STATE OF TASMANIA v JAKE TYLER FORD **13 FEBRUARY 2024**

COMMENTS ON PASSING SENTENCE **JAGO J**

I have before me an application to review a community correction order. The respondent, Mr Ford, pleaded guilty to a charge of unlawfully injuring property and was sentenced on 30 March 2022 by me to a community correction order with an operational period of 12 months. That order included conditions that he must perform 70 hours of community service within an 18 month period and must report to and comply with the reasonable and lawful directions of a probation officer. The application is brought on the basis that Mr Ford breached conditions of the order by failing to report as required, failing to comply with the reasonable and lawful directions of his probation officer and failing to satisfactorily perform the 70 hours of community service.

The community correction order expired on 30 March 2023. For various reasons, there has been a considerable delay in this application being brought. In summary, during the life of the order the respondent attended scheduled supervision appointments on 11 occasions and attended scheduled community service on three occasions. He failed to attend scheduled supervision appointments on eight occasions and he failed to attend scheduled community service on 12 occasions. He generally failed to comply with reasonable and lawful directions given to him by his probation officer, including directions that he attend scheduled appointments, that he attend alcohol and drug counselling, and that he provide medical certificates. Mr Ford only completed eight hours and 45 minutes of the 70 hour order. The respondent accepts he breached the terms of the Community Correction Order and does not seek to show cause in respect to the application. Because the community correction order has now come to an end I need to consider my response to this application in accordance with s 42AV 4(e) of the *Sentencing Act*.

The crime committed by the respondent was serious. He caused considerable damage to the motor vehicle of an acquaintance by jumping on and smashing the motor vehicle. The vehicle was so badly damage it was deemed a "write off" by the insurance company. When I sentenced the respondent he was a young man, only 19 years of age. He, at that time, had some youth matters on his record but no prior matters for damaging property. He had been experiencing a significant family upheaval. Two of his siblings, one of whom was his primary source of support, had been remanded in custody on very serious charges. This had happened in March 2020 and thereafter the respondent had turned to alcohol to try and cope.

I am told that the trial for his siblings occurred in October 2022 and in the lead up to this, Mr Ford was very apprehensive. He was also stressed about the fact he may need to give evidence as a witness in the trial. He was, in fact, prepared as a witness but was not ultimately required to give evidence. Because of these stressors, the respondent's difficulty with alcohol continued and I am told he lost focus. I am told, however, that attitude has now changed and Mr Ford is willing to accept responsibility for his past mistakes and begin to move forward. He, of course, remains a relatively young man.

Mr Ford was before the Magistrates Court in January of this year. At that time he was sentenced for offences that had occurred before the November 2022 incident of unlawfully injuring property. He received, by way of sentencing order, a six month period of imprisonment which was wholly suspended on the usual condition of committing no offence punishable by imprisonment, but also a condition that he successfully complete a community correction order. A 12 month community correction order was imposed.

I have read the pre-sentence report that was prepared in respect to that matter. It indicates Mr Ford has begun to settle. His family circumstances are improved. His sibling, from whom he receives considerable support, has now been released from custody. He is in a stable relationship. A child has been born to that relationship and he is working hard to maintain a positive lifestyle and be a good father.

I am told Mr Ford's attitude to undertaking a community correction order is now also different. He is no longer distracted by his sibling's plight. He says that he will complete any further community correction order imposed. He is well aware that in respect to the Magistrates Court matter, if he fails to complete his community correction order he will be in breach of a condition of the suspended term of imprisonment.

In all of those circumstances I am satisfied it is appropriate to re-sentence the respondent and require him to perform the community service hours that were originally imposed upon him. I make the following order. I grant the application. I impose a substitute sentence. The respondent is sentenced to a community correction order with an operational period of 12 months. It will contain all of the usual core and statutory conditions. Additionally, there will be a special condition that the respondent perform 63 hours of community service. I order you report to Community Corrections Reece House Burnie by no later than 5pm today.