

STATE OF TASMANIA v TRENT JAMES JONES
COMMENTS ON PASSING SENTENCE

19 MARCH 2025
JAGO J

Trent James Jones, you have pleaded guilty to the crimes of trafficking in a controlled substance, namely methylamphetamine, and possessing a prohibited firearm when not the holder of a firearm licence of the appropriate category. Additionally, I am dealing with your pleas of guilty to related summary charges being: possess controlled plant, namely cannabis; two counts of possess thing used for administration of a controlled drug; use a controlled drug, namely methylamphetamine; use a controlled plant, namely cannabis; two counts of possess a firearm when not the holder of a firearm licence of the appropriate category; one count of possess ammunition when not the holder of the appropriate firearm licence; one count of possess a firearm to which a firearms licence may not be issued; one count of possess firearm part and one count of use silencer, which I note is an offence that can be made out by you having possession of the item.

The crimes and offences were all detected when members of the Western Drugs and Firearms Unit conducted a search at the premises at which you were living on 27 October 2023. At the time, you were subject to a Home Detention Order and were living at an address in Wynyard with your partner.

When police attended, you directed them to a garage area at the rear of the house. You removed a brown leather pouch from beside an armchair. The pouch contained a quantity of methylamphetamine, a set of digital scales and a spoon. When the substance was subsequently analysed and weighed, there was a total of 27.3 grams of methylamphetamine in the pouch, which is 2.3 grams above the trafficable quantity. The State assert you possessed the methylamphetamine intending to sell it. Indeed, when you were subsequently interviewed by police, you made several admissions to having sold methylamphetamine over the preceding six months and admitted you would have used some of the 27 grams yourself but sold other portions of it. You told police you generally sold methylamphetamine three times a week and sold it in quantities varying between half a point and a gram. You told police that you had probably made about \$5,000 from the sale of methylamphetamine during the previous six months. You also told police that you had purchased the quantity of methylamphetamine that was in the brown pouch, for \$7,000, and that you had used some of it but not yet sold any of it. The methylamphetamine, if sold at street value in point form, would be valued at approximately \$27,300.

During the search, you also provided your mobile phone to police for forensic examination. Messages consistent with the sale of methylamphetamine were located. You told police that you had used both cannabis and methylamphetamine the previous evening, hence some of the summary charges. You also explained to police that you had a significant and long-term drug addiction.

During the search you directed police to a locked metal tool chest, which was in the garage. You told police that the chest contained firearms that belonged to your brother. The chest was locked, and you did not have a key. Police forced entry to the tool chest and located numerous firearms, firearm parts and ammunition. A total of 11 firearms were seized, being 1 x Lithgow .22 rifle; a B12 gauge side by side shotgun; a Stirling .410 gauge side by side shotgun; a Ruger 10/22 semi-automatic rifle, disassembled with parts spread throughout the tool box; a disassembled .45 SKS semi-automatic rifle; a homemade .22 gauge pistol, shortened to under 65 centimetres; two further .12 gauge shotguns, shortened to under 65 centimetres; a sawn off

.22 calibre rifle, also shortened to under 65 centimetres, and two stun guns. In addition to the firearms, police located and seized a total of 97 rounds of .12-gauge ammunition and 80 rounds of .22 ammunition. Additionally, six magazines, four trigger mechanisms, two bolts, a recoil spring, two rifle barrels and a silencer were seized. The Ruger semi-automatic firearm and the SKS semi-automatic firearm are the subject of the possess prohibited firearm crime charged on the indictment. These rifles, being semi-automatic in nature, are prohibited firearms. That aside, you were not licensed to be in possession of any of the firearms, the ammunition or the firearm parts.

As to the firearms, as noted, you told police that they belonged to your brother. You admitted knowing, however, that the firearms were in the toolbox, although you said you did not know the specifics of what was in there. You told police that you had handled some of the firearms in the past, and you also admitted to police that you were aware that some of the firearms were probably stolen. You told police that you had wanted to get rid of the firearms.

You are 41 years of age. You have a long and persistent history of criminal offending, predominantly consisting of convictions for bail offences, driving offences, offences against police and dishonesty matters. You were appearing in youth courts by the time of your mid-teens and your criminal offending has largely continued unabated since then. Your prior convictions for drug offending, are related to personal use and flow from your long-term drug addiction, although there is an aged matter involving the selling of a controlled plant. You do not have any prior convictions under the *Firearms Act*.

In July 2019, you were sentenced by this Court for the crime of dangerous driving. You were sentenced to two years' imprisonment. More recently, in October 2023, you were sentenced by the Magistrates Court for the offences of evading police in aggravated circumstances, drive whilst disqualified and various other driving offences, and a number of bail offences. You were sentenced to a 10-month Home Detention Order, commencing on 4 October 2023. You were subject to that Home Detention Order when the matters for which I am sentencing you were committed. It is aggravating that you behaved in such a seriously criminal way when you were subject to a period of Home Detention. Clearly, the imposition of such a penalty did nothing to deter you from your persistent non-compliance with the law.

