

Luke McDonald, you are to be sentenced on your plea of guilty to one count of arson. On 23 May 2022 Shane Lampard lived at 2 Gray Street, Fingal in a shed on the property he had converted into a rudimentary residence. It was in the immediate township of Fingal amidst other residential properties. At about 7.15 pm you went there and set fire to it. The shed and contents were completely destroyed. After setting the fire you went to your cousin's house nearby and admitted what you had done. You were intoxicated. You were arrested that night. After you had sobered up you were interviewed. You then denied any involvement and said that you had been at your cousin's house. You have been in custody since then.

It is estimated that the shed you burned was worth about \$50,000. There is some debate about the value because it did not have any form of approval as a residence. The value of the contents which were destroyed was about \$30,000. That is again an estimate. The items included two cars, Mr Lampard's personal belongings, his furniture and other things which belonged to his children. None was insured and no doubt they were worth to the owners more than their monetary value whatever that was.

You are now aged 34. You have limited education but you have held various positions of employment. You have a long history of alcohol abuse but your family remains supportive. You have been subjected to some very distressing events during your life, including being witness to a murder and the death of a partner. That you may resort to alcohol as a coping mechanism may explain your conduct but does not excuse it. Your motivation for acting as you did was because you were unhappy that Mr Lampard had not given you the registration papers and spare key for the car he gave you in satisfaction of a debt, \$680, he owed to you. You returned the car on 21 May 2022 and it was one of the things destroyed in the fire.

This is not the first time that you have been in trouble for doing something like this. In 2006, when you were 18, you were sentenced to a partially suspended term of imprisonment of nine months for, in an attempted suicide, setting fire to the granny flat which belonged to your parents causing \$30,000 worth of damage. Even then you had a serious problem with alcohol and the sentence was moderated to give you the opportunity to address it. You made various attempts but none were successful. Ten years later in 2016, you, again intoxicated, set fire to a house in Longford from which you had been evicted for not paying the rent. On this occasion the cost of the damage was between \$230,000 and \$250,000. You were sentenced to imprisonment for two and a half years with eligibility for parole after serving half. The judge correctly explained to you that consumption of alcohol was not an excuse and that you and others must understand that persons who get drunk and start a fire, particularly one intended to destroy property, cannot expect lenience. Your record generally is characterised by alcohol related offences, in particular driving offences. In 2019, following your release, you were given a short suspended sentence for assaulting a female on 24 January 2019, while you were on parole. I take into account that prison is difficult at the moment due to frequent lockdowns, limited access to family and support or mental health or alcohol and drug related therapeutic services. You recently contracted Covid but seemingly have recovered.

Arson is the most serious property crime because it is easy to commit, has the capacity to cause serious damage to property and to expose others to risk of death and injury. This is now your third conviction for the crime. You have not learned your lesson from the first two occasions. You went to Mr Lampard's property intending to burn it. It may be that you

decided to do so without much thought, but the possibility must have been in your mind for some time because you made a veiled threat about burning the shed a few days earlier when you argued with him on the phone. I will make an order that you pay compensation but there is little chance that you will ever be able to pay for the damage you did. The only factor in your favour is your early plea of guilty which facilitates the administration of justice at a time when there is a substantial backlog in trials made worse by the pandemic. The only appropriate sentence is a substantial term of imprisonment although I will reduce the length of the term and make a more favourable allowance for parole because of your plea of guilty.

Luke McDonald, I make a compensation order in favour of Shane Kevin Lampard and adjourn the further terms of that order to a date to be fixed. You are sentenced to imprisonment for two years and six months from 23 May 2022 with eligibility for parole after having served half of that term. But for your plea I would have sentenced you to imprisonment for three years with a non-parole period of two years.