**ANONYMISED AND ADAPTED FOR EDUCATIONAL PURPOSES**

**DPP -v- Lucas Hordern**

**SUMMARY OF PROSECUTION OPENING ON PLEA**

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| --- | --- |
| Date of document: |  |
| Filed on behalf of: | Prosecution |
| Filed by:  Solicitor for the Office of Public Prosecutions,  565 Lonsdale Street,  Melbourne Vic. 3000. | Solicitor’s Code:  Reference:  Telephone:  Email: |

## Charges

1. Lucas Hordern is charged with 8 offences under the Firearms Act 1996 (6 indictment charges; 2 related summary offences). The subject of the charges are items police found in a search pursuant to a warrant at Hordern’s residence.

## Background

1. In 2015 police commenced an investigation into a group that trafficked and manufactured drugs. The investigation was extensive and included telephone intercepts.

## Offending

1. In 2016 police executed a search warrant at Hordern’s residence. Police found -
   1. 52 firearms. Hordern -
      1. was licensed for 43 firearms. 38 of those firearms were located at the property. 5 firearms were missing and have not as yet been surrendered to police.
      2. Hordern was not authorised to be in possession of the balance of the 14 other firearms that police located. Those firearms are the subject of the indictment charges. Seven firearms did not have serial numbers.
   2. 15 home made silencers. Hordern did not hold a permit for silencers ***– Related summary offence: charge 3***.
   3. over 17,500 rounds of cartridge ammunition. The majority were not stored in a secure manner. Hordern as a licence holder was required to store ammunition in a locked container[[1]](#footnote-1). Ammunition was found in boxes, shelves and on tables. ***Related summary offence: charge 4***.
2. In his police interview Hordern made “no comment” to questions concerning firearms and ammunition found in his residence.
3. Hordern’s firearms licences were suspended.

## Plea indication

1. Hordern’s contested committal with others who were facing charges as a result of the investigation commenced in 2017. The others were charged with drug offences. Hordern’s charges resolved as a plea that day. In July 2017 the defence made an application for Hordern to be dealt with by summary hearing. The application was refused. Hordern was committed for plea at the County Court.

## Plea discount

1. The requirements of s. 6AAA Sentencing Act 1991 are noted.

## Prosecution position on sentence

1. Custodial sentence is appropriate.

## Pre-sentence detention - nil

## Forensic sample order

1. Order sought. Notice application dated 6 November 2017.

## Disposal/forfeiture order

1. Order sought for firearms and ammunition seized.

(Barrister)

## Indictment offences

| **Chg.** | **Offence** | **Description** | **Serial no.** | **Found in bedroom 1** | **Police exhibit** |
| --- | --- | --- | --- | --- | --- |
| 1 | Possess unregistered category C longarm.  s. 6A(2) Firearms Act  Maximum penalty: 4 years or 240 pu | Shotgun.  Pump action, 12 gauge, Browning. | Ground off. | Wardrobe behind hanging clothing | 49 |
| 2 | Possess unregistered general category handgun.  s. 7B(1) Firearms Act  Maximum penalty: 7 years or 600 pu | 4 handguns |  |  |  |
| Pistol.  Semi automatic, Ruger model 1917.  With 3 magazines. | Ground off. | Third drawer of chest of drawers on southern side of bedroom. | 5 |
| Rifle with sawn off barrel and stock.  Repeating action rifle, Ruger model 10-22. | Ground off. | Small safe | 22 |
| Rifle with sawn off barrel and stock.  Repeating action rifle, Ruger model 10-22. | Ground off. | Small safe in wardrobe. | 36 |
| Revolver.  Percussion cap. |  | Yellow box labelled Ruger on top shelf of wardrobe. | 40 |
| 3 | Negligently deal with proceeds of crime.  Crimes Act s. 195(4)  Maximum penalty: 5 years | Rifle  .22 Brno bolt action.  Firearm was reported stolen on 25/4/14 from a burglary in in Rockbank. The burglary is unsolved. - |  | Wardrobe behind hanging clothing. | 44 |
| 4 | Possess unregistered category D firearm.  s. 6A(2) Firearms Act  Maximum penalty: 4 years or 240 pu | 2 rifles |  |  |  |
| SKS type  With magazine. |  | Hanging from bulkhead | 41 |
| Plainfield MI carbine semi automatic. |  | Wardrobe behind hanging clothing. | 42 |
| 5 | Possess unregistered category A longarm.  s. 6A(1) Firearms Act  Maximum penalty: 2 years or 120 pu | 3 longarms. |  | Wardrobe behind hanging clothing |  |
| Shotgun  Double barrel, 12 gauge Spezial Thuringen. |  | 43 |
| Shotgun  Over and under, 12 gauge, Mirkoy. |  | 47 |
| Rifle  Lever action repeating, Winchester model 9422 MXTR. | Ground off. | 48 |
| 6 | Possess unregistered category B longarm.  s. 6A(1) Firearms Act  Maximum penalty: 2 years or 120 pu | 3 longarms. |  | Wardrobe behind hanging clothing |  |
| Rifle.  Pump action, Remington model 7600. | Ground off. | 50 |
| Rifle.  With scope.  Pump action, Remington model 7600. | Ground off | 45 |
| Rifle.  Bolt action repeating, BRNO Model 98. |  | 46 |

