

Ricky Smith-Towns, you plead guilty to one count of assault and one count of stealing. At about 3.30 pm on 12 October 2018, the complainant, Ziggy Hancock-Yost, was riding his bicycle along a street in Ravenswood. You came upon him by chance. When he slowed at an intersection, you came up behind him and, as he turned, you punched him with a closed fist to his left cheek. The attack was motivated by your belief that he had been persistently contacting your partner in an inappropriate way. He was knocked from his bike which you picked up and rode off. He shouted after you for his bike but you ignored him and then taunted him to come and get the bike from you. Understandably, he declined to do so. The police were notified but were unable to assist at the time. You were not interviewed until a week later. You admitted trying to punch the complainant but claimed you missed. You admitted having taken the bike but claimed to have left it not far away. In fact, you took it with you and did not return it to the complainant until May 2019, when you had completed a prison sentence.

The complainant suffered no serious physical injury, but he continues to be anxious and fearful as a result of the attack. You were found guilty of robbery but that conviction was set aside on appeal. You now plead guilty to the alternative charges.

You were 27 when the crime was committed. You are now 28. You have never held stable employment. You have been abusing alcohol since age 17 about when your first child was born. Apart from that child you have five children from another relationship. You later started abusing drugs. You have a very long record for dishonesty as well as for other offending, including for violence. In June 2016 you were sentenced to imprisonment by a magistrate for two years for a great many property, bail, dishonesty, firearm and driving offences including one count of aggravated assault. On 8 March 2018 you were imprisoned again for 12 months from 24 August 2017 for serious driving offences. Four months of that sentence was suspended for 12 months. On 3 August 2018 another one month wholly suspended sentence was imposed for numerous counts of breaching bail. You committed these crimes when you were subject to those suspended sentences and probation. However on 15 February 2019 those sentences were activated for other offending in 2018 including burglary, stealing and motor vehicle stealing. The total term imposed was 7 months from 27 October 2018.

Having been found guilty of robbery, you were sentenced to imprisonment. The sentencing judge described your conduct as arrogant thuggery. Although I am to sentence you for less serious crimes I see no reason to differ from that description. It was a public unprovoked attack which could well have resulted in more serious injury. By acting as you did you displayed a continuing disregard for the law indicating a need for protection of the public and specific deterrence. You say that you are motivated to address your conduct but you have done little so far to demonstrate that. The original sentence commenced on 8 August 2019. You spent 97 days in custody before being granted bail on your successful appeal. Your counsel submitted that you should be sentenced to a term representing the time that you have already spent in custody on this matter, about three months. In my view that is not long enough. You have been in custody on other matters since 24 January 2019. You are waiting to be sentenced by a magistrate, and a drug treatment order may be made. I do not expect that the sentence I impose will interfere with that because the period of custody can also be taken into account.

Ricky Smith-Towns, you are convicted on both counts. I impose one sentence. You are sentenced to imprisonment for five months from 19 October 2019.