

STATE OF TASMANIA v SHANE ERIC JACKMAN
COMMENTS ON PASSING SENTENCE*

21 AUGUST 2025
MARSHALL AJ

Mr Jackman has pleaded guilty to one count of trafficking in a controlled substance, contrary to s 12(1) of the *Misuse of Drugs Act 2001*. The particulars of the charge are that he, in and around Hobart between 11 September 2023 and 11 November 2023, trafficked in methylamphetamine, hereinafter referred to as "Ice".

Mr Jackman claimed that he was trafficking in Ice to pay off a debt to his suppliers. He said that his suppliers forced him to keep selling. Nonetheless, he did so and participated in spreading a pernicious drug in the State. He admitted to selling half an ounce to an ounce of Ice per day, which makes the scale of the offending in the vicinity of \$56,000 for the two months the subject of the charges.

In sentencing Mr Jackman for his trafficking in Ice, albeit in a relatively small scale operation, the Court takes into account primarily general deterrence and specific deterrence, vindication of victims of the trade in this insidious drug and protection of the community generally. Mr Jackman is to be given credit for his guilty plea and his lack of relevant prior convictions.

Mr Jackman was found in possession of \$4,000 cash which was the proceeds of his trafficking. He is also charged with a summary offence of possession of methylphenidate which will be dealt with by the Court, by consent of the parties.

The Court formally convicts Mr Jackman of the summary offence, as well as the trafficking charge pursuant to the offence under s 12(1) of the *Misuse of Drugs Act*, and I will sentence him globally in respect of such matters.

However, before doing so, the Court will now deal with an application by the State to activate a suspended sentence imposed on Mr Jackman. On 17 November 2022, Mr Jackman was given a sentence of 15 months' imprisonment, wholly suspended on the condition that he commit no offence punishable by imprisonment for two years. The offending that led to the sentence involved the crime of causing grievous bodily harm. It is noted that the circumstances of that offending are considerably different from the current offending.

The Court is bound to activate the suspended sentence unless it considers it unjust to do so. The Court does consider it unjust to do so for the following reasons.

The circumstances of the prior offending involved Mr Jackman being in the company of an individual who was the primary offender. Mr Jackman was punished chiefly on the basis that he failed to stop the main offender from attacking the complainant.

In all the circumstances, I do not consider that it would be just to activate the suspended sentence or make a substituted sentence similar to the suspended sentence. The Court makes no order with respect to the suspended sentence.

The Court now turns to consider the appropriate sentence for the drug related crimes in relation to which Mr Jackman has pleaded guilty, and in respect to which the Court has convicted him.

It should be noted that the Court sought an assessment from Community Corrections as to whether Mr Jackman was a suitable candidate for a Home Detention Order. Mr Jackman was

found not to be a suitable candidate for a Home Detention Order given the currency of an interim family violence order made against him in relation to a former partner. He has also been assessed as being unsuitable for an order with community service due to significant health challenges.

Mr Jackman has been assessed as requiring a high level of intervention by Community Corrections and is eligible for an order with ongoing supervision. The Community Corrections' report with respect to him states that "he qualifies for participation in the EQUIPS addiction programme, and a concurrent supervision order will provide structured support to assist him in maintaining abstinence from illicit substances. Ongoing case management will help reinforce positive behavioural changes, monitor his progress, and address any challenges that may arise during his rehabilitation."

Mr Jackman has been in a stable relationship with his new partner for well in excess of 12 months. His partner resides with him. She has recently been diagnosed with Functional Neurological Disorder. He assists her with managing her seizures. He is in the process of applying to become her legal carer.

Mr Jackman is in his early 40's. He has five children aged between 15 and 24 years of age from previous relationships. He maintains good relationships with each of them, especially for those who reside in Tasmania.

