

Tyler Forbes, you were found guilty by a jury of aggravated burglary, burglary, stealing and stealing a firearm. Craig Groves lived alone on a rural property at Nabowla. On 6 April 2021 someone broke into a workshop adjacent to Mr Groves' house by forcing the door. When inside that person used tools to forcibly open the locked gun safe and stole the Brno .22 long rifle which was inside. In that gun safe Mr Groves also kept keys to another gun safe in his house. The offender forced the door of the house, used the keys to access the second guns and stole all eight firearms which were stored in the second safe. In addition, other items were stolen including significant quantity, about 400 rounds, of various types of ammunition for the firearms including shotgun shells, a Bushnell telescopic sight, a camouflage jacket, a head torch, binoculars and some coins, around \$300, which were in various containers in the house.

At trial there was no issue that the crimes were committed. The only issue was whether you were the culprit and the jury was satisfied beyond reasonable doubt that you were. DNA strongly matching yours was found on the shovel which I find was used to lever open the shed door and on a hammer inside the shed. There was evidence that you knew of Mr Groves and of his interest in firearms and had the means to find out where he lived. A few months later, when the result of the DNA analysis became known to the police, a house near Bridport in which you were living was searched. One of the stolen rifles, an Adler shotgun, together with a Bushnell scope, a camouflage jacket and shotgun shells matching those stolen from Mr Groves were all found. By then the serial numbers on that shotgun had been almost completely ground off. There was some issue at trial that the shotgun which was found was in fact the one belonging to Mr Groves but I am satisfied, as the jury must have been, that it was. He was knowledgeable about firearms and identified it as his, albeit from photographs. It was a straight pull 12 gauge shotgun which had been modified so that it could be operated left handed. The chance that it was a different gun matching that description turning up under your bed, along with a scope like the one stolen from Mr Groves and a jacket he said was his, was rightly dismissed by the jury. You offered what you claimed were innocent explanations for your possession of these items but the jury must have rejected those explanations as untrue. You have never held a firearms licence.

After the verdict was returned I agreed to deal with your plea of guilty to four summary charges, namely two counts of possessing firearms without a licence, possessing ammunition without a licence and possessing a firearm with the identification marks removed. That latter charge relates to the Adler shotgun found under your bed. However, the unlicensed possession charges concern all of the stolen firearms and ammunition which, once through your counsel, you expressly admitted were in your possession on the day you stole them. That admission is in your favour in important respects but it also, given that it was only made after the verdict, makes clear a complete absence of remorse, the absence of an explanation for what motivated the crime and the absence of any co-operation with the authorities in the recovery of any other firearms you stole. Apart from the one found in your bedroom, only one of the other firearms, a Beretta 12 gauge ultralight shotgun, has been recovered. It was not recovered as a result of any co-operation from you. It was found during a search of a property in Pipers River in September 2021. The other firearms you stole, a Ruger .270 rifle with a scope, a Husqvarna .243 rifle, a Beretta single barrel shotgun, two Brno .22 long rifles with scopes attached, a Ruger .17 rifle with a scope and a Thompson.223 rifle with a scope, are not recovered.

Stealing firearms was made a crime in 2013. It forms part of a legislative scheme developed since then which deals with gun control and gun ownership. One intention of the scheme is to

license and regulate firearm ownership to make it more difficult for persons to obtain access to firearms for unlawful purposes. Because they are stolen and cannot be traced they fall outside that regulation. The release of unregulated stolen firearms into the community increases the risk that the firearms may be used for crimes of dishonesty and violence.

In this case a significant number of firearms were stolen in what seems to have been a targeted albeit unsophisticated burglary. As I have already stated only two have been recovered and the rest are now circulating unregulated in the community. You are not entitled to the mitigation a plea of guilty would have carried. You have displayed little insight into the seriousness of the matter or acceptance of responsibility. All of those factors point strongly to imposition of a sentence of imprisonment to punish you and condemn your conduct. Another important sentencing factor is to make clear to you and others what is likely to occur if crimes involving the theft of firearms are committed, with the aim of providing a deterrence and thus protecting the public.

Your personal circumstances were described to me by your counsel and in a home detention assessment report. You are now 30. You have a four year old child but you are no longer in a relationship with her mother and contact with your daughter is problematic. You have one prior conviction for dishonesty for which you were fined by a magistrate. You have not been made subject to any sentence of imprisonment or even community based sentencing orders in the past from which it obviously follows that you have not been to prison before. You are a qualified mechanic and held stable employment in that capacity for a prolonged period. However you have not been employed for a year until recently getting another job. You have used illicit drugs since you were 20 and since 2018 have been using methylamphetamine. You continue to do so and seem to regard this as some form of self-medication for ADHD diagnosed when you were a child. It was not stated by anyone but it seems to me that there is likely to be some link between your use of the drug and the deterioration in your circumstances. It is one of a number of reasons that you assessed as not suitable for home detention. This was a border line case for home detention in any event and while I have taken into account your counsel's submissions about the contents of the assessment report today I have decided not to make such an order. Given the seriousness of your crimes the only appropriate sentence is one of imprisonment and I have concluded that some of the term is to actually be served. Because of the absence of any relevant prior convictions and your capacity to return to employment I will suspend part of the term but impose a condition requiring a period of supervision in the community.

You are convicted on each count on the indictment and on counts 5, 6, 7 and 8 on complaint 33566/2021. I make a compensation order in favour of Craig William Groves and adjourn the further terms of that order to a date to be fixed. I impose one sentence. You are sentenced to imprisonment for 18 months from today. I order that 12 months of that term be suspended for two years also from today. It is a condition of that order that while it is in force you do not commit any offence punishable by imprisonment. If you breach that condition then a court must activate the balance of that term unless it is unjust.

I impose a further condition that, during the period the order is in force, following your release from custody you are to be subject to the supervision of a probation officer. One of the conditions which the law imposes on that order is that you must report to a probation officer at 111-113 Cameron Street, Launceston within three clear working days of your release. Other conditions will be explained to you. I impose special conditions that you must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer, attend educational and other programs, undergo assessment and treatment for alcohol or drug

dependency, submit to testing for alcohol or drug use and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer. If you breach any of those conditions you may be brought back to court and re-sentenced.