

Rodney Ramskill, you plead guilty to one count of wounding. During the evening of 2 November 2019 you and the complainant attended a birthday party of a mutual friend at a hotel in Devonport. You knew of but did not know the complainant. At around 9.00 pm you invited some of the persons at the party, to your home. The complainant and a female friend of his came although they were not invited. Drinking and socialising continued. Some tension arose between the two of you. At around 11.00 pm you, at the request of your landlord, asked everyone to leave. The complainant did not do so and became argumentative. When you eventually ushered everyone out he became abusive and aggressive. He yelled at you and motioned as if inviting you to fight. You approached him. As you did so he removed his jumper and moved from side to side, and towards you, with his fists up. From about two metres away you threw an unopened stubby of beer at him. The bottle struck him on the head. It is not known whether it shattered on his head or when it hit the ground, but it caused a deep four centimetre by three centimetre laceration on his upper forehead. He was also concussed. He was driven from the area by his friend but, when he lost consciousness in the car, an ambulance was called. He required four stitches to close the wound. His face was swollen and he suffered the effects of the concussion for about a week. There is no victim impact statement but that does not mean that the incident was not distressing for him. There is no reason to conclude that he will not make a full recovery apart from the likelihood that he will be left with a scar of some sort on his head.

You are to be sentenced on the basis that you did not intend to strike him with the bottle and wound him, but you were reckless. That is, when you threw the bottle you realised the risk that you may hit him and wound him but you threw it anyway. It is obvious to anyone that it was a dangerous thing to do. The complainant could easily have been more seriously hurt. The incident was not reported to the police until a few days later. When you were interviewed by the police you admitted what you had done and explained the circumstances which led up to the incident which the State now accepts.

You are aged 27. You have shared care of a five year old daughter. You are employed as a third year apprentice fitter. You have no prior convictions for violence. The State does not dispute that you felt threatened. However by engaging with the complainant and throwing a bottle as a weapon you used more force than was reasonably necessary to defend yourself. It is in your favour that you pleaded guilty although it was not a particularly early plea. I do not see that you pose much of a threat of re-offending, although some punishment is required for causing an injury of this nature. Your intoxication is no excuse but it may explain why, in combination with the complainant's actions, you acted in a way which seems to be uncharacteristic. I think community service rather than imprisonment is the appropriate sentence.

You are convicted. I make a community corrections order for a period of 18 months from today. The core conditions of that order will be specified in the order you will be given and include that you are not commit an offence punishable by imprisonment, that you report to and comply with the directions of a probation officer, that you must not leave Tasmania without permission and that you must notify of any change of address. I impose a special condition that you must, within the operational period of the order, satisfactorily perform 56 hours of community service, as directed by a probation officer or a supervisor. If you breach any of those conditions you may be brought back to court and re-sentenced.