

RSB:SND

335/13

IN THE DISTRICT COURT
OF NEW SOUTH WALES
CRIMINAL JURISDICTION

5 JUDGE BERMAN SC

NEWCASTLE: THURSDAY 31 JANUARY 2013

10 **2011/132578 - Steven Andrew LARKINS v R**
2011/280597 - Steven Andrew LARKINS v R

Mr J Booth for the Appellant
Mr C Watsford for the Crown

15 ---

HIS HONOUR: Now, I see there are other matters. Mr Booth, which one is yours?

20 BOOTH: The matter of Larkins, your Honour, it's a severity appeal.

HIS HONOUR: Severity appeal, is it?

25 BOOTH: Yes, your Honour.

MATTER INTERPOSED

HIS HONOUR: Mr Booth, how long is your matter going to take?

30 BOOTH: Thirty minutes.

HIS HONOUR: Thirty? It's a fat file, but I presume I don't have to read all of it.

35 BOOTH: No, your Honour.

MATTER INTERPOSED

HIS HONOUR: Is your client in custody, Mr Booth?

40 BOOTH: No, your Honour, he's at the back of the court. He'll come forward now.

HIS HONOUR: Would you prefer him to sit closer to you so that--

45 BOOTH: If that's convenient, your Honour, yes.

HIS HONOUR: Certainly. Mr Crown?

50 WATSFORD: Yes, your Honour, I can tender the crown case in the matter. There's a tabulated brief. It's a thick document as your Honour already knows,

RSB:SND

335/13

but--

HIS HONOUR: Have you seen that, Mr Booth?

5 BOOTH: I'm sorry, your Honour?

HIS HONOUR: Seen all that material?

BOOTH: Yes, I have.

10

EXHIBIT #1 CROWN BRIEF TENDERED, ADMITTED WITHOUT
OBJECTION

15 HIS HONOUR: Mr Crown, what is the overall sentence? Just save me going
through all the commencement dates.

WATSFORD: Yes, the overall sentence is a non-parole period of 19 months
as I have it.

20 HIS HONOUR: Nineteen?

WATSFORD: Nineteen.

25 BOOTH: Yes, nineteen months, your Honour, with a head sentence--

WATSFORD: Total sentence of 22 months.

BOOTH: I agree with that, your Honour.

30 HIS HONOUR: Twenty-two months and what's that as a ratio?

BOOTH: That's not to the normal. The normal would be sixteen and a half
non-parole, your Honour, so that ratio would be much higher.

35 HIS HONOUR: 0.86. Eight-six per cent. And you say 16 and a half months
would be 75, is that right?

BOOTH: Yes, your Honour.

40 HIS HONOUR: All right, let me just have a look. Mr Crown, I'm only on page
2 of the bundle that you've given me. Matter number 6, potentially make false
statement or statutory declaration, there's two asterisks that say the execution
of sentence is partially suspended.

45 WATSFORD: That's right.

HIS HONOUR: How does that happen when he's serving a full-time
sentence?

50 WATSFORD: Yes, well, that's right. I understand - my understanding of the

RSB:SND

335/13

reading of it is that it's a commonwealth offence where it's brought under the - there is provision I think in the - the name of it escapes me at the moment. There's a commonwealth - just let me read it again, sorry, your Honour. I did have a look at this before.

5

HIS HONOUR: So you can do it, can you?

10 WATSFORD: Yes, well, I actually discussed it with a fellow solicitor in our office to clarify it because I hadn't seen it before and it raised my eyebrows when I saw it, but apparently it can be done.

HIS HONOUR: Can be done, righto, okay.

15 BOOTH: It would appear that date is also wrong if your Honour pleases, if it's the same as my document. The non-parole period of nine months expires before it began. It should be 2013.

WATSFORD: Should be thirteen.

20 HIS HONOUR: 30 April 2013.

BOOTH: Yes, your Honour.

WATSFORD: Yes.

25

HIS HONOUR: Righto, okay. So, Mr Crown, I'm up to tab 3, statement of facts in relation to charges that don't appear to be the subject of appeal, is--

30 WATSFORD: That's right. Those facts as part of the tender bundle that were provided, but the facts that relate to the appeal are at tab 4.

HIS HONOUR: So what's the relevance of the facts at tab 3? How do they fit into the picture?

35 WATSFORD: I think perhaps it was included--

HIS HONOUR: Was he acquitted of them or--

WATSFORD: No, no.

40

HIS HONOUR: He was convicted?

