

Dyson Roughley, you plead guilty to two counts of assault, one count of aggravated burglary and two counts of unlawfully injuring property. All of the offences were committed on 17 September 2018 in the course of the same course of conduct. Until August 2018 you were in a relationship with Tahana Radford. The relationship ended in circumstances which resulted in considerable ill-feeling between you and Ms Radford and her parents Malcolm Radford and Jennifer Richards. On 23 August 2018 you were served with an interim restraint order which prevented you from approaching Mrs Richards, or Ms Radford's 17 year old brother Jonathan Radford, or going to the home in which Tahana Radford and her parents and brother lived.

Despite the terms of the order, after midnight on Monday 17 September 2018, you went to the house. You were angry because Ms Radford had refused to return some of your personal belongings and your intention was to retrieve them. You were accompanied by your friends Brent Hayward and Erin Jeffrey. All of the occupants of the home, as well as Jonathan Radford's girlfriend, were inside. Mr Hayward went to the door. An argument with Mrs Jeffrey and Ms Radford occurred on the verandah. Malcolm Radford came to the door. You and Mr Haywood pushed past him into the house. He managed to chase you out onto the front lawn. In the course of doing so he struck Mr Haywood once on the arm with a baseball bat he had picked up to defend himself, the others, and his home. You then intervened and, seeking retribution for his blow to Mr Haywood, you forced him back into the house. By entering the house intending to assault Mr Radford you committed an aggravated burglary. Mr Radford punched you once. He was entitled to use reasonable force to repel you. However you responded by punching him in the head three times and tackling him to the floor, where you continued to punch him to the face and body. Tahana Radford tried to pull you off. However, at your urging, Miss Jeffrey assaulted her by punching the left side of her head three times and striking her lower back with a broom handle. Ms Jeffrey then took the baseball bat and used it to break the windscreen and front and rear passenger side windows of Mrs Richards' car and the windscreen and rear window of Mr Radford's car. You are also criminally responsible for the assault of Tahana Radford and the damage to her parents' cars.

You were arrested at about 5.30 am that morning. When you were interviewed you admitted some of what you did. You claimed then and now that it was not your intention to become directly involved until you saw Mr Haywood struck with the baseball bat, although the whole point of the visit was your grievance about your belongings.

Immediately after the assaults both Malcolm Radford and Tahana Radford were assessed by ambulance officers, but neither required medical attention. Their victim impact statements describe the type of physical and psychological impact that might be expected. Both were swollen and sore. Both complain of ongoing back soreness but there is no evidence of any more serious injury. They were frightened, have had disturbed sleep and feel more socially insecure.

These events occurred more than two years ago. You are now aged 23. You and your new partner, and her child, live near Circular Head where you have obtained full-time employment as a dairy farm hand. You have held that employment for almost a year. You have one child of your own from a previous relationship. When you committed this crime your only prior convictions were for traffic matters. However, about a year later on

28 August 2019 you committed another serious assault by intervening in a feud between others and, in public, punching a man to the head. On 2 July 2020 you were sentenced to imprisonment for six months, wholly suspended for 18 months, and made subject to a community correction order with conditions that you be supervised for two and a half years.

Your plea of guilty in this matter is in your favour. It followed negotiations which led to other charges being dropped, but it is not an early plea. Your criminal conduct is worse because it was committed in company, and in what should have been the sanctity of someone's home, and while a restraining order designed to prevent just this type of confrontation was in force. Mr Haywood was fined. Ms Jeffrey was given a 10 week suspended sentence. I regard your offending as considerably more serious than both of those persons. It warrants imposition of a prison sentence. However because of your relative youth at the time, and the signs of rehabilitation you have shown, I will permit you the opportunity to avoid having to serve the sentence if you do not re-offend. If you do not take advantage of the opportunity I have offered then you are likely to have to serve not only the sentence I impose, but the suspended sentence imposed on 2 July 2020. You will have to pay for the damage you caused, and, in order to ensure adequate punishment, I will also order a fine.

Dyson Roughley, you are convicted on counts 3, 4, 6, 10 and 11 on indictment 32/2020. I make a compensation order in favour of Jennifer Richards and Malcolm Radford in sums to be assessed. You are sentenced to imprisonment for seven months, wholly suspended for two years from today. It is a condition of that order that, while it is in force, you do not commit another offence punishable by imprisonment. I impose an additional condition on the suspended sentence that you comply with the terms of the community correction order made 2 July 2020. I impose a fine of \$1000. You have 28 days to pay that sum. If you require longer you may apply to enter into a repayment arrangement.