

STATE OF TASMANIA v MARK ANTHONY STEVENS
COMMENTS ON PASSING SENTENCE

1 APRIL 2026
JAGO J

Mr Stevens a jury has found you guilty of one count of persistent sexual abuse of a child and one count of indecent assault. You were found not guilty of a further allegation of rape. It is necessary for me to determine the facts for the purpose of imposing sentence. In making factual determinations I can only find facts adverse to you if I am satisfied of them beyond reasonable doubt and they are consistent with the verdicts of the jury. Having regard to the issues on the trial and my directions, it is clear that the jury accepted the honesty of the two complainants beyond reasonable doubt. That is not to say that the jury accepted all aspects of the evidence nor found them completely reliable about matters of detail. They obviously were not satisfied for example beyond reasonable doubt of the allegation of rape. However, it is an inescapable conclusion that the jury believed the substance of the complainants evidence and rejected your denials. In my assessment the evidence given by each complainant was given honestly and insofar as it relates to the crimes for which you were found guilty, I accept their evidence as reliable. I intend to proceed to sentence on the basis of their evidence.

The crime of indecent assault was committed against your then partner's daughter, sometime between January 1999 and December 2001. You would regularly spend time at your partner's home, and the complainant liked spending time with you. She got on well with you and thought of you as a second father. Like many young girls, aged 8 to 10, she sought affection from you, and enjoyed sitting on your lap and cuddling with you. The complainant would have sleep overs at your residence and would sleep in your bed. On the last occasion she slept at your house you indecently assaulted her. She woke up to you pulling her underwear down and touching her on the vagina. You rubbed your fingers up and down her vagina. The complainant was shocked and initially froze. Eventually, she was able to move away from you. She was very upset and asked to go back to her mother's. You returned her there. She told her mother what had occurred and thereafter refused to ever go back to your house.

The second victim of your sexual offending was the daughter of your good friend. You spent considerable time at her family home and you were a trusted family friend. The complainant was about eight or nine when she started regularly visiting with you. Her home life was complicated and rather chaotic and she enjoyed visiting you at your home. You would take her on outings, for example to the Penguin Market and when she was with you at your home, she was allowed to eat food at your home that she considered to be a treat and was different than that which on offer at her own home. You also spoilt her by purchasing her gifts and you allowed her to play on your gaming system. You treated her in a special way compared to her siblings. I am satisfied that all of the favourable treatment you displayed towards the complainant was directed at grooming her so that she would be reluctant to resist and/or disclose your sexual advances.

There were three specific occasions of sexual abuse identified which constituted the crime of persistent sexual abuse of a child. All the occasions occurred at your residence. On the first occasion the complainant was watching a movie in the lounge room with you. You started to give her a massage. You started massaging her feet but then moved your hands up her legs until you touched her around the groin area. Your hand then went underneath the hem of her shorts and up towards to her bottom. You touched her on the bottom area underneath her underwear. The complainant felt awkward and uncomfortable. She was not certain what to do which is entirely understandable given she was eight or nine when this incident happened.

The second occasion also occurred at your residence. Again you purported to give the complainant a massage. You rubbed your hands up her legs and again touched her around the groin area underneath her shorts. Your hand went into her underwear and the back of your hand touched her vagina. Again the complainant was around eight or nine when this incident occurred.

The third occasion also occurred at your residence. The complainant was watching television, and you again began to massage her. You massaged up her legs and then touched her bottom underneath her underwear. On this occasion you spread her buttock cheeks apart. The complainant felt pain and moved away. The complainant was only able to specify these three occasions, but I am satisfied the identified unlawful sexual acts took place during, and as part of, an ongoing course of similar conduct during the relevant period, being January 2005 until December 2007. The complainant gave evidence of you massaging her in similar ways between five to ten times. She said all massages were similar and it was therefore difficult for her to identify one occasion from any other.

The complainant also gave evidence of falling asleep in the loungeroom or spare room at your house and then waking up in your bed. She would be naked below the waist. The complainant gave evidence that you would explain her presence in your bed by saying that she had wet the bed, hence you had moved her into your bed. The complainant did not experience bed wetting on any other occasion at any other place. The complainant also gave evidence that she would wake up in your bed and feel "raw" in her vaginal area and sometimes would wake to feeling something "prickly, like hair rubbing up" against her. She gave evidence that on occasion she would wake up in your bed to such sensations, but you would tell her to go back to sleep. At other times, the complainant described how she would see you watching her through a window whilst she, and on occasion other children, were naked in areas of the home. Whilst the complainant was not able to offer specific details of any other acts of sexual misconduct, I am satisfied that throughout the period you had a sexual interest in the complainant and you moving her into your bed was a part of that. I am satisfied that the three occasions she was able to specify with particularity did not occur in isolation.