WATSFORD: Convicted.

45 HIS HONOUR: And what sentence was imposed?

WATSFORD: Your Honour--

BOOTH: A section 9 bond.

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RSB:SND

335/13

HIS HONOUR: Okay, thank you. Right, which isn't the subject of appeal.

BOOTH: No, your Honour.

5 HIS HONOUR: Right, okay, I'll keep going. Mr Crown, so the cover sheet has offences listed 1 to 8 then the facts behind tab 4 has offences 1 to 19.

WATSFORD: That's right.

10 HIS HONOUR: How do they relate to the 1 to 8 on the cover sheet?

WATSFORD: A number of those offences were withdrawn. There's a facts sheet that I have at tab 4--

15 HIS HONOUR: Well, look, offence 1 in the facts sheet, is that offence 1 on the cover sheet?

WATSFORD: Yes, your Honour.

20 HIS HONOUR: What about offence 2, is that the same as offence 2?

WATSFORD: Yes, your Honour.

HIS HONOUR: Offence 3?

25

WATSFORD: Yes, your Honour.

HIS HONOUR: Offence 7, is that what led to the section 9 bond?

30 WATSFORD: Yes, and - yes, that's right, your Honour.

HIS HONOUR: Right. Offence 9, what's that on the cover sheet?

WATSFORD: Yes, offence 9 and 10--

35

HIS HONOUR: Are they 5 and 6?

WATSFORD: Excuse me, your Honour. Yes, 4 and 5.

40 HIS HONOUR: Four and five, all right. Okay, just a sec.

WATSFORD: And, yes, offence 6 is--

HIS HONOUR: Hold on. Hold on. Just a sec.

45

WATSFORD: Sorry, your Honour.

HIS HONOUR: So he got concurrent sentences.

50 WATSFORD: Yes, your Honour.

.31/01/13

4

RSB:SND

335/13

HIS HONOUR: Of 18 months with 12 months non-parole period. Thank you.
The offence 13?

5

WATSFORD: Relates to offence 6 on the cover sheet.

HIS HONOUR: That was the commonwealth one.

WATSFORD: That's the commonwealth one. And offence--

10 HIS HONOUR: Hold on. What's the effect of that order? It says here the
execution of sentence is partially suspended. After what?

WATSFORD: Excuse me, your Honour.

15 HIS HONOUR: Well, let's come back to that. You can sort that out while I'm
reading further, but offences 7 and 8 on the cover sheet?

WATSFORD: Well, offence 7 relates to offence 18 on the facts sheet.

20 HIS HONOUR: And he got for that the same sentence as before.

WATSFORD: Yes.

25 HIS HONOUR: Same commencement date. Right. But what about offence 8
on the cover sheet, where do I find--

WATSFORD: Offence 8 on the cover sheet, then there is a separate facts
sheet that was tendered in the Local Court.

30 HIS HONOUR: Where's that?

35 WATSFORD: I'll find that for you. It's under tab 4, but your Honour will have
to flick through a further facts sheet and some court attendance notices in the
format used by the police and then you come to another Word document. To
show your Honour, I can show you on my file if it assists what you should be
looking for.

40 HIS HONOUR: Well, there's nothing else - ah, here we are. There's
something behind--

WATSFORD: That's the beginning of the--

HIS HONOUR: All right, you can find that for me.

45 WATSFORD: Yes, your Honour. I'll hand that up.

HIS HONOUR: Thank you. So those facts that you've just tabbed for me, Mr
Crown, led to 12 months with a nine months non-parole period?

50 WATSFORD: Yes, your Honour. They relate to, as your Honour has already

RSB:SND

335/13

seen, offence 8 on the cover page.

HIS HONOUR: Yes, and how many videos were there?

5 WATSFORD: Forty-seven seems to ring a bell.

BOOTH: Some duplication.

WATSFORD: Some duplication, yes.

10

HIS HONOUR: Okay.

BOOTH: It came down to approximately 20 something. Twenty-seven.

15 HIS HONOUR: So the structure of the sentences is this, is it, that he serves imprisonment for the use false document offences and the child pornography offences commence ten months after that? Is that right?

WATSFORD: Yes.

20

HIS HONOUR: So the punishment - the effective punishment he gets for the fraud type offences is ten months and then he's punished in addition by a further nine months non-parole for the child pornography matters. Is that right?

25

WATSFORD: That's right.

HIS HONOUR: And his sentence for the child pornography matters involving The Simpsons cartoons is the same as the sentence for the child pornography involving large numbers of real live human beings.

