

STATE OF TASMANIA v ROBERT WILLIAM COPOLOV
COMMENTS ON PASSING SENTENCE

5 JULY 2024
WOOD J

The defendant, Robert William Copolov, has pleaded guilty to one charge of grooming with intent to procure a young person for sexual abuse contrary to s 125D(1) of the *Criminal Code* and a summary offence of supply liquor to a person under the age of 18 years contrary to s 13(2A) of the *Police Offences Act 1935*.

This crime is committed when a person who makes a communication by any means to any person with the intention of procuring a person under the age of 17 years (or a person the accused believes is under the age of 17 years) to engage in an unlawful sexual act. An unlawful sexual act includes various sexual crimes including indecent assault, rape, and penetrative sexual abuse.

The defendant began communicating with the complainant over the internet sometime in 2022. The defendant's brother introduced him to the complainant, and they began communicating on a daily basis, multiple times a day. The complainant represented in her online profile that she was 19 years of age. The communications between the defendant and the complainant involved sexualised content and the exchange of intimate photographs. The defendant believed he was communicating with an adult.

After approximately a month of communication, the complainant disclosed that she was 14 years of age. In fact, she was then 13 years of age and turned 14 in February 2023. This disclosure of the complainant's young age represents the commencement of the defendant's crime of grooming. The period of grooming conduct is from 1 December 2022 to the 20 May 2023. The defendant was aged 30 and 31 during that period.

The defendant and the complainant communicated during that period via telephone calls, text messages, Facebook Messenger, Snapchat, Instagram, and Omegle, an internet chat service.

The complainant lived with her father in North Hobart at the time. He supervised her access to the internet and the use of her mobile phone using parental controls. She regularly used the internet, including chat rooms and phone applications, however, to speak to strangers.

In mid-2022, the complainant's father became concerned about her online behaviour generally. One of the people he saw her speaking with online was the defendant. When the complainant's father observed this, she immediately deleted the content of the conversations between her and the defendant and responded angrily when her father asked her about the conversations. She told him he was a friend from school and later told her father he lived in Queensland, and she would never meet him. She then took steps to avoid detection using free Wi-Fi internet away from home and the laptop provided by her school to avoid parental controls.

The communication continued to occur multiple times a day during the period of offending, and the defendant's communications were accompanied by an intention to procure the complainant to engage in unlawful sexual acts with him. His intention was to engage in sexual activity with her, which would be unlawful by virtue of her being under the age of 17 years. During that period, he regularly sent the complainant photographs of himself wholly or partially naked, particularly of his erect penis, and text messages containing indecent content.

I have been provided with examples of the text messages, which are not only sexually explicit but pornographic, perverse, and disturbing in nature.

In one message, he spoke about her wearing a collar and a leash and there being no escape. In that same message, he spoke of her behaving like a "good little obedient slut". In another he sent a photograph of his penis and a message in which he referred to his desire for sex, including her giving him oral sex while they smoked drugs. He spoke about meeting up with her in secret sooner rather than later even though that could get him in "deep shit".

In early May 2023, the defendant travelled to Tasmania for nine days. A family member paid for the trip and he had plans to visit an uncle in Launceston if he was available. One of his reasons for travelling to Tasmania, however, was to see the complainant and pursue sexual activity with her. There were messages to the complainant in which he referred to sexual intercourse taking place between them during his trip. The complainant spoke about her father's reluctance to allow her to leave the house but that she would leave anyway and the defendant encouraged her to visit him, saying he would book her an Uber to his hotel.

The defendant arrived in Hobart on 19 May 2023 and checked into the Hobart Tower Motel in North Hobart. That same day, the complainant asked her father if she could have nine days off school, stating she needed a break. She became angry when he asked her questions, threatening to leave home. She stayed at home that day until 4:30 pm, when she left to visit the defendant, and returned home at about 7:30 pm. She refused to tell her father where she had been.

The following day on 20 May 2023, she left home at about 10:00 am and went to meet the defendant at the Tower Motel. The defendant sent messages to the complainant offering to buy alcohol for her.

The complainant's father tried to contact her to no avail. At approximately 6:00 pm, he contacted Tasmania Police to report her missing.

At about 7:00 pm, members of Tasmania Police attended the defendant's hotel room at the Hobart Tower Motel. They tried to open the door, but it was secured with a chain lock. Through the gap, they saw the complainant and the defendant both partially undressed. The complainant did not have any lower garments on.

Police officers explained that the purpose of their attendance was to obtain information about the complainant's welfare. The defendant refused to open the door and repeatedly told police to "fuck off".

Police forced entry into the room and arrested the defendant. He was intoxicated and there were empty cans and bottles of alcohol on the floor.

