

Adam Flakemore, you plead guilty to one count of fraud. The crime was committed in October 2022 when you were 24. You were in debt for drugs. Because it was known you needed money you were asked to join in a plan with a person name Tracey Wilton, who was the mother of one of your friends, to stage a theft of her car and defraud her insurance company, RACT. You were to take and burn the car in return for \$1000 and she would claim that her car had been stolen. The plan was carried out. In the days leading up to 23 October 2022 she left her car unlocked in the street. You drove it to Devonport and abandoned it there but without burning it. The abandoned car was reported to the police a few days later and seized for testing. When found it was locked but undamaged. I am informed that the car had registration plates but, for reasons which have not been explained, it was not connected to Ms Wilton. After that, she falsely declared it to have been stolen and made the insurance claim. The claim was accepted and she was paid \$10,386.12 by RACT on 16 December 2022 even though, by then, the car had been in the custody of the police for two months.

It was not until August 2023 that forensic testing of the car revealed a DNA match to you and one of your associates. When interviewed you admitted what you had done and that it was an "insurance job". Despite your role in the crime you were not paid \$1,000. The reason for that, I am told, is that she was unhappy that you did not burn the car. The car was sold and so at least some of the losses incurred by the insurer have been recovered.

You are now aged 26. You had a very difficult childhood having been abandoned as a baby by you mother and not accepted by your step mother. You completed year 10 but since then your life has been badly affected by drug abuse. You began using cannabis at age 14 and then progressed to other drugs including methylamphetamine. As a youth and a young adult you were sentenced for offences involving dishonesty. In 2018 you were sentenced to a partly suspended term of imprisonment for a long series of driving offences. You kept committing offences of that type following your release and on 4 September 2019 a six month home detention order was made. You managed to complete the home detention order but relapsed into more drug use after then. You were hospitalised for a prolonged period in 2021 following a drug induced psychosis at which time you were diagnosed with schizophrenia, an obsessive disorder, anxiety and depression. You relapsed again after your discharge and at the time of this crime you were heavily using methylamphetamine and cannabis on a daily basis. Between June 2022 and March 2023 you committed a string of dishonesty, driving and bail offences. This crime was committed in the middle of that period. Those offences were not dealt with until 12 September 2023 when a drug treatment order was made with a custodial part of five months. After a difficult start to the order things are looking up. You largely ceased use of methylamphetamine in January 2024. There have been a couple of lapses which have resulted in you serving some short periods in custody as sanction days but you are about to graduate to stage two of the order. You are receiving treatment for your mental health and weekly counselling. You completed the EQUIPS Addiction Program in June 2024. You are engaged to your long term partner.

On 24 September 2024 Mrs Wilton was sentenced on her plea of guilty to fraud and making a false declaration. She was sentenced to imprisonment for two months, wholly suspended for 12 months. Your counsel submits that parity is an issue but there are very good reasons to distinguish between you in contrasting ways. Mrs Wilton had no prior convictions and the sentencing judge found that the offending was out of character for her and she was extremely

remorseful. On the other hand, you no longer face the charge relating to the false declaration and you are to be sentenced as aiding the fraud.

The sentence I impose must serve to discourage insurance fraud of this nature. However your plea of guilty is in your favour. You entered it at a reasonably early stage, about three months after you first appeared in the Magistrates Court. The amount of the loss is relatively modest and it was your decision to not burn the car which reduced the loss from the crime and ultimately led to your apprehension. Although your intent was dishonest, in effect, all you did was drive the car from Launceston to Devonport and abandon it there undamaged. I accept your counsel's submission that a sentence of actual imprisonment will inevitably result in the cancellation of the drug treatment order and much of the good work which has been done during the order will be undone. For that reason I will wholly suspend the sentence but with an additional condition that you comply with the terms of the order. If you do not do so it is very likely that you will have to serve the term I am about to impose in addition to any sentence which might be imposed on cancellation of the order.

Adam Flakemore, you are convicted on the indictment. On complaint 1659/24 count 2 is subsumed in the indictment and count 1 is dismissed. You are sentenced to imprisonment for three months, wholly suspended for 18 months from today. It is a condition of that order that while it is in force you do not commit any offence punishable by imprisonment. If you breach that condition then a court must activate the suspended term unless that is unjust. I impose an additional condition that you comply with the terms of the drug treatment order made 12 September 2023. If you breach that condition then you may be brought back to court and resentenced.