

STATE OF TASMANIA v DALE JAYDEN EVANS
COMMENTS ON PASSING SENTENCE

15 DECEMBER 2025
CUTHBERTSON J

Dale Jayden Evans, you have pleaded guilty to an indictment charging you with the crimes of dealing in firearms whilst not the holder of a firearm dealers licence, unlawful trafficking in firearms, and two counts of possession or use of a firearm or firearm part when you were subject to a firearms prohibition order. I am also dealing with your pleas of guilty to the following summary offences across six complaints:

- Two counts of possess a shortened firearm
- Ten counts of possess a firearm when not the holder of a firearm licence for the appropriate category.
- Two counts of possess a firearm to which a firearms licence may not be issued.
- Two counts of possess a firearm part.
- One count of possess a silencer.
- Two counts of possessing ammunition when not the holder of the appropriate firearm licence.
- One count of possess body armour without a permit.
- One count of failing to take all precautions to ensure safe keeping of a firearm.
- One count of failing to take all precautions to ensure safe keeping of ammunition.
- One count of discharging a firearm from a public place.
- Six counts of discharging a firearm within 250 metres of a dwelling house.
- One count of selling a controlled plant or its products.
- One counts of selling a controlled drug (methamphetamine).
- One count of possess a thing used for administration of a controlled drug (ice pipe).

These charges arise from searches conducted by police of your residence on 20 November 2024, 18 January 2025 and 11 February 2025.

On 20 November 2024, police executed a search warrant at your residence. The crime of dealing in firearms and the charges on complaint 189/25 relate to this search. At the time of entry, you were seen leaving an area under the house. Police asked if you had anything on your person and you produced a metal homemade pistol receiver. This is the part of a firearm which houses a firearm's internal components, including parts such as the trigger mechanism, firing pin and hammer. Following a search of the residence, police located an area under the house which contained two separate rooms. The first had a couch and tv and the second was a separate workshop area which contained tools and equipment capable of being used for the manufacture of firearm parts. The television in the first room was on and was being used to watch a live CCTV feed of various camera angles of the exterior of the residence. You told police that you had come out from under the house because you had seen them arrive on CCTV.

During the search of the area under the house, police located firearms, firearm parts, ammunition, a taser, and a ballistic vest. The firearms, parts and ammunition were not stored in firearm safes. Police also located a piece of wooden board which had silhouettes/outlines and descriptions of firearm parts hand drawn on it. A number of metal parts were laid on the board inside some of the template outlines. One of the empty spaces on the template included one matching the metal homemade pistol receiver that you produced to police. Other homemade firearm parts located included a firearm slide, a trigger assembly, firearm magazine, a homemade silencer, four firearm barrels, four wooden stocks and two wooden pistol grips. A suitcase containing a homemade firearm spring, firearm trigger guard and homemade firearm

trigger constructed from metal was also found. A homemade 3D printed single shot .22 calibre pistol containing a homemade magazine and a .22 round of ammunition was located on top of the fridge. A 12-gauge CBC single barrel sawn off shot gun was also located against the wall near a chest freezer. A Briday taser was located on a wall near the television. A large quantity of ammunition was also located throughout the area. Four sets of digital scales were seized together with an iPhone with a smashed screen. The workshop area contained a workstation, a welder, butane gas and nozzle, hand tools and a Dremel style grinder. It is the State's case that you manufactured the firearms parts using the tools and equipment found under the house for the purpose of building a pistol with the capacity of firing a projectile.

You were arrested and taken to the police station. You were interviewed. You confirmed that you lived at the property. You made no comment about the piece of metal that you produced to police from your pocket. You claimed not to know what the homemade metal items located under the house were and stated you had not made them and had not touched any of them. You made no comment when it was put to you that the parts when put together would make a homemade pistol. You terminated the interview. You were then charged, processed and bailed.

The iPhone that was seized was subsequently forensically examined. Amongst the items located on the phone was a video depicting a hand holding a black 3D printed pistol and appearing to demonstrate the operation of the pistol. The appearance of the firearm is consistent with the 3D printed pistol seized during that search. A tattoo on the hand depicted in that video is consistent with one observed on your index finger.

