

Mr White you appeared before me on 28 March 2025 and pleaded guilty to each of the thirteen counts on indictment 86/2025. Of those thirteen counts, counts 1, 2, 5, 6, 7, 9, 10 and 11 are eight counts of burglary contrary to s 244 of the *Criminal Code* all committed at Bridgewater between 30 October and 31 October 2022. Of the remaining counts, three are stealing contrary to s 244 of the *Criminal Code* (being counts 3, 8 and 13 on the indictment), one is attempted stealing (count 4 on the indictment) and the final count is stealing firearms contrary to s 234A(1) of the *Criminal Code*, all of these counts were also committed at Bridgewater between 30 October and 31 October 2022.

You were born on 7 March 1987 and are currently aged 38 years of age, and were 35 years old at the material time.. There is a co-accused, Brendan James McGuire, who is some five years younger than you.

The Crown statement of facts sets out the nature of the offending in this matter.

During the period between 9.30pm on Sunday, 30 October 2022 and 7.00am on Monday, 31 October 2022, you and the co-accused Mr McGuire jointly committed a series of burglaries and theft by stealing at three properties in the suburb of Bridgewater.

It is put that each of you and Mr McGuire are jointly criminally responsible for the offences.

Neither you nor Mr McGuire were known to the complainants in each of these matters.

The first complainant is Ms Larna Fisher, is the occupier of an address in Bridgewater (as recorded in the statement of material facts).

On 30 October 2022, Ms Fisher went to bed at approximately 9.30pm.

Between 9:30pm and 5.45am on 31 October 2022, you and your co-accused entered Ms Fisher's property and gained access to a double garage located in the rear yard by forcing open a side door.

Ms Fisher used the garage to store equipment, tools and vehicles.

Once inside the garage, you and your co-accused opened various drawers and storage boxes and rummaged through the contents and moved items about.

You and your co-accused opened the passenger's side door of a Holden Commodore in the shed, went through the contents and left the vehicle's door open.

Together you removed 3 helicopter drones from a shelf on the right-hand side of the garage. The helicopters were valued at approximately \$2,000 each.

Whilst at the property, you also accessed a second, smaller, metal shed located to the right-hand side of the garage. The shed was used by Ms Fisher to store car parts and fibre glassing equipment – nothing was removed.

Before leaving the property, you and your co-accused dropped a pair of metal scissors and torch on the grass outside the second shed; these did not belong to Ms Fisher. Subsequent forensic testing of the torch returned a positive DNA match for your co-accused, Mr McGuire.

You and your co-accused then removed a log from a woodpile next to the shed and placed it up against the rear boundary fence, shared with **address**.

The complainant, Ms Fisher, woke up at 5.45am for work and left her premises at 6.20am. She received a call from her daughter at 12.00pm informing her that there were houses in the area had been broken into overnight. The complainant returned home and checked her property and noticed items in the garage had been moved and the helicopter drones were missing. She contacted police.

The second complainant is Mr Brian Rowlands who resides at an address in Bridgewater (as recorded in the statement of material facts).

Mr Rowlands went to bed at around 9.30pm on 30 October 2022. He locked the gate leading to his backyard before going to bed.

Between 9.30pm on 30 October 2022 and 7.00am on 31 October 2022, you and your co-accused entered the property at the Bridgewater address.

You and your co-accused removed a number of wooden pickets from a wooden gate located at the side of the property, creating a gap and access to the rear yard. You and your co-accused propped the removed pickets up against the gate. The gate remained closed and locked.

Once in the rear of the yard, you gained access to a storage area underneath Mr Rowlands's house, however, you did not remove anything. The access door was left open.

You and your co-accused then gained access to two conjoined sheds in the rear yard. A smaller outer shed had been left unlocked by Mr Rowlands. You entered this shed and then reached a padlocked door leading into a larger, inner shed. You gained access by bending the lock bracket to allow the door to be opened without being unlocked.

Once inside, you and your co-accused rummaged through several drawers within the shed and removed a Ryobi router, a chainsaw, an axe, a hatchet, a chain block, and an Australia Post bag containing electrical wire.

You and your co-accused removed a gardening cart belonging to Mr Rowlands and placed the items from the sheds into the cart. You used a red and white cloth, which did not belong to Mr Rowlands, to cover the handle before grabbing the handle and pulling the cart through the yard to the front of the property. A swab of the handle of the garden cart was subsequently forensically tested and returned a positive DNA match for you.

The garden cart and all items except the Ryobi Router were subsequently located in the front garden of Mr Rowlands's property.

