

Jarrold James Cartledge has pleaded guilty to one count of aggravated burglary, one count of stealing firearm or firearm part, and a summary offence of stealing a scope for a firearm. Oral applications have been made with respect to three suspended sentences which have been breached by his offending.

On 9 May 2022, during the afternoon, the defendant and a youth entered a property at Mangalore through a locked garage door attached to the dwelling. The defendant stole a firearm scope valued at \$500. They opened three wall mounted cupboards in the garage, one of which contained a gun safe bolted to a brick wall. They forced the gun safe open with screwdrivers and together stole 14 firearms involving shotguns and rifles worth \$22,350, some of which were particularly valuable. A Weatherberry bolt action rifle was valued at \$5,800 and one of the shotguns was valued at \$5,000. A CCTV camera captured footage of the defendant and the youth breaking into the safe and stealing the firearms.

The defendant was identified from the footage and arrested on 11 May 2022. He was interviewed by police but made no admissions. While he did not then provide information to assist in the recovery of the firearms, seven days later, he provided information which led to the prompt recovery of 13 of the 14 firearms, one of which was at the property where the defendant was arrested. Early this year, he provided information with respect to the outstanding firearm, which has also been recovered.

The defendant's co-offender was 15 years of age and sentenced in the Youth Justice Division of the Magistrates Court to a short period of suspended detention. He is not a like offender, given his young age and that he was sentenced in the youth court with a different statutory framework and specific sentencing objectives.

There were three suspended sentences in place at the time the defendant committed these crimes. Each of them was subject to a condition that he must not commit an offence punishable by imprisonment. The offending before the Court today was a clear breach of each of those three suspended sentences.

On 16 August 2021, the defendant had been sentenced to six months' imprisonment wholly suspended for two years for crimes of dishonesty, namely two counts of burglary, two counts of motor vehicle stealing, two counts of stealing, two counts of computer-related fraud, two counts of possess a controlled drug, one count of possess a controlled drug, and one count of trespass. These charges arose from three particular incidents:

- On 25 December 2020, the defendant and two other males entered the Department of Police, Fire and Emergency Management garage in Patrick Street in Hobart by cutting a padlock on the front gate. Together they stole a motor vehicle and drove it out of the garage.
- On 18 January 2021, the defendant entered a motor vehicle and stole a number of items, including a debit card and credit card. He used the card or cards on two occasions to purchase cigarettes and other small items. On 25 January, he was arrested and found in possession of small amounts of methamphetamine, cannabis, and oxycodone.

- On 12 March 2021, the defendant and another person broke into a locked yard at Dunbar Automotive in New Norfolk. They stole a 1989 Nissan Navara Utility and drove it out of the yard. It was recovered a short distance away. Later that same morning, they returned to the premises and entered the building, forcing the door off its hinges, and broke into a key lock box from which they stole approximately 30 sets of keys to various vehicles owned by the business. The defendant and his associate then used one of the sets of stolen keys to drive away in a Ford Ranger. Later that day, the police located the defendant in the motor vehicle and noted it had had major parts removed.

On the same date, 16 August 2021, the defendant was sentenced to three months' imprisonment wholly suspended for 12 months for offences involving: four charges of possessing a controlled drug, one charge of possess a controlled plant, two charges of contravening a bail notice, five charges of breach of bail, one charge of stealing, one of burglary, one charge of stealing, one charge of motor vehicle stealing, and one charge of unlawfully setting fire to property. I mention the facts of the last four charges as the other offending is self-explanatory.

- On 15 July 2019, the defendant and three others stole an unlocked motor vehicle from a driveway at Westerway. The defendant was in the vehicle when it was driven into a landslip on Scotts Peak Road, resulting in front end damage before it was then set fire to.

On the same date of 16 August 2021, the defendant was sentenced to a third suspended sentence of imprisonment of three months, wholly suspended for 12 months for an offence of evade police (aggravated circumstances). On 16 August 2020, he rode an unregistered quadbike on Albion Road in Bridgewater. The speed limit was 50 km/h and he drove at a speed of 70 km/h for a distance of approximately 200 metres. Police activated their lights and sirens to intercept the accused and he failed to stop. He drove onto the incorrect side of the road and, soon afterwards, the quadbike malfunctioned. Police intercepted him as he attempted to kick start the bike.

The defendant had never held a driver's licence, he was disqualified at the time as a result of a previous offence of evade police, and had received a further disqualification period that was pending for dangerous driving.

In terms of his personal circumstances, the defendant is 29 years of age. He has prior convictions for a range of crimes and offences, including crimes of dishonesty such as burglary and theft. He has a history of driving offences, including dangerous driving and evade police. He has a significant history of non-compliance with court orders, including drive whilst disqualified, bail breaches, and breaches of a police family violence order. In June 2021, a drug treatment order was cancelled and 14 months' imprisonment was activated. He had been released from imprisonment on 11 October 2021 on parole and committed these offences before the Court today, some eight months later after his parole had concluded.