You dealt with firearms by manufacturing firearm parts, namely metal homemade pistol receiver, trigger assembly, pistol barrel, slide and pistol components, when not the holder of a firearm dealer licence. The definition of dealing in the *Firearms Act 1996* relevant to your conduct is to manufacture firearm parts. You were not the holder of a firearms licence of any category. You were found in possession of 139 rounds of ammunition of various types (count 2, 189/25), body armour in the form of a ballistics vest (count 4, 189/25), the taser which is a firearm in relation to which a firearms licence may not be issued (count 5, 189/25), the firearm parts which you are also charged with manufacturing (count 6, 189/25), a silencer (count 7, 189/25), a 12 gauge single barrel shotgun (count 8, 189/25) and the homemade 3D printed pistol (count 9, 189/25). You also failed to take all precautions to ensure safekeeping of the firearms, firearm parts and ammunition in your possession (counts 3 and 10, 189/25).

After your arrest for these matters, you were served by police with a firearms prohibition order on 17 January 2025. The order states that "it is an offence for you to possess or use a firearm in contravention of this order". It also explained that for the purpose of the Act you will be taken to possess a firearm if the firearm is found in or on any premises and you are in, on, or in occupation of, the premises when the firearm is found.

On 18 January 2025, the day after this notice was served on you and while you were subject to police bail for the matters arising from the 20 November 2024 search, police executed a search warrant at your residence. You were present along with two others who lived at your house, Hayley Smith and Jarrod Kringle, their four year old son and another female. The unlawful trafficking in firearms charge and one count of possession of a firearm in contravention of a prohibition order together with charges on complaints 1588/25, 1590/25, 1593/25 and 1595/25 relate to this search.

During the course of this search, police located a PVC pipe buried in freshly disturbed soil at the boundary line of the perimeter fence. Inside the pipe was a lever action sawn off 12-gauge shot gun which was loaded with six 12-gauge cartridges. Your possession of this firearm was in breach of the prohibition order and is the subject of one of the counts of possession of a firearm in contravention of a prohibition order on the indictment.

An iPhone was seized during the course of this search. Your Snapchat and Facebook messenger accounts were logged in to on that phone. There were various photographs and videos of you on the phone. Forensic analysis of the iPhone was conducted and a number of videos and messages which evidenced your offending were located.

Videos show you in possession of loaded shortened semi-automatic .22 repeater rifle on 7 August and 21 August 2024 (possession of a firearm without a licence count 1, 1588/25 and possession of a shortened firearm count 1, 1590/25). On 7 August 2024, you were holding the firearm in the front passenger seat of a car. The video from 21 August 2024 shows you discharging the firearm nine times in quick succession in bushland next to a running motor vehicle (discharge a firearm in a public place count 2, 1588/25).

Videos and photos show you in possession of a shortened lever action 12-gauge shotgun on 24 August 2024, 25 October 2024, 9 December 2024, 21 December 2024 and 1 January 2025 (count 3, 1588/25). The images from 9 and 21 December 2024 show you in possession of the firearm at your residence. A number of those videos show you discharging the firearm in an area of shoreline behind your residence. In the early hours of the morning on 21 December 2024, you discharged the firearm five times and again a further single time (discharge a firearm within 250 metres of a dwelling house counts 8 and 9, 1588/25). In the early hours of the 1 January 2025, you discharged the shotgun in the same area four times (count 1, 1593/25). On 6 January 2025, you discharged the firearm in the same area three times (count 2, 1593/25) and then a further two times (count 3, 1593/25). This was the gun that was located in the PVC tube.

Another photo on the phone depicts you holding a black gel blaster pistol (count 4, 1588/25). A video shows you in possession of a shortened, 12-gauge break action shotgun in camouflage wrap on 22 October 2024. The background shows it was recorded in the basement of your residence (count 5, 1588/25). Another video depicts you in possession of a homemade Mac10 replica slam-gun firearm on 11 November 2024. Again, the video is recorded in the basement of your home (count 6, 1588/25). A video dated 22 December 2024 records you possessing a replica Glock 22 gel blaster pistol in the basement of your residence (count 10, 1588/25).

