

Bradley Jones, the defendant has pleaded guilty to three charges on complaint and appears in this Court for sentence. There is one count of burglary and one of stealing – which I am dealing with by way of s 385A of the Criminal Code – and one of stealing firearm or firearm part. The facts are that about 5am on 8 January 2023, the defendant, in company with two other men, broke into a shed in the rear of a residential property in Claremont. They dislodged a firearm safe which had been affixed to the concrete floor and wall. The safe door was then removed and five firearms which had been stored in the safe, were taken. All firearms were bolt action rifles with a total value of \$4,100. In addition to the firearm, many tools and pieces of equipment were stolen to a total value of close to \$7,000. The items included four chainsaws and seven cordless power tools with batteries and chargers. The three men carried the stolen items down a track at the rear of the property. One of the accused walked to a vehicle which had been earlier parked nearby and drove it to that point. All three loaded the stolen items into the tray of the utility and drove away. At about 7am, the owner of the property noticed the intrusion and the thefts that had occurred, and contacted Tasmania Police. Officers attended and forensic examinations were made. They led to the identification of the accused. When interviewed on 7 August 2023, he denied any knowledge of the matter and said he could not explain why his DNA was located on the firearm safe. He did not think it was possible he could have committed the offences while under the influence of drugs. However, after the interview had ended, the defendant indicated that he would plead guilty and that he wanted to show some level of remorse through his cooperation. He admitted that he was in possession of two of the stolen firearms and directed officers to two different locations. One rifle was found secreted at each location. One rifle was accompanied by a quantity of ammunition. The defendant entered a plea of guilty to stealing a firearm or firearm part on his fourth appearance. Both of the men with the defendant were identified. They have been charged but neither has yet been dealt with. Insurance covered the tools and miscellaneous pieces of equipment, and damage to the gun safe, but the cover was limited to \$2,000 for the firearms. The owner had to pay an excess of \$400.

The defendant is now 28 years old with a very extensive record of offending with considerable offending as a youth which continued unabated into adulthood. There are convictions for violence and dishonesty. In August 2018, for aggravated burglary and stealing (along with a number of other offences including drug matters) the defendant was sentenced to four months' imprisonment suspended on conditions. In April 2019, a four month term of immediate imprisonment was imposed on four charges of common assault which were family violence offences. In July 2021 he was sentenced to 16 months' imprisonment with a non-parole period of one half, in relation to a crime of robbery. Predominately the recorded history relates to family violence offending; more particularly breaching family violence orders. Over a number of years he has been sentenced and re-sentenced for such offending. In August 2023 on a number of breaches of a family violence order, he was sentenced to three months' imprisonment to commence on 10 January 2023. There was a further appearance in December 2023 on breaches of a family violence order but which relate to failures in relation to the maintenance of an electronic monitoring device. Those proceedings were adjourned for a period of two years on the defendant's undertaking to be of good behaviour. In January 2024 he was sentenced to three days' imprisonment for further similar breaches. Of course the offending in which I am dealing pre-dates these matters but they remain of some relevance. More recently he has been in custody in respect of a considerable number of complaints for offences of varying types including violence, dishonesty, breaches of a family violence order and traffic matters. It is

agreed that I can backdate any sentence to 2 February 2024. As to the defendant's personal circumstances, I was supplied by his counsel with a comprehensive report from Dr Joseph Poznanski, a psychologist. That report was obtained for the purposes of civil proceedings against the State of Tasmania relating to sexual abuse of the defendant as a child. I also obtained a very comprehensive drug treatment order assessment report. It is not possible for these purposes to summarise all of that material but the particularly relevant personal circumstances are as follows. The defendant struggled in his school years. He was diagnosed with ADHD in 2005 and his challenging behaviours had an adverse affect on his education. He started using cannabis at the age of 15, later progressing to amphetamines and then methamphetamine. He was suspended from school and became aggressive at home. Petty thefts, home invasion types of offending, assaults, motor vehicle stealing ensued. He has an ongoing relationship with a woman but it is she in respect of whom the family violence orders have been made and in respect of whom the bulk of that type of offending has occurred. She lives with the defendant's mother. They remain generally supportive of him but he has suffered many episodes of drug induced psychosis over the last ten years and these episodes cause his mother and partner a great deal of concern and worry. He acknowledges he has been involved in many violent situations because of his drug use and ADHD and as a consequence has not spent much time with his family as he has been goal or living a nomadic lifestyle. While in primary school he was often sent to detention because of his challenging behaviour, and it was during this periods of detention when he was sexually abused by a male teacher. There were a number of incidents of mutual masturbation and coercion of him to perform oral sex on the teacher. It is not clear for how long this conduct continued. He reported to Dr Poznanski that he suffered from anxiety stress and depression, feels he has failed in life. Following the abuse he was confused about his sexuality, felt guilty and fully responsible for what had happened to him. As a teenager he became very angry inside, often feeling the need to damage things or hurt somebody. He reported that he feels very unwell when he thinks about the violence and pain that he has caused to his partner. In Dr Poznanski's view the defendant demonstrates symptoms of anti-social personality disorder in a number of ways which include aggressiveness and irritability, reckless disregard the safety of others and impulsivity or failure to plan. He also meets the criteria for a formal diagnosis of borderline personality disorder as well as chronic post-traumatic stress disorder following the sexual abuse. It is said that he continues to suffer from the affects of the abuse and he requires a range of therapeutic modalities. They include a comprehensive assessment of his addictive behaviours; in particular residential detoxification and rehabilitation programs to manage his substance use disorders. The drug treatment order assessment report puts him at a very high risk of reoffending. He has been deemed both ineligible and unsuitable for diversion to treatment within the CMD program. The ineligibility seems to arise from the perceived nature of one of an assault matter presently before the Magistrates Court.

