

THE KING v BRAYDEN ANTHONY PRIEST
COMMENTS ON PASSING SENTENCE

MARTIN AJ
10 DECEMBER 2024

Mr Priest, you have pleaded guilty to using a carriage service between 11 February 2023 and 3 August 2023 to access child abuse material. You have also pleaded guilty to possessing child abuse material obtained using a carriage service. The maximum penalty for both crimes is imprisonment for 15 years. You are convicted of both crimes.

On 3 August 2023 police searched your residential premises and took possession of your mobile telephone. They located on your mobile a file-hosting service that provides end-2-end encrypted file storage known as MEGA. Within the MEGA application were a number of files depicting child abuse material.

Twelve screenshot image files were located on your mobile depicting Paypal transactions between 12 April and 23 June 2023.

The first charge to which you have pleaded guilty relates to you accessing and viewing 128 files containing child abuse material. Those files consisted of 127 cached video files and cached image located in the One Drive. The one cached image involved a cloud-based instant messaging application that provides end-2-end encrypted video and file sharing known as Telegram.

The 127 child abuse videos in One Drive were accessed between 11 February and 15 February 2023. The child abuse image in Telegram was accessed on 3 August 2023.

Some of the child abuse material located in One Drive included the following. First, a one minute, 10 second video depicting a pre-pubescent female performing fellatio on an adult male. Secondly, a 33 second video depicting a blindfolded pre-pubescent female with insulting words written on the blindfold, perform fellatio on an adult male. Thirdly, a two minute 15 second video depicting a pre-pubescent female being vaginally penetrated by an adult male penis.

The second offence to which you have pleaded guilty relates to your possession of six screenshot images located in Google Photos on your mobile. Google Photos is a cloud-based photo storage application. The six child abuse material images were screenshots sequential in nature, and taken from the same video, depicting a pre-pubescent female child performing fellatio on an adult male penis. You saved the screenshots on 29 May 2023.

When interviewed by police you admitted possessing child abuse material. You said you had previously searched for such material using MEGA links on Instagram before Instagram banned MEGA links. At the time you spoke to police you were searching for sellers of child abuse on Telegram by looking for accounts that said they sold MEGA links. You sent child abuse video to the sellers asking if they sell any of the content in the video and then paying for the MEGA link via Paypal and subsequently accessing the MEGA link on your phone when the link was provided.

You understood that viewing this material was an offence. You took screenshots, saved to your gallery from a video you viewed via the MEGA application.

You told police you did not like seeing baby child abuse material, but about 18 months ago you realised you were aroused by child abuse material whereas previously you had not been

aroused. You said you were unsure what changed and made you attracted to material involving children. You claimed you had tried multiple times to stop viewing such material but could only last about a week before you started buying and viewing it again.

According to your statement to police, after you stopped viewing the material you would delete it and delete any files that would have been saved to your phone. You deleted Telegram about a week prior to the police search, but kept MEGA and the folders of child abuse material in it. You said you had viewed only a portion of the material in MEGA but believed it would all be child abuse material because that is what you had asked for and purchased.

You told police that you commenced viewing child abuse material in early 2022.

As to matters personal to you, previously you had not been in trouble with the law. You were 27 at the time of the offending and you are entitled to be regarded as a person of previous good character, but only prior to your commencing your criminal conduct in viewing child abuse material.

I know little about your childhood except that you were particularly close to your mother, but not your father. You have always regarded your mother as your best friend.

Approximately six months before you commenced your criminal conduct, your mother left the family home. This was very distressing to you, and to your father. You shut yourself in the room and isolated, consuming large quantities of cannabis. Your father drank heavily. A psychologist has explained that you were susceptible to emotionally unravelling, and the earlier sexual abuse experience at the age of 5 -7 years had established, in the words of the psychologist, "a shame-based child and teen existence and disconnection with self". You used cannabis to quell anxiety and depressed feelings.

You told the psychologist that you accessed child abuse material via a chance link which enabled you to access such material on an app. You were stoned on cannabis at that time. Initially you searched videos only.

In the opinion of the psychologist, you suffer from adjustment disorder with depressed mood and social phobia. You have few same-aged friendships and self-isolate from social activity. You possessed low self-esteem with, as the psychologist described it, "psychological splitting" meaning you dealt with emotional conflict by compartmentalising opposite affect states. The psychologist expressed the view:

"Accessing illegal material via a carriage service gave an empowered sense of distorted emotional connection on the backdrop of prior childhood sex abuse (albeit dysfunctional, morally wrong and illegal)".