A video posted to Snapchat on 5 February 2025 shows a shortened break-action .410 shotgun and 3 .410-gauge cartridges and you discharging the firearm into the air on the foreshore behind your residence. The caption on this video states "I'm back". You are charged with discharging this firearm without 250 metres of a dwelling house (count 4, 1593/25). This firearm was located by police during the search conducted on 11 February 2025. A further video posted to Snapchat on 8 February 2025 shows you holding and inspecting a black pistol style firearm in your basement (count 2, 1599/25).

The charge of unlawful trafficking in firearms relates to a video you forwarded to two people on 31 December 2024 showing you inspecting and loading a Webley and Scott 6.35 mm automatic pistol on 16 December 2024 in the basement of your residence. You sent a message to each of those recipients stating "8k ono". You have pleaded guilty to trafficking in firearms by selling or offering the pistol for sale in circumstances where the firearm was registerable

and you were not the registrant of the firearm. You are also charged with possession of that firearm on 16 December 2024 (count 7, 1588/25). Other photos and videos depict gunshot damage in your home. Messages reference you asking a neighbour to return a firearm you had given him for safekeeping and another indicates you were actively sourcing a firearm for another person to purchase.

The charges of selling cannabis and methylamphetamine (counts 1 and 2, 1595/25) arise from text messages and photos found on the phone. You exchanged messages between 12 July 2024 and 18 January 2025 with at least seven individuals discussing your sale of or offer to sell methylamphetamine. The quantities discussed ranged from a point (0.1 grams) to a "ball" (3.5 grams). It is apparent from these messages that transactions did occur. The State is unable to identify how much methylamphetamine you sold in this period. A series of messages between 13 and 17 January 2025 evidences that you sold cannabis bud to another person for \$200 and discussed future transactions.

Police again executed a search warrant at your home on 11 February 2025. You were in bed when they arrived. Your co-residents, their son and your girlfriend were also present during the course of that search. A number of firearms were located and seized. The shortened .410-gauge single barrel break-action shotgun loaded with one live .410 shotgun shell and a further .410 gauge cartridge in the butt stock ammo holder attached to the shot gun was located underneath your bed. It was identified as a Boito. This is the same firearm you discharged on 5 February 2025. You have pleaded guilty to possessing this firearm on 5 and 11 February (count 1, 1599/25) and possessing a shortened firearm on those same days (count 2, 1590/25). An Ops MRP black imitation gel blaster handgun was located in a gun case on the couch in the basement (count 3, 1599/25). The case also contained a 9mm bullet. A sawn-off double-barrel 12-gauge shotgun loaded with two 12-gauge cartridges was found in a cupboard in Mr Kringle's bedroom. A detachable firearm ammunition magazine was located on a shelf in your bedroom and a second detachable firearm ammunition magazine was located in the entry way to the basement. You have pleaded guilty to a charge of possessing firearm parts relating to these two items (count 5, 1599/25). A total of three shotgun cartridges were located (count 4, 1599/25). A used ice pipe was found in a bag in the downstairs area. You have pleaded guilty to possessing a thing used for the administration of a controlled drug relating to this item (count 3, 1590/25). The final charge on the indictment relates to your possession of firearms (the Boito .410 gauge single barrel break-action shotgun, a sawn-off double action shotgun, and a MRP imitation handgun) in contravention of the prohibition order.

You were arrested and interviewed. You made no comment regarding the location of the shotgun under your bed. You admitted the black imitation gel blaster handgun that was located in the basement was yours. You admitted being aware of the 9mm bullet in the case and said one of the detachable magazines went with the gel blaster handgun. You admitted that the ice pipe was yours. You denied knowing about the second detachable magazine. You told police that your house had been shot at the night before and one of the cartridges found downstairs was from that incident. You told police that the .410 cartridge was possibly yours. You agreed you did not have a firearms licence and that you have never held one. You admitted the phone seized on 18 January would probably have videos of you handling a firearm down by the water. You said the ice pipe was yours and you had last smoked methylamphetamine two days earlier.

