

John Julius Boles has pleaded guilty to possess a prohibited firearm to which a firearms licence may not be issued, contrary to s 9(1A)(b) of the *Firearms Act* 1996.

He has also pleaded guilty to a number of summary offences which are being dealt with in this Court, pursuant to s 385A of the *Criminal Code* 1924. A number of these offences are contrary to the *Firearms Act*:

- Possession of a stolen firearm contrary to s 107A;
- Possession of ammunition when not the holder of the appropriate firearm licence contrary to s 105(3)(a);
- Failing to take all precautions to ensure safekeeping of a firearm contrary to s 84;
- Possessing a loaded firearm in public when not the holder of a firearm licence contrary to s 111(2).

Also, other summary offences:

- Possessing stolen property contrary to s 258 of the *Criminal Code*;
- Driving whilst disqualified contrary to s 13(1) of the *Vehicle and Traffic Act* 1999;
- Dishonestly alter or display a plate in a way calculated to deceive contrary to s 64(1)(d) of the *Vehicle and Traffic Act* 1999;
- Possessing a dangerous article in a public place contrary to s 15C(1) of the *Police Offences Act* 1935;
- Possessing a controlled drug contrary to s 24 of the *Misuse of Drugs Act* 2001.

On the afternoon of the 31 August 2022, the defendant drove a Kawasaki motorcycle into a driveway of 34 Coobar Road. Police searched the defendant and found a cut down .22 Lithgow Arms rifle with a magazine containing a full clip of .22 bullets, a pair of knuckle dusters, a pocket knife, a snap lock bag containing methamphetamine, and 2 x .22 rounds.

The motorcycle had been stolen from an address at Claremont on 14 June 2022. It is valued at approximately \$7,200. An incorrect registration plate was on the vehicle. The Lithgow firearm was stolen from an address in Claremont in April 2022.

The defendant was disqualified from driving from 11 October 2021 to 10 October 2025.

He was interviewed by police and admitted to driving from Gagebrook. He said he bought the cut down .22 from a person who was not a registered firearms dealer, but would not name them. He paid \$800 for the firearm, which included the ammunition and magazine, about three to four months ago. He was not the holder of a firearms licence and knew he was not allowed to possess a firearm without a licence. He did not know it was stolen. He bought it because he thought he might need it for self-protection.

The defendant bought the motorcycle for \$800 and thought it may have been stolen because it had been spray-painted and it did not have an ignition barrel. He put the false plates on the motorcycle. He admitted the knuckle dusters and knife were for self-protection.

He was on parole at the time of offending, having been released on 1 October 2021. That is an aggravating factor in relation to these offences. As a consequence of them, his parole was revoked.

The defendant has a prior conviction for producing dangerous drugs in 2012, for which he was sentenced to 2 years' imprisonment in Queensland. He has convictions in Tasmania which relate to an intense two-year period of offending between 2019–2020.

These convictions include two for driving with a drug present in his oral fluid. A sentence of two years and eight months' imprisonment was imposed by the Supreme Court for evading police, drive whilst disqualified, dangerous driving, and stealing committed in 2020, and in that same year he received 38 months' imprisonment for numerous offences of dishonesty, including three offences of aggravated burglary, offences of motor vehicle stealing, seven offences of drive whilst disqualified, three firearm offences involving a single imitation firearm, and four offences of driving with an illicit drug present in his system, involving methamphetamine. In October 2020, he was sentenced to three months' imprisonment for burglary and stealing, and in December a sentence of two months' imprisonment was imposed to be served concurrently for an offence of burglary.

The defendant is 32 years of age. He grew up in Queensland. He has a history of illicit substance abuse. As a young teenager, his associations led him into recreational use of cannabis, which escalated to the use of amphetamines.

After his release from custody in Queensland, he experienced a stable period of employment. He moved to Tasmania with his partner in 2014. They married and for his some years his circumstances were stable, he had full-time employment, and the couple set themselves up financially. The situation deteriorated in 2019 when his brother-in-law moved in with the couple. He was a heavy drug user and the defendant socialised with him, and unfortunately, returned to methamphetamine use. The defendant and his partner separated, his drug use accelerated, he lost his employment, associated with drug users, and committed crimes.

As mentioned, the defendant was released on parole on 11 October 2021. Initially, while on parole, he managed well, obtaining full-time employment and engaging in drug and alcohol counselling. His situation deteriorated after a close friend died by suicide. He was very distressed and relapsed. He returned to regular drug use and left his employment. His offending in August 2022 before the Court today coincides with that deterioration.

