

The defendant Daniel Timothy Wright, aged 23 at the time of the offending has pleaded guilty to one "rolled-up" count of possessing child abuse material, following the execution of a Commonwealth search warrant and subsequent seizure of electronic storage devices on 12 June 2024.

An Acer laptop belonging to the defendant contained 157 files depicting child abuse material. The files were located in a folder created by the defendant titled "Tor Browser FS", as well as the Desktop and in the downloads folder. Within the "Tor Browser FS" folder, the defendant had created sub-folders relevant to "preferences".

These files were downloaded between 28 December 2022 and 29 March 2024. The file names of the child abuse material located contained reference to toddlers and two to five-year old and 12 to 17 year old boys and girls.

An HP laptop belonging to the defendant contained 106 files depicting child abuse material. The files were located in a folder, on the Desktop, created by the defendant titled "Tor Browser File Store". Within this group the defendant had created sub-folders categorising the files into groups.

These folders were downloaded on 29 March 2024. The names of the files included references to babies and 3 to 15 year old boys and girls.

On 12 June 2024, the defendant made the following admissions:

- That using his HP laptop and TOR, he has searched for the child abuse material from the dark web.
- That once he downloaded child abuse material he viewed it.
- That at 5am on 12 June 2024 he used the application Omegle, on the HP pavilion laptop, to share child abuse material.
- That he shares child abuse material a few times per week.
- That he has been banned from Snapchat due to sharing child abuse material.
- That on the Acer laptop he created folders where he sorted child abuse material into categories 'boy', 'boy and girl', 'Louisa and Kitty', 'pedo mum', 'teen girl'.
- That he manually sorts the child abuse material so that when sharing the material he is able to more easily give people the type of child abuse material they ask for.
- That he shares the child abuse material through screen recordings or file shares via multiple platforms including Omegle, MEGA, Dropbox, Snapchat, Discord, Telegram and Chatingly.
- That his sexual preference is boys who are 5 years and under in age.
- That he has previously shared child abuse material with a 12 year old boy via Omegle where he watched the 12 year old boy masturbate.
- That he has been obtaining and sharing child abuse material for a number of years.
- That he has used his mobile phone to share child abuse material over social media and the child abuse material is stored temporarily in the files folder on his phone.

The defendant has no relevant prior convictions.

He was educated in Tasmania but had difficulty due to a range of social issues and was bullied by peers. This culminated in him leaving school during year eight and enrolling in eSchool through which he completed year 10.

He went on to a NDIS plan during grade 9 and this assisted him in exploring areas of IT that later led him into a career in the field. He finished Grade 12 and progressed to TAFE where he gained an advanced diploma in information technology.

His employment history includes various IT roles, such as call centre work, telehealth support for the State government during the COVID pandemic, insurance claims management, and, most recently, working for Kinetic IT on-site at a government Department. He is currently in receipt of Centrelink benefits and he has been unemployed since he was charged with the current offence.

The defendant's formative years were marred by an abusive father. He moved out of the family home at 18 due to ongoing family issues and lived independently in a variety of share houses until he was charged.

He has no contact with his father but has a close and supportive relationship with his mother and resides with her and his two brothers.

He has never been in a sexual, intimate or romantic relationship. He had early exposure to deviant material and first saw online pornographic material when he was approximately eight or nine years of age.

The defendant has Autism Spectrum Disorder and as a result is rigid and inflexible in his thinking. He has significant depressive and anxiety symptoms which are exacerbated by current stressors. He was admitted to the RHH following a suicide attempt after being charged.

He had a problem with alcohol misuse from ages 19 to 23 which exacerbated poor coping skills and emotional instability, reinforcing reliance on maladaptive behaviours

He has maintained a complete abstinence from alcohol since his arrest and there has been no further offending since then.

I have had the benefit of a psychologist's report which states that the defendant meets the diagnostic criteria for paraphilia and notes that he presents with a complex interplay of developmental, psychiatric, and psychosocial factors that have contributed to the onset and maintenance of his offending behaviour

The defendant has a willingness to acknowledge his offending and cooperate with supervision and a motivation to engage in treatment.

The Crown submits that the defendant reports that "he recognised that accessing such material was wrong" however he did not seek help to address this behaviour believing that there would be no support available to him. He continued accessing the material. Thus the Crown submits that he was aware of the nature and gravity of what he was doing, and that it was wrong and that in those circumstances, there should be only a minor reduction of the offender's moral culpability, if any.

I accept those submissions.

The Crown notes that the defendant possessed 263 files comprising child abuse material across his two laptops and that those images depicted real children and the material ranged in severity which included images and videos of children, from infant to pubescent teenager, engaging in sexual activity.

And the Crown also notes that the offender deliberately sought out child abuse material, with a specific preference for children aged under 5 years old and possessed and categorised the material, with the intention of sharing it with others.

General deterrence is the primary sentencing consideration for offending involving insidious child abuse and child exploitation given the prevalence and ready availability of such material on the internet and given the obvious and paramount need to protect children from sexual abuse.

Where general deterrence is a primary sentencing consideration, personal mitigatory factors such as prior good character, age, prospects of rehabilitation and so on must be given less weight than might otherwise be given.

However, in the present case I am satisfied that the defendant's personal circumstances as I have outlined them are exceptional and I do not find an immediate custodial sentence to be necessary or appropriate.

The defendant is convicted and is sentenced to a period of 15 months home detention as from today.

The order will contain all of the core conditions contained in s 42AD(1) of Part 5A of the *Sentencing Act* 1997 and with specific reference to s 42AD(1)(g) and (h) of the Act, the following conditions are included in the Order:

- you must, during all of the operational period of the order submit to electronic monitoring, including by wearing or carrying an electronic device.
- during the period that you are required to submit to electronic monitoring:
 - a) you must not remove, tamper with, damage, disable or interfere with the proper functioning of any electronic device or equipment used for the purpose of electronic monitoring.
 - b) you must not allow anyone else to remove, tamper with, damage, disable or interfere with the proper functioning of any electronic device or equipment used for the purpose of electronic monitoring.
 - c) you must comply with all reasonable and lawful directions given to you in relation to the electronic monitoring, including in relation to the installation, attachment or operation of a device, or a system, used for the purposes of electronic monitoring by:
 - i a police officer;
 - ii a probation officer or prescribed officer; or
 - iii another person whose functions involve the installation or operation of a device, or a system, used for the purposes of electronic monitoring

The following special conditions are included in the order outlined below:

- you must, during the operational period of the order, remain at **address** at all times unless approved by a probation officer.
- you must attend the Community Corrections office at Hobart for induction onto this order at 10:00 am on Monday, 30 March 2026.
- you must, during the operational period of the order, maintain in operating condition an active mobile phone service, provide the contact details to Community Corrections and be accessible for contact through this device at all times.
- you must submit to the supervision of a Community Corrections officer as required by that officer.

- 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
 - b any medication containing an Opiate, Benzodiazepine, Bupropion, Hydrochloride or Pseudoephedrine, unless you provide written evidence from your medical professional that you have been prescribed the relevant medication.
- 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.

I am satisfied that it is appropriate to make an order pursuant to s 6(1) of the *Community Protection (Offender Reporting) Act* 2005 (Tas) directing:

- That the Registrar cause the name of the defendant to be placed on the Register for a period of five years from today; and
- That the defendant comply with the reporting obligations under the Act during that period.