A green knitted balaclava was also left on the front lawn next to the cart; it did not belong to Mr Rowlands. The balaclava was subsequently forensically tested and returned a positive DNA match for your co-accused, Mr McGuire.

Two helicopter drones were located against the fence of the property in Bridgewater. These were identified by the first complainant, Ms Fisher, as belonging to her and being two of the three helicopter drones stolen from her address in Bridgewater.

After leaving the address in Bridgewater, you and your co-accused travelled on foot to 14 McShane Road - a distance of some 300 metres.

Mr Rowlands awoke at 7.00am and noticed that pickets had been removed from his gate and that his sheds had been broken into. He contacted police.

The third complainants are Mr Adam Fenton and Ms Valentine Fenton, the occupants of an address in Bridgewater (as recorded in the statement of material facts) and Mr Russell Fenton. Mr Russell Fenton is Mr Adam Fenton's father. Mr Russell Fenton is the owner of firearms which were stored in a firearm safe at the property.

Between midnight on Sunday, 30 October 2022 and 7.00am on Monday, 31 October 2022, you and your co-accused entered the third complainants' property and entered the rear yard.

Whilst in the rear yard you gained access to two unlocked vehicles on the property – a Holden Jackaroo (registration F97RF) and a Hyundai Accent (registration F13RQ). You and your co-accused moved items inside, and opened the gloveboxes, but did not remove any items. The door to the Holden Jackaroo was left partially open.

You and your co-accused gained entry to the shed by forcibly removing the padlock from the door. Once inside, you opened the complainant's toolboxes and rummaged through the contents, but did not remove any items. A steel firearms safe was bolted to the floor and wall in the rear corner of the shed. A total of six registered firearms were stored in the firearm safe. Four firearms were registered to Mr Adam Fenton being:

- 1 A Voere bolt action .22 rifle (serial number 672273), worth \$250;
- 2 An Iver Johnson break action 12-gauge shotgun (serial number 77803) worth \$200;
- 3 A Ruger 96 lever action rifle with a Nikon scope (serial number 620-50280), worth \$1,000; and
- 4 A Lithgow SMLE bolt action rifle with repeater single barrel centre fire 303 (serial number F11736) with an Artic Fox Optics scope attached, worth \$1,000.

Also in safe were 2 firearms registered to Russell Fenton, being:

- 1 A Bam break action air rifle (serial number A000191), worth \$320; and
- 2 A Lithgow Slazenger bolt action single shot rifle (serial number 173909), worth \$225.

A smaller safe was sitting on a shelf in the back of the shed. The safe required an 8-digit pin code to open it. The complainants used the safe to store the keys to the firearm safe. Stored on top of the safe was a silver, heavy duty aluminium storage box, secured with a latch and padlock. The complainant used the box to store ammunition and had approximately 50 12 gauge shotgun cartridges stored inside.

You and your co-accused removed the safe and the aluminium box, and a Fiskar-branded axe. You carried the items off the property and across the street into a block of vacant land opposite the residence, which backs onto the Jordan River Learning Centre.

Whilst at the vacant block, you and your co-accused forced open the smaller safe and obtained the firearm safe keys. You forced open the latch on the aluminium storage box and removed a quantity of 12-gauge shotgun cartridges. You discarded the safe, the aluminium storage box, and the axe in a bush nearby. A black sock was left in the safe. The sock was subsequently forensically tested and returned a positive DNA match for your co-accused, McGuire. A swab

of the side of the safe was subsequently forensically tested and returned a positive DNA match for you.

At a second spot in the vacant land, you and your co-accused discarded a broken tyre iron, the latch from the storage box, a single shotgun cartridge, the lid from a box for .22 ammunition and a .22 magazine. Subsequent forensic testing of the tyre iron returned a positive DNA match for you.

Both you and your co-accused returned to the property and used the firearm safe key to access the firearm safe. You used a can of silver spray-paint you found located on the bench next to the safe to spray the side of the firearm safe, including near the locking mechanism. You discarded the silver spray paint in a tub near the shed entrance. Subsequent forensic testing of the spray paint can returned a positive DNA match for your co-accused, Mr McGuire.

You and your co-accused removed the five firearms from the firearms safe. You also removed a Stihl branded chainsaw and a metal detector from the shed.

You and your co-accused entered a smaller shed at the front of the property. The complainants used it to store Christmas decorations and non-valuable items. Nothing was taken. The door was left ajar.