He has been in custody since 11 May 2022 on the indictable crimes before the Court today. I noted he entered pleas of guilty in December 2022.

As for his background, he endured an incident of abuse at an early age which had a significant impact upon him and led to him taking illicit drugs in his early teenage years as a coping

mechanism. By the time he was 18 years of age, he was taking methylamphetamine, as well as cannabis, and he was associating with criminals and committing offences. He received terms of detention at Ashley Youth Detention Centre.

As a consequence of his treatment at Ashley, he is pursuing redress and has been provided with support and counselling while on remand.

He was educated to grade 10 and has spent much of his adult years in custody. He has obtained a number of certificates, including a white card and a certificate in horticulture, which should prove to be very useful.

He has been in a de facto relationship for the past six years, and he and his partner have three young children. This is a close and supportive relationship. His partner has a business in gardening and landscaping with a speciality in the maintenance of heritage gardens.

I note Mr Cartledge's circumstances after he was released on parole in 2021. He was reunified with his family and he was involved in his partner's business. Initially, he abstained from drugs. He had been participating in a pharmacotherapy program while he was in prison and that was very helpful in managing his addiction. Unfortunately, once he had successfully completed his parole order in the community, he thought he did not need to continue with pharmacotherapy and he ceased engaging with the suboxone program. He then relapsed and resumed taking methylamphetamine. It was then that he committed the offences in May 2022 and, at about the same time, other offending that led to summary offences yet to be finalised.

Mr Cartledge can see the direct link between his decision to cease engagement with the suboxone program and his return to drug use and offending. His offending is closely tied to his serious drug addiction. There are signs that he may successfully address that addiction now that he appreciates the need to continue the suboxone program on his release.

The defendant's partner and his children are a motivating influence in terms of his reform. His eldest son has autism spectrum disorder and while the defendant has been in prison his son's behaviour has deteriorated. He wishes to be a support for his partner and a responsible father for his children.

He is also currently receiving treatment within the prison for depression. He appreciates he needs specialist counselling for his mental health issues and he needs to continue with that support in the community once he is released. He is hoping to work in his partner's business and she is supportive of that goal.

He has been described in a report prepared by Ms Freeman of Community Corrections as remorseful in relation to his offending and as being motivated to continue to undertake rehabilitation. Ms Freeman's report is very helpful in identifying the multiple and extensive supports that will be needed to ensure his abstinence and to break the cycle of drug abuse and offending. She has formulated a detailed plan for structured supports addressing factors such as Mr Cartledge's mental health, education and employment, and substance abuse, which would be put in place if a community correction order were made.

The crimes before the Court today are particularly serious. They involved the theft of a large quantity of firearms that could be readily off-loaded as a valuable commodity to criminals. They represented a threat to community safety and there was every chance that they would fall

into the wrong hands and be used in the commission of serious crime. I do regard it as a significant factor in your favour that your remorse led you to providing information to police about the whereabouts of these firearms and that all of them were recovered as a result.

General deterrence remains a significant factor and a heavy sentence is required. Your remorse leading to the recovery of all firearms will be reflected in the length of the sentence and sentencing orders, which recognise this mitigating factor as a positive sign for reform. The other mitigating factors I have mentioned are also reflected in this way.

In terms of the suspended sentences, it would not be unjust to activate those sentences subject to an opportunity to apply for parole. Your criminal conduct in stealing the firearms is a clear and blatant breach of each of those terms of suspended imprisonment.

Mr Cartledge, you are convicted of aggravated burglary and stealing the firearms, and the summary offence of stealing. On the aggravated burglary and stealing on indictment, I impose a period of 20 months' imprisonment, backdated to 11 May 2022. I suspend four months of that sentence on strict conditions which require that you not commit an offence punishable by imprisonment for a period of 18 months from your release, and a condition that you comply with a community correction order for 18 months from your release. In relation to the 16 months, which is the effective period of the imprisonment, I order that you are not be eligible to apply for parole until you have served 10 months of that sentence of imprisonment.

I impose a community correction order on both the indictable crimes and the summary offence of stealing to be in place for a period of 18 months from the date of your release. As conditions of that order you must report to a probation officer at 75 Liverpool Street, Hobart, within two working days of your release; you must report to a probation officer as required by that probation officer; you must comply with all the reasonable and lawful directions of your probation officer; and I impose all the other core conditions of a community correction order. In addition to that, I impose a special condition that you must attend and complete the EQUIPS Addiction Program as directed by your probation officer; you must, during the operational period of the order, undergo assessment and treatment for drug dependence as directed by a probation officer; and you must, during the operational period of the order, submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer.

I activate each of the suspended sentences of three months, three months and six months, and they are to be served cumulatively to each other and the sentence imposed on the indictable crimes. In relation to the period of 6 months, I make an order that you not be eligible to apply for parole until you have served three months of that period.