## Related summary offence: charge 3

*Possess manufactured silencers without a permit (15 silencers)*

*-* s. 57(1) Firearms Act

Maximum penalty: 2 years or 120 pu

| **Description** | **Found in.** | **Place** | **Police exhibit** |
| --- | --- | --- | --- |
| 2 silencers. | Bedroom 1 | Third drawer of the chest of drawers | 6 |
| 12 silencers. | Lounge room. | Bag in wooden crate. | 71 |
| Silencer. | Lounge room floor. | In wooden crate. | 72 |
| Silencer amongst various firearm components. | Bedroom 1. | Top of dresser. | 83 |

## Related summary offence: charge 4

*Fail to store cartridge ammunition in secure manner.*

s. 121(2A) Firearms Act

Maximum penalty: 2 years or 120 pu

| **Found in.** | **Description** | **Place** | **Police exhibit** |
| --- | --- | --- | --- |
| Lounge room. | 3 clear tubs of assorted ammunition.  4 Winchester boxes containing 50 centre fire cartridges.  9 Magtech boxes containing 50 centre fire cartridges.  4 Winchester boxes of 223 REM Hollow point.  PMC box of 0 centre fire pistol cartridges  3 boxes Remington 32 automatic ammunition,  Box Imperial 303 ammunition.  Box Fiocchi 32 Auto ammunition.  4 boxes Sportco 303 cartridges.  Box American Eagle pistol cartridges  Box sper 20 303 ammunition.  3 trays of various ammunition. | Top shelf of unlocked metal cabinet | 1 |
| 48 boxes 22 subsonic ammunition.  Plastic tub containing various ammunition.  Peters ice cream tub containing various ammunition | Second shelf of unlocked metal cabinet | 2 |
| Rebox labelled redback containing ammunition.  2 Nosler boxes containing ballistic tip ammunition. Swan stubby holder containing ammunition.  Box labelled CLI large rifle primers.  Box AR2209 smokeless Rifle powder. | Third shelf of unlocked metal cabinet | 3 |
| Plastic container labelled Kirkland animal crackers containing various shot gun cartridges.  White plastic container labelled Pool Brite containing shot gun cartridges | Floor. | 4 |
| Plastic bag containing numerous Super X Brand Cartridges.  Ice cream container containing ammunition. | Coffee table. | 69 |
| Black bucket labelled Max WPI containing large quantity of ammunition. | Floor | 70 |
| Two white tubs labelled Sharmas Kitchen Yogurt containing a total of 10 (7 + 3) trays of ammunition. | Floor | 73 |
| Metal box containing 3 containers of shot gun cartridges  9 trays of various ammunition.  Plastic bag containing 2 rounds. | Floor | 75 |
| Bedroom 1 | 7 boxes Winchester 32 auto ammunition  5 boxes Winchester 380 auto ammunition boxes.  3 boxes 22 semi automatic ammunition.  1 box CCi Minimag 22LR ammunition. | On top of chest of drawers. | 76 |
| Plastic container containing 3 firearm magazines. | Chest of drawers – drawer 2. | 77 |
| Assorted ammunition in Nike sports bag | Floor. | 39 |
| Sydchrome bag containing 9 trays of assorted ammunition (and firearm stock) | Floor | 78 |
| Green bag containing: Ammunition belt containing shot gun cartridges.  10 boxes 22 subsonic ammunition.  Box champion ammunition. | Floor | 82 |
| Assorted ammunition. | Second drawer bedside table. | 85 |
| Shed | Black box containing quantity of ammunition |  | 87 |
| Green box containing 2 trays of ammunition |  | 88 |
| White bucket with dog pictures containing 3 trays of ammunition. | Top drawer of unlocked metal filing cabinet. | 89 |
| 2 green containers of ammunition. | Second drawer of unlocked metal filing cabinet. | 90 |
| 5 boxes Winchester 410 gauge ammunition. | Third drawer of unlocked metal filing cabinet. | 91 |
| Box containing -  5 boxes of DIANA brand ammunition.  Box Champion Super GL ammunition.  Plastic bag with ammunition. | Ground | 92 |
| Black timber box containing large quantity of shot gun cartridges | Ground | 93 |
| White box containing 2 tins labelled 7.62 x 39 mm containing ammunition. | Southern side wall. | 94 |

1. Item 2 Schedule 4 Firearms Act 1996 [↑](#footnote-ref-1)