

***R v Rose* [2018] ACTSC 237 (23 May 2018) – Australian Capital Territory Supreme Court**

‘Arson’ – ‘Damaging property’ – ‘Factors affecting risk’ – ‘Sentencing’

Charges: Aiding and abetting the commission of an offence - caused damage to two vehicles by fire and intended to cause, or was reckless about causing damage to the vehicles.

Proceeding type: Sentencing.

Facts: The offender aided and abetted the co-offender to set fire to his former partner’s car using accelerant, which caused the destruction of the vehicle. As a result, an adjacent vehicle also caught fire and suffered damage.

Issues: Burns J determined the appropriate sentence for the offender.

Decision and reasoning: In determining the sentence, the Court took into account the age of the offender (19 years old), the fact that he had no previous convictions, his attempt to contact the owners of the vehicle to apologise for his actions, the contents of the Pre-Sentence Report (which revealed that he had continued family support and a positive peer network), the fact that he was in stable employment and that he was considered to be at low risk of re-offending. His Honour also took into account the offender’s plea of guilty, albeit that it was not entered at the earliest opportunity. These matters were relevant to a finding that he had good prospects for rehabilitation ([10]). A sentence of imprisonment should only be imposed as a last resort, and accordingly, the Court ordered a Good Behaviour Order for a period of 12 months and recorded a conviction. He was also required to complete 150 hours of community service and accept supervision of ACT Corrective Services for that period.