

Michael Dennis Briers, you have been found guilty by a jury on a charge of wounding. You committed this crime in a house in Bridgewater where you were staying in the early hours of the morning on Sunday 26 April 2020. Other people there were playing loud music. You went to the room where the music was playing and complained to the other people, but they laughed at you. You went to another room, picked up a wooden cricket bat, returned to the other people, lifted the bat up above your head, and brought it down hard on the head of a young woman named Kylie Wise.

That blow caused the skin to split on the top of her head. The resulting laceration was five centimetres in length. Ms Wise was taken by ambulance to the Royal Hobart Hospital. A CAT scan established that the skull had not been fractured and that there was no injury to the brain. It could have been much worse. The wound was repaired with about 14 stitches. Ms Wise still has a scar and lumps and bumps at the site of the wound. At the time of the trial she was still suffering from constant ringing in her ears, and that interfered with her sleep and her hearing.

You were 41 years old when you committed this crime and you are now 43. You have a long record of prior convictions, and you have been sentenced to imprisonment on a number of occasions, but you have not been in any very serious trouble since about 2003. Your counsel has told me that that is the result of you being in a stable relationship with your partner.

Most of your convictions have been for driving, dishonesty and drug offences, but you do have five prior convictions for assault. These resulted in fines in 1994 and 1998, imprisonment in 2000, and a wholly suspended sentence in 2014.

You were affected by Ice when you committed this crime. That does not count in your favour. If anything, it makes things a little worse. The main things that count in your favour are that you have been out of very serious trouble – apart from this – since about 2003, and also that you have been doing the right thing in helping to care for a man named Purcell who is a father-figure to you and who is suffering from brain cancer.

In my view the only appropriate penalty in this case is a sentence of imprisonment. But I am going to suspend part of it for two reasons. First, because you have kept out of very serious trouble for a long, and second, because it should encourage you not to re-offend if you know you have got a few months hanging over your head that you might have to serve if you get into trouble again. I will backdate your sentence to the date you were taken into custody.

I convict you and sentence you to 12 months' imprisonment with effect from 23 December 2021. I suspend four months of that sentence on condition that you not commit any offence punishable by imprisonment within two years after your release from prison.