Since the time of the offending, Mr Jackman has made significant efforts to distance himself from his previous criminal contacts, which stem from his involvement in illicit drugs. He spends most of his spare time visiting his children, going to the gym and supporting his partner. He is currently unemployed but hopes to start work soon as an excavator operator. He previously had a successful joinery business before his drug use overcame it. He is currently on a government Job Seeker allowance. He has had substance abuse issues since his teenage years. Between the ages of 19 and 24, he consumed alcohol heavily, but was able to remain, as what he describes as "a functioning alcoholic". He ceased using alcohol about 20 months ago and has been drug free for about a year. He regularly attends counselling with Anglicare for substance misuse support and has high motivation to remain abstinent. Mr Jackman has completed a relapse prevention plan and is very focused on staying abstinent.

Mr Jackman suffers from heart issues. He has a heart murmur and was recently diagnosed with two benign frontal lobe lesions, which can trigger seizures if he becomes dehydrated. He has been advised that the risk of removal of the lesions outweighs the benefits and is not pursuing surgery. Mr Jackman also sustained serious injuries in a high speed motor cycle accident in 2007, including knee cartilage damage, multiple vertebral fractures, a swollen spinal stem and a broken arm. Since then, he has undergone bilateral operations and also suffers from arthritis in his knees. To manage chronic pain, he used steroids for 16 years, but acknowledged that prolonged use of steroids has led to the thickening of his heart walls. He also has Type 2 Diabetes, which he manages appropriately.

Mr Jackman was diagnosed with Bi-polar Disorder around the time of the motor cycle accident, and he has been medicated intermittently for 15 years.

During the course of his offending, Mr Jackman was undergoing turmoil as a result of separation from his then partner. His drug use at the time was so extensive that he resorted to selling to help pay for his habit. He has since relocated to the north of the State in an attempt

to escape his past lifestyle and the associated temptations that could lead to further criminal activity. He is remorseful for the conduct that lead to the current offending.

In all the circumstances, I do not believe that it would be appropriate to sentence Mr Jackman to an actual term of imprisonment. The most appropriate course is to impose a wholly suspended sentence of imprisonment and make a Community Corrections Order.

*The Court convicts and sentences Mr Jackman, globally, for the offences to which he has pleaded guilty, to 18 months' imprisonment, wholly suspended on the condition that he commit no offence punishable by imprisonment for the two years from 21 August 2025. The Court also makes a Community Corrections Order to operate for 12 months from 21 August 2025, with the following special conditions:-

- a) He must submit to the supervision of a probation officer as required by the probation officer;
- b) He must undergo assessment and treatment for alcohol and/or drug dependency as directed by a probation officer;
- c) He must submit to testing for drug and alcohol use as directed by a probation officer;
- d) He must attend, participate in and complete the EQUIPS addiction programme, if directed by a probation officer to do so; and
- e) He must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

I further order that under s 38 of the *Misuse of Drugs Act*, that the following items on Signature Record Receipt 227730 be forfeited to the State:

- Items 1, 1a-f, and 2-6.

Further, under the *Crime (Confiscation of Profits) Act 1993*, the following items on Property Seizure Record Receipt 227730 be forfeited:

- Items 1G and 1G(i), being in total \$4,000 cash.

Finally, the Court notes that Mr Jackman's efforts at rehabilitation have been commendable and he appears to be turning his life around. However, the 18 month fully suspended sentence imposed on him will act as a warning to him that any further offending of this nature will almost certainly lead to a sentence of actual imprisonment. Mr Jackman deserves another chance. It is hoped that he will embrace that chance and that he will not resort to the previous conduct that found him in the position of being liable to being imprisoned. It is also worth noting that the length of the sentence would have been higher but for the lack of any relevant prior convictions of Mr Jackman, and his good prospects for rehabilitation.

***NOTE:** On 15 October 2025, pursuant to s 94(2) of the *Sentencing Act 1997*, Marshall AJ rescinded the sentence originally handed down on 21 August 2025, passed this sentence in lieu and remade the consequential orders. These comments have been amended to properly reflect the charges to which Mr Jackman pleaded guilty.