

Mr Henderson, you have pleaded guilty to one count of unlawfully setting fire to property.

The crime was committed on 30 March 2015. You smashed the window of a home and set fire to curtains. As it turned out, the room in which the curtains were located was the bedroom of children who lived in the home. Fortunately, no one was home when you lit the fire and the fire service was able to extinguish the fire before it spread to the structure of the house, although there was significant damage to the contents of the children's bedroom.

It seems that you committed this crime at the instigation of another person, as a means of intimidation of the woman who lived in the house. Apparently that woman was involved in an ongoing conflict with the instigator. You had no personal interest in that conflict and, accordingly, it is difficult to understand why you agreed to do this. The facts suggest that you did express some immediate remorse when you realised that the woman was known to you. You told police that you made some effort to throw water on the fire because you did not intend to burn the house down, although there would not seem to be any independent confirmation of this. Ultimately, your counsel suggests that you were in the grip of a strong addiction to methylamphetamine at the time and you were acting irrationally. I note that you had committed a similar crime a couple of months before this, when you had actually destroyed a house by committing the crime of arson. Your motive for commission of that crime, according to the sentencing judge's comments, is also elusive. You had apparently been motivated by an irrational belief that the occupant of the house had committed crimes against children. You were sentenced for that crime on 7 September 2015, well after committing the crime with which I am dealing.

You are 39 years of age. You have a significant criminal history. You are still serving the sentence imposed for the arson and are to serve some cumulative sentences imposed for other offences. You will not become eligible for parole until next year. Your counsel asserts that you have a strong commitment to rehabilitation and have used your time in prison well, in particular by undertaking courses designed to provide you with support and the capacity to lead a law-abiding life upon your release from prison. There is some documentary support for this assertion. Your counsel suggests that you are contemplating not applying for parole when you are eligible to do so, so that you can continue those courses and gain as much as possible from them before your release.

This was a terrible crime committed by you. Although the damage was relatively limited, by setting a fire in a residential house, there was significant potential for further damage and injury or worse to other people. Although the reason for the intimidation was relevant to somebody else, you knew that that was why you were being asked to commit this act. The fact that you were subject to a drug addiction at the time does not mitigate your conduct, although it is relevant to my assessment of your prospects of rehabilitation.

I am prepared to accept that your commitment to rehabilitation is genuine and that you have made a real effort to give yourself the best chance of leading a law abiding life when you emerge from prison. You have spent a significant amount of time in prison since committing this crime. Whilst your conduct deserves the punishment of a sentence of imprisonment, I am persuaded that it is appropriate to suspend the sentence I am about to impose, for the purpose of giving you an opportunity to make good on your commitment to rehabilitation and to

encourage your efforts in that regard. You should, however, make no mistake that if you breach the conditions of suspension, including by committing a further offence punishable by imprisonment upon your release from prison, there is a strong probability that you will be returned to prison to serve the sentence I am about to impose. As there is no guarantee that you will be released on a period of parole in respect of the other sentences, and as I think that there should be some supervision upon your release, I intend also to add as a condition of the suspension of the sentence of imprisonment, that you be subject to the supervision of a probation officer.

Accordingly, the orders I make are as follows:

- 1 You are convicted of the crime to which you have pleaded guilty.
- 2 You are sentenced to a global term of 9 months' imprisonment, which will be suspended for a period of 18 months commencing on the date of your release from prison. The suspension of the sentence will be on the following conditions:
 - (a) That you are not to commit an offence punishable by imprisonment during that period.
 - (b) That you will be subject to supervision by a probation officer during that period. All of the normal conditions of a probation order will be incorporated into the sentence. These include that you will need to report to a probation officer within 1 day of your release from prison. The following special conditions will also apply and will be incorporated into the suspended sentence:
 - (i) that you must attend educational and other programs as directed by the Court or a probation officer;
 - (ii) that you must undergo assessment and treatment for alcohol or drug dependency as directed by a probation officer;
 - (iii) that you must submit to testing for alcohol or drug use as directed by a probation officer;
 - (iv) that you must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

You will pay victims of crime compensation levy of \$50 within 28 days.

I make compensation orders pursuant to s 68 of the *Sentencing Act* 1997 in favour of Community Housing and Ms Shannon Woods, in amounts to be assessed. Assessment of those sums is adjourned sine die.