In leaving the property, you and your co-accused discarded a pair of red-handled scissors and a can of WD40 on the nature strip in front of the address. The scissors were subsequently forensically tested and returned a positive combined DNA match for both you and your co-accused.

The third complainants became aware of the burglary at around 7.00am on 31 October 2022 and contacted police. Police attended and examined the scene and surrounding areas. Fingerprints were lifted from the Holden Jackaroo.

On 31 October 2022, a member of the public located items in vacant grassland opposite 14 McShane Road:

- 1 A single shotgun cartridge.
- 2 A .22 magazine.
- 3 A broken bolt latch.
- 4 A broken tyre iron.
- 5 The lid from a .22 cartridge ammunition box.

The third complainants identified the magazine, cartridge and box lid as belonging to them.

On 3 November 2022, the complainant was searching the vacant land opposite his property when he located items hidden in some bushes. The items belonged to him and had been removed from his shed:

- 1 A small combination safe.
- 2 An aluminium storage box.
- 3 A Fiskar-branded axe.

Subsequent analysis of a fingerprint lifted from the Holden Jackaroo at the address is Bridgewater returned a positive match for you.

On 7 November 2022 police attended your sister's address at an address in Bridgewater (as recorded in the statement of material facts). You were standing in the front yard at the end of the driveway, you were arrested and conveyed to the Bridgewater Police Station where you declined to participate in an interview.

Police obtained a search warrant and re-attended the address that afternoon. The occupants indicated that you had been sleeping on a couch in the dining area. Police located a black backpack next to the couch, it contained a black Artic Fox Optics scope which had been stolen from an address in Bridgewater, and subsequent forensic testing of the scope returned a positive DNA match for you.

A search of your co-accused address occurred on 20 March 2023. The Nykon scope was located, wrapped in a white cloth and partially concealed in a compost pile.

On 28 March 2023, the accused Mr McGuire was arrested, and he participated in an electronic interview.

On 23 December 2022, the stolen Lithgow SMLE rifle was anonymously surrendered to the Glenorchy Police Station.

On 23 October 2023, the Voere .22 bolt action rifle was anonymously surrendered to police.

The remaining three firearms have not been located.

On 28 March 2025, Ms Avery advised that you "have been in custody for lengthy periods on and off whilst these matters have been pending but that has already been allocated in other sentences".

In respect of prior offending I was told "there's an extensive history here of dishonesty. In the Crown's submission it's a demonstrable history of dishonesty, particularly like offences. In relation to this matter the offending was 2022 but ... on 4 February 2021 he was sentenced in the Hobart's Magistrates Court for similar offences of burglary and stealing and other matters, where he received an actual term of imprisonment of six months and five weeks".

There was a further period of imprisonment imposed on 17 May 2023 of 11 months imprisonment for similar offences in respect of offending that occurred in 2021 and 2022. There is some overlap between the offending in that regard and these charges.

By any measure there has been a sustained period of offending for offences of dishonesty.

A victim impact statement was read from Adam and Valentine Fenton. That statement was redolent with the feeling of having one's home invaded and prized possessions taken. A loss of security and safety and financial loss. It is unsurprising that such events cause those effected stress, anxiety and a lack of sleep. Obviously, children were affected and suffered as a result of your offending.

I accept the Crown submission that burglary of a property and breaking into a gun safe and theft of firearms, with some still at large in the community, are serious crimes and a grave invasion of the complainants' property and sense of safety. I also accept that there was a level of planning involved in acting in concert with your co-accused.

Your co-accused was scheduled to be sentenced on 6 June 2025, but that sentencing hearing before his Honour Justice Brett has been adjourned.

There have been some very unfortunate delays in this matter which were referred to by Mr Jones at the hearing on 28 March 2025. Mr Jones attributed those delays primarily to police. It is not submitted that this is an early plea of guilty. At that time it was accepted by the defence that there is no time in custody unaccounted for, and that has just been confirmed today.

I have now received a pre-sentence report for Mr White prepared by Court Mandated Diversion at the Department of Justice dated 27 May 2025 ("CMD Report"). The primary goal of the Court Mandated Diversion program is to assist eligible offenders to break the drug-crime cycle by involving them in treatment and rehabilitation. The recommendation of that report is that Mr White has been assessed as eligible but unsuitable for inclusion in the Court Mandated Diversion program.

In that regard it is noted that Mr White has previously been sentenced to a Drug Treatment Order on 22 March 2016 and 6 February 2019. Both were cancelled, the first on 28 September 2017 and the second was cancelled after he had served three periods of sanction days.