Police seized the defendant's phone and he voluntarily provided his PIN code so police could access the contents.

During a video-recorded interview, the defendant made admissions to communicating with the complainant for a period of about six months. He admitted that he was aware she was 14 years of age. He said he decided to come to Tasmania because she was in an emotional state and was saying she was going to commit suicide. He admitted buying her a bottle of champagne which she drank. He admitted sending her naked photographs of himself as well as explicit sexual messages. He said he did not intend to do anything before it was legally permissible and

indicated that he would not have had sexual intercourse with her under the age of 16 years. He said he sent the sexualised messages because she asked him to do so. He said, "We both did the wrong things".

In terms of his state of mind about the "legally permissible" age, I mention that in Tasmania sexual intercourse is unlawful if the young person is under the age of 17 years, not 16 years.

Significantly, the defendant was not honest with police about his intentions. It is not the case that he did not intend to have sexual intercourse with her until she was 16 years of age. He was grooming her for that very purpose and, as I have noted, he intended to engage in sexual activity with her while he was in Tasmania.

It should be noted it is not the State's case that he engaged in sexual activity with her on either of the two occasions that they were in each other's company. He is not charged with the crime of penetrative sexual abuse of a child or a crime involving any sexual activity with a child, and he is not to be sentenced as if he had committed such a crime.

In his interview, he showed a lack of understanding of the full extent of his responsibility and that, as the adult, he was the wrongdoer and, as a child, the complainant was not to blame in any way. He also disclosed that he was aware she was emotionally vulnerable when he was grooming her by sending her sexualised messages.

I have a victim impact statement provided by the complainant's father on her behalf. The complainant has been significantly affected. During the time that she was communicating with the defendant, her schooling and relationships with her peers were completely disrupted. She disengaged and has suffered academically. She is withdrawn and has turned to alcohol, cigarettes, and cannabis. It seemed like she did not care about anything, and her connection with extended family is damaged. Her father said she is receiving counselling and support which has thankfully started to help.

This case demonstrates just how destructive it is for a young teenager to engage in adult and perverse sexualised communications. Their knowledge and loss of innocence cannot be undone. It dismantles almost all aspects of their lives and puts them at odds with their peer group, education, and family.

The complainant's father was vigilant and actively protective of his daughter. This case also demonstrates how a determined offender, once having online access, can gain an insidious hold and influence over a child, and it can be very difficult for a parent to combat that influence.

There are aspects of the defendant's offending which are less serious than other cases involving the crime of grooming. His conduct was not predatory in the sense that he was targeting children online in order to sexually abuse a child, or that he then commenced a process of introducing the child to sexual content to effect that purpose.

The defendant genuinely believed at the time of his initial sexualised messaging that the complainant was an adult. His criminality lies in continuing the sexualised communications knowing she was a child.

His offending, however, does involve aggravating features. I have already mentioned the perverse content of the messages, which were bound to corrupt a young mind and cause confusion about healthy and respectful relationships. Also aggravating is the fact that he

communicated with her in this way whilst aware of her emotional vulnerability and attachment to him. He sent messages which, amongst the sexual content, also mentioned his love for her. The impact of his grooming conduct upon the complainant was highly disturbing and it is likely she will suffer long-term emotional or psychological harm as a result. Another aggravating factor is that he travelled to Tasmania to meet with the complainant, and the circumstances in which he was found by police with the complainant are extremely concerning and demonstrate a determination to procure her for sexual abuse. The defendant was aware the complainant's father was reluctant for her to leave the house and knew that the complainant would be defying her father by meeting him, and yet he encouraged her to do so. This is also an aggravating factor.

The defendant has no prior convictions. He has been in custody on remand since 20 May 2023. He has a supportive family in Victoria where he usually resides but no friends or support in Tasmania.

He is ordinarily in receipt of a disability support pension. He was born with a major liver disease requiring a liver transplant. He was bullied and ostracised by his classmates at school because of his condition. Due to periods of illness and long periods of hospitalisation as he was growing up, he felt disconnected from his peer group and became socially isolated.

During his adolescence, he suffered major depressive episodes that lasted from months to years, and he required psychiatric care. He attempted suicide on two occasions and engaged in acts of self-harm. He began to abuse drugs and alcohol. He wanted to have a relationship but the relationships he experienced did not last. As an adult he has been, for a significant period, socially isolated and lonely.

Against this background, it seems that, having formed a relationship, as he saw it, with the complainant, he was reluctant to relinquish it once he discovered her age.

His explanation for why he continued contact with the complainant includes that the complainant told him she was very distressed and thought about suicide. He spoke to her about finding someone her own age, but she became very upset and threatened self-harm.