30

WATSFORD: That would appear to be the case your Honour.

HIS HONOUR: Right, well Mr Booth, I tend to think the sentences for the Simpsons once are a tad high. On the other hand, I tend to think that the sentence for the remaining child pornography matter will be a tad low. That's my current thinking and you can take it from there.

35

BOOTH: Your Honour seems to focus more on what might be described as the more serious end of the spectrum of these offences, if I may--

40

HIS HONOUR: That's right. The Simpsons cartoon matters don't involve real live victims.

45 BOOTH: No. The--

HIS HONOUR: Is one of those cases that I've been given, Justice Adams' case where he looked at the Simpsons cartoons? There was an issue as to whether they were child pornography at one stage. Justice Adams found they were.

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RSB:SND

335/13

BOOTH: I think they've added an extra scale on this--

HIS HONOUR: Have they, okay. Anyway Mr Booth, what do you want to say then?

5

BOOTH: They added a number 6 on the child exploitation tracking scheme to allow for animation cartoons.

HIS HONOUR: Yes.

10

BOOTH: Or CGI, whatever that is your Honour, depicting animations.

HIS HONOUR: Yes.

15

BOOTH: Your Honour we have an affirmative case in particular. Your Honour has before you the pre-sentence report in respect of the work he's done and also an assessment as to his risk. But he has been attending the services of a sexologist, Ms Vanessa Thompson and I have a report dated 27 January 2013. I'd like to tender that if your Honour pleases. It's an update of a report

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HIS HONOUR: Thank you.

BOOTH: Does your Honour wish to read that first?

25

HIS HONOUR: Yes, I will, thank you. Thank you, I've read that.

BOOTH: Your Honour, referred to in the pre-sentence report is some - is a reference by the reporter as to the offender's medical conditions. If I could provide a document, two documents, which refers to his current care. It details his conditions but there is no author, if your Honour pleases. My instructions are it was printed out by his doctor. I've made the document available, the documents available. He also indicates the - I am instructed, although it's not recognisable on the face of the document that it came from his general practitioner, Dr Balaz.

30

35

HIS HONOUR: Thank you.

BOOTH: B-A-L-A-Z, and was prepared for this proceedings. I can't indicate what URTI, U-R-T-I, is.

40

HIS HONOUR: Upper respiratory tract infection.

BOOTH: Thank you.

45

HIS HONOUR: Well Mr Booth, all the medication, what's it for? High blood pressure, I can see. The Warfarin is probably because he's got a DVT risk, but I don't know what the rest of them are.

50

BOOTH: No. It doesn't - it only, in terms of the pre-sentence report, there's

RSB:SND

335/13

some reference to him having medical problems. It would be in our submission somewhat more difficult for him, in custody. He's going to need these prescriptions.

5 HIS HONOUR: Yes.

BOOTH: He's going to need some careful monitoring. He's not a completely well man.

10 HIS HONOUR: No.

BOOTH: He's not of a tender age. It will be an intense environment for him to endure for up to 19 months.

15 HIS HONOUR: Mm hmm.

BOOTH: Your Honour I have some testimonials if I may--

HIS HONOUR: Yes.

20

BOOTH: I have some testimonials, if it's convenient I'll tender them.

HIS HONOUR: Yes, sure.

25 BOOTH: The first is prepared by Mr Warren Mayers, M-A-Y-E-R-S. It's dated 14 November 2012. There is one prepared by Mr Tim Conaghan, C-O-N-A-G-H-A-N, it's dated November 10 2012. Mr Glen Dowling, D-O-W-L-I-N-G, dated 13 November 2012. There is a statement prepared or testimonial rather, prepared by Donna Maree Morris, M-O-R-R-I-S, dated 30 January 2013. And
30 finally the defendant's mother, Elaine Larkins, has prepared a document, undated, but obviously for today's hearing.

WATSFORD: No objection to those.

35 EXHIBIT #C TESTIMONIALS TENDERED, ADMITTED WITHOUT OBJECTION

HIS HONOUR: I've read that.

40 BOOTH: Your Honour, we would submit that the two types of offences can be divided into the swear false statutory declaration and its follow-up of make and use the false documents to obtain financial advantage on one hand, and the child pornography offences on the other.

45 HIS HONOUR: Can you just explain something to me that I'm not entirely clear about yet? He, looking at the facts for the - I'll call them the fraud ones, he's created a document has he?

BOOTH: Yes.

