

Scott Connell, you were found guilty by a jury of two counts of rape. It is my responsibility to determine the factual basis on which you are to be sentenced, but my findings must be consistent with the verdicts. Although, for each count, every element of the crime was to be proved by the prosecution, the principal issue was the identity of the offender. It follows from the verdicts that the jury was satisfied beyond reasonable doubt that you were the person responsible.

Both crimes were committed in 2018 when you were 18. The circumstances of each crime were similar. The first crime was committed on or about 31 July of that year against a girl who, to protect her identity, I will refer to as AB. She was 15. She attended the same high school as you although you had left after completing grade 10 at the end of 2016. You became friends on Snapchat. She learned that you were also a cannabis user and, after a time, you arranged to meet. You picked her up from her home and drove to a location where you both smoked cannabis. She was strongly affected by the drug and suggested that you drive her to your home. She fell asleep on your bed. She woke to find that the button and zip of her jeans were undone and you had your hand inside her underwear. Your fingers penetrated her vagina. She asked you to stop and you did so. She said that she wanted to go home. You drove her towards her home but instead parked in a carpark of a sports ground nearby. She became scared, left the car and walked home. It is not submitted by the State that anything which happened after the rape aggravated the seriousness of it.

The second crime was committed about three months later on 6 October 2018. The victim was another 15 year old girl I will call CD. CD did not know AB. At that time CD lived with her friend and her friend's mother. She became friends with you on Snapchat and on Facebook. She did not meet you in person until, after exchanging messages with you for some time, she invited you to her home. You attended with an acquaintance of yours. You and your friend and the two girls were in a bedroom socialising and smoking cannabis. You asked CD to show you where the toilet was. When you were both out of the room you kissed her, then put your hand down the front of her leggings, moved her underwear, rubbed the outside of her vagina and then penetrated her vagina with your finger. She told you to stop and you took your hand from her pants. She attempted to walk back to her friend's bedroom, but on the way you attempted to manoeuvre her into her own room. She resisted and avoided you and returned to her friend. You left soon afterwards.

Both AB and CD spoke to the police. In AB's case she, within a few days, took herself to the police station. She gave an incomplete account of what had occurred but decided to not make a formal complaint at that time. In CD's case, she rang her mother after the assault and her mother called the police. CD also gave an incomplete account and decided against a formal complaint.

It was not until 2022 that AB again approached the police. This time she made a full statement. That complaint prompted a further approach to CD who also made a full statement in 2022.

You are now aged 26. At the time that these crimes were committed you were 18. You had no prior convictions at all and there have been no relevant convictions in the period of about eight years since the crimes were committed. You grew up in Launceston. After leaving school in grade 10 you worked as a driver in your father's business until it was sold last year. Because of the possible result of these proceedings you have not sought other employment. You still live

with your family. You were first made aware of these allegations in 2022 and you have been awaiting a trial since then.

None of the aggravating factors specified in the *Sentencing Act*, s 11A, apply here. There were no threats or violence, although some degree of physical pressure was involved in the crime against CD. It is not contended that the reason you supplied cannabis was to facilitate these crimes. Both girls were cannabis users. The sharing of cannabis may have been the reason you were together, but you took advantage of the opportunity that presented. In both cases the penetration must have been for a relatively short period. You stopped when AB told you to do so. CD managed to extract herself from your advance despite the physical pressure to which I referred. There was no risk of pregnancy and lower risk of transmission of communicable disease. Your crimes are to be distinguished from crimes in which sexual intercourse was more prolonged and continued despite expressions of the absence of consent or resistance. I think that both girls were likely of lesser maturity and life experience than you, but the age disparity was not considerable. You are not entitled to the mitigation a plea of guilty would have attracted. Both complainants were required to give evidence. There was some challenge to the accounts they gave, but I accept that the challenge was principally to facts concerning the identity of the perpetrator, rather than to their account of the sexual acts perpetrated against them.

Although you were an adult when the crimes were committed, and are to be sentenced as an adult, the sentencing principles which apply to youthful offenders apply to you. Allowance is to be made for the possibility that your immaturity made you, at that time, more prone to lack of judgment and self-control. For young offenders rehabilitation is to be given greater prominence. However, the weight to be attached to youth correspondingly decreases as the seriousness of the crime increases. Rape is an inherently serious crime. Any act of non-consensual penetration constitutes invasion of the bodily integrity of the victim and is thus objectively serious, irrespective of the form and the extent of the penetration. It involves the physical, emotional and psychological degradation of victims. My duty is to impose a sentence which reflects the need for punishment, denunciation and retribution, provides the victims with appropriate vindication and protects the public. As far as a court can achieve, the sentence must deter others from similar conduct by making clear to potential offenders that committing the crime of rape will result in harsh punishment. There is a particular need for courts to demonstrate, especially to young men, that there will be criminal responsibility and punishment for sexual acts of this nature performed without consent.

You are to be sentenced for two crimes. There are two victims. Although I will impose one sentence, the individual interests of, and impact on, each victim must be recognised and reflected in the sentence. In both cases there was not only no consent, but no possibility of any mistake about the absence of consent. The first victim was asleep when the penetration commenced. In the case of the second, you urged yourself upon her without any regard to consent. That crime involved an element of a planned sexual advance, after you had already committed the first crime. Both gave victim impact statements which outlined the type of psychological impact which may be expected to result. For both, there may be other factors at play. However an offender is responsible for the foreseeable consequences of a crime, including that the impact may be contributed to by factors individual to a particular victim.

I was asked to consider an order which included home detention so as to avoid an immediate term of imprisonment. I have concluded that the crimes are too serious. I think that the chance of you re-offending is modest but the nature of this crime is such that I cannot be satisfied that there is no material risk.

Scott Connell, you are convicted on each count. I make an order under the *Community Protection (Offender Reporting) Act 2005* directing that the Registrar cause your name to be placed on the Register and that you comply with the reporting obligations under that Act for a period three years from your release. You are sentenced to imprisonment for two and a half years from today. I order that you not be eligible for parole until having served half of that term.

3 July 2026: Correction of Sentencing Comments.

When handing down sentence on 2 July 2026 I overlooked the obligation in the *Sentencing Act*, s 11(3), to identify the sentence that would have been imposed for each count, had separate sentences been imposed. For count 1, I would have imposed a term of imprisonment of 21 months. For count 2, I would have imposed a term of imprisonment of two years. The single sentence was arrived at after allowing for totality and proportionality.