

**STATE OF TASMANIA v SIMON JOHN DENNISON
and DAVID ALLAN WILLIAMS
COMMENTS ON PASSING SENTENCE**

1 JULY 2021

BRETT J

Mr Dennison and Mr Williams, a jury has found you both guilty of aggravated burglary and one count of assault. Mr Dennison, you have been found guilty of a further count of assault. You both pleaded guilty to one count of unlawfully injuring property.

I am satisfied to the requisite standard of the following facts. On about 18 August 2017, you both went to Mr Green's unit with the intention of assaulting him. You had decided to do this after you had consumed a significant amount of alcohol. You had been told that he had been involved in the assault of a 12-year-old female friend earlier in the day. That assault had been perpetrated by a young female who was living with Mr Green at the time. I am not exactly sure what you believed as to his involvement in that assault, but in any event your actions were rash and not well thought out. You were reacting to what you had been told, and seeking retribution. I suspect that the alcohol you had consumed assisted in that process but, of course, that is not a mitigating factor.

You armed yourselves on the way to the unit. Mr Dennison, you took an axe, referred to in the evidence as a blockbuster, and Mr Williams, you took with you a small blowtorch device. Of course, you were well aware that Mr Dennison had armed himself with an axe. When you arrived at the apartment, one of you knocked on the glass sliding front door. When Mr Green slid back the door in answer to the knock, Mr Dennison hit him in the face with the blade edge of the blockbuster. He was inside his apartment when this happened. The blow was hard enough to cause an abrasion or shallow laceration around Mr Green's mouth, and knock him into a pool table and onto the floor. This constituted the assault of which you have both been found guilty. The aggravated burglary was constituted by the act of swinging the blockbuster through the open door and into the apartment in order to make contact with him. I think you were both standing in or marginally outside on the landing at this time. Mr Williams was clearly aware that this was going to happen and abetted Mr Dennison in committing that crime. In any event, it was clearly perpetrated in the prosecution of your common purpose to assault Mr Green. I think that you both entered the unit after that, although you were soon forced outside by Mr Green and his son, Mr Brennan. I accept that part of this force involved Mr Green hitting Mr Dennison over the head with a wooden pool cue. This action caused a significant laceration to Mr Dennison's head, which subsequently required repair with surgical staples.

After you left the unit, Mr Brennan followed you and took hold of a piece of wood, probably part of a guitar, in an effort to force you away from the apartment. While he was doing this, Mr Dennison swung the blockbuster at his legs a number of times, with the blade edge connecting at least once. This constitutes the other assault of which Mr Dennison has been found guilty. This act caused a laceration to Mr Brennan's leg. I note that Mr Brennan was only 14 years of age at the time. I note also that the jury were obviously not satisfied that Mr Williams was involved in this crime, either by abetting or in any other way, and he was found not guilty.

At some point during these events, each of you decided to extend your unlawful retribution to smashing windows in Mr Green's apartment. At least two windows were smashed before the police could put a stop to this. You were both directly involved in perpetrating this crime.

Both of the male victims suffered some relatively minor physical injuries, including those already described. However I am satisfied that they, and the other occupants of the apartment

also found these events distressing, and have taken some time to get over that distress. This is entirely understandable. This was a violent and unexpected invasion of their home, which involved an attack on both people, and the property itself. It happened at night and there was potential for the attack to widen and result in even more violence. I note you were accompanied or followed by a number of other people, who stood outside and made a lot of noise. This undoubtedly added to the sense of threat experienced by the occupants of the apartment, although it is not clear whether you intended or knew that these people would follow you there. However, their presence, and the general impact of your attack on all those in the unit was a foreseeable consequence of your criminal actions.

Mr Dennison, you are now 30 years of age and you were 26 when you committed these crimes. You have a lengthy prior criminal history, which includes numerous examples of minor offending such as traffic, bail and street offences. In 2012, you were sentenced by this court for robbery, and in 2014, you were convicted and sentenced for assault and breaching a family violence order. You have continued to offend since committing these offences, including one count of common assault. I am told by your counsel that you experienced instability and physical abuse during your childhood. You have had casual employment in the past and are the father of two children, who you see on an informal but regular basis.

Mr Williams, you are 29 years of age, and were 25 when this happened. You also have a concerning and long-standing prior criminal history, with numerous convictions for traffic, minor drugs and dishonesty offences. You have been convicted of common assault on a couple of occasions and there is some offending after these events. You must have only just been released from prison when you committed these crimes, after serving sentences imposed in March 2017 for offences which included trespass. You have a daughter, have some history of seasonal work and since the events have struggled with drug use. However your counsel tells me that you have got on top of the drug problem in recent times.

Neither of you, of course, are entitled to the benefit of a plea of guilty, apart from the property damage offence. However, I accept that you have both endured onerous bail conditions in the four years that it has taken for this case to come to trial. The delay is not the fault of either of you and I think that I should take this delay into account in mitigation of the sentence in respect of each of you.

However, it is also clear that general deterrence is an important sentencing consideration in this case. Violent and lawless behaviour of this nature, particularly where it is committed for the purpose of exacting revenge or retribution, is common and is to be condemned and deterred. This was an attack against a man in his home and it had the potential to create disturbance and fear in the immediate and wider community. The use of weapons is an aggravating factor. Although there were actual injuries caused, the consequences of your conduct could, of course, have been far worse. The requirement of denunciation and general deterrence requires the imposition of a sentence of imprisonment. I will, however, provide you both with the opportunity for early release on parole to reflect the mitigating and personal factors which I have discussed.

Mr Dennison, you are convicted of the crimes of which you have been found guilty and sentenced to a global term of 18 months' imprisonment. That sentence will be backdated to 10 March 2021. I order that you not be eligible for release on parole until you have served one half of the sentence.

Mr Williams, you are convicted of the crimes of which you have been found guilty. I sentence you to a global term of 14 months' imprisonment. That sentence will be backdated to 22 April 2021. I order that you not be eligible for release on parole until you have served one half of that sentence.

I will note that an application for compensation has been foreshadowed.