

STATE OF TASMANIA v JACE PETER SCHICK
COMMENTS ON PASSING SENTENCE

10 SEPTEMBER 2021
BRETT J

Mr Schick, you have pleaded guilty to one count of aggravated burglary and one count of assault. You have also pleaded guilty to the summary offence of common assault.

The crimes were committed during the course of the invasion of a residential home, perpetrated by you and an unidentified accomplice, in the evening of 30 May 2020. You went there wearing face coverings. Your purpose was to assault the complainant, a man who had sold you marijuana, which you regarded as being of inferior quality. You had paid \$40 for these drugs and you wanted your money back.

You gained entry to the house by knocking on the door and when it was opened by another man, your accomplice punched that man twice in the face. After entry, you tried to kick a bedroom door in, presumably to get access to the complainant. However, you were soon confronted by the complainant who had armed himself with a knife and, upon seeing this, you left the house immediately. Your accomplice, however, assaulted the complainant by hitting him in the head with the butt of the knife and kicking him to the body. You are criminally liable for the two assaults committed by him, in the case of the assault on the complainant as an aider and abettor, and in respect of the assault on the man who answered the door, on the basis that the assault was a probable consequence of your common purpose. Neither victim suffered any permanent or long-term injury, nor have I not been provided with any victim impact statements.

You are 31 years of age. You have two young children, who live with their mother but you see them regularly. You have a modest criminal history consisting of drug and traffic offences, but you have no history of violent offending. You came to Tasmania from Victoria approximately six years ago in an effort to deal with a long-standing drug addiction. This was successful for some time but you have since relapsed, and it was during the course of that relapse that you made the very poor decision to commit these crimes. I am told that since this episode, you have stopped using drugs, are in a new relationship with a supportive partner who is not a drug user, and you have returned to full-time employment. You express remorse for this offending and consistent with that remorse indicated a plea of guilty at an early time. Having said that, I observe that your co-operation has not been absolute. For example, you have not identified your accomplice in respect of these crimes, and that person remains at large.

This was serious criminal conduct. It was a premeditated home invasion which caused actual harm to two men and had the potential to cause much greater harm. I have not been told if there was anyone else in the house, but clearly there was potential for this to be so. The use of face coverings and kicking at the bedroom door showed a degree of determined aggression that compounds the terrifying and extremely dangerous nature of this type of conduct. There is a need for general deterrence and denunciation. In my view, the only appropriate sentence is a sentence of imprisonment. However, given your pleas of guilty, the lack of prior criminal history for violent offending and the subsequent effort you have made with respect to rehabilitation, I am prepared to give you an opportunity to avoid actually serving the sentence by wholly suspending it. However, the conditions of suspension will include some ongoing community supervision.

The orders I make are as follows:

- 1 You are convicted of the crimes and the offence to which you have pleaded guilty.

- 2 You are sentenced to a global term of 15 months' imprisonment, the whole of which will be suspended for a period of 18 months on the following conditions:
- (a) That you are not to commit another offence punishable by imprisonment during that period.
 - (b) That you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from today. The Court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within 3 clear days of today. In addition to the core conditions the order shall also include the following special conditions:
 - (i) you must, during the operational period of the order,
 - (ii) attend educational and other programs as directed by the Court or a probation officer;
 - (iii) submit to the supervision of a probation officer as required by the probation officer;
 - (iv) undergo assessment and treatment for drug dependency as directed by a probation officer;
 - (v) submit to testing for drug use as directed by a probation officer;
 - (vi) submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.