

STATE OF TASMANIA v STEPHEN JOHN HUNT
COMMENTS ON PASSING SENTENCE

22 DECEMBER 2021
WOOD J

Stephen John Hunt has pleaded guilty to one count of aggravated burglary and one count of assault. He is jointly charged with Tyler Anthony James Causon with respect to aggravated burglary, and Mr Causon has pleaded guilty to that count and a second count of stealing. A third man, Jonathon Henry Holmes, has been sentenced with respect to one count of stealing arising from the same incident.

At the relevant time Mr Hunt and the complainant, Benjamin John Ward, aged 43 lived at a unit complex at Windsor Street in Glenorchy.

On 10 July 2019 at approximately 7:25am, the complainant was asleep on a couch in front of the television at his unit. He woke to the front door being kicked in and three males entered, the defendant, Stephen Hunt, Tyler Causon and Jonathon Holmes.

Mr Hunt asked the complainant where his computer was and the complainant responded that he did not know what he was talking about. Mr Hunt replied "wrong answer" and started hitting the complainant with a tomahawk handle or similar object, making contact with the right side of the complainant's body.

The complainant pushed Mr Hunt into the adjoining room. At the same time Mr Causon and Mr Holmes picked up his television and began to leave the unit with it. When the complainant tried to stop them, Mr Hunt followed the complainant and swung the tomahawk handle striking the complainant's back. Mr Causon and Mr Holmes left the unit with the television and Mr Hunt followed them out of the unit.

The complainant collapsed in pain. He contacted a friend and an ambulance was called, and he was taken to the Royal Hobart Hospital.

The complainant sustained a large soft tissue injury over his left flank with abrasion to the same area. He remained at the hospital for a few hours before discharging himself.

Mr Hunt and Mr Holmes were arrested by police at Mr Hunt's unit. The television was found by police in the communal laundry of an adjacent block of units. The television was returned to the complainant undamaged.

The defendant, Mr Hunt, was interviewed by police and made admissions. He told police he thought that