



Sentencing Remarks & Judgments

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MAGISTRATES COURT OF SOUTH AUSTRALIA
(CRIMINAL)

DPP V STRETTON

Remarks on Penalty of Chief Magistrate Hribal

5 April 2018

Complainant: DIRECTOR OF PUBLIC PROSECUTIONS
Prosecution: MS S AGNEW
Defendant: SHARON ANNE STRETTON
Counsel: MS S CARTER

Hearing Date/s: 05/04/2018
File No/s: AMC-18-2908

DPP V STRETTON

Chief Magistrate Hribal Criminal Jurisdiction

1 Sharon Stretton you have pleaded guilty to between 15 May 2017 and 4 July 2017 at Cadell introducing into a correctional institution, without the permission of the Chief Executive, an item prohibited by the regulations contrary to s.51 (1) of the *Correctional Services Act, 1982*. The maximum penalty for this offence is five years imprisonment. Your plea of guilty entitles you to a discount of up to 40% which I will apply in full.

2 At the time of the offending, you were a correctional services officer at the Cadell Prison and involved in a relationship with a prisoner. During the course of your relationship you provided the prisoner with a mobile phone and supplied him with clothing, food and alcohol.

3 Following the search of a prisoner's personal property at the prison, correctional officers located a mobile phone charger together with a letter which implied that the prisoner was having a relationship with a guard and referred to a telephone that could be used for text messaging between the prisoner and the guard. Further searches located a Telstra prepaid sim starter kit, a mobile telephone, charging cable, together with pages in the form of letters and a greeting card. Enquiries revealed that the Telstra prepaid service number was in your name purchased in Berri, connected on 12 April 2017 and subsequently recharged online. Records of the telephone showed that there were some 168 calls made between this service and another service suspected to be used by the prisoner, 192 MMS were sent between this service and the service suspected to be used by the prisoner and 1,237 SMS were sent between this service and the service suspected to be used by the prisoner.

4 You were interviewed on 21 July 2017 and stated that you were aware that you were not permitted to bring in food, clothing, alcohol or mobile phones for prisoners.

5 You come before the court with no prior convictions.

6 As to your personal circumstances you are a 43-year-old woman who was born and raised in South Australia. You completed Year 12 and then enrolled in Business College before obtaining employment as a legal secretary. You married and have three children who are currently aged 17 and twins aged 15. The relationship became abusive and your first husband had a significant gambling addiction. The relationship ended and you were left to raise three young children on your own. You continued employment as a secretary and have been well regarded in that industry.

7 In 2012 you commenced another relationship and later married. You moved to the Riverland with your children, your new partner and his children. You applied and obtained a position as a correctional officer at the Cadell Prison in September 2015. Your relationship deteriorated and the marriage breakup was emotionally distressing. On occasion you became upset and would cry at work. You had few friends or

supports in the Riverland and were lonely vulnerable and confided in some of the prisoners about your personal matters.

8 You formed a close relationship with a prisoner and brought the articles in with which you have been charged and pleaded guilty. You are now highly embarrassed and ashamed about your actions and the fact that they resulted in your loss of employment and humiliated you and your children publically. The incident has had a significant effect on you and your children.

9 On 4 July 2017, you were suspended from your employment with pay and in October 2017 suspended without pay. You have resigned. You have suffered significant financial hardship as a result of the suspension and resignation. The media reported that you had brought drugs into the prison which is untrue.

10 In March 2018, you were successful in a job application to work for a recruitment firm. The subsequent incorrect publicity resulted in your employment being terminated and you remain out of work.

11 Prosecution submit that your offending was a significant breach of trust. They say that a conviction should be recorded to mark the serious nature of this offending, to reinforce issues of general deterrence and because of the public interest in future employers being aware of your offending which involved a significant breach of trust. They submit that a term of imprisonment is warranted but make no submissions in relation to the issue of suspension.

12 Your counsel relies on your good character, contrition and remorse. She submits that you have suffered already both financially and publically as a result of the media scrutiny and incorrect reporting of this matter. She asks that I find good reason to proceed without a conviction and impose a bond.

13 I have carefully considered all of the material placed before me. References prepared on your behalf describe you as an efficient, professional and reliable colleague who is trustworthy and personable. You are regarded as a very caring and loyal friend and a good mother.

14 I acknowledge that a conviction for an offence of this type may seriously impact on your ability to find employment. That in turn will have a further financial impact on you and your children.

15 In sentencing you I have had regard to issues of general and personal deterrence. Prisons need to carefully control and restrict items that are brought in for the use of prisoners. Mobile phones are not to be available to prisoners because they provide a means whereby prisoners can communicate with people outside the prison and those calls are not monitored in the usual manner. Whilst recognising that you were lonely and isolated, your actions in commencing a relationship with a prisoner and then bringing items into the prison were a flagrant breach of trust.

16 The seriousness of your offending and the need for general deterrence outweigh all personal considerations and in my opinion, require that a conviction be recorded.

17 I have taken into account the provisions of the *Criminal Law (Sentencing) Act*. I
note that a sentence of imprisonment is not to be imposed unless any other sentence
would be inappropriate having regard the gravity of the offence. I believe that the only
appropriate penalty is a sentence of imprisonment. I commence with a sentence of 10
months that I reduce to 4 months having regard to your guilty plea and all other
matters.

18 Good reason exists to suspend that sentence having regard to your prospects of
rehabilitation and lack of prior offending. The sentence will be suspended upon you
entering into a bond in an amount of \$1,000 to be of good behaviour for 2 years.

19 Defendant indicates willingness to enter into the bond

20 I impose a victim's of crime levy.