

STATE OF TASMANIA v ADAM DAVID BLYTH
COMMENTS ON PASSING SENTENCE

25 May 2023
JAGO J

Mr Blyth, you have been found guilty by a jury of one count of burglary and one count of stealing. Because the only issue at trial was the identity of the thief, the facts follow from the verdict. Overnight on 29 February 2020 you entered, as a trespasser, a shed at 752 Oldina Road and stole from that shed a quantity of tools, ammunition and other miscellaneous items. I am satisfied you stole all of the items listed upon the indictment. Your burglary of the premises also led to a quantity of firearms being stolen from a gun safe within the same shed. The jury were unable to return a verdict in respect to the allegation that you were responsible for stealing those firearms and you have subsequently been discharged from that count. Whilst you are of course not to be sentenced for that crime, your entry to the premises left it vulnerable to others who also entered and stole firearms, and thereby exposed the community to the risks associated with stolen firearms falling into the wrong hands. DNA evidence linked you to the theft of the tools. A number of the stolen items were also found in your possession. You are not entitled to any mitigatory benefit flowing from a plea of guilty. Some of the property found in your possession has been returned to the complainant, but he has still incurred a substantial loss. I will make a compensation order in favour of Roy Dennis Reid, the terms of which will be adjourned sine die.

At the time these crimes were committed you did not have a particularly bad prior criminal history. There were some driving matters and offences contrary to the *Road Safety (Alcohol and Drugs) Act*, and you were sentenced for some matters involving dishonesty in Western Australia in 2017. You had, as at February 2020, no prior convictions for matters of dishonesty in Tasmania. In January 2021 however, you were sentenced for a large number of offences of dishonesty, committed around the same time as these crimes. You were sentenced to a seven month period of imprisonment to be served as a drug treatment order. To your considerable credit you graduated from the CMD program in November 2021. For several months thereafter you were able to maintain abstinence and pursue employment, but unfortunately by mid-2022 your drug addiction issues had resurfaced and you allegedly became involved in the commission of several further matters of dishonesty which are currently awaiting disposition in the Magistrates Court. Nevertheless, following the finding of guilt on these matters I had you assessed as to your suitability for both Home Detention and/or a further Court Mandated Drug Diversion sentencing order, because I accepted these crimes occurred when your drug addiction was unmanageable and your success on the CMD program indicated that you had capacity for reform.

You told the Court then, through your Counsel, that you were willing to again commit to addressing your drug addiction issues. Subsequently, however, you withdrew your consent to a Home Detention Order and you have been deemed unsuitable for a CMD order because you have no suitable accommodation available to you. You have also been charged with a number of new matters to be dealt with in the Magistrates Court and you are currently remanded in custody on such matters. This too would prevent you commencing on a Court Mandated Drug Diversion Order even if accommodation could be found.

I take into account the material outlined in the Court Mandated Drug Diversion report I received. I note you are 32 years of age, you are in a stable relationship and there are children to that relationship. Your partner remains supportive of you. You have, in the past, been able to secure and maintain periods of employment, particularly within the building industry.

Taking into account all matters, I have determined a period of imprisonment is warranted. The crimes were serious. They must have involved a degree of planning given the remote location of the shed on the property. Isolated rural properties are vulnerable to this type of criminal activity. Breaking into another person's property and stealing causes great inconvenience and involves an intrusion into the sense of security the property owner is entitled to enjoy. It causes distress to victims and is of concern to the wider community. General deterrence is a significant sentencing consideration. You are convicted of both crimes. I impose a single sentence. You are sentenced to six months' imprisonment backdated to commence on 18 May 2023 to take into account time spent in custody.