

**STATE OF TASMANIA v MUNIR SULEIMAN**  
**COMMENTS ON PASSING SENTENCE**

**28 JULY 2025**  
**CUTHBERTSON J**

Munir Suleiman, you have pleaded guilty to a charge of fraud. In February 2023, you listed a 2016 Ford Mustang for sale on Gumtree. Shortly after advertising the car, a staff member of a car dealership located in Western Australia contacted you in relation to purchasing the car. On 7 February 2023, you reached an agreement with the vehicle procurement manager of the car dealership to sell the vehicle to him for \$39,000, inclusive of GST. The vehicle was then still under finance with Toyota Finance. It was agreed that \$36,543.21 of the sale price would be paid by the car dealership to Toyota Finance to remove the encumbrance and that the remaining \$2,456.79 of the purchase price would be paid directly to you.

In order to facilitate that sale, you provided a number of documents to the car dealership. They included one purportedly from Toyota Finance, stating that the final payout for the vehicle was \$36,543.21. That document also included account details in the form of a BSB and account number for payments to be made. Both the amount owing and the bank account details set out in the document had been altered by you. In fact, the amount owing to Toyota Finance as at that time was \$50,269.66. The bank account details set out in the Toyota Finance document you provided to the car dealership related to an ANZ account that was held by you.

On 7 February 2023, the car dealership transferred \$36,543.21 to the account details provided by you in the belief that they were being paid to Toyota Finance. The remainder of the agreed sale price was paid to a separate Commonwealth Bank Account that was also held by you.

The car was transported and received by the car dealership in Western Australia on 28 March 2023. The car was subsequently sold on 15 April 2023 for \$47,990. After the sale was agreed, it was brought to the car dealership's attention that Toyota Finance retained an encumbrance over the vehicle in the sum of \$50,269.66. On being advised of this, a staff member of the car dealership rang you and requested you pay the outstanding amount. You agreed to pay that amount by 21 April at the latest. You did not, however, pay any amount and did not answer any subsequent telephone calls or text messages from the staff member. In order to enable the sale of the Ford Mustang to go through, the car dealership was required to pay Toyota Finance the sum of \$50,269.66 to clear the encumbrance.

Subsequent investigations confirmed that the money paid by the car dealership to what was thought to be Toyota Finance, was paid to a bank account held by you. The day after the transfer of those funds, you, in turn, transferred the money received to another account held by you.

You were first contacted by police in relation to the matter on 9 August 2023. You did not participate in a record of interview and ultimately you were summonsed to appear in the Hobart Magistrates Court. On 20 November 2024, you pleaded guilty to the charge and were committed to this Court for trial in error. An indictment was filed shortly after your first appearance in this Court and you subsequently pleaded guilty to the indictment.

As a result of your fraudulent conduct, the car dealership was out of pocket in the sum of \$41,279.66. As at the time of sentencing, you have made no attempts to repay that amount.

The State submits that general deterrence and denunciation are the primary sentencing considerations in this matter. A large sum of money was fraudulently obtained by you and no

doubt had a substantial financial impact on the car dealership and caused inconvenience. The State submits that crimes of this nature erode trust and confidence in commercial transactions which, in turn, has a broader impact on the community and industry. The State also submits that your alteration of financial documents in this matter signalled a significant degree of pre-meditation and pre-planning.

You are 27 years old. You were 25 years old at the time of this offence. You are single and have no children. You live with your mother and brother. I am told that you provide support to your mother who receives a Disability Support Pension. She has high blood pressure and suffers from depression and anxiety. You assist her to manage household duties when she is struggling. You are currently employed full time as a kitchen hand at a takeaway store. The store operates seven days a week and you generally work five days each week, although the hours and days are not set.

I am told that you have essentially been employed since leaving school after completing Year 11. Much of the work you were engaged in at the time of your offence was in the security industry, which involved working at night. It is against this background that you commenced experimenting with drugs, primarily cocaine. You were using the drug regularly and accrued debts as a result. You had earlier purchased the Mustang the subject of this offence. While you initially met the repayments in relation to the loan, you started struggling due to the expenses associated with your drug use. The offending occurred against this background.

Your counsel submits that your deception in altering the finance documents was not particularly sophisticated. It was easily detected that you were the recipient of the funds that were intended to go to the finance company.

As a result of your offending, you will not be able to return to the security work you had previously been engaged in. You have a supportive family, and are a keen sportsman. There is no suggestion of any further offending since this matter was detected. You have no relevant prior convictions.

Your counsel urged the Court to consider community-based options, including home detention. An assessment was ordered by the Court. You did not co-operate with the initial assessment, failing to attend appointments arranged for the purpose of conducting that assessment on three occasions. I was, however, persuaded to provide you with a further opportunity to co-operate with an assessment for home detention. That assessment was able to be undertaken and you have been assessed as suitable for the imposition of such an order. Community Corrections have also deemed you suitable for the imposition of community service.

