

Todd Walker, you were found guilty by a jury of aggravated burglary and assault. Although it is my responsibility to make findings of fact for sentencing purposes, the facts, for the most part, follow from the verdict. The jury must have been, at least in the essential respects, satisfied beyond reasonable doubt of the truthfulness and reliability of the evidence of the complainant, Zdravko Sujica.

You met Mr Sujica in early 2018 when he visited a motor cycle club of which you were a member. At the beginning of June 2018 you went to his home, unhappy that he had done something to give the club a bad name. You demanded, apparently on instructions from others, that he pay \$2,000 as punishment. Although he told the jury that he had no intention of paying any money, he entered into an arrangement with you to pay by instalments. He did not pay the first instalment despite further demands. As a result, at around 6.30 am on Sunday, 10 June 2018 you went to the home in Latrobe in which Mr Sujica lived with his aunt, Lesley Pintar. Ms Pintar was then in her early 70s. You knocked on the glass sliding door at the rear of the house adjacent to the kitchen and living area. When Ms Pintar went to the door you asked her to wake Mr Sujica. When he came to the door you again demanded money. When he said he could not or would not pay, you attempted to punch him. He was struck a glancing blow near his eye. At that stage a man who had accompanied you walked past you and into the house. He was wearing a stocking over his head and had a tomahawk which he swung at Mr Sujica, who was struck on his right hand. The blow caused a deep eight centimetre laceration to his palm which bled profusely. I am satisfied that when Mr Sujica fell to the floor you, with the other man, stepped into the house and began to punch and kick Mr Sujica. By that time, two or three other men also entered the house. There is no evidence that they were directly responsible for any violence, but their presence was threatening and one of the men pressed Ms Pintar for her phone.

When you and the other intruders eventually left, Mr Sujica was taken to the hospital where his wound was cleaned and stitched. Fortunately, although the wound was deep and penetrated the muscle, no other internal structures of the hand were disrupted. He had some bruises on his back but no other serious injury. Mr Sujica has not made a victim impact statement. I have not been told of any continuing impairment to his hand although that does not mean there is none. A victim impact statement made by Ms Pintar describes the type of effects which would be expected when her home is invaded by violent and threatening men. She remains very anxious and frightened and no longer feels safe in her own home.

You are now aged 37. You have two children but you do not have primary care of them. You are not currently employed. A bail condition preventing you from leaving Tasmania resulted in you being unable to pursue fly-in-fly out employment as a scaffolder in northern Western Australia. The loss of income has imposed some further penalty on you. Your record includes numerous examples of alcohol related driving offences, and some antisocial offending. However, most relevantly, you have a number of prior convictions for violence. You have convictions for common assaults committed in 2003, 2004 and 2005, and for a *Criminal Code* assault in 2007. You were sentenced to actual imprisonment in 2008 for common assault, two counts of assault with indecent intent and threatening a police officer. There has been no further serious violent offending since then, but on 31 July 2018 you were sentenced to imprisonment for having trafficked in firearms in 2016. You were on bail for that crime, and for other summary matters, when these crimes were committed. You must not be punished for exercising

your right to trial, but you are not entitled to the mitigation a plea of guilty would have attracted. There has been no expression of remorse.

These are serious examples of aggravated burglary and assault because they were committed in company of others, some of whom were disguised, because the violence involved use of a weapon and because the crimes were committed in the presence, and in the home, of Ms Pintar. She had nothing to do with whatever grievance you had against Mr Sujica and yet she was subjected to what would for anyone have been a terrifying and traumatising experience. You were not charged with wounding because the State did not assert that you shared the intention to wound Mr Sujica, or were reckless as to the risk that he may be wounded. Nevertheless the assault resulted in serious injury. You are criminally responsible for all of the violence because you either inflicted it or were a party to it. You led a group of men into a private home, at least one of whom was armed with a small axe and disguised, for the purpose only of demanding payment of a spurious debt and inflicting violence if it were not paid. You are not charged with blackmail and so you are not to be punished for making the demand, but the circumstances explain the motive for the violent home invasion. The only inference reasonably open is that you were intent on making clear to Mr Sujica and others the consequences of not complying with the demands of you and your associates. The community would demand that such conduct be strongly condemned and punished.

Todd Walker, you are convicted on each count. You are sentenced to imprisonment for two years from 27 July 2021, the day you were taken into custody. I order that you not be eligible for parole until you have served half of that term.