The defendant's counsel stated that the defendant was not able to disclose the abuse of him until adulthood, thinking that things would be worse if he did so. That proved to be counterproductive. The provision of Dr Poznanski's report provided to the defendant, for the very first time, an explanation for his behaviour. He then understood that he needed help, and that if he took certain steps he could improve his behaviour. That manifested itself while he was in prison last year. I was told there was excellent engagement with prison services and with rehabilitative and psychological services. He made real strides towards improvement. When he was released into the community, unfortunately his engagement with support services significantly lessened. Primarily that was due to running out of necessary medication and being unable to properly organise himself to get more. When he was put back in custody in February this year, he was, as described in the DTO assessment report, quite unwell but that settled

relatively quickly with treatment. He has been the subject of a treatment order. In summary, it was put that the defendant presents as a person with complex behavioural and mental health issues. He now wants to engage with appropriate supports. He recognises that his drug use, in particular opioids, was a form of self-medication in respect of the mental health symptoms he was experiencing. NDIS funding is in place to enable assistance to be given to him and it appears that he is wait-listed for rehabilitative services, hopefully to commence on his release.

These are serious crimes of dishonesty. Leaving aside the question of the thefts of firearms, entries into and thefts from homes cause much distress to the victims. They show a complete disregard for the rights and feelings of others. In this case, a significant quantity of tools and equipment were stolen none of which has been recovered. The theft of firearms requires particularly strong condemnation. Unregulated firearms in the community are linked to serious criminal conduct and are a matter of grave community concern. In the balancing exercise, I take into account the defendant's pleas of guilty. The plea to the indictable matter was in fact entered at a relatively early stage in the Magistrates Court. In addition to utilitarian value the pleas can be seen to reflect a desire to facilitate the justice system. I also take into account the fact that the defendant voluntarily revealed to police the whereabouts of the two firearms and I accept that the location of those two firearms was the limit of his knowledge. He is entitled to a discount as a result of those matters. Generally, I take into account the disrupted and traumatic childhood he experienced. I accept that he is now intent on a course of reform and rehabilitation.

Mr Jones, I have set out the basic facts and your personal circumstances and the relevant factors to be taken into account. You are still a relatively young man. As I said, you have shown cooperation and I accept that you have also shown willingness and capacity to attempt to more properly deal with things that affected your life, and to try to overcome your drug abuse. A term of immediate imprisonment is necessary but I will provide you with some incentive and relief by way of suspension of part of that term, and I will provide you with support in the community. You are convicted of the three crimes. You are sentenced to 12 months' imprisonment to commence on 2 February 2024, the execution of five months of which is suspended on condition that you commit no offence punishable by imprisonment for a period of two years from your release. I make a community correction order for a period of 18 months to commence on your release. There are basic conditions which will be set out in writing. Special conditions which I order are that you submit to the supervision of a probation officer as required, that you attend educational and other programs as directed, and you must undergo assessment and treatment for drug dependency and submit to medical psychological or psychiatric assessment or treatment, all as may be directed by a probation officer. You will have to report to a probation officer at 75 Liverpool St Hobart by telephone or in person within two clear working days of your release from prison. I make compensation orders in favour of Anthony How in the sum of \$1,300 and in favour of Budget Direct Insurance in an amount to be assessed; I adjourn the further hearing of that to a date to be fixed. I order the restitution of the Enfield SMLE and Voere bolt action firearms taken from you and held by Tasmania Police, to be returned to Anthony How.