I have some concerns with the matters disclosed in the Community Corrections report. You expressed that your mental health would be impacted on home detention. You were unable to be contacted by Community Corrections in order for the report to be read to you. Aspects of the information you provided relating to your employment were not consistent with the information ultimately obtained by Community Corrections from third parties.

No information has been provided to the Court to explain what you did with the funds that were obtained as a result of this fraudulent conduct. You have made no efforts to repay the monies to the complainant. I note you have pleaded guilty at an early opportunity. Given the nature of your employment commitments, Community Corrections have suggested that the terms of any Home Detention Order made allow you to be absent from your home between 9am and

9pm each day. This has been suggested in order to allow you to continue your employment as well as your involvement in your sporting and religious activities, which are considered to be pro-social and would assist you to maintain your wellbeing and mental health. Clearly, a Home Detention Order of that type will have less of a punitive impact upon you than one that imposes more extensive restraints on your ability to spend time in the community.

I consider your offending to be serious. A significant sum of money was involved. You went to some lengths to perpetrate the fraud by altering documents to facilitate the payment of monies intended for a finance company to yourself. The purchaser of the car has been defrauded of a significant amount of money. No attempt has been made by you to repay that money. There appears to be little prospect of you being able to pay that money at any time in the immediate future. I agree with the State that matters of general deterrence loom large in your case. Your fraud was relatively easy to undertake. Commercial transactions of this nature are very common in our community. Unfortunately, fraudulent conduct is not unheard of in that context. Your particular fraud was calculated. Any sentence imposed is required to punish your conduct and send a message to other likeminded people that such conduct will be met with deterrent sentences. Your conduct clearly was of a nature that warranted the imposition of a period of imprisonment.

I am ultimately persuaded that the relevant sentencing objectives can be met by sentencing orders which allow you to remain in the community to facilitate and continue your rehabilitation. I will impose a Home Detention Order. I agree with Community Corrections that any order imposed ought to facilitate your continued employment and engagement in pro-social activities. Nevertheless, the punitive effect of the order is somewhat limited as a consequence of accommodating those activities. Given the seriousness of your offending, I consider it necessary to require you to perform community service in order for the sentence imposed to have an immediate punitive effect and bring home to you the seriousness of your conduct.

Mr Sulieman, I record a conviction on the indictment. You are sentenced to a Home Detention Order with an operational period of nine months. That order takes effect from today. The terms of the home detention order will be set out in a written document that will be provided to you. All of the statutory core conditions of the Home Detention Order contained in s 42AD(1) of the *Sentencing Act* will be in force for the operational period of the orders. They will include electronic monitoring under paragraph (g), and accordingly subss (1)(h) and (5) apply. All conditions will be set out in writing for you. I specify the home detention premises as [address redacted]. As a condition of the order, you must attend Community Corrections at 75 Liverpool Street, Hobart by 10am, Tuesday, 29 July 2025 for induction.

I make further conditions that apply to the operational period of the order. They are:

1. You must remain at the home detention premises between the hours of 9:00pm and 9:00am each day, unless approved by a probation officer.
2. You must submit to the supervision of a Community Corrections officer as required by that officer.
3. You must not, during the operational period of the order, take any illicit or prohibited substances. Illicit and prohibited substances include:
  - (a) Any controlled drug as defined by the *Misuse of Drugs Act* 2001 (Tas);
  - (b) Any medication containing an opiate, benzodiazepine, bupropion, or pseudoephedrine unless you provide written evidence from your medical professional that you have been prescribed the relevant medication;

4. You must not, during the operational period of the order, consume alcohol, and you must, if directed to do so by a police officer or Community Corrections officer, submit to a breath test, urine test, or other test, for the presence of alcohol.
5. You must, when directed to do so by a police officer, probation officer or prescribed officer, submit to a breath test, urine test, or other test, for the presence of such drugs or medication;
6. You must maintain in operating condition an active mobile phone service, provide the details of that to a probation officer or prescribed officer, and be always accessible for phone contact.

I also make a community correction order with an operational period of 12 months, to commence from today. The community correction order is subject to the statutory core conditions contained at s 42AO of the *Sentencing Act*. They will also be set out in a written document that will be provided to you.

In addition, I make the following special conditions:

- (a) You must report no later than 10:00am on 29 July 2025 to a probation officer at the Community Corrections office at Level 1, 75 Liverpool Street, Hobart;
- (b) You must, within 12 months from today, satisfactorily perform 75 hours of community service as directed by a probation officer or supervisor.

Finally, I order, pursuant to s 68(1) of the *Sentencing Act*, that you pay compensation to Midlands City Cars of 192-204 Great Eastern Highway, Midland, Western Australia, an amount of \$41,279.66.