You are 26 years old. You left school at the end of grade 10. You have held employment in the past, working as a furniture removalist and for an esky manufacturer. You lost your employment when you developed an addiction to methylamphetamine in mid-2024. Your

counsel tells me that you started using very large quantities of the drug in a short period of time. As a consequence, you became involved in the sale of illicit substances. I was told you were in the grip of a serious habit at the time of this offending.

I am also told that since you have been in custody you have stopped using drugs. You have advised that you intend to cease contact with your former acquaintances, who were also drug users, when you are released from custody. You have rekindled your relationship with your mother who does not condone your behaviour. As to your time in custody, you are locked down frequently which reduces your access to programs. You have not yet been able to progress through the prison system.

It is submitted that you are someone who has relatively few prior convictions and who had gone from very little by way of prior offending to significant drug use and associates. You are relatively youthful and intend to live with your mother once released. You also hope to return to work with your former employer. You have three children from a former relationship, twins aged seven and a six-year-old.

As to your prior matters, you were first dealt with by a court in 2019 for disorderly conduct. In 2020 you were fined for breaches of police family violence orders and in 2023 you were sentenced in relation to further breaches of family violence orders. It appears that you were sentenced to time served in the context of having been refused bail. You were also made the subject of a twelve-month community correction order. That order expired in March 2024, prior to this offending.

I sought an assessment of your suitability for supervision and community service. Community Corrections have advised that your compliance on the community correction order was poor. They have outlined failures to report and a failure to engage with the Family Violence Offender Intervention Program which was a matter specified in the sentence imposed upon you. It was clearly intended that you undertake that course as part of the community correction order. You have been assessed as unsuitable for community service for various reasons including illicit substance use and non-compliance with the previous community corrections order. Community Corrections have assessed you as suitable for community-based supervision noting that you require a maximum level of intervention, however they have concerns given your prior non-compliance with the order and they have also referenced inconsistent information they have received during the interview regarding your substance use and your engagement during the previous order. Your counsel submits that given your time in custody you would now be suitable for both of those interventions.

In respect of your plea of guilty to dealing in firearms relating to you manufacturing firearm parts, the information before me suggests you had a dedicated space under your house for this purpose. You had numerous tools and equipment to make these parts. There is no evidence before me that any firearms were in fact manufactured by you. The charge of unlawfully trafficking in firearms relates to offering an automatic pistol for sale on 31 December 2024. This was after the first search conducted by police on 20 November 2024 and while you were subject to police bail on the charges arising from that search. The day after you were served with a firearms prohibition order, you were found in possession of a lever action 12-gauge single barrel shot gun in contravention of that order. That weapon was seized on 18 January 2025. Less than a month later, a further search was conducted at your property and you were found in possession of a .410 gauge single barrel break-action shot gun, a sawn off double

barrel 12 gauge shot gun, an imitation hand gun and two detachable magazines, again in contravention of that probation order.

These crimes, together with the summary offences, disclose a very concerning level of interest in and preparedness to deal with firearms. Not only are the charges themselves serious, but your repeated conduct whilst on bail for the offences detected in November 2024 and while subject to an order designed to prevent you possessing firearms or firearms parts is aggravating. Community protection and safety is the primary intention behind the *Firearms Act* and associated legislation. This is achieved through strict regulation via a licensing regime to ensure that only those people who are fit and proper are entitled to possess, use and deal with firearms and then only for lawful purposes. Conversely, a person dealing with and possessing and using firearms outside of the licensing system is liable to be charged with offences which attract significant penalties. The offences you are charged with on the indictment each attract a maximum period of 21 years imprisonment. This marks the seriousness of the offences and the intention of parliament to deter such conduct. The community is rightly concerned to ensure firearms do not fall into the wrong hands. General deterrence is a prominent sentencing consideration in this case as a consequence. In addition, specific deterrence is highly relevant in your case given the continuation of your conduct despite police intervention.

