

THE KING v SCOTT VITA RAMANAUSKAS
COMMENTS ON PASSING SENTENCE

6 AUGUST 2025
CUTHBERTSON J

Scott Vita Ramanauskas, you have pleaded guilty to a number of Commonwealth child abuse material offences namely five charges of possessing or controlling child abuse material obtained or accessed using a carriage service contrary to s 474.22A(1) of the *Criminal Code (Cth)*, two counts of using a carriage service to access child pornography material contrary to s 474.19(1) of the *Criminal Code (Cth)*, attempting to use a carriage service to access child abuse material contrary to ss 11.1(1) and 474.22(1) of the *Criminal Code (Cth)* and accessing child abuse material using a carriage service contrary to s 474.22(1) of the *Criminal Code (Cth)*. In addition, you have also pleaded guilty to two State charges contrary to s 130A of the *Criminal Code (Tas)* in that you produced child exploitation material. The maximum period of imprisonment that can be imposed on each of the Commonwealth offences is 15 years. A 21-year maximum period of imprisonment applies to the State offences.

On 17 March 2022, the Australian Federal Police (AFP) executed a search warrant at your home. During the search, a large number of child abuse files were identified on devices located at your home during an initial triage. A large number of electronic storage devices were seized for further examination. You provided passwords and encryption keys to the devices. During the course of the search, a AYWUN mini computer was located in a storage room downloading child abuse material files from a peer to peer service. During the course of the search, you made a number of statements to police. You admitted possessing and viewing child abuse material for over ten years. You said you had accessed and downloaded the material using peer to peer software. Once it was downloaded to a computer, you burnt the material to CDs and DVDs. You admitted to deriving sexual gratification from viewing the material. You indicated you had a preference for females aged 12 years and older. You estimated you had viewed child abuse material once a week for a short period of time. You admitted you lived alone and that all the material belonged to you and no one else. In total, 129 devices were seized. There was 20 TB of data to be reviewed and categorised across those devices.

During the review of those devices, the AFP identified child abuse material which appeared to have been taken by a Nikon Coolpix 990 camera. The AFP obtained a second search warrant which was executed at your home on 13 April 2022. A camera meeting that description was located and seized. You told police that from 2003 to 2004 you used to ride your bike to Sandy Bay Beach in the warmer weather to take photographs of girls in their bathers or naked. The children were aged up to 15 or 16 years old. You admitted you did so without the permission or knowledge of those you photographed or of their parents or carers. You told the AFP you felt guilty taking the photos. You advised you never took the pictures to share. You copied them onto a disc and looked at the images on the same day you took them but said you had not looked at them that often afterwards. You said you did not know why you took the pictures. You stopped biking regularly to Sandy Bay Beach in 2008, around the time you started dating your now ex-partner.

Some of the DVDs located at your home contained the photographs you took at Sandy Bay. Between 29 December 2005 and 13 March 2006 you attended the beach on six days and took 40 photographs of children which were classified as child exploitation material. Between 21 December 2006 and 4 February 2007, you attended the beach on two days and took 26 photos of children, also classified as child exploitation material. The photographs were of partly clothed or naked children with the focus on their genitals or buttocks. The pictures included one of a prepubescent female child who was naked except for her wet see-through underpants

with a focus on her buttocks and groin area. Another photo depicted a prepubescent female with no underwear with a focus on her naked buttocks. Other images included prepubescent females in swimsuits with a focus on their buttocks and another was of a prepubescent female with a focus on her naked vagina. Your conduct in these two periods comprises the offending the subject of the charges of producing child exploitation material contrary to the *Criminal Code (Tas)*.

The AFP's review of your devices identified a significant quantity of child abuse material. The files were categorised in accordance with the Interpol categorisation system. The two categories which are child abuse material are:

Category 1 – Interpol baseline depicting prepubescent child (under the age of 13 years approximately) and the child is involved in a sexual act, is witnessing a sexual act or the material is focussed/concentrated on the child's anal or genital region.

Category 2 – other illegal files: files that are illegal accordingly to local legislation either by way of age or content.

