

**STATE OF TASMANIA v JESSICA EVELYN MAY BROWN**  
**COMMENTS ON PASSING SENTENCE**

**18 APRIL 2016**  
**TENNENT J**

You have pleaded guilty to five counts of using a computer with intent to defraud contrary to the *Criminal Code*, s257B(c), and one count of fraud contrary to s253A(c). The offending occurred between June 2014 and January 2015.

During the period of the offending you were living with your grandmother at Glen Huon. She then had a MyState account which had two debit cards linked to it. You knew where your grandmother kept a record of bank and debit card details. Further, you had an iTunes account using your grandmother's address and it was linked to a mobile phone number registered to you and to one of your email addresses. On 24 March 2014 you established a PayPal account using another mobile phone number and a different email. Your mother was also a subscriber to a PayPal account. You had access to that account and it was linked to several mobile phone numbers used by you and the email you used for your own PayPal account.

Between June and September 2014 your grandmother was away from home travelling.

In January 2015 your grandmother was contacted by MyState about three transactions using one of her debit cards. The amount involved was about \$6,000. Your grandmother said she had not authorised the transactions. As a consequence a statement of transactions on her account going back to June 2014 was sent to her so that she could check if there were any other unauthorised transactions. She found a large number.

Between 14 June and 7 August 2014, you carried out 83 on-line transactions with iTunes using one of your grandmother's debit cards. These transactions amounted to \$1,271. Three of them to a value of \$7.47 were declined due to suspected fraud. Between 18 July 2014 and 13 August 2014 you carried out 45 on-line transactions via a PayPal account using the same debit card. The value of these transactions was \$68,421.13. Some of the transactions were repeat attempts to buy the same item. Thirteen of the transactions to a value of \$59,596.60 were declined because of suspected fraud. The transactions all related to eBay purchases of women's clothing and accessories, children's clothing, auction items and car parts.

On 25 July 2014 you used the same debit card to pay a \$944.21 bill with a vet relating to a dog you and an ex-boyfriend owned.

On 17 August 2014, the debit card of your grandmother's you had been using without her permission was deactivated. A fresh card with a new number was issued. You made no unauthorised transactions on your grandmother's accounts between 18 August and 4 November 2014. However you gained access to the new card number and details and between 5 November 2014 and 12 January 2015 you carried out 52 on-line transactions using the new card details. These were eBay purchases using a PayPal account. The total value of the transactions was \$23,422.69. Twelve of the transactions totalling \$8,711.16 were declined due to suspected fraud.

One of the transactions was the purchase of a car for \$1,800. You paid via PayPal and collected the car on 7 January 2015. However on 10 February 2015 the vendor of the car was notified by PayPal that the payment was disputed and they debited her account with the money she received from you. The vendor reported the matter to police. She was out of pocket \$1,756 as a result of your fraudulent activities.

Between November 2014 and January 2015 you also used your grandmother's cards to pay bills at Service Tasmania to benefit yourself, your brother and a boyfriend at the time. During roughly the same period, you conducted 17 on-line transactions to buy phone credit for yourself and a boyfriend.

In February 2015 your grandmother had all her cards cancelled and went to police. In July 2015 your mother was interviewed and said she suspected you had been using your grandmother's cards. On 11 August 2015 you were interviewed and made admissions. The net value of what you gained amounted to \$27,065.44, although the transactions you attempted were to a value of \$95,730.67.

You have repaid none of the money you gained from your activities, and looking at your situation, it is unlikely that you will ever do so. Your grandmother was able to recover \$18,187.47 from MyState but remains out of pocket \$8,789.66. The money you took was effectively her superannuation.

You are 21 years old. You were pregnant at the time of your plea, and a pre-sentence report indicates you have now given birth to a daughter. You completed your schooling at Huonville High School and had some work while at school and on leaving. You have however had a problem with drugs since the age of 13. As at June 2014 you were using ICE costing you in the region of \$600 a day. In part your offending was to fund that habit. You bartered goods you bought for drugs.

I am told that, since the offending was detected, you have stopped using drugs without any professional help. You were living with your mother at Mountain River at the time of your plea but have since moved back to live with your grandmother. You have significant debts as a result of a motor accident. You have no prior convictions for dishonesty although have been convicted of driving while disqualified both during the period of your offending and just after. I was urged at the time of your plea not to impose an immediate custodial sentence and I sought a pre-sentence report.

The pre-sentence report I obtained identifies your offending occurred during a period of drug and alcohol abuse and of association with bad influences. You realise the harm you have caused your grandmother and cannot believe that you did that given the support she has always offered you. You are grateful that the damage to your relationship with her caused by your behaviour has been largely mended.

Community Corrections have assessed you as suitable to perform community service and have recommended value in a period of probation.

Your offending should ordinarily in my view result in an immediate custodial sentence. I am however mindful you have recently had a child and have restored the relationship with your grandmother, the victim of your offending, who continues to provide you with a home and support. This is despite the gross breach of her trust you committed. You appear to have addressed both drug and alcohol problems which contributed to the offending. You are still young and capable of changing your life.

In all the circumstances, the orders of the Court are that:

- 1 You are convicted of five counts of using a computer with intent to defraud contrary to the *Criminal Code*, s257B(c), and one count of fraud contrary to s253A(c).
- 2 You are to serve a period of ten months' imprisonment. The execution of that sentence is wholly suspended on condition that
  - a you complete 120 hours of community service, and
  - b you are subject to and comply with conditions of a probation order for a period of 12 months.
- 3 You are to pay a victim of crime compensation levy of \$300 within 28 days.
- 4 Pursuant to the *Sentencing Act* 1997, s68, you are to pay by way of compensation the following amounts:
  - a to Christine Wooley the sum of \$8,789.66, and
  - b to Ingrid Dean the sum of \$1,756.