

Evan Cornelius, you plead guilty to 19 child sex offences under the *Criminal Code* (Cth): seven counts of using a carriage service to groom a person under 16 years for sexual activity contrary to s 474.27(1), three counts of using a carriage service to procure a person under 16 years for sexual activity contrary to s 474.26(1), three counts of using a carriage service to engage in or plan sexual activity with a person under 16 years contrary to s 474.25C, two counts of using a carriage service to solicit child pornography material contrary to s 474.19(1) two counts of using a carriage service to solicit child abuse material contrary to s 474.22(1) and one count of possessing child abuse material using a carriage service contrary to s 474.22A. In addition I was asked to take into account three other crimes in accordance with the *Crimes Act* (Cth), s 16BA, namely one count each of using a carriage service to cause transmission of child pornography material contrary to the *Criminal Code*, s 474.19(1), using a carriage service to transmit child abuse material contrary to the *Criminal Code*, s 474.22(1) and using a carriage service to solicit child abuse material contrary to the *Criminal Code*, s 474.22(1). You are now aged 26. Sixteen of the crimes and one of the schedule offences were committed between June 2017 and July 2018 when you were aged 18 and 19. They were not discovered until 7 March 2023 when your home was searched by the Australian Federal Police. By that time you were 24. Your phone was seized and analysed. A number of applications were installed: Instagram, Telegram, Dropbox, Mega and Snapchat. The charges may appropriately divided into four groups. Counts 1 to 8 and 10 to 15 inclusive, plus items 1 and 2 of the schedule, with one exception, concern on-line contact with young girls in 2017 and 2018. Counts 9 and 16 concern conduct of the same character in 2018 but of an even more serious kind. Counts 17 and 18 and Item 3 on the schedule relate to the on-line soliciting of child abuse material in 2021 from young girls apparently in the business of selling such material. Finally, count 19 relates to possession of the child abuse material discovered on your phone.

Count 1 and Item 1 of the schedule concern the same victim. Between 10 June 2017 and 4 July 2017 you engaged in an on-line chat with a girl who told you she was 13. You first gave your true age, 18, but to encourage her to continue you told her you were 16 and sent a false photograph. In the course of the messages you told her you wanted to have sex with her, sent a series of sexually explicit messages, asked for information about her sexual experience and pestered her to send semi-naked and naked photos of herself. She eventually sent an image of herself in a bra and you requested more. Her messages suggested that she was just looking for emotional support and she eventually stopped communicating with you when her friend became suspicious of your messages.

As to count 2, mostly over the course of about four days between 27 June 2017 and 30 June 2017 you engaged in on-line chat with a girl. She told you she was 13. You told her you were 16 and again sent a false photograph. You sent highly explicit messages of the sexual acts you said you wished to perform on her and persistently asked for naked images of her. You sent her a photograph of your penis. Item 2 of the schedule concerns the same victim but occurred more than five years later in September 2022. You tried to chat to her again, and when she did not remember you, you sent her screen shots of parts of your sexualised conversation in 2017.

Count 3 concerns an on-line chat with a victim on 4 and 5 July 2017. She said she was 14. You asked where she lived, told her that she should meet with you and made explicit suggestions of sexual acts you would perform.

Counts 4 to 8 and 10 to 15 concern conduct of the same type and may conveniently be described together. They concern on-line chats with 11 separate victims in June and July 2018 when you were 19. These were girls who said they were aged between 12 and 15. You frequently lied about your age, sometimes sent a false photograph of yourself, but always directed the conversations to explicit and sexualised subjects: their physical characteristics, sexual experience and the sexual acts you suggested you would perform on them. Various this was to groom or procure them for or plan sexual activity or send indecent material.

Counts 9 and 16 should be described separately. They concern on-line Snapchat exchanges between 18 July and 18 August 2018 when you were 19, with a girl who told you she was 13 to 14. You suggested that she meet with you so that you could perform sexual acts on her which you explicitly described. You persistently engaged in highly sexualised conversation, told her that you loved her and made multiple requests that she send you pictures of her breasts and genitals. She sent a picture of her breasts believing that it would not be kept. You told her that she should dump her boyfriend and that you could bash him. What distinguishes these two counts from the others I have described is that you then used a threat to disclose your exchanges and the picture she had sent to her boyfriend and publicly on Facebook and Instagram as a means of forcing her to comply with your repeated demands that she make and send you more explicit images and videos of herself. Despite her begging to be left alone, and her telling you that she cut herself, you continued to hound and threaten her for images of the nature you described to her. The chat log recorded extensive exchanges of this nature and includes six video calls. The threats included that you would be coming to rape her and bring five of your friends to rape her too. This conduct amounted to the charges of using a carriage service to procure a person under 16 for sexual activity and to solicit child pornography material.

