

Jackson Cadman, you are to be sentenced for two sets of crimes. You were found guilty by a jury of aggravated burglary, armed robbery, stealing, unlawfully setting fire to property and unlawfully setting fire to vegetation. Those crimes were committed on 23 November 2019. I also agreed to deal with your plea of guilty to driving without a licence on that day. You also plead guilty to three counts of assault committed on 18 September 2022. I will deal with them in chronological order.

As to the 2019 crimes it is for me to find facts for sentencing purposes. However, in this case, the facts follow from the verdicts. On 23 November 2019 you went alone to the home of Albert George in Rocherlea. You were then aged 20 and Mr George was 72. He knew you. He had been a friend of your father for some years until they fell out. He was in his living room and looked up to see you at the back door holding a brick in each hand. He told you that he did not want you there. You threatened to hit him with the bricks but put them down on the door step before coming inside. You pushed him to the ground, demanded money and then ransacked the lounge room and then at least one of the bedrooms. Mr George was a person with limited mobility and when he tried to get up you pushed him down again. You found and stole \$200. You then drove off in his car with a chainsaw you had also found. You drove Mr George's car about 50 kilometres to the Stoney Head Military Training Area. It is on the north east coast of Tasmania and, from the maps in evidence, appears to be about 70 square kilometres. It is relatively isolated and is covered by low coastal vegetation. There are only a few army related administration and accommodation buildings which were well away from the area you found yourself in. Because it is used for military training including live firing the perimeter is fenced and warnings about the restricted entry are indicated by numerous signs. However you managed to drive in, having on the way driven Mr George's car through two rural wire fences. At around 4.30 pm you were seen by an army employee, Mr Stubbings, who tried to flag you down. You ignored him and kept driving. A little over a kilometre from the coast you parked the car off the road and set fire to it. By the time it was found by Mr Stubbings just after 6.00 pm it had been completely destroyed. Fortunately that fire burned only a small adjacent area of vegetation and did not spread. While he was near the car Mr Stubbings noticed smoke coming from another location. He notified his superiors and the Tasmania Fire Service. The source of that smoke was another fire which the evidence suggested originated on the coast at the western end of Maitland Bay. The jury was satisfied that the fire was deliberately lit by you. Unlike the vehicle fire, this fire did take hold and spread. Before it was extinguished a few days later it destroyed about 500 hectares of the coastal vegetation on both Crown land and private property.

You were arrested during the afternoon of the following day having lit another small vegetation fire to attract the attention of a Fire Service helicopter which was assisting in the firefighting operation. You admitted having lit that fire but a majority of the jury accepted that you did so out of necessity so that you could be rescued. By then you were wearing only shorts and had no water.

The crimes you committed against Mr George did not result in any physical injury but the experience must have been very confronting for him. You entered his home intending dishonesty and you used violence to take from him what you could find which was of value. He lived alone and his physical condition made him a vulnerable and easy target. Your destruction of his car was completely unwarranted and likely some pointless and misguided attempt to destroy evidence of your earlier crimes. The lighting of the vegetation fire at Maitland Bay was a serious

matter. Fighting that fire cost about \$170,000 and required the allocation of very considerable Fire Service resources including ground crews, machinery and air support. Deliberate lighting of such fires risks a great deal of damage to the environment, to property and to persons. It is fortunate that this fire was able to be contained and so did not spread to a more populated area or an area where buildings were located. Even so, the fire burned a considerable area and the nearby town of Lulworth was put on a watch and act warning. Members of the fire and emergency services were put at risk to fight it. I cannot determine why you lit this fire, but I agree with your counsel that your record does not indicate a tendency to fire setting and I doubt that this was a malicious act with a full appreciation of the risk it posed.

I turn to the assaults committed on 18 September 2022. The victim of the assaults was your father Ray Cadman. He was then aged 68 and you were 23. On the previous evening you turned up at your aunt's home in Mowbray where your father and other members of the family were watching the football. You were obviously affected by drugs. You were repeatedly asked to leave but each time you did so you came back. Eventually, at 4.00 am, your father called the police. You were taken to the hospital for a mental health assessment but not admitted. At 8.30 am your father picked you up from the hospital and drove you home to Nabowla. When you arrived he spoke to you expressing disappointment about your behaviour. Without warning, you attacked him. You grabbed him around the throat in a headlock and started to choke him. He fell to the ground but you began to choke him in the same way. You took his phone. He managed to struggle free. As he walked away you followed him, punched him to the head with a closed fist and tried to kick his legs. He crossed Nabowla Road to try to escape you but still you followed him, pushed him to the ground repeatedly kicking his stomach, back and head, between 20 and 30 times, and you punched his head. Your violence was observed by a member of the public who was driving past. Your father called for help but she was unable to stop because you chased the car and screamed at her. Even as she drove on you returned to resume the attack. You continued punching your father and stomped on his back as you told him you wanted to kill him and demanded his car keys. When you eventually stopped he managed to make his way along the road to a neighbour's house and the police were called. You drove off in your father's car. He was eventually taken to hospital by ambulance.