The offending is of a high level of seriousness, and your moral culpability is also high. Each of the complainants were very young, aged between 8 and 10, and when the offending occurred, and they were at the respective times at your house and subject to your care and supervision. Instead of discharging your responsibility as an adult to supervise and protect them, you took advantage of having the children in your care to exploit and abuse them.

In respect to the second complainant there was clearly a predatory aspect to your offending. The crimes committed against her went on for an extended period and in the context of other sexualised behaviours. Whilst the crime against the first complainant was, on the evidence, an isolated occurrence it involved a significant breach of trust as she was the daughter of your then partner, and you were trusted to care for her.

Both complainants came from complicated and chaotic families and were, in my assessment, vulnerable. In respect to the first complainant, I am satisfied she told her mother, but nothing was done to alert authorities. In respect to the second complainant because of the reaction of her father to an unrelated episode of sexual abuse that had occurred within her family home, she was too scared to tell anyone about what you were doing to her. I am also satisfied that in respect to the second complainant you manipulated her silence by telling her that she would

receive gifts if she was a "good girl". Such exploitation and manipulation increases the serious nature of the abuse.

I have received impact statements from each complainant. It is clear that the impact on each of them has been significant and devastating. Your abuse has permeated all aspects of their lives and much of their lives have been directed towards recovering from the harm you caused. I have no doubt that those impacts are likely to last long term and most likely for their life. What each complainant described is consistent with what the Court understands to be the sadly, all too common, consequence of the sexual abuse of young children.

You are now 62 years of age. You were 35 when the offending in respect to the first complainant occurred and 42 when the offending in respect of the second complainant commenced. You have a minimal criminal history, much of it now dated and predominately limited to traffic offences. There is nothing by way of past criminal history involving sexual offending. You have a strong industrial record having worked in several manual labouring positions within the forestry industry. You have been unable to work for a number of years now because of poor health. You now live a quiet and relatively isolated existence in a rural area. You were the victim of physical abuse at the hands of your father during your childhood. You have two children, one of whom was born to your relationship with the first complainant's mother. For obvious reasons you do not see her. You maintain a relationship with your other child.

There is little that can be said on your behalf in mitigation. You have shown no remorse, and you are not entitled to the benefit of the plea of guilty. Your lack of relevant prior convictions is not unusual in cases of this nature. I take into account that there was some delay in these matters being reported to authorities, but in circumstances like this, that does not justify a lenient approach to sentencing. The complainants lived in dysfunctional, chaotic families. You well knew that. Their family circumstances made them vulnerable and susceptible to your exploitation and silencing. Even when the first complainant said something to her mother, nothing was done. It was because of your conduct and the effect it had on them that they felt unable to complain for many years. No benefit flows because you were successful in silencing them.

The serious nature of this offending requires an emphasis on general deterrence and denunciation. Whilst I acknowledge your criminal conduct involved a series of indecent assaults and not penetrative sexual crimes; sexual assaults of this nature should never be seen as "mere touchings". They involve the gross violation of, in this case, young children's bodily autonomy and they cause pervasive harm. Sexual abuse of young children by an adult, in whatever form, is abhorrent and deserves severe punishment. The only appropriate sentence is a significant term of imprisonment. I will permit the possibility of parole at the earliest opportunity given your age, and the absence of any suggestion of further offending over the last nearly two decades. I intend to sentence these crimes separately to reflect the fact they are distinct episodes of criminal conduct, and acknowledge the separate harm caused to each complainant. The sentences will be cumulative to each other thus I bear in mind considerations of totality. In respect to count 1 on the indictment, the crime of indecent assault, you are sentenced to imprisonment for 14 months. You are not eligible for parole until you have served one half of that sentence. In respect to count 3 on the indictment, the crime of persistent sexual abuse of a young person you are sentenced to imprisonment for a period of three years and four months' imprisonment. You are not eligible for parole until you have served one half of that sentence of imprisonment.

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

- (a) The total term of imprisonment to which you are liable in respect to the above sentences is four years and six months commencing on 13 March 2026
- (b) The total period that you must serve before you become eligible for parole is the aggregate of the non-parole periods imposed in respect to each sentence which is a total period of two years' and three months' commencing 13 March 2026.

I am required to make an order under the *Community Protection Offender Reporting Act* 2005 unless I am satisfied that you do not pose a risk of committing a reportable offence in the future. Having regard to the circumstances of this case I am not satisfied of that matter and accordingly must make an order. I order that your name be placed on the register pursuant to that Act and that you comply with the reporting obligations under the Act for a period of ten years. Such period is to commence on the date you are released from prison.