

Mr Smith, you have pleaded guilty to one count of unlawfully destroying property. I also agreed to deal with some related summary matters, namely burglary and stealing offences. Overnight on 18 October 2023, you entered a building known as the "Days Building" in Devonport. It is a multi-storey commercial property. You entered through a window and headed to the roof area with the intention of stealing copper piping. You stole approximately \$200 worth of piping by pulling it from the wall. In the process of removing the piping, you damaged the water pipe connection. This caused water to flood into the building, which damaged ceilings, walls, and floor coverings on a number of storeys. The structural damage to the building was estimated at \$36,068.13. There was also damage to other businesses located within the building. For example, a Wilsons Home Store suffered \$4,500 worth of damage to computers and televisions. A clothing store within the building estimated loss at approximately \$2,000.

On 19 October police attended your residence. They located various quantities of copper piping. You were subsequently spoken to by police and made admissions. You told police that when you pulled the copper pipe from the building, water burst out and the building began to flood. You said you were aware of the water causing damage to the building and felt "bad about what happened". You said you later sold the copper.

You have been in custody in respect to this matter since 30 December 2023, after you completed serving a sentence imposed upon you by the Magistrates Court.

You are 25 years of age. You had a difficult upbringing. Your parents separated when you were an infant. You had no relationship with your father. Your relationship with your mother was tumultuous. You left the family home when you were approximately 16 and have been living a transient lifestyle since. You became a regular user of illicit drugs around the same time. Initially, you used cannabis but as so often happens, you soon expanded your use and became addicted to methyl amphetamine. You have been using methyl amphetamine heavily since about 2020. You have also been diagnosed with schizophrenia. You are now compelled to have monthly depo injections but prior to this order, you were often non-compliant with your medication. Your drug use has exacerbated your mental health condition and made its treatment more problematic. You have experienced episodes of drug induced psychosis. Your record of prior convictions is reflective of your long standing illicit drug use difficulties. You have prior convictions for matters of dishonesty, a number of prior convictions for bail offences, trespass, unlawfully possessing a dangerous article in a public place, driving offences and offences contrary to the *Misuse of Drugs Act*. Your record of prior convictions is consistent with someone who has regularly stolen to fund illicit drugs.

You acknowledge your drug difficulties and sought to be assessed for the Court Mandated Drug Diversion Programme because you recognise you will struggle to successfully address your drug addiction without support. Unfortunately, you are not suitable for that programme because you are without stable accommodation. Nevertheless, the report assessed you as being of "very high risk" of re-offending. Because of that, I will impose a Community Correction order with supervision as part of the sentencing orders.

Clearly, it is necessary that I punish you for what you did, and impose a sentence that discourages you and others from acting in a similar way into the future.

I make the following orders. You are convicted of all matters. I make compensation orders in favour of Sofia Tsinoglou; Roark Capital Group LLC; Just Group and Wilsons Homes Tasmania Pty Ltd and adjourn the assessment of those orders to a date to be fixed.

I impose one sentence. You are sentenced to imprisonment for a period of six months from 30 December 2023.

I make a Community Corrections Order requiring you to be subject to the supervision of a Community Corrections Officer for a period of two years from your release. The conditions referred to in s 24(5)(b) of the *Sentencing Act* apply to this condition and will be set out in a document to be given to you. These conditions include that you must report to a Community Corrections officer within three clear days of your release from custody, that you submit to supervision and comply with the directions given to you by a probation officer, that you not leave the State of Tasmania without permission and that you notify your probation officer of any change of address. In addition to the core conditions, the order will also include the following special conditions operative for the two year period. These include:

1. Attend educational and other programmes as directed by the Court or a Community Corrections officer;
2. Submit to the supervision of a Community Corrections Officer as required by that officer;
3. Undergo assessment and treatment for drug dependency as directed by a Community Corrections officer;
4. Attend and complete the EQUIPS addiction programme as directed by a Community Corrections officer;
5. Submit to testing for drug use as directed by a Community Corrections officer; and
6. Submit to medical, psychological or psychiatric assessment or treatment as directed by a Community Corrections officer.

Mr Smith, you should be minded that if you breach any of the conditions of the Community Correction Order, you may be brought back to Court and re-sentenced.