Your father was seriously injured. He had a small subdural haematoma on the upper part of his brain. He had multiple rib fractures, a fracture of his left eye socket, a fracture of one vertebrae in his cervical spine, a minimally displaced transverse fracture of a lumbar vertebrae, torn cervical spine ligaments and significant bruising and abrasion all over his body. He was in hospital for 11 days but, I am told, has physically recovered in the sense that he has no long lasting effects from his injuries. His victim impact statement provides a moving account of the conflict between his love for you and recognition of the impact of your abuse of drugs on the one hand and the seriousness of the violence you inflicted on him on the other. He was affected physically, but even more so psychologically and emotionally.

Your personal circumstances were described to me by your counsel and in a report from a clinical and forensic psychologist Dr Georgina O'Donnell dated 16 March 2023. You are now aged 24. You were raised by your father and aunt. You have one son but your contact with him is limited. You have had some occasional but brief unskilled employment. You had trouble at school with the result that you have limited literacy and numeracy, likely a result of your intellectual functioning which is in the extremely low range, assessed by Dr O'Donnell as resulting in mild intellectual disability. The overwhelming factor contributing to your criminal behaviour is abuse of drugs, particularly methylamphetamine, and alcohol. You have a history of drug induced psychosis for which you have received in-patient psychiatric treatment and in 2020 you were

made the subject of a treatment order. You have been medicated and managed not only by mental health services but by your GP at the Aboriginal Health Service. You have also been to rehabilitation facilities but when your mother died in 2022 you relapsed into heavy drug use.

Before 2019 your record, as a youth and an adult, was mostly for low level dishonesty, driving and anti-social offences. At the time of the 2019 offending you were still only 20 and had not been to prison. You have committed some other offences of a similar nature since then for which you have been made subject to community based orders but your only term of imprisonment was 14 days at the end of 2022 for driving offences, breach of bail and injuring property. You committed a number of other offences at around the time of the assaults committed in 2022 but you have not yet been sentenced for those offences. You were fined for assault in 2023, but there has been nothing else involving dishonesty and violence as serious as the crimes against Mr George or, even more so, the assaults committed against your father.

For the assault charge it is in your favour that you pleaded guilty. The circumstances of both offences are consistent with you having been significantly affected by drugs or alcohol or both. Mr George told the police that you appeared to be affected. There seems to be no rational reason that you would drive to Stoney Head or for your erratic behaviour. The same is true in 2022. Your father described you as having been made into a monster by drugs. You have been in custody since 19 September 2022. You are now in a better condition and have been undertaking educational courses in prison. You have expressed some remorse and insight. Your counsel is stating the obvious when she observes that your mental health improves when you are abstinent from drugs. You say that you want to remain abstinent but you have said that to Dr O'Donnell before and it has taken a period of custody to achieve it so far. Your father is now in very poor health and there is a chance that he may not see your release. He has written a letter strongly supporting you and attesting to the changes which have occurred while you have been in custody. His attitude to sentence for the assaults committed against him is relevant but is to be given limited weight. He was the victim of a very serious assault. His poor health may make prison more onerous for you but it cannot justify an inappropriately lenient sentence.

I would accept that your mental impairment moderates your criminal culpability but only to a very modest extent. Your low intellect reduced your capacity to appreciate the risk that the vegetation fire you lit at Stoney Head may spread but it is not suggested that you did not know that what you did was wrong. Moreover, whilst the combined effect of drugs and alcohol and your intellectual disability cannot be entirely disentangled, the self-induced effect of drugs is by far the strongest causative factor in your overall offending and it is not mitigating. The chance of rehabilitation is still an important factor but it will be up to you to demonstrate that by your actions following your release.

I have decided that it is appropriate to impose separate sentences for the crimes committed against Mr George, for setting fire to vegetation and for the assaults, but, to allow for totality, order some concurrence in the terms while still reflecting the separate criminality involved. It is agreed that your sentence should commence on 3 October 2022 to take into account the time you have already spent in prison.

On indictment 289/2021, counts 1, 2, 3 and 4, the aggravated burglary and armed robbery of Mr George and the stealing and burning of his car, you are convicted on each count. I make a compensation order in favour of Albert George and adjourn the further terms of the order to a date to be fixed. For those counts I impose one sentence. You are sentenced to a term of imprisonment of 15 months from 3 October 2022. I order that you not be eligible for parole until

you have served half of that term. On complaint 35727/19, count 6, driving without a licence you are convicted. I make no further order except that you are disqualified from driving for four months from your release. Any driver licence you have is cancelled.

On indictment 289/2021, count 5, unlawfully setting fire to vegetation at Stoney Head, you are convicted and sentenced to imprisonment for 12 months. I order that you not be eligible for parole until you have served half of that term. I order that six months of that term be served concurrently with the term just imposed and the balance is to be served cumulatively.

On indictment 151/2023, you are convicted on each of the three counts. I impose one sentence, a term of imprisonment of 18 months. I order that you not be eligible for parole until you have served half of that term. I order that the term be served cumulatively to the terms just imposed.

In accordance with the *Sentencing Act*, s 92A(3), I specify the total term of imprisonment that you are liable to serve is three years and three months from 3 October 2022 and you are not eligible for parole until you have served half of that total term.