

STATE OF TASMANIA v JORDAN TERRENCE RADFORD 24 NOVEMBER 2025
COMMENTS ON PASSING SENTENCE

JAGO J

On 6 December 2024 I recorded a finding that the defendant was unfit to stand trial and was not likely to become fit to stand trial during the next twelve months. Accordingly, the matter proceeded to a special hearing. Mr Radford was tried by a jury in respect to the crime of persistent sexual abuse of a young person. The particulars were that on or about 1 August 2022, and on or about 12 January 2024, he maintained a sexual relationship with ME. At the relevant time, ME was aged between 15 and 16 years and the defendant was aged between 23 and 24 years. The jury determined that a finding could not be made that the defendant was not guilty.

All the evidence at the special hearing was produced by way of agreed facts. They proved that between 23 August 2022 and 12 January 2024, Mr Radford and ME engaged in a romantic and sexual relationship. They engaged in sexual intercourse (by way of penile/vaginal penetration) once or twice per week during the relationship. Four specified occasions of sexual intercourse were detailed. The first occasion of sexual intercourse occurred shortly after Mr Radford's birthday in August 2022. At that time, ME was 15. Mr Radford and ME had sexual intercourse at the accused's grandmother's house where he was then residing. He wore a condom. In early 2023, Mr Radford and ME began living together in a caravan in Ulverstone. Two specified occasions of sexual intercourse occurred in the caravan. The first involved penile/vaginal penetration. The second involved a short period of oral penetration with the accused putting his penis into ME's mouth. When ME indicated that she was uncomfortable with this, it stopped. The fourth occasion of sexual intercourse occurred at the Forth Recreation Ground and again involved penile/vaginal penetration. All acts of sexual intercourse were consensual and occurred when the accused and ME were in a caring and loving relationship.

Mr Radford was considered unfit to stand trial because of a significant intellectual impairment. He was assessed by Dr Georgina O'Donnell, forensic psychologist, as having a full-scale IQ of 50, placing him in the moderate intellectual disability range. Mr Radford needs assistance with day to day living due to the severity of his intellectual impairment. He functions at a level well below his peers in terms of social, vocational and daily living skills. He is vulnerable and at risk of exploitation by others due to his disability. Mr Radford receives assistance from NDIS.

In addition to the material which gave rise to the finding that the defendant was unfit to stand trial, I have considered two further reports: one from the chief forensic psychiatrist and an addendum report from Dr O'Donnell, dated 21 February 2025. In that report, she confirms that Mr Radford's intellectual disability is a chronic condition that is not treatable nor curable, hence little has changed. She also notes, given Mr Radford does not present with a major mental illness, that he does not meet the criteria for a treatment order under the *Mental Health Act*, neither is a supervision order or a restriction order considered appropriate. Rather, Ms O'Donnell opines Mr Radford would benefit from community-based supervision and management, and ongoing support from NDIS.

A report from Dr Sonny Atherton, forensic psychiatrist with Forensic Mental Health Services, is dated 30 October 2025. Dr Atherton, whilst not undertaking any cognitive testing, confirmed Mr Radford's presentation was consistent with that of a person operating with a moderate intellectual disability. He also notes previous diagnosis of ADHD and was of the view that behaviours exhibited by Mr Radford during assessment were consistent with his ADHD.

persisting into adulthood. He confirmed that Mr Radford does not present with features of a serious mental illness. He noted that there was evidence of underlying difficulties in interpersonal functioning, and difficulties in coping generally and regulating emotions. Dr Atherton's recommendation was for a conditional release order placing Mr Radford under the supervision of Community Corrections, pursuant to s 18(2)(e) of the *Criminal Justice (Mental Impairment) Act* 1999. He recommended conditions including that Mr Radford abstain from illicit substance use, comply with drug testing requirements, moderate his alcohol use and be required to follow directions relevant to engagement with programs and health care providers. Dr Atherton opined that it would not be appropriate for Mr Radford to be placed under a supervision or restriction order as there was no evidence of serious mental illness and therefore oversight by the chief psychiatrist was not warranted.

It was Dr Atherton's opinion that a conditional release order would enable an appropriately supportive framework to be established to address his needs within the community.

I note the mandate of s 34 of the *Criminal Justice (Mental Impairment) Act*. The conditions I impose should be no more than the minimum that is necessary to respond to the safety of the community, whilst keeping restrictions to Mr Radford's freedom and personal autonomy to a minimum. I also note the matters to which I should have regard as outlined in s 35 of the Act, and in particular I note Mr Radford is currently well supported in the community by his NDIS providers. Having regard to all the information I have, including the opinions of Dr Atherton and Dr O'Donnell, and bearing in mind the s 34 principle, I am satisfied that the only appropriate order is an order under s 18(2)(e) of the Act with conditions providing for supervision. Therefore, pursuant to s 18(2)(e) of the Act, I make an order releasing Jordan Radford on the following conditions. These conditions are to be in place for a period of two years from today. In setting that time frame, I note Mr Radford has spent considerable time in custody following his arrest for this matter.

The conditional release order is subject to the following conditions: that Mr Radford:

- Be subject to the supervision of a probation officer.
- That he report to the probation officer as and when required by that probation officer.
- That he be of good behaviour and not commit any offence punishable by imprisonment.
- That he reside at an address approved by the probation officer.
- That he not change address or employment without first obtaining the permission of the probation officer or if that is not practicable, he must inform the probation officer of any change of address or employment within 48 hours of its occurrence.
- He must obey all reasonable directions of the probation officer, including any directions the probation officer may give as to counselling or treatment, assessment and support including directions that he attends appointments arranged by, or with, his NDIS support worker or service provider.
- He must not leave the state of Tasmania without the prior approval of his probation officer.
- He must attend as directed by a probation officer any rehabilitation programs or other programs relevant to his drug or alcohol use, and/or drug or alcohol counselling or treatment.
- He must not possess or use any illicit substances.
- He must present for urine and/or breath analysis or other testing as and when required by a probation officer.

- He must abstain from the consumption of alcohol unless permission is given by a probation officer for alcohol consumption at an appropriate level.

I order, Mr Radford, that you report to Community Corrections, Hobart, by close of business tomorrow.