

STATE OF TASMANIA v STEVEN JEFFREY CRAWFORD
COMMENTS ON PASSING SENTENCE

3 MAY 2016
PEARCE J

Steven Crawford pleads guilty to one count of arson. On 12 September 2015 the defendant set fire to the house in Kings Meadows which he privately rented. After purchasing kerosene from the supermarket he sprayed it around in the living room and bedroom and set fire to it after earlier unsuccessfully attempting to light leaves he had put in a box under the house. The property was substantially damaged and cost more than \$117,000 to repair.

Arson is the most serious property crime. It is easy to commit, has capacity to cause serious damage to property and expose others to the risk of death and injury. General deterrence is an important sentencing consideration. The defendant's conduct was not spontaneous. It was planned to the extent that he acquired the means to set the fire from the supermarket. For those reasons the only appropriate sentence is one of imprisonment. The real question in this case is whether the sentence should immediately be served.

The defendant is 24. He has no prior convictions other than a few traffic matters. He comes from a troubled family situation. The relationship between his parents was characterised by long periods of separation which resulted in his estrangement from his father. He felt that neither parent provided any practical or emotional support. He experienced strong feelings of abandonment and worthlessness. He has no positive relationship with either parent or any of his many siblings or half siblings. He reports no contact with his mother for more than six years. He has been responsible for looking after himself since he was 16 or 17. Despite this he managed to complete his secondary education and has maintained a good employment record since his late teens. Since mid-2015 he has held employment as a real estate agent in Launceston. A reference from his employer indicates he is well regarded because of his hard work and aptitude. He participates in local sport. I was provided with a letter from the president of the sporting association attesting to the defendant's contribution to the sport in other ways.

Just before this crime the defendant was approached at a football game by his estranged father. The exchange was not a harmonious one. In the resulting state of emotional turmoil, the defendant's feelings of worthlessness were exacerbated. He resolved to take his own life by setting fire to his house and remaining inside. However, after lighting the fire he changed his mind and left. Realising the wrongfulness of his act, he returned a short time later. The police quickly suspected his involvement. After initial denials he broke down and admitted what he had done. He pleaded guilty at a very early stage. He is now in a stable relationship and is able to find from his partner and her family some of the support he has not previously received. I take into account the contents of reports from a forensic psychologist which suggests, using my words, the defendant is not a person of criminality, has good intellect and insight, and was led to commit this crime by the psychological circumstances I have described. I also have reports from a psychologist from whom he is now seeking treatment.

This crime can be distinguished from those committed for retribution, stimulation or gratification. The defendant's primary intention was to harm himself. I accept he is remorseful. He will be made the subject of a substantial compensation order which is likely to take a long time to satisfy. I think that the community is best served by allowing for his rehabilitation and not immediately sending him to prison. Thus I will wholly suspend the sentence but on conditions requiring community service.

Steven Crawford you are convicted. You will pay the victims of crime compensation levy of \$50 within 28 days. I make a compensation order in favour of Ian Cunliffe in the sum of \$117,130. You are sentenced to imprisonment for 6 months. I wholly suspend that sentence for two years. It is a condition of that sentence that you not commit any offence punishable by imprisonment during that period. If you breach that condition you must serve the sentence unless it is unjust. I impose an additional condition that you perform 140 hours of community service. If you breach that condition then you may be resentenced and may be required to serve the sentence.