

STATE OF TASMANIA v TIMOTHY MICHAEL DARREN LANGMEAD 8 OCTOBER 2021
COMMENTS ON PASSING SENTENCE **MARSHALL AJ**

Mr Langmead was found guilty by a jury on 20 August 2021 of one count of wounding, contrary to s 172 of the *Criminal Code*. On 2 March 2019, Mr Langmead had a heated verbal altercation with two people who lived nearby him. The altercation occurred outside the house of Mr Langmead's partner. During the altercation Mr Langmead briefly attended the unit next door to his partner's unit and retrieved a cricket bat. He then continued his verbal altercation with the complainant, before striking him to the head with the cricket bat.

The verdict of the jury carries with it the implication that it rejected Mr Langmead's claim that his strike with the cricket bat was an act taken in reasonable self-defence. The complainant was taken to hospital and received stitches to his head, which was covered in blood. He has made a full physical recovery, but his memory function has been impaired, and he suffers more frequent headaches, as he explained when he gave evidence at the trial.

Mr Langmead is 33 years of age, and was almost 30 years old at the time of the offending. He cannot be said to be a youthful offender. His parents separated when he was young. He mainly resided with his father. His father died in a motorcycle accident, and following that incident Mr Langmead consumed alcohol more frequently. Mr Langmead was originally from Western Australia, but relocated to Tasmania where his mother had taken up residence.

He is in a supportive relationship. The couple maintain independent, separate residences near each other. He has no children. He suffers from depression and post-traumatic stress disorder arising from living on the streets in Western Australia as a young man, and has low motivation to attend social activities, preferring the company of his partner. He completed year 10 at school and has certificates in general fabrication and social work studies. He has no literacy issues. He is in receipt of a disability support pension because of complications with diabetes. He mainly worked as a baker before going onto that pension in around 2017. He has no driver's licence and relies heavily on public transport.

He has fought alcohol addiction for most of his life. He is currently awaiting admission as an inpatient in a residential detox clinic in Hobart. He previously attended Alcoholics Anonymous meetings, and expressed a desire to re-engage. He has also used cannabis and Ice in the past, but now only uses cannabis a few times a week and no Ice. He has anger management issues when intoxicated. On the day of the offending he had consumed a bottle of vodka. He believes his alcoholism contributed to his actions on that day.

Mr Langmead has two old prior convictions in Western Australia for breach of supervision and community based orders. He said alcoholism contributed to those offences. He has no criminal record in Tasmania. Community Corrections has recommended against a home detention order due to the level of Mr Langmead's alcohol addiction. Community service was also not recommended due to his alcoholism and diabetes. Community Corrections has assessed Mr Langmead as someone who would benefit from structure and support concerning his substance abuse issues and related risk. It is suggested that he be referred to the Salvation Army's Bridge Program, and receive support in arranging an intake assessment for residential detoxification. He has also been assessed as eligible for referral to the EQUIPS Addiction Program, in conjunction with a 12-month community based order, as well the EQUIPS Aggression Program.

The crime of wounding is a serious one. Residual damage by way of memory loss and headaches has been inflicted on the complainant. General and specific deterrence, and the importance of denunciation of the offending conduct is important. On the other hand, Mr Langmead does not have an extensive criminal history. He has no relevant prior offences of any currency. His alcoholism explains his conduct, but it does not excuse it.

In all the circumstances, I convict Mr Langmead of the offence which the jury has found him guilty of committing. I sentence him to a term of imprisonment of six months, wholly suspended for a period of 24 months on the condition that he not commit another offence punishable by imprisonment during the next 24 months. In addition to the core conditions of the order, I make the following special conditions for Mr Langmead which will apply during the operational period of this order of 24 months:

- 1 He must attend, participate in and complete the EQUIPS Addiction Program as directed.
- 2 He must attend, participate in and complete the EQUIPS Aggression Program as directed.
- 3 Finally I make an additional condition that Mr Langmead must continue his contact with the Salvation Army to inquire as to his suitability for referral to the Bridge Program.