Since his parole was revoked, he has endeavoured to use his time in custody in a productive manner. He is engaged in employment, studying a certificate 3 in horticulture, and has a trusted position as the handler of the prison dog. He is participating in drug and alcohol counselling and is described as engaging well. He has been referred to Holyoake's Recovery Program and has been assessed for that program, and it is expected that it will be offered to him once he is in the community as it is a service which is available in the community.

Mr Boles, the possession of the firearm is a particularly serious matter. It was loaded and it was on your person and not locked away for safekeeping. I note your explanation that you had possession of the firearm, knuckle dusters and pocket knife for protection due to paranoia and uncertainty about people's intentions. That does not reduce the seriousness of your criminal conduct. The last thing the community wants is paranoid people who are engaged in a criminal culture arming themselves with firearms and other weapons.

I have a report from Community Corrections. The defendant is described as demonstrating insight into his actions. He has expressed regret and remorse, He understands the role that illicit substances have had, leading to his offending. He intends to distance himself from people who would have a negative influence upon him. He has pleaded guilty at an early stage of the proceedings.

The defendant's offending has been associated with his drug problem, and it coincides with relapse. He has positive underlying values, a supportive relationship with his mother, who is a role model to him, a strong work ethic, and a desire to reform. His rehabilitation turns on whether he can address his drug problem and develop a resilience to protect him from relapse when there is a deterioration in his circumstances.

Mr Boles, it is inevitable that there will be difficulties ahead. It's about developing that resilience so that you do not relapse.

I must take into account that you have been in prison serving a sentence for a continuous period now since 31 August 2022, a lengthy period which has proved to be salutary and brought home to you the inevitable consequences of not making the most of intervention, the inevitable consequences of relapse and returning to crime, and the importance of making the most of opportunities that are made available to you.

The report from Community Corrections provides recommendations designed to achieve the purpose of your rehabilitation.

I have decided to structure the sentences so that you will have the opportunity of a partially suspended term of imprisonment. This will provide a definite release date. It will be on 2 November 2023. It will provide you with conditional release from prison with lengthy periods of imprisonment which may be activated if you breach the strict conditions I will impose.

I record convictions on all matters. In relation to the indictable offence of possess a prohibited firearm to which a firearms licence may not be issued, I impose six months' imprisonment backdated to 3 September 2023. The balance from 2 November 2023 is suspended on conditions that you must not commit an offence punishable by imprisonment for the operational period of 18 months from the date of your release from prison and you must submit to the supervision of a probation officer for that period.

I also impose as conditions of the suspended sentence what are the core conditions of a community correction order, and this includes that you must within 48 hours of the date of your release, report to Community Corrections at 75 Liverpool Street, Hobart. and must comply with all the reasonable and lawful directions of a probation officer.

Further conditions are that during the operational period of the order:

- You must undergo assessment and treatment for drug dependency as directed by a probation officer, including a residential treatment program;
- You must submit to testing for drug use as directed by a probation officer;
- You must submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer.

In relation to the summary offences, I impose the following sentences:

- Possession of a stolen firearm: six weeks' imprisonment, concurrent with the above sentence.
- Possession of ammunition when not the holder of the appropriate firearm licence: a fine of \$1,000.
- Failing to take all precautions to ensure safekeeping of a firearm: one month imprisonment, concurrent with the sentence imposed on the indictable offence.
- Possessing a loaded firearm in public when not the holder of a firearm licence: two months' imprisonment wholly suspended on the same conditions as those conditions imposed on the partially suspended sentence for the indictable offence.
- Possession of stolen property: five months' imprisonment wholly suspended on the same conditions, with an additional condition that you must complete 56 hours of community service within a period of two years.
- Driving whilst disqualified: five months' imprisonment wholly suspended on the same conditions, with an added condition that must perform 56 hours of community service within a period of two years. I impose two years licence disqualification. You have already a lengthy period of disqualification ahead of you. I am going to make one year of that disqualification cumulative to your current period of disqualification.
- Dishonestly alter or display a plate in a way calculated to deceive: a fine of \$300.
- Possessing a dangerous article in a public place: a fine of \$200.
- Possessing a controlled drug: no additional penalty other than a conviction.

When you are released, there will 16 months' imprisonment suspended on strict conditions and if you breach any of those conditions, you can expect to be brought back to Court and have those terms of imprisonment activated.

I make an order for the forfeiture of the firearm and ammunition to the Crown, pursuant to s 149(3) of the *Firearms Act*.