

STATE OF TASMANIA v DEREK GEORGE ARNOL
COMMENTS ON PASSING SENTENCE

11 JULY 2016
BLOW CJ

Mr Arnol has pleaded guilty to a charge of cultivating a controlled plant for sale. Police officers searched his home on 16 January 2015 and found 68 female cannabis plants growing there. Forty-six of them were being grown hydroponically in sheds. Another 22 plants were growing in the back yard. They were in the early stages of growth. If all had gone well, the plants might have produced over \$80,000 worth of dried cannabis head, if sold by the ounce. Of course the plants were in the early stages, and there were a number of risks.

Mr Arnol is 57 years old. He went to prison on some serious charges in the early 1980s, but he has kept out of serious trouble since his release on parole in 1984. He was fined \$100 for growing and possessing a cannabis plant in 1989, but has no other drug convictions. He is married. His wife has serious medical problems. He acts as her carer, and receives Centrelink benefits in that capacity. He retired from employment in order to look after her.

Because of the scale of Mr Arnol's cultivation operations, I think the most appropriate course is for me to impose a wholly suspended sentence and to require him to perform some community service.

Derek George Arnol, I convict you and sentence you to two months' imprisonment, wholly suspended on conditions that (a) you are not to commit any offence punishable by imprisonment for a period of 18 months, and (b) you are to perform 68 hours' community service. I order you to pay your victims of crime compensation levy of \$50 within 28 days. I order that the items listed on Tasmania Police property receipt no 262942 be forfeited to the State of Tasmania.