50 HIS HONOUR: Which falsely says he's got no criminal history?

RSB:SND

335/13

BOOTH: Essentially.

HIS HONOUR: Am I right so far?

5 BOOTH: He's created - the document was created essentially to remove any problem the criminal history would have.

HIS HONOUR: And what was his criminal history for? What was he hiding?

10 BOOTH: As I understand it there was a charge but it wasn't proceeded with. I have that wrong. There was an AVO that could have been connected to a charge but was never particularly charged. It was never served on any originating process. He was interviewed however. In April of 2011 he made that false document which was essentially a clearance notice. Clearance
15 notice as I understand it to the public. No charge paperwork was ever served on him.

HIS HONOUR: But then later on he's made this false statement and a statutory declaration saying--

20

BOOTH: If I may just interrupt that appears in his antecedent criminal history your Honour as an aggravated indecent assault, summons not issued, no action taken.

25 HIS HONOUR: But then we get to the stat dec matter. He said - what - maybe I'll ask the crown. Mr Crown, looking at offence 13 in those facts, what was false about what the appellant said? Was he employed as a manager for Hunter Aboriginal Children's Services?

30 WATSFORD: Yes.

BOOTH: Yes, I can assist if your Honour pleases.

HIS HONOUR: Yes, okay. What's the false statements?

35

BOOTH: That he had no contact with children.

WATSFORD: That's right.

40 BOOTH: He was a manager.

HIS HONOUR: Right.

45 BOOTH: He was employed as the Manager for Hunter Aboriginal Children's Services. In that role he had, "overall daily management of the office" and because of that role he did not have "a caseload". However, he did sometimes depart from his insular role of manager and he became, on occasions, involved or he strayed, if that's the correct word, into the arena of work that did involve direct contact with some children.

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RSB:SND

335/13

HIS HONOUR: Well how does telling DOCS that you have a job where you don't have contact with children, get you a clearance to work unsupervised with children, which is what the facts say?

5 BOOTH: Perhaps if I could have a moment your Honour. As I understand it the clearance related to his criminal history, not to the working with children.

10 HIS HONOUR: Well just looking at the facts, the police will allege this statutory declaration is false and Larkins intended no defrauding DOCS by providing this false misleading statement in order to obtain a clearance to work unsupervised with children. How does saying to DOCS, "I don't work with children", get a clearance to work unsupervised with children?

15 WATSFORD: Assist on this basis your Honour, that I have the benefit of having the informant in here in court with me today. The reason is that what the police allege is that the reason the stat dec was made by Mr Larkins was in response to a letter that the crown alleges he received from DOCS indicating that he had a medium risk. I have that letter here.

20 HIS HONOUR: Medium risk of what?

WATSFORD: A risk in terms of his ability or being allowed to work directly with children. I've got that document here.

25 HIS HONOUR: Because of what?

WATSFORD: Because of a risk assessment undertaken by DOCS.

30 HIS HONOUR: And why did - what, in that risk assessment, led them to think he was a medium risk of doing something, which I'm not quite sure what it is, in relation to children?

WATSFORD: We'll have the document provided your Honour.

35 HIS HONOUR: No, I don't want the document. I want someone to explain to me what these facts mean. This is what was put before the magistrate. I need to be told how it is that telling someone, "I don't work with children", can be said to be a statement made with the intention to getting a clearance to work with children.

40 BOOTH: This was to maintain his employment with the existing matter on his record. If he could say that he didn't work with children, he could maintain his employment. He could be cleared, as it were, to work--

45 HIS HONOUR: Why was he going to lose his employment if he worked with children?

BOOTH: Sorry?

50 HIS HONOUR: Why was he going to lose his employment if he worked with

RSB:SND

335/13

children?

BOOTH: Because of the previous -he wouldn't get the clearance because of a previous matter.

5

HIS HONOUR: Had the previous matter come to light?

BOOTH: Yes, sorry.

10 HIS HONOUR: No, no, it's not your fault. So what you're saying is contrary to what the crown says in this statement of facts. You're saying the purpose was not to work with children.

BOOTH: No.

15

HIS HONOUR: But just to keep working.

BOOTH: That's right. Given the current position.

20 HIS HONOUR: So he wasn't seeking, as the crown says, to get a clearance to work unsupervised with children. He just wanted to keep his job?

BOOTH: Yes. Which was managerial 99 per cent of the time.

25 HIS HONOUR: Right.

BOOTH: But he did--

30 HIS HONOUR: When I say just wanted to keep his job, I'm not trying to minimise the criminality involved in what he did.