In March 2024, you were again before the Magistrates Court. At that time, the Home Detention Order was cancelled, and you were re-sentenced to a period of ten months' imprisonment. That sentencing order commenced on 5 January 2024 and came to an end on 5 November 2024. Given, my sentence will come on top of you already having been in custody for a relatively substantial period, principals of totality are relevant, and I ought to be mindful to ensure the sentence I impose is not crushing. That said, it also must be borne in mind that you are to be sentenced for very separate and serious criminal conduct.

You are the father of six children. Your relationship with them has been irregular because of the periods of time you have spent in gaol. In 2021, one of your children tragically lost her life, when there was an incident at a local primary school. You were remanded in custody at the time of her passing. Finding out that one of your children had died whilst you were in prison was devastating for you, and I am told you have struggled to come to terms with your loss ever since. I am also told that you felt the passing of your child keenly because it made you realise just how much of her life you had missed out on, because of the time you have spent in gaol. Sadly, however, it seems that even that tragedy did not provide you with sufficient incentive to change your ways, because all of this offending occurred after her passing.

More recently, you have experienced another family death. Your mother passed away. She was caring for your children whilst you were in gaol. The children are now largely without family support. Apparently, one of the older children is really struggling and you blame yourself because, once again, you are not there to assist and support your children.

As noted, you have a significant and long-term drug addiction. For the past 25 years, you have struggled with substance abuse. Your use of cannabis started when you were a teenager, and as this Court so often hears, your use of that substance soon escalated to the use of methylamphetamine. Your drug addiction has defined your life ever since, and even though there have been several sentencing orders made in the past obviously directed at encouraging you to address your addiction, there is nothing before me to suggest that you have done that in any meaningful way. I take into account that whilst you have been in custody, you have endeavoured to undertake courses but, of course, such opportunities have been available to you previously, to seemingly little effect.

You have a slow learning disability and are illiterate and innumerate. You have NDIS funding and support from counsellors. It is hoped that upon your ultimate release, they will be able to assist you in finding housing and it is your hope that you will be able to re-establish connections with your children and provide them with a home and support. It is laudable that you say you want to make the changes necessary to enable you to be there for your children, but whether you can commit to doing that, quite frankly remains to be seen. You have had many opportunities in the past and have seemingly squandered them. Only time will tell whether you are truly are committed to your rehabilitation.

I am satisfied that your involvement in trafficking methylamphetamine stemmed from your own use of the substance. You were selling the methylamphetamine to support your own heavy habit. This was not a profit generating enterprise, and it was not of a particularly significant scale. You had been selling it for approximately six months and had made a small amount of money from those sales. I accept in respect to the 27grams of methylamphetamine, that you would have used some of it and only sold some of it.

It goes without saying, however, that methylamphetamine causes great harm within our community and you should understand that, given your life experiences. The courts must continue to do what they can to reinforce the message that those who traffic in drugs can expect to receive harsh punishment. Primary considerations in any trafficking matter, are general deterrence, denunciation and community protection. In your case, given your persistent attitude of lawlessness, specific deterrence is also an important consideration.

As to your possession of the firearms, there is nothing before me that contradicts your assertion that they belonged to your brother, but they were in the house in which you were living, you had full knowledge of them and you, therefore, possessed them. I accept they were locked in a box but, of course, that does not guard against them making their way into the wrong hands and being used in criminal pursuits.

Possession or use of prohibited firearms is an indictable crime, attracting a maximum of two years' imprisonment. The charge covers a range of prohibited firearms, including self-loading firearms, such as the ones you possessed. It is difficult to conceive of any legitimate basis for possession of such a dangerous weapon, and the prohibited status of these firearms is recognition of the danger such possession represents to the community. I do not overlook the

other firearm offences. You should not have been in possession of any firearms or firearm paraphernalia. The unlawful presence of firearms within the community is always troubling and a matter of great concern to the public. In sentencing for firearms offence, general deterrence and community protection are also important sentencing considerations.

I take into account your pleas of guilty in respect to these matters. You are entitled to credit for them. I also note your cooperation with police and the significant admissions you made.

I make the following orders: You are convicted of the crimes and offences to which you have pleaded guilty. In respect to the summary offences of possess controlled plant; two counts of possess thing used for administration of a controlled drug; use a controlled drug, and use a controlled plant, I make no further order. Otherwise, I impose one sentence. You are sentenced to imprisonment for 16 months, commencing 5 November 2024. In the hope that perhaps you will find the motivation for change, I will make some allowance for parole. I order that you not be eligible for parole until you have served 10 months of the sentence just imposed.

I make the following additional orders. On Property Seizure Record, dated 27 October 2023, and tendered on the sentencing hearing, I order, pursuant to s38 of the *Misuse of Drugs Act*, forfeiture of items 21-35 except for item 22. Pursuant to s 11A of the *Crime (Confiscation of Profits) Act*, I am satisfied the sum of \$1,570 is tainted property and I order its forfeiture to the State of Tasmania.

Pursuant to s149 of the *Firearms Act*, I order forfeiture of the following items on the same Property Seizure receipt:

- 1H, 1E, 2, 8C, 1C, 1B, 1I, 8F, 9E, 8D, 1G, 4A, 4B, 11,12,13A and 17.