On one of the hard drive devices seized by the AFP there were eight applications including a tool to encrypt files, a file shredder tool to remove all traces of unwanted files beyond recovery, a clean-up app to delete cookies, temporary files and caches, and two apps for private encrypted messaging and file sharing. The device also contained directions on how to locate child abuse material, a password to a child abuse material website, and other material which indicated you were aware that the subjects of the material were children.

Count 1 on the indictment is a rolled-up charge relating to your possession of three Secure Digital "SD" cards which contain 504 child abuse material files you downloaded from the internet. Of those 504 child abuse material files, 7 were videos. The files depicted a mix of pubescent and prepubescent girls who were either naked or partially clothed, in sexual poses and with a focus on their genitals.

Count 2 on the indictment is a rolled-up charge relating to your possession of 71 CDs, DVDs and encrypted Blu-Ray discs which contained over 3,150 child abuse material files which you had downloaded from the internet. Of those files, over 150 of them were videos identified as child abuse material. The files depicted a mix of pubescent and prepubescent females, partly clothed or naked. They consisted of images and videos of the children with a focus on their genitals, in sexual poses, engaged in solo sexual acts, engaged in sexual acts with children, engaged in sexual acts with adults (one involving bondage) including prepubescent children being penetrated by an adult male, and acts of bestiality involving a prepubescent child. One file depicted a toddler engaged in sexual activity with another child.

Count 3 is a further rolled up charge concerning your possession of a Coolmaster computer tower containing a two TB hard disc drive which contained a total of 80,976 media files. Of those files, over 3,000 images and 54 videos were identified as child abuse material files which you had downloaded from the internet. The material included prepubescent children being orally, anally and vaginally penetrated by an adult male penis while being tied up, prepubescent female children in solo masturbation activity and bestiality acts involving a prepubescent female. This device also contained a text file explaining how child abuse material from "Showstars" could be located, and how the numbering and lettering system worked. It also described each child including their age, hair, eyes and race.

Count 6 is another rolled up charge relating to your possession of 4,733 files of child abuse material which were downloaded from the internet and located on the AYWUN mini computer, a black Synology NAS and black and silver computer tower. Over 133 of these child abuse material files were identified as videos. The material included prepubescent female children engaged in sexual activities, either solo or with an adult, and prepubescent female children with a focus on their genitals and anus. Again the material included images of female children being orally, vaginally and anally penetrated by an adult male penis. One of the devices also contained a program to encrypt files, a program to create, view and unpack archived files, and a VPN service to conceal users' IP addresses.

Count 8 is another rolled up charge relating to your possession of 51 DVDs and a Blu-Ray disc which contained in total 2,055 child abuse material files downloaded from the internet. Of those files, over 55 videos were identified as child abuse material. The material included partially clothed pubescent female children in sexual poses, showing their genitals on webcam or pubescent females with a focus on their genitals engaging in solo sexual activities. Even more concerning, the material included a prepubescent child being anally and vaginally penetrated by objects while being bound by duct tape and another file depicting a prepubescent aged female child being orally, vaginally and anally penetrated by an adult male penis.

Count 4 on the indictment relates to you accessing child pornography material by downloading 1,000 child pornography photos and 4 child pornography videos to the hard drive which are among the images the subject of charge 3. You downloaded this material over the course of eight days in the period between 28 May 2018 and 25 August 2019.

Count 5 is a charge of using a carriage service to access child abuse material and relates to your download of over 1,000 child abuse material photos to the same hard drive. Again, these are among the images which are the subject of charge 3. They were downloaded over the course of 10 days in the period between 3 October 2019 and 12 June 2020.

Count 11 is a charge of accessing child abuse material using a carriage service and relates to you downloading child abuse material files on 423 occasions in the period between 21 October 2021 and 5 March 2022. The files were downloaded to devices connected to your computer.

Count 7 concerns your attempt to use a carriage service to access child abuse material on the AYWUN mini computer. This offence was detected during the course of the execution of the first search warrant on 17 March 2022. At the time, your computer was in the process of actively downloading files from the internet. Of the 15 active video downloads, 14 files were identified as child abuse material.

