltd, and CGU Insurance Ltd in sums to be assessed. I adjourn the assessment of the compensation sine die.