In the opinion of the psychologist, you used the carriage service to access and download child abuse material for the purposes of escaping reality. The psychologist perceived that you seemed "somewhat removed from the seriousness" of the offences and you "appeared to project some depersonalisation from your misdemeanour". The psychologist opined that you seemed to comprehend the severity of your actions although you had difficulty in assigning them as having a consequence to you. The psychologist believes that under extreme emotional poverty you had experienced previous erotic fantasy thoughts of others and in a state of privacy you pursued fantasies you considered safe to you. In her view, you sought young persons in the web

content because, from your perspective, they "represented safe and harmless images" with which you could relate. In these circumstances you possessed a confused understanding as to why you had accessed the material knowing it was an offence. As the psychologist put it, you entered "distorted reality" but you now recognise that these actions emanated from dysfunctional, emotional and social intimacy issues.

Mr Priest, while your psychological state provides the context in which you commenced your criminal conduct, it must be said that psychological issues are a common feature of cases of this type presented to the criminal court in the sense that many persons who commit these types of crimes suffer from psychological issues similar to those you were experiencing at the time of your offending. Those issues help explain why you committed the crimes, but they are not an excuse. As the psychologist put it, your adjustment disorder lowered your control, but you well knew throughout that what you were doing was wrong.

As to the future, you have taken the first step of acknowledging responsibility and pleading guilty. You now have insight into your conduct and you are deeply ashamed. While you may be determined not to offend again, I note the view of the psychologist that although you have some control over your emotions, you are vulnerable to episodes of depression and anxiety. While I assess that you have reasonably good prospects for rehabilitation, I am not satisfied that you do not pose a risk of committing a reportable offence in the future and I order that your name be placed on the register and that you comply with the conditions set out in the *Community Protection (Offender Reporting) Act* for a period of 3 years from the date of your release.

Again relevant to your future, I note the view of your previous employer for whom you worked from October 2022 to September 2023 as a leading hand, that during your period of employment you were well liked and demonstrated reliability, dedication and professionalism. Obviously you were a good worker and, hopefully, this will stand you in good stead when you are released from custody.

In determining sentence, general deterrence and denunciation are prominent factors. As criminal courts have repeatedly emphasised, crimes such as yours are not victimless. They ultimately involve the exploitation and abuse of children, often from impoverished and particularly vulnerable circumstances. Your conduct creates a demand for the production of such material which inevitably involves the abuse and exploitation of children. As the courts have also observed, this type of offending is difficult to detect and it is particularly difficult to remove images from the internet after they have been published. The community is widely and deeply very concerned by this type of conduct and it expects the Court to impose penalties which reflect the denunciation of the community for this crime.

All crimes of the type you committed are serious crimes, but as with all crimes there is a scale of seriousness. Your crime is not at the lowest end of the scale of seriousness, it is sufficiently serious that an immediate term of imprisonment is the only appropriate sentence. Further, as your counsel frankly and appropriately acknowledged, there are no exceptional circumstances which would warrant an order for your immediate release. The young age of the children depicted should not be overlooked. Nor should the depravity of the images be underestimated.

Had it not been for your plea of guilty I would have imposed a single sentence of imprisonment for two years. After allowing your plea I impose a sentence of 20 months imprisonment and I make a reconnaissance release order, for the sum of \$1,500 that you be released after you have

served nine months commencing today. You will be released under this reconnaissance release order in nine months time. It is a condition that you be of good behaviour for a period of two years from the date of your release that during the period two years you not commit any offence punishable by imprisonment. It is a condition that you be under the supervision of a probation officer for a period of two years from the date of your release. You are to obey all reasonable directions of the probation officer and undertake such counselling, treatment and rehabilitation programs as the probation officer reasonably directs.

You are not to leave Tasmania during that period without the prior written permission of the probation officer.

The sentence of your imprisonment is for 20 months but you will be released after nine months. But when you are released you will be under the direct supervision of a probation officer and basically you have to do what the probation officer tells you. Please understand the probation officer is there to assist you in your rehabilitation and getting your life back on track.