The Commonwealth submits that overall your offending was at the moderate end of offending for these types of offences due to the total number of child abuse material files involved, the nature of the abuse depicted, and the period of time over which the offending took place, particularly in respect of the access charges. The Commonwealth notes that a number of the files that were possessed by you depicted depraved and cruel acts. The Commonwealth submits that it is clear that child victims are harmed as a result of the creation of this material and that the harm would be more acute in cases of violent sexual acts.

In respect of your access and attempt to access child abuse material, the Commonwealth submits the seriousness of your offending is greater given the multiple episodes involved. It is

submitted this demonstrates an ongoing interest in child sexual abuse material which you confirmed during the course of your conversations with the AFP.

The indictment in respect of this matter was filed on 16 April 2025. You were originally charged on complaint with 12 counts of possession or control of child abuse material obtained using a carriage service. The indictment however charges you with five counts. This appears to represent a consolidation of the charges rather than a reduction in the totality of the allegations against you. Otherwise, the indictment reflects the matters alleged in the original complaint. You pleaded not guilty to the complaint. The Commonwealth submits your pleas of guilty were not entered at the earliest opportunity. A plea offer consistent with the form of the current indictment was made by the Commonwealth in December 2023 however no response was received until February 2025, approximately 14 months later. The Commonwealth acknowledges your cooperation with law enforcement by providing passwords and encryption keys to devices and also your admissions.

You are 57 years old. Your offending covers a period from when you were 37 to 53 years old. You live alone in a home you purchased in 2018. You are employed by a company associated with aquaculture and have held that employment for ten years. You have qualifications in electronics and information technology. You have no prior convictions. You have a good relationship with your mother and sister although you have not advised them of this offending. You appear to have had a reasonably unremarkable childhood although your parents separated when you were very young. You have no health or substance abuse issues.

Your counsel sought a forensic psychological assessment from Dr Georgina O'Donnell in relation to you. In her report dated 26 December 2024, she outlines the results of the Personality Assessment Inventory Plus which was used to provide a psychometric assessment of your mental health and personality profile. None of the clinical scales were significantly elevated. There were mild symptoms of situational depression indicated. Your profile was also indicative of you being a socially isolated person by preference and choice. Dr O'Donnell opined this profile may be indicative of neurodiversity, as a condition of this nature can result in an individual preferring a solitary lifestyle and having low social needs. You reported to Dr O'Donnell that you had few friends and are principally engaged in solitary hobbies you undertake at home including gaming, home electronics, building model kits, remote control vehicle kits and audio electronics.

You reported to Dr O'Donnell that you feel sexual attraction to females aged from early teens to adult women. You advised you continue to allow yourself access to legal online sexual content of adult women, but have no intention or desire to access illegal material again. You advised the legal process of being charged and awaiting sentence has been traumatic and, accessing such material again would be wrong. You told Dr O'Donnell you have not reoffended since the search warrant was executed over two and a half years ago. As to your offending, the report does not disclose that your reason for doing so was explored by Dr O'Donnell in detail. You told Dr O'Donnell that you ceased taking photographs of unsuspecting female children and teens when you commenced a relationship in 2008 and that you have not reverted to this behaviour. During the course of your ten-year relationship with your former partner, you told Dr O'Donnell that you did not access online child abuse material. You told Dr O'Donnell you believed this demonstrates evidence of your capacity to desist. I note, however, that the suggestion you had not been engaged in accessing child abuse material in the period between 2008 and 2018 is not entirely consistent with the admissions you made to the AFP during the course of their first search when you told them that you had been possessing and viewing child

abuse material for over ten years. It is also inconsistent with the evidence which establishes that some of the child abuse material you possessed on 17 March 2022 had been saved to a number of storage devices throughout that period.

