

Mr Wilkins has pleaded guilty to charges of accessing and possessing child exploitation material. Police officers arrived at his home with a search warrant on 28 October 2021. He was not at home but was contacted by the police came home, and co-operated with them. He took part in an interview and made significant admissions. For some two months he had been using his phone to download child exploitation material and transferring that material onto a hard drive, sometimes directly and sometimes via his laptop.

The charge of accessing child exploitation material relates to files that he downloaded using his mobile phone on 22 August 2021. The police were unable to recover the content of the files from the mobile phone.

The possession charge relates to 42,941 images and 700 videos. A very small number of those images and videos had been deleted. A random sample of five items can be summarised as follows:

- One video showed a pre-pubescent girl lying naked on her back. A man lent over her, and inserted his penis into her mouth. She then performed felatio on him.
- Another video showed a young pre-pubescent girl lying naked on her back performing felatio on an adult male. The girl was blindfolded, and had a black collar around her neck. She was bound by a rope. She had her legs spread apart, and the man inserted his fingers into her vagina.
- A third video depicted three young pubescent naked girls. One lay on her back while another kissed her on the lips and breasts and the third performed oral sex on her.
- The next item was an image of a pre-pubescent child performing felatio on an adult male.
- The final item was an image of a naked pubescent girl with her legs spread apart. It focused on her genitalia.

Mr Wilkins is 56 years old. He has no relevant prior convictions, but he has been dealt with by this Court before, without a conviction, on five charges of accessing child exploitation material. In 2010 he went to the State Library and used one of its computers. He was looking for adult pornography but instead found five pornographic images amounting to child exploitation material. He pleaded guilty and I dealt with him leniently. He has a good employment record. He has been working in a menswear store for some 10 years. He is married with adult children, but separated from his wife. He has little contact with the children. He has a history of anxiety, depression, very low self-esteem, periods of terrible self-loathing and suicidal thoughts.

He is an intelligent man. There are certainly indications of remorse. He took steps to ensure that no one else saw the material on his various devices. He pleaded guilty in the Magistrates Court at an early stage. He sought assistance from a psychologist after he was charged, but apparently has only seen that psychologist five times.

I hoped that it would be appropriate to impose a home detention order in this case, but I accept the opinion of a probation officer that Mr Wilkins is not suitable for a home detention order because of his mental state. I accept that if he were confined to his home month after month there would be an unacceptable risk of suicide or at least self-harm. He is also considered unsuitable for a community service order because of a medical condition affecting his hip.

This is a very serious case. It is serious because of the impact that the use of children for the production of child exploitation videos and images has on those children. If nobody accessed this material there would be no demand for this material. The only appropriate response is to impose penalties that reflect the seriousness of the harm done to the exploited children. This is a case that is serious enough for imprisonment. Because of Mr Wilkins' unsuitability for a home detention order and his unsuitability for a community service order, the only appropriate penalty left available to me is a sentence of imprisonment. Because of his fragile mental state and his history of suicidal thoughts I am going to impose a shorter sentence than I would otherwise impose and suspend some of it. I think that imprisonment is likely to be much harder for Mr Wilkins to take than it is for most prisoners, and that this is an exceptional case in which such a course is warranted. I will also be making a community correction order and ordering that Mr Wilkins' name be placed on the sex offenders register.

Stacey Franklin Wilkins, I convict you and sentence you to 6 months' imprisonment. I suspend three months of that sentence on condition that you commit no offence punishable by imprisonment within 2 years after your release from prison. I make a community correction order to operate for 12 months after your release from prison with special conditions that during that period:

- (a) you must submit to the supervision of a probation officer as required by that probation officer; and
- (b) you must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

I order that the Registrar appointed under s 42 of the *Community Protection (Offender Reporting) Act 2004* place your name on the register under that Act and that you comply with the reporting obligations under that Act for five years from today.

I order that the items listed in paragraph 13 of the Crown statement of facts be forfeited to the State of Tasmania.