

Mr Stanton you have pleaded guilty to a charge of blackmail.

On 15 August 2021, the complainant, Danny Charles Farlow, began communicating with Ms Anita Barker by Snapchat.

The complainant and Ms Barker sent each other numerous messages including sexually explicit content and pornographic photographs of themselves.

On the morning of 16 August 2021, Ms Barker attended the complainant's workshop in Moonah, by arrangement. They had a conversation whilst having a coffee together. Ms Barker then performed oral sex on the complainant.

The pair continued to message each other on Snapchat during the course of that afternoon. The complainant agreed to pay Ms Barker small amounts of money to help her family, rather than pay for the sexual acts. Ms Barker asked the complainant to transfer \$100 into her bank account.

The complainant transferred \$150 into her account that afternoon. She later messaged the complainant and told the complainant that she had not received the money requested. The complainant took a screenshot of the bank transfer and sent it to Ms Barker. That screenshot also included the complainant's bank account balance of approximately \$45,000.

The complainant and Ms Barker continued to message one another over the following days with sexually explicit messages and photographs.

An arrangement was made for her to attend the complainant's workshop at around midday on 19 August 2021. Ms Barker attended the workshop at around that time. She asked if she could use the toilet and she walked out the back of the workshop to use it.

As she returned to the workshop office she signalled to you, you were in a laneway near the workshop. You walked from the laneway and opened the office door. The complainant asked you what you were doing.

You turned to Ms Barker and said "*are you going to tell him?*". Ms Barker then made a telephone call to someone she referred to as "Steven". The phone was put on speaker and the male referred to as "Steven" started abusing the complainant about sending explicit messages and photos to his partner, Ms Barker. That person threatened to tell the complainant's wife about the messages if \$50,000 was not paid. He told the complainant that he had followed him home and knew where he lived.

You then said to the complainant "*How about \$30,000?*". The complainant agreed, due to the threats, but said that he would have to go to the bank to get \$15,000 that day and get the remaining \$15,000 the following day.

At 3:30pm that day, you and Ms Barker returned to the complainant's workshop. You said "*What's going on?*" to the complainant and the complainant gave you \$15,000 in \$1,000 bundles of \$100 and \$50 notes. You counted the money.

An arrangement was made to meet the complainant outside the Glenorchy City Council at 10am the following day to collect the remaining \$15,000.

You and Ms Barker then left his workshop with the cash.

On the morning of 20 August 2021, the complainant obtained another \$15,000 from his bank. He parked his utility in the carpark at the back of the Glenorchy City Council.

At around 10am, you and Ms Barker approached him. The complainant gave you a plastic bag with \$15,000 cash, bundled the same way as the previous \$15,000.

He reported the matter to police later that afternoon.

On 25 August 2021, members of Tasmania Police attended your residence in possession of a search warrant. \$1,500 in \$100 notes was located hidden under the bottom drawer of a cabinet in the main bedroom. The cash and your mobile phone were seized. You were arrested and taken to Hobart Police Headquarters.

You participated in an electronically recorded interview. Under caution, you stated:

- (a) Anita Barker had asked you to go with her to meet the complainant to see if she could get some money out of you.
- (b) You were there for her protection, to make sure she didn't get hurt.
- (c) She entered the workshop and that you waited outside. When she gestured to you, you entered the office.
- (d) Ms Barker then called a male on the phone. The male on the phone was abusing the complainant and told the complainant that if he didn't give them money they would tell his wife. You indicated to Police that that person had asked for \$50,000, but the complainant said he didn't have that much money.
- (e) An agreement was made for the complainant to give them \$30,000 and you left. You had returned at 3:30pm that afternoon and collected \$15,000. The next morning at 10am you had met the complainant at the Glenorchy City Council Chambers and collected the remaining \$15,000.
- (f) You said you received \$5,000 from the \$30,000 and that you had spent most of it on alcohol and food.
- (g) You said the \$1,500 found under the cabinet in your bedroom was some of the complainant's money.

You were charged, processed and bailed to appear in the Hobart Magistrates Court.

A plea of guilty was entered to the charge in the Hobart Magistrates Court on 25 July 2022.

This is a somewhat unusual offence. I consider your actions to have been opportunistic, but nonetheless serious and no doubt confronting and troubling to the complainant. The sentence I impose must vindicate the complainant by marking the seriousness of your offending with a

sanction that serves to punish you. It must also operate to deter others. This is a relatively easy offence to commit-it requires little planning to put into effect, and has the capacity to cause significant harm. I accept that you were not the primary player in this act of exploitation but your involvement was central to its implementation and execution. You played an active part in it.

You gained about \$5,000 and have spent most of that on alcohol and food, and as I have noted \$1,500 was recovered.

I accept that you were suffering poor mental health at the time of this offending, but that does mean that you were unable to appreciate the seriousness of your conduct..

You appear without relevant prior conviction and I am certain and accept that your apprehension and participation in the court process and the inevitable damage to your character which will accrue has served to deter you from future offending.

I take account of your early pleas and discount your sentence by 20% in recognition of the utilitarian benefit which accrues thereby.

I take account of the short duration of your conduct. That is relevant to measuring its criminality as well as the impact on the complainant.

You are in employment, and I consider there is a community and personal benefit in imposing a sentence which preserves your capacity to continue that employment.

At the same time, the sentence I impose must as I have noted serve to deter others.

As such, I have decided that a proper sentencing response involves a term of imprisonment coupled with community based service orders.

Having regard to the matters put in mitigation to me, I have determined that it is appropriate to suspend the operation of that sentence of imprisonment. The sentence I impose is one of 3 months imprisonment wholly suspended. I order that you complete 100 hours community service over a period of 24 months. That period takes account of your employment obligations which will require some additional commitment from you because your employment means that you will be only availability to undertake that community service work on weekends.

The net effect, Mr Stanton is the sentence I have imposed is that you have a sentence of imprisonment of three months hanging over you. One of the conditions of that sentence is that you complete 100 hours of community service. A further condition of that suspension of sentence is that for a period of three years you must not commit an offence punishable by a term of imprisonment, if you do you may be required to serve that sentence that I have just imposed, in addition to any other penalty that might be imposed for that offending.

I make a compensation order pursuant to s 68 of the *Sentencing Act* in favour of Danny Charles Farlow to an amount to be assessed.