Dr O'Donnell noted that you have a non-exclusive sexual interest in females under legal age which means you are also sexually attracted to adult women. Having a non-exclusive sexual interest provides a more positive prognosis regarding risk of reoffending in circumstances where you maintain a sexual interest that is legal and through which you can maintain healthy sexual gratification and relationships if you choose to do so. Dr O'Donnell outlined that the risk of reoffending is higher in populations where there is an exclusive paedophilic interest in children. Nevertheless, Dr O'Donnell considers it would be helpful for you to engage with a mental health professional who specialises in social skills and healthy adult relationships and sexuality. She recommended some psychology practices with forensic expertise of that kind in her report. She also referred to an international online therapy program which may be suitable. Dr O'Donnell also suggested you may benefit from further assessment with respect to possible neurodiversity as this may assist you to understand and meet your social and sexual needs in a healthy way with the guidance of a mental health professional. Ultimately, Dr O'Donnell concluded that given your demonstrated significant periods of desistence, in combination with your general risk and protective factors, you would be considered amongst a group of individuals at low risk of re-offending.

I note that you have had access to this report since December 2024. Ms Baumeler, on your behalf, confirmed that you have not sought to engage with mental health professionals or to undertake the international online therapy program recommended by Dr O'Donnell in the intervening period. You are, however, currently the subject of bail conditions which limits your access to the internet. I otherwise give limited weight to Dr O'Donnell's assessment of your risk of re-offending. It is in part based on your inaccurate assertion that you did not engage in accessing child abuse material for a ten year period between 2008 and 2018.

I ordered a pre-sentence report and assessment for home detention suitability. During the course of that assessment you told Community Corrections that you are unable to explain the reason for your offending, disclosing that it commenced approximately 20 years prior whilst you were searching on the internet. In respect of the production of child exploitation material offences, you expressed a belief that no one else was affected by your offending as the people in the images you took were not aware of what you were doing. You did, however, acknowledge that some of the people in the images in your possession would have been affected by the circumstances in which they were produced. You confirmed that you ceased all offending following the search conducted by the AFP. You also confirmed you did not struggle with maintaining abstinence from this offending and had not needed or sought support or counselling to maintain this abstinence.

Community Corrections assessed you as suitable for a home detention order. You were assessed as unsuitable to perform community service. Community Corrections also assessed you as requiring a very low level of intervention from their service and being unsuitable for a period of supervision. The report writer did, however, indicate that you would benefit from accessing an intervention targeted to addressing specific needs related to the sexual nature of your offences.

Your counsel submits that you have demonstrated insight into your offending and shown a period of desistence following the detection of these crimes. Counsel also points to your life being stable, including in relation to housing, employment and family support.

Following a query I made of counsel for the Commonwealth, I have been advised that approximately 18% of the files you possessed were category 1, and the remaining 82% category 2 files. On this basis, given the very large number of files you possessed in total, this means that at least 2,000 of the files you possessed were classified as category 1 offences involving prepubescent children. A large number of the files were also videos, a matter that I consider aggravating as they inevitably depict the abuse of children over an extended period of time. As I have already noted, some of those images and videos depict children being subjected to penetration of their mouth, vagina and anus by an adult male penis. Further, some of those images involved the use of force and additional violence. There is a concerning element of organisation involved with your offending. The images were saved across a large number of devices and discs. This demonstrates a deliberate intention to save and store the material you obtained. Other material suggests an element of categorisation of the material by you. Not only does your offending involve a large volume of material, the files include material of the most serious kind. You also had access to tools to enable you to take steps to hide or minimise the detection of your offending. You made admissions to being engaged in fairly persistence access and viewing of material over a lengthy period of time. As to the charges of access and attempted access, they comprise multiple periods of criminality. Count 11 concerns 423 separate instances of access over the course of four to five months. This was persistent offending and reflects your strong interest in child abuse material.

The seriousness of such offending has been frequently highlighted by the Court. These are not victimless crimes. Real children have been subjected to horrible abuse for the purposes of producing this material. By accessing and possessing it, you have assisted in creating a market for such material. General deterrence and denunciation are significant considerations in sentencing for such matters. Such offending is prevalent, and the material is readily available on the internet. It is important to send a clear message that such offending is generally deserving of a sentence of imprisonment to deter such offences and reflect the public interest in the protection of children from the sexual abuse which feeds the online market. Due to the operation of s 20(1)(b)(ii) of the *Crimes Act 1914* (Cth), there is a presumption that when imposing a sentence of imprisonment for a Commonwealth child sex offence committed on or after 20 June 2020 that at least some of the period imposed be served unless there are "exceptional circumstances".

