**ANONYMISED AND ADAPTED FOR EDUCATIONAL PURPOSES**

**IN THE COUNTY COURT OF VICTORIA**

**AT MELBOURNE**

**BETWEEN:**

 **THE QUEEN**

 **-and-**

 **LUCAS HORDERN**

 **SUBMISSIONS ON SENTENCE**

1. **Offending, context and disposition**

* 1. Lucas Hordern is a man in his 50’s who has collected and restored current and antique firearms his entire adult life. He was not at the relevant time a prohibited person.[[1]](#footnote-1)
	2. He is an accredited Range officer. Mr Hordern was relevantly licensed to possess general category and most other firearms. He shoots competitively and, before he was charged, regularly attended shooting ranges.
	3. To say that firearms, competitive shooting and hunting are his hobbies is an understatement. They have been his life’s passion. It is in that context that his offending must, it is submitted, be viewed and weighed. He has for decades collected, restored, used and stored firearms without blemish or incident.

1.5 Mr Hordern’s offending, in the circumstances, falls well short of rendering it necessary that he receive – nor should he attract from the Court – the disposition of last resort.

**2. The intuitive synthesis and features in mitigation**

2.1 Mr Hordern is further able to call in aid of his plight:

* his early guilty plea;
* remorse and his self-castigation;
* his shame;
* his insight into the seriousness of his offending and to its implications for his family and the wider community;
* that he comes before the court a mature man without any criminal history;
* his otherwise good character and reputation among his peers;
* his impressive work history; and
* his excellent prospects.

2.2 When Mr Hordern is found guilty of the offences with which he is charged, he will become a ‘prohibited person’ for a period of at least 12 months.[[2]](#footnote-2) He has already had suspended his firearms licenses since February 2016. For a man who has made firearms and firearms-related activities his life’s pursuit, and the source of (practically) his entire social network, it is a considerable punishment.

2.3 Were Mr Hordern to be sentenced to serve a Community Corrections Order with a supervision component – the disposition that would *ordinarily have been advanced* on his behalf as appropriate – he will by operation of law become a ‘prohibited person’ for a period of five (5) years, commencing *upon the expiration* of that Order;[[3]](#footnote-3)

2.4 For Mr Hordern, and his special circumstances, that disposition would carry with it too stern a punitive element.

2.5 It is not, it is submitted, necessary that he Mr Hordern be sentenced to gaol. And it is not necessary – indeed, it would be counterproductive – were he to be given a disposition that would render him a ‘prohibited person’ for a period exceeding the mandatory 12 months.

**Counsel for Mr. Hordern**

1. The fact that Mr Hordern is not or was not a prohibited person has made finding ‘comparable cases’ – especially at the intermediate appellate level – all-but impossible. So too have Mr Hordern almost unique circumstances. [↑](#footnote-ref-1)
2. See ‘prohibited person’ as defined in the *Firearms Act 1996*, section 3(1)(d) [↑](#footnote-ref-2)
3. *Firearms Act 1996*, section 3(1)(c)(iia) [↑](#footnote-ref-3)