I take into account your pleas of guilty and personal circumstances. I accept you have few prior matters and none for offending involving firearms. However, the overwhelming inference that arises from the nature of your offending and the surrounding context is that not only were you engaged in serious criminal activity yourself, you were otherwise unconcerned about the potential for the firearms and firearm parts being used by others engaging in criminal conduct. The evidence relating to the charge of trafficking in firearms is a case in point. No explanation, let alone a satisfactory one, has been provided for your involvement in the manufacture of firearm parts, the offering of a firearm for sale and your possession and use of a significant number and variety of firearms. It is particularly concerning that many of the weapons located by police in and around your residence were loaded with live ammunition.

I have concluded that a period of imprisonment is required. I have also determined that it is appropriate to impose separate sentences in respect of what I have identified as four groups of offending: the three periods of firearm offending and the drug offences. This is necessary, in my view, to properly reflect the circumstance of aggravation arising from your continued offending while on bail and when subject to the prohibition notice. I have given effect to the totality principle by ordering that the sentences operate concurrently in part to ensure the overall sentence imposed properly reflects the level of your criminality without being too crushing. I will also order that you be eligible for parole at the earliest opportunity.

You are convicted of all charges on the indictment, counts 2 to 10 on 189/25, and all counts on complaints 1588/25, 1590/25, 1593/25, 1595/25 and 1599/25.

On count 1 on the indictment (dealing in firearms), counts 3 to 5 and 7 to 10 on complaint 189/24, counts 1, 2, 4 to 6 on 1588/25 and count 1 on 1590/25, you are sentenced to 18 months' imprisonment backdated to 11 February 2025. I order that you not be eligible for parole until you have served half of that term.

On count 2 and 3 on the indictment (unlawful trafficking in firearms on 31 December 2024, possession of a firearm in contravention of a prohibition notice on 18 January 2025) and counts 3 and 7 to 10 on 1588/25 and counts 1 to 3 on 1593/25, you are sentenced to a further 18

months' imprisonment. Six months of that sentence is to be served concurrently with the sentence just imposed. I order that you not be eligible for parole until you have served 12 months of that term.

On count 4 on the indictment (possession of firearms and firearm parts in contravention of a prohibition notice on 11 February 2025), count 2 on 1590/25, count 4 on 1593/25 and counts 1 to 3 on 1599/25, you are sentenced to 12 months' imprisonment, with 6 months of that term to be served concurrently with the sentence imposed on counts 2 and 3 on the indictment and the associated offences. I order that you not be eligible for parole until you have served 9 months of that term.

On the charge of selling cannabis between 13 and 17 January 2025, you are fined \$1,000.

On the charge of selling methylamphetamine between 13 July 2024 and 17 January 2025, you are sentenced to 3 months' imprisonment, wholly suspended on condition that you do not commit a further offence punishable by imprisonment for 18 months from your release from custody.

In light of the sentences just imposed, on the remaining summary offences, namely counts 2 and 6 on 189/25, count 3 on 1590/25 and counts 4 and 5 on 1599/25, I make no further order.

The total effective sentence on the firearms offences is one of three years from 11 February 2025 with eligibility for parole after serving 18 months of that sentence. In addition, a further sentence of three months' imprisonment imposed on the charge of selling methylamphetamine is wholly suspended for 18 months from your release from custody.

Pursuant to s 149 of the *Firearms Act*, I order that the following items be forfeited to the Crown:

- Items 1 to 4e, 6 to 8, 20 to 22 and 23b to 24 seized on 20 November 2024;
- All items on property seizure record 245453;
- The .410 firearm, .410 rounds (two items) and magazine referred to in property seizure record 245476;
- The sawn-off 12-gauge shotgun, 12-gauge rounds (two items) referred to in property seizure record 245477;
- The two 12-gauge rounds referred to in property seizure record 245478;
- The semi-automatic pistol, black gun case, one 9mm round, one .410 shell, .12 shells (two items), one .22 round and firearm magazine referred to in property seizure record 200711.

Pursuant to s 15E(9) of the *Police Offences Act 1935*, I order that item 26 (body armour) seized on 20 November 2024 be forfeited to the Crown.

I also make orders pursuant to s 38 of the *Misuse of Drugs Act* that the following items are forfeited to the Crown:

- Ice pipe referred to in property seizure record 245477;
- The used glass pipe and two used plastic bongs referred to in property seizure record 245478.