The offences of production of child exploitation material in your case are unusual examples of such offending. The photographs were taken of children in a public place and without their knowledge. They do not depict the sexual abuse of children. They do, however, involve a gross breach of the privacy of the children involved. You engaged in this conduct over a number of days during two successive summer periods. This again suggests a persistent course of conduct and the level of your interest in such material. The sentence I impose will reflect these matters.

I am required to make an order under the *Community Protection (Offender Reporting) Act*, unless I am satisfied that you do not pose a risk of committing a reportable offence in the future. I am not satisfied you do not pose a risk of committing a reportable offence in the future. Accordingly, I must make an order. Given the nature of your offences, the maximum reporting period that applies is life or such lesser period as I determine. I order that you name be placed

on the register pursuant to that Act and that you comply with the reporting obligations under that Act for a period of 10 years from your release from custody.

It is necessary to impose separate sentences in relation to the State and Commonwealth matters. I have considered the matters raised by your counsel, together with the reports of Dr O'Donnell and Community Corrections. You have no relevant prior convictions. You have otherwise lead a lawful and industrious life. It is well recognised, however, that previous good character is of little weight in such matters. I note you have pleaded guilty, albeit not at an early stage. I note your admissions to the AFP. I acknowledge that you have demonstrated some insight into your motivation for offending. There is no suggestion that you distributed any of the material. I note there is no suggestion that you have continued such conduct since it was detected in 2022. In this context, I also note that you have been subject to bail conditions restricting your access to the internet. Your desistence is a matter relevant to your prospects of rehabilitation, although it is concerning that you have not sought any offence specific therapy where you clearly have the means to do so. I do, however, consider you have good prospects of rehabilitation. Taking into account all of the matters set out in s 16A(2) of the *Crimes Act* which are relevant and known to the Court together with the circumstances of your offending, I consider, however, that no sentence other than imprisonment is appropriate in this case. Despite the presumption in s 19(5) of the *Crimes Act*, in my view it is appropriate in this case to impose an aggregate sentence in respect of the possession charges and another in respect of the access and attempted access charges. The orders I intend to make for partial concurrency reflect that the files involved in counts 4 and 5 of the access charges are among those the subject of the count 3 possession charge and are set to reflect the overall seriousness of your offending. I will order partial concurrency of the State sentences to avoid the need to impose a separate non-parole period and also to reflect that the images are also ones to which the Commonwealth possession charges relate in part.

Mr Ramanauskas, you are convicted on all counts on the indictment.

In respect of the State offences, which are counts 9 and 10 on the indictment, I impose a period of 12 months imprisonment to commence from today. The execution of 6 months of that sentence will be suspended on condition you are of good behaviour and do not commit another offence punishable by imprisonment for a period of three years from your release from custody.

On counts 1, 2, 3, 6 and 8, which are the possession charges, I impose a period of 30 months imprisonment. That period of imprisonment will commence on 6 November 2025. That is three months after the commencement of the State sentence.

On counts 4, 5, 7 and 11, I impose a period of 18 months imprisonment. That period of imprisonment will commence on 6 November 2027, which means that six months of it will operate concurrently with the other Commonwealth sentence.

As the total effective sentence exceeds 3 years, pursuant to s 19AB of the *Crimes Act* I fix a non-parole period of 21 months on the Commonwealth sentences.

In determining the length of the sentence of imprisonment and the non-parole period, I have considered the object of your rehabilitation including that the period of time in custody you are required to serve provides sufficient time for you to undertake a rehabilitation program within the prison.

For the purposes of s 92A(3) of the *Sentencing Act*, I specify that:

- (i) the total term of imprisonment which you are liable to serve in respect of all of the above sentences is four and a half years;
- (ii) the execution of 6 months of the term is suspended;
- (iii) the total period you must serve before you become eligible for parole is the aggregate of the non-parole period imposed for Commonwealth offences and the portion of the sentence on the State offences which is not to be served concurrently with the Commonwealth sentences which is a total period of two years commencing on 6 August 2025.

Pursuant to s 130F(2) of the *Criminal Code*, I order that the Grey Nikon Coolpix 990 digital camera in black case including CF card inside be forfeited to the Crown.