BOOTH: No, but he did sometimes stray into--

35 HIS HONOUR: But there's no relationship, that's what I'm really getting to. Your client's got child pornography charges.

BOOTH: Yes.

40 HIS HONOUR: There's no relationship between him trying to work unsupervised with children and the child pornography charges, are there? They're separate acts of criminality--

BOOTH: Yes they are.

45 HIS HONOUR: A suspicious person might think that there's some connection, but nothing has been suggested by the crown, that I can that I can see. Okay.

BOOTH: They're coincidental.

50 HIS HONOUR: So let me just go through his forgery. He's got a matter on his

RSB:SND

335/13

criminal history that he doesn't want to tell people about because he may not get a job.

BOOTH: Yes.

5

HIS HONOUR: So he forges the document in what's called offence 10. Sorry, he makes the document offence 9, he uses it offence 10, he then makes a false statement and statutory declaration.

10 BOOTH: When it comes to light.

HIS HONOUR: Which is the one we've been discussing. And then he does a similar thing by writing this letter purporting to come from Mr Zeniol.

15 BOOTH: Yes.

HIS HONOUR: And they're all to keep his job.

BOOTH: Yes.

20

HIS HONOUR: All to get his job and then keep it.

BOOTH: And then keep his job.

25 HIS HONOUR: Right, okay, right. Thank you. Mr Booth? So what's wrong with the sentences?

BOOTH: Well for example your Honour, we would submit that in relation to what is on the appeal list number 6, and in the fax number 13, the swearing false declaration.

30

HIS HONOUR: Yes.

BOOTH: Entirely what your Honour has been alluding to, this mischief, the falsity was that he did have some responsible contact, on occasions, with children. His motivation--

35

HIS HONOUR: The falsity is he got a job he shouldn't have got.

40 BOOTH: Possibly, or it should have been at least brought to light and assessed on its merits as--

HIS HONOUR: Well that was his intention. His intention was to get a job by telling a lie.

45

BOOTH: His intention was to secure and maintain his employment for the money and the prestige of the job.

HIS HONOUR: Yes.

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RSB:SND

335/13

BOOTH: There's no evidence that he did a bad job. There's no breach of trust with respect to any child.

5 HIS HONOUR: No, but he's charged with a fraud offence, which is obtaining a financial advantage, his pay every fortnight, that he wouldn't have got.

BOOTH: That's right.

10 HIS HONOUR: Well why isn't it a serious offence?

BOOTH: But he already had the job at that point.

HIS HONOUR: Well.

15 BOOTH: It was to maintain his employment.

HIS HONOUR: Okay, why isn't that a serious offence?

20 BOOTH: Well your Honour, it's a fiscal wrong. There's no evidence that he didn't provide value to--

25 HIS HONOUR: But we rely on the - we can't go - not an employer, but employers can't go around checking every piece of paper that's presented to them in a job application. We rely on the honesty of people that apply for jobs and then want to keep them.

BOOTH: Yes, but does the punishment of incarceration, the total of which is quite significant--

30 HIS HONOUR: Well he's getting an extra ten months, we worked out, for the fraud offences, four of them.

35 BOOTH: For this man in his circumstances, in his subjective circumstances and at his age, is it appropriate to be sent to gaol? In particular, the statistics in relation to this that were provided to the magistrate shows that pursuant to the charge under 21B of the Crimes Act, of the Commonwealth 1914, no person has been sentenced to full-time custody for a breach of that provision.

40 HIS HONOUR: Yes, well what do the statistics show for the state offence, a forgery?

45 BOOTH: There has been, I think, in relation to the State offence, there are 26 cases only, eight per cent have been sentenced to full-time custody for an offence under s 253(b)(ii) and under 254(b)(ii) 12 per cent.

HIS HONOUR: Mm hmm.

50 BOOTH: If gaol was the last resort, is it appropriate? We would be asking your Honour, when we're dealing with essentially, not child protection considerations, but physical considerations, and there is no evidence that

RSB:SND

335/13

there's been any effect of this light on his actual work. So the damage to the Hunter Aboriginal Children's Services was very slight. They got their value for money. He just told a lie to get the job and maintain it. We would ask your Honour that maybe a suspended sentence would be in order.

5

HIS HONOUR: Well I can't impose a suspended sentence if he's got full-time imprisonment for the last matter on the crown's summary.

BOOTH: That's what I'm going to ask you to consider. If that is the--

10

HIS HONOUR: What, for possessing child pornography a suspended sentence?