The Court Management Diversion Team (CMD Report, p 2) do not believe that Mr White has evidenced his commitment to the DTO after being afforded multiple opportunities to do so.

Mr White has also had the benefit of a 24 month probation order sometime ago now in 2004, and a nine month probation order in October 2017. He has also been required to complete community service orders in 2004 and 2005.

Mr White has been offending since age 12, and his offending has predominantly consisted of stealing, burglary, aggravated burglary and computer related fraud. He has served 2,218 days in custody since 2007 in 29 separate intakes (CMD Report, p 3).

Mr White has accepted responsibility for his offending, as noted in the report, and has in the course of his assessment admitted that he has committed the offences whilst under the influence of methamphetamine. I am told he demonstrated remorse and embarrassment in relation to the offending and acknowledged how his behaviours impacted upon others in a negative way.

Mr White's motivation for offending appears to be a combination of the adrenaline rush he gets whilst committing offences and the use of methamphetamine (CMD Report, p 4). Mr White did indicate that he wants to be more than a drug addict.

Mr White commenced using amphetamines (speed) in 2010. He has over time also experimented with cannabis, cocaine, ecstasy and hallucinogens. He has from time to time consumed substantial amounts of alcohol. It appears that Mr White began using methamphetamine (ice) from around April 2015. Mr White has previously participated in the "Gottawanna Program" in 2012, and the Holyoake Drug and Alcohol program and the Getting Smart program in 2013.

There is some suggestion in the pre-sentence report that Mr White responds well to intense supervision. He has been seeing a psychologist in prison as well as self-referring to The Salvation Army's Bridge program in 2016, which is now some time ago.

Currently Mr White uses approximately 3 points of methamphetamine daily and he does so intravenously. The drug use costs \$100 per day. That is an obvious motivation for offending of the kind before the Court. He has been using methamphetamine for 10 years and illicit drugs for 24 (CMD Report, p 6).

Mr White is one of six children. He has no relationship with his father. He reports a positive stable and supportive relationship with his mother, Ms Blackaby, albeit that has become strained due to his drug use and criminal behaviour.

Mr White completed year 10 at Bridgewater High School with a truancy rate of 50%. He is literate, and has completed a window tinting traineeship and maintaining employment at "Magic Tints" for five years after leaving school in year 10. He was last employed in 2016.

Mr White has four children, two of whom he has regular contact with. The mother of his other two children does not allow contact whilst Mr White makes what she considers questionable life choices. Mr White stated that his children "are a contributing factor to his motivation to get his life on track" (CMD Report, p 8).

Mr White has total fines and infringement notices totalling \$21,324.05 with no payments having been received.

Mr White is a plaintiff in the class action against Ashley Detention Centre and is expected to receive a pay out of \$900,000, of which he has received \$100,000. I understand these funds are deposited into an account that is not easily accessed due to his ability to waste money. Of course that is no excuse for committing offences against other people's property. The funds that Mr White anticipates offer him an opportunity to turn his life around. That can only be achieved if he is able to overcome his addiction and proclivity for offences of dishonesty.

Having now considered all the material provided to the Court it appears clear that there are important issues of general and specific deterrence to be weighed in the context of a very long cycle of drug use and re-offending. The Court has to formulate a sentence that gives Mr White an opportunity to break that bleak cycle, a cycle in which his drug use has placed him, but also has to emphasise the unacceptable nature of his constant and continual offending over a very lengthy period. I note that he has been assessed as a very high risk of re-offending.

Tony Mathew White you are sentenced to 12 months imprisonment to commence on 16 June 2025, the execution of five months of which is suspended on condition that you commit no offence punishable by imprisonment for a period of 2 years from your release. If you re-offend during that time you will be brought back to Court and re-sentenced. I make a community correction order for a period of 18 months to commence on your release. There are basic conditions which will be set out in writing. Special conditions which I order are:

- 1 That during the operational period of the order that you submit to the supervision of a probation officer as required;
- 2 That you attend educational and other programs as directed;
- 3 That you submit to testing for drug use as directed by the probation officer, and you must undergo assessment and treatment for drug dependency and submit to medical, psychological or psychiatric assessment or treatment, as may be directed by a probation officer.
- 4 You must report to a probation officer at 75 Liverpool Street, Hobart within two clear working days of your release from prison.

I make the following compensation orders:

- (1) I make an order in favour of Adam and Russell Fenton, adjourned sine die with an amount to be assessed.
- (2) I make an order in favour Brian Rowlands, adjourned sine die with an amount to be assessed.