

Tyron Magnus-Lowe, the defendant, appears for sentence in this Court having pleaded guilty to two charges of stealing a firearm or firearm part, and one of unlawful trafficking in firearms. I am also dealing with his pleas of guilty to two charges of burglary, two of stealing and one of possession of stolen firearms. All charges relate to the thefts of firearms and other parts on two separate occasions in 2024. The first, on 12 January 2024, the defendant went to a private property in West Kentish. The owner, Trent Hardwicke, was the holder of a firearms licence and was known to the defendant, but not well. The defendant drove to the location, and haven driven past the premises, parked his vehicle and walked. He turned off the power to the premises in the meter box. That also turned off a CCTV system. The defendant then forced a locked door on an external shed and pried upon the door of a locked firearm safe using a metal pole. He removed 12 firearms of varying descriptions and took them back to his vehicle. The firearms stolen consisted of both rimfire and centrefire rifles and three shot guns. In addition to stealing the firearms, the defendant took several firearms accessories, including telescopic sights, along with a large quantity of ammunition, firearm bags and a chainsaw. The estimated total value of all property taken is \$74,350. The estimate of damage done to the property is \$2,000. The next theft happened on 22 July 2024 at a residence in Caveside. Again, the resident, Denis Crowden, was the holder of a firearms licence. On this occasion, the defendant was accompanied by a friend. The two men gained access to an unlocked shed on the complainant's property about 20 metres away from the house. In a microwave oven next to a firearms safe, they found the key to the safe. They removed six firearms along with 300 rounds of ammunition of various calibres. Five of the firearms were rimfire rifles with the remaining one, a shotgun. The total value of the firearms was \$3,400, with the total value of the property stolen estimated to be \$4,000. The defendant and his friend put all the items in the defendant's car. The defendant drove to his friend's house and dropped him off there, with the friend taking four of the firearms. The defendant drove home with the other two. The unlawful trafficking in firearms charge arises from the fact that all the stolen firearms were registerable and, obviously, none of them was registered to the defendant, that he carried out a number of proscribed activities, including having possession of or concealing them, conveying them from one place to another, and selling or otherwise disposing of them. On 23 July police executed a search warrant of the defendant's home and found two of the firearms from the second burglary, along with some firearms accessories and rounds of ammunition. When interviewed he cooperated and made admissions. He explained that from the first burglary, he gave all bar two of the firearms to someone he knew in return for about \$6,000 to \$7,000; the other two he sold himself. From the second burglary his friend was given four and he kept the two which the police found. Two of the firearms sold or given away were later found elsewhere, and another has more recently been found. In speaking to police, he made full admissions. As to the first burglary, he said that after Christmas he was really struggling; he had taken time off work which he could not afford to take. He said that he knew the complainant and his wife were going away. In relation to the second burglary, he said that he kept the two firearms because he needed money to keep himself afloat; he was desperate to look after his family.

The defendant is now 40 years old with no recorded history of offending in this State of any note. He has a record of apparently minor offending in Queensland in the period 2007 to 2012. His further personal circumstances are as follows. He seems to have had a disruptive upbringing with his parents separating when he was two years old due to his father's alcoholism and unstable mental health. He was raised by his mother and little later also a stepfather. He

was schooled in Queensland and commenced an automotive apprenticeship which he did not complete, primarily it seems because of low pay, after which he commenced work as a labourer with a drainage company for which he worked for about seven years or so, rising to the position of foreman. He moved to Tasmania with his by then four children. His partner and the mother of the children suffered mental health and drug related issues with associated offending. At the time of this offending, he was living with his mother, his stepfather and two of his children, one aged 17, the other one, one of twins aged 15. To one degree or another they are generally reliant on him for support. He had a motor bike accident in 2020, the injuries from which have caused him ongoing issues with employment and self-employment. More recently he was self-employed as a handyman, but he seems to have struggled physically and had a number of debtors both of which contributed to financial difficulties. Regrettably, he took to methylamphetamine and suffered an addiction for a time at least. I was told of a background of depression and anxiety and possibly undiagnosed and untreated ADHD. With the accumulation of issues, including stress concerning what he thought was an inappropriate relationship in which his young daughter was involved, he was at what was described as "an all time low when he made the foolish decision to steal with the aim of addressing his financial troubles". Since this offending he has sought assistance from a general practitioner and has been referred to drug and alcohol counselling. He has disassociated himself from persons connected with his offending.

Mr Magnus-Lowe, trafficking in firearms and stealing firearms are most serious crimes. Your case is a grave example. It involves a considerable number of unrecovered weapons. Of the 13 firearms not recovered there is a very strong probability that they are now in the community in the hands of criminals. There is a very strong link between stolen firearms and crimes involving violence and other illegal activity. Having committed one series of offences at one location you persisted in such conduct by effectively repeating it seven months later. The value of things stolen was very high, particularly on the first occasion. Because of these things, your crimes call for a stern response. Attempting to deter others from similar conduct and condemnation of that conduct are very important sentencing considerations. The community requires protection. I take into account your personal circumstances. The difficulties you faced made you feel the need to commit these crimes in order to get money to help with your family situation. These were very foolish decisions to say the least. It is in your favour that you pleaded guilty at a very early opportunity in the Magistrates Court and that justifies some leniency. You have taken some steps to rehabilitate yourself. In my view, given the seriousness of your offending, a term of imprisonment is inevitable notwithstanding that you appear not to have committed any serious crimes in the past but in the circumstances, but I will suspend the operation of a major part of that sentence to reflect that fact and your other relevant personal circumstances. I repeat that these are grave crimes. You are convicted of all matters and, by way of a global sentence, sentenced to 21 months imprisonment to commence on 19 May 2025, the execution of 15 months of which is suspended on condition that you commit no offence punishable by imprisonment for a period of two years. I order the forfeiture of the items described as 1 -21 inclusive of the Tasmania Police property seizure record dated 23 July 2024. I make compensation orders in favour of each of Trent Hardwicke and Denis Crowden and adjourn those applications to dates to be fixed.