These genuine concerns, and I am satisfied that they are genuine, explain his continued contact with her and wanting to support her, but do not explain, let alone excuse or mitigate in any way, his continued grooming of her for the purpose of sexual activity.

I have a report from forensic psychologist, Dr Jennifer Wells, dated 17 January 2024. She canvassed his decision-making with him and describes the defendant as having limited ability to take responsibility for his actions and choices, and notes he lacks maturity. He has, however, acknowledged he made a terrible mistake.

Dr Wells has assessed his risk of future sexual violence. Notably, he showed no evidence of attitudes that support or condone sexual violence and no evidence of sexual deviance. In her opinion, the defendant is at low risk of committing a further sexual offence, and any risk factors present in his case bear on the risk of re-offending generally, such as lack of self-awareness, and problems with stress and coping.

In Dr Wells's view, the defendant has Major Depressive Disorder with low mood and feelings of worthlessness being very prominent features for him. He also has multiple Substance Use

Disorders and uses cannabis and alcohol regularly. She characterises both disorders as severe at the time of offending.

In Dr Wells's opinion, the defendant would benefit from further psychological therapy and treatment for his Major Depressive Disorder and Substance Use Disorders so as to increase his capacity for interpersonal connection in socially appropriate ways.

The defendant has pleaded guilty, reflecting his remorse and appreciation that his communications involved content that the complainant should never as a child have been exposed to. His plea of guilty saves the community the cost of a trial. He has spared the complainant the stress of giving evidence, which has significance given her vulnerability and the added stress that she would have experienced. His sentence will reflect a discount because of his plea of guilty.

For the reasons I have been expressed, this is a particularly serious example of this crime. The communications were over a lengthy period, the defendant was determined in his purpose, and there was a substantial disparity in age between himself and the complainant, although not the same disparity in maturity.

The communications were made in the secrecy of the internet. Because of the ease with which children can be accessed in this way there is a powerful need for general deterrence. The profound harm caused to children by engaging in these communications is inevitable and the purpose of procuring children for sexual abuse must be condemned.

Heavy sentences must be imposed by courts even for offenders who, like this defendant, are most unlikely to reoffend. The sentence will appropriately reflect the defendant's plea of guilty, remorse, his lack of prior convictions, and that for this offender, personal deterrence is not required.

Mr Copolov, the sentence I impose this afternoon, while a heavy sentence, especially for someone who has never been to prison, is designed to promote your rehabilitation through a period of supervision that is recommended by Community Corrections in a pre-sentence report of 27 June this year, implementing the recommended case management plan as set out in that report and incorporating the recommendations of Dr Wells in her report. I note too there is benefit in a lengthy rather than a short period of supervision.

The sentencing order I impose is as follows. I record a conviction in relation to the indictable crime of grooming with intent to procure a young person for sexual abuse. I impose a sentence of two years and five months' imprisonment. That sentence is backdated to 20 May 2023. I suspend half of that sentence. It is a condition of that suspended portion of the sentence that you must not commit an offence punishable by imprisonment for two years from the date of your release and you must comply with the terms of the Community Correction Order that I now impose.

The portion I have suspended is one year and two and a half months. That is suspended on the conditions I have just mentioned.

I now mention the Community Correction Order. I impose a Community Correction Order which is to be in place for two years from the date of your release. You must not commit an offence punishable by imprisonment for that period. That Community Correction Order carries all of the statutory core conditions. You must report to a probation officer at Community

Corrections at 75 Liverpool Street, Hobart within two working days of your release from custody, and subsequently, you must report as required. You must give notice to your probation office of any change of address or employment before, or within two working days after, the change. You must not leave or remain outside Tasmania without the permission of a probation officer.

In addition, I impose special conditions which will also be in place for the same period of two years from the date of your release. You must submit to the supervision of a probation officer as required. You must undergo assessment and treatment for drug dependency as directed by a probation officer. You must submit to medical, psychological, and psychiatric assessment or treatment as directed by a probation officer, and you must undergo assessment or treatment for alcohol dependency as directed by a probation officer and submit to testing in relation to alcohol and drug use as directed by a probation officer. You must not directly or indirectly communicate with, or be in the presence of, the complainant.

I record a conviction on the supply alcohol offence without further penalty, bound up as it is in the crime on the indictment.

I am required to make an order under the *Community Protection Offender Reporting Act 2005* unless I am satisfied that you do not pose a risk of committing a reportable offence in the future. While I am not satisfied of that, I am satisfied, as I have said, that you are at a low risk of such an offence. I order that your name be placed on the register pursuant to that Act and that you comply with the reporting obligations under that Act for a period of three years after your release from prison.