BOOTH: That's what I was going to ask you to consider.

15

HIS HONOUR: Okay, well tell me why I should do that.

BOOTH: In fact I was going to ask you to not interrupt any of the sentences, but make them all suspended.

20

HIS HONOUR: Right.

BOOTH: The child pornography, on the iPhone there's nearly a hundred - you were concerned mostly with the USB, with the USB.

25

HIS HONOUR: Look let's start with a more serious one. Forget about the Simpsons.

BOOTH: All right, there are 45 video images and there are people on the set scale between two and four. They're mostly pubescent boys. There is some doubling up of those videos. Less than 45. They are mostly pubescent boys. There are very few images really. There's no evidence to sell or distribute. There is no evidence that he is trying to obtain financial gain by the dissemination of this material. Now that in itself.

35

HIS HONOUR: They're other offences.

BOOTH: Yes, it only aggravates too, but in my submission your Honour, if one looks at his life through the pre-sentence report. If one looks at the work he's done since that - since the matters have come to light and he's been dealt with by the courts, we would submit that the likelihood of him reoffending and his rehabilitation prospects would bear on the sentence now before this court. Your Honour would also be aware, perhaps through the documentation that there is significant extracurial punishment involved.

45

He's been ostracised by his own tight knit community. The publicity - there are members of the Fifth Estate in court today. He instructs me that the threat of gaol, has a very significant effect on him. He's lost his employment, as the pre-sentence report indicates. He's lost, for quite some considerable time, his permanent residence, he's now re-established that. He has been ostracised.

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RSB:SND

335/13

He has family issues. REDACTED

REDACTED both of whom have had significant problems because of this.

5 Now obviously, there's been an enormous impact on him and his family. The likelihood of him reoffending, he's not a person that your Honour would have seen on numerous occasions. He's only half heartedly embraced the rehabilitation that was offered to him. He has embraced, dealing with the issues, by receiving treatment through a registered and reliable sexologist and
10 through psychiatrists, he's prepared to do anything in order to not re-offend. He has demonstrated that, in our submissions, and through the tenor of the pre-sentence report you might well feel that that has been accepted by the probation officer.

15 In our submission your Honour the Sword of Damocles would be a better way of protecting the community than actually sending this man go gaol for 45 images, if we have decided that that is the most severe end of, in terms of gravamen of all of these offences. At this point, and having had these matters before the court for so long, and this generalised and complete destruction of
20 his life, would it be appropriate not to, in our submission we would ask your Honour to consider suspending the sentences, but keeping the terms, that he understands completely. I mean one then could make it conditional upon him continuing with what the probation officer described as appropriate further treatment in her report, if he is not in custody. And your Honour would see that
25 that is in the supplementary report made available to the court under the Corrective Services of New South Wales Community based offender treatment program. He has consented to that referral. Your Honour would be, in our submission, justified in accepting that he would attend and compete. He's doe a lot of work basically since these matters . He's come to an understanding.
30 He has suffered in a any event. He has the potential of going to gaol if he makes any breach of the trust that your Honour would place in him. Pardon me a minute your Honour. I have nothing further your Honour.

35 HIS HONOUR: Thank you. Mr Crown, I only want to hear you in relation to the child pornography charges that concern The Simpsons cartoon characters.

WATSFORD: Yes your Honour.

40 HIS HONOUR: And the question as to whether a variation in the overall sentence, such as to restore the statutory ratio would be appropriate. So they're the only two issues I want to hear from you about.

45 WATSFORD: Your Honour, I hear what your Honour says. There's not really anything I would say in relation to that.

HIS HONOUR: Okay, thank you.

BOOTH: Excuse me your Honour.

50 HIS HONOUR: Yes.

RSB:SND

335/13

BOOTH: If your Honour's minded to - if your Honour's against me, would your Honour consider the issue of special circumstances?

HIS HONOUR: You'd better make some submissions about that.

5

BOOTH: Yes. Considering his age, his vulnerability, his first time in custody. The medical issues that I can't provide more about that at this time, but there are obviously significant medical issues.

10 HIS HONOUR: Okay, thank you. Just help me out Mr Crown. The last expiring sentence is the child pornography sentence, isn't it?

WATSFORD: Yes, the--

15 HIS HONOUR: And it--

WATSFORD: That's right, 30 May 2014, head sentence.

HIS HONOUR: I see, sorry, okay.

20

FOR JUDGMENT SEE SEPARATE TRANSCRIPT