Counts 17 and 18 and Item 3 on the Schedule concern acts committed more than three years later in October 2021 by which time you were 23. You used your phone to solicit child abuse material in the following way. On 21 October 2021, by means of the social media platform Telegram you engaged with a person identified as Linaliss, who you understood to be 16, to purchase photo and video images of her performing sexual acts, including images she told you she had of herself when she was younger. The exchange suggested that this person was in the business of selling such images because she referred to a VIP channel and payment was to be made by PayPal in Russian Rubles.

Count 18 concerns conduct on the same day of a similar nature to count 17. This time the chat was with a person identified as Sonya. You offered to pay for images and told her you liked "young teen". You asked for images of her or of other young girls. You agreed to subscribe to her service, told her that the images "better be hot" and asked whether she would do custom videos for more money.

Item 3 on the schedule arises from a similar exchange with an unknown person on 27 October 2021. You asked her what content she had and how young she was. You enquired about images of young girls of a highly sexual nature, offered to pay substantial sums and when she said that she did not do videos like that she referred you to another Instagram user who may be able to supply the type of material you were looking for.

Finally, count 19 concerns the child abuse material the police found when your phone was analysed. It contained 2049 files which were child abuse material, predominantly video files with more than 90 hours viewing hours, downloaded between 2017 and 2023. The children depicted varied in age from about 12 months to about 16. They included videos of oral, anal and

vaginal penetration with victims appearing to be in distress. Some of the material depicted prepubescent females in what appeared to be "selfie" style photos and videos of their breasts and genitals.

Each of the three schedule offences relate to the same or similar conduct as the primary offences to which they attach. The result of taking them into account is that a more severe sentence should be imposed on the primary offence that would have been imposed had it stood alone.

In sentencing I am required to impose a sentence that is of a severity appropriate in all the circumstances of your offences and have regard to such of the matters set out in s 16A(2) of the *Crimes Act* as are relevant and known. Your personal circumstances were described by your counsel and in materials with which I have been provided. That material includes a report from a forensic psychologist, Dr Hannah Dawson.

You grew up in Launceston in the care, along with your older brother, of your mother and stepfather. You had virtually no contact with your biological father. Your mother was the dominant influence and remains supportive of you. At a very early age you witnessed sexual activity at home and became sexually active yourself. You moved out of home to live with a girlfriend when you were 16 and stopped going to school. You began a relationship with your most recent partner when you were 20. She already had a young child and you have a three year old child together, but that relationship has ceased largely as a result of these charges, which also have resulted in loss of contact with the children. You began using alcohol and cannabis as an early teenager and you later used methylamphetamine. You were medicated for depression late in your teens. You told Dr Dawson that your acts in 2017 and 2018 occurred when you were living at home, keeping poor company, using methylamphetamine and experiencing poor mental health. You admitted that you had, and probably still have, an attraction to teenage girls. Dr Dawson formed the opinion that your current symptoms are indicative of generalised anxiety disorder and major depressive disorder but nothing in her report justifies a finding connecting any such conditions and this offending. In her opinion a diagnosis of Other Specified Paraphilic Disorder is indicated, which applies to paraphilic disorders which do not meet the full criteria for a diagnostic class of paraphilic disorders. She accepted that although some of the child abuse material in your possession was images of prepubescent children, your attraction was not to babies or infants, thus not constituting a paedophilic disorder. She assessed you as posing a moderate risk of committing future sexual offences, although not of sexual violence. Dr Dawson made multiple references to her suspicion that you are of low intellectual capacity but accepted that no assessment of cognitive function was undertaken. You displayed a lack of introspection, self-awareness and insight; that is a lack of understanding of the seriousness of your conduct and tended to minimise it. It is possible that your abuse of alcohol and drugs may have contributed to the offending in 2017 and 2018 but that does not reduce the seriousness of it or your responsibility for it. Dr Dawson suggests that targeted treatment aimed at improving self-awareness and coping strategies may assist you. I accept that your access to the type of treatment Dr Dawson recommends is likely to be very limited while you are in prison.

As to the grooming, procuring and planning offences you committed by your communications in 2017 and 2018 the age difference was not as great as in some cases. You were a young man, but there was still a significant difference in age and level of maturity. The period of offending was not lengthy. There seems to have been a break between the 2017 and 2018 offences, and on the information given to me you ceased communications of this type years before evidence of them was found. It was submitted on your behalf that the communications did not involve any concrete plans to actually meet any of the girls, and nothing came of it, and that it did not feel

real to you. The force of that submission is reduced because, at least as concerns the charges of procuring, your plea of guilty carries the admission of an intention to procure.

Consistently with what you told Dr Dawson your counsel submits that you did not solicit the images of prepubescent children and your possession of such images came about because they arrived with bundles of material of older children you were interested in. Again, however, you were at least reckless about possession of those images, many of which are of a most depraved character. Some were downloaded even though you had the opportunity to screen them before doing so. At least some were kept in a folder which included a reference to pre-pubescent children in the folder name.

You did not provide any material cooperation or assistance to the police at the time of the search, but it is in your favour that you pleaded guilty and before the plea was formally entered gave an early indication that it was likely that the charges would resolve.

You are to be sentenced for serious offences. For offences involving child abuse and child exploitation, general deterrence is the primary sentencing consideration. Sentences must serve not only to punish offenders but also to warn others of the potential consequences. Specific deterrence and protection of the community are also very important. The factors I have referred to which are personal to you carry less weight. The reason is that the factor of overwhelming importance in sentencing for crimes of this nature is the protection of children. Offenders must not only be punished and denounced, but sentences must serve to, as far as a court is able to achieve, signal to others the likely harsh consequences. To the extent that your offending consisted of on-line communications in 2017 and 2018 between you and the victims, there is a very strong need for general deterrence and protection of the public. You were well aware of what you were doing and you initiated the communications quite deliberately with a sexual motivation. None of the recipients were known to you but they were almost certainly real children. Some of the recipients of your communications turned out to be more susceptible than others to the persuasion and emotional pressure you exerted, but you tested the susceptibility of all of them in explicitly sexual terms. Such offences are difficult to detect because they are inherently and intentionally committed in secret, beyond the notice of those who would be responsible for the safety and protection of the young person. Young persons who participate in such on-line communications must, as far as a court is able to achieve, be protected from their own vulnerability, immaturity and misjudgment by imposition of sentences which seek to deter those who would seek to take advantage of them.

The conduct involved in counts 9 and 16 is particularly serious. In a callous, predatory and threatening way you pressured that victim, by threat of publication of an intimate image she thought would be deleted, to provide more sexual images. She was vulnerable by reason of her age and fragile mental state and must have suffered mental anguish. In such cases, once images are provided, victims are trapped. Faced by threats that, without compliance, images will be disseminated on the internet or of some other consequence, their lives become a misery. Such crimes may well lead to serious psychological damage, self-harm and even suicide. You did not carry out your threat.

I take into account your relative youth at the time, but in one case you attempted further contact years later and your sexual interest in pubescent females persisted as was demonstrated by your subsequent actions. By seeking child abuse material on-line you contributed to the market for it. Children across the world are corrupted, abused and exploited to create the type of material

which you possessed. It is of the nature and content rather than the number of the images which is most significant, but even so you possessed a substantial quantity.

I intend to impose sentences by reference to the four categories of offences I have outlined in these comments, but also taking into account the separate interests of each of the many victims. I have regard to the presumption of cumulative sentences, as it applies to the later offences, but I propose to order some concurrency to allow for overlap in criminal culpability across more than one offence to achieve an aggregate sentence which is a just and appropriate measure of your total criminality. As I am required to do I will impose a single non-parole period.

Evan Cornelius, you are convicted on each count. I am not satisfied that you do not pose a risk of committing a reportable offence within the meaning of that term in the *Community Protection (Offender Reporting) Act 2005* in the future. I make an order directing that the Registrar cause your name to be placed on the Register and that you comply with the reporting obligations under the Act for a period eight years from your release. For counts 1 to 8 and 10 to 15 inclusive I impose one sentence, a term of imprisonment of 18 months from 18 December 2024, the day you were remanded in custody. On counts 9 and 16 you are sentenced to a term of imprisonment of 18 months. I order that six months of that term be served concurrently with the term just imposed and the balance is to be served cumulatively. On count 19 you are sentenced to imprisonment for 18 months. I order that six months of that term be served concurrently with the term imposed on counts 9 and 16 and the balance is to be served cumulatively. On counts 17 and 18 I impose one sentence, a term of imprisonment for six months cumulative to the other terms imposed. The result is a total term of four years from 18 December 2024. I fix a non-parole period of two years. Pursuant to the Crimes Act, s 23ZD, I order that Oppo Find X% lite mobile phone bearing IMEIs 867226050336893 and 867226050336885 is forfeited to the Commonwealth.