

STATE OF TASMANIA v BRADLEY JOHN HOLTON-CRANE
COMMENTS ON PASSING SENTENCE

17 JUNE 2021
PEARCE J

Bradley Holton-Crane you are to be sentenced on your plea of guilty to one count of unlawfully injuring property and on the jury's verdict that you are guilty of one count of assault. It is my responsibility to make findings of fact for sentencing purposes but in this case the facts follow from the verdict.

On 29 May 2018 you had been in the company of a female with whom you had been in an on and off again relationship. For some reason you had argued and you believed that she had some of your property.

She went to the home of Lynette Muir, now Lynette Howard, whom she regarded as a parental figure and you followed. You went in the open back door without Ms Howard's permission. Ms Howard, believing that you presented some threat to the female and possibly to her, became alarmed. She threatened to phone the police. You took her phone. In the course of her attempting to retrieve her phone from you, you pushed her away with your hand to her body. It was not a hard push and it didn't cause her to fall over. She temporarily lost her balance. She was not injured.

As you burst into the property you pushed open the back door and it caused a large dent on the fridge. That is the basis of your plea of guilty to the offence of unlawfully injuring property.

You were acquitted by the jury of a number of much more serious offences. You have been in custody on this and other matters for a considerable period and I accept your counsel's submission that that of itself constitutes some form of punishment for you. At least it makes clear to you the consequences of unlawful behaviour.

You have relevant prior convictions but in my view a term of imprisonment, whether suspended or not, is a disproportionate response to the offences for which I am to sentence you. In all of the circumstances I consider it appropriate to record convictions without, at this stage, any further order.

You are convicted on counts 7 and 8 on the indictment. I make a compensation order in favour of Lynette Howard and adjourn the further terms of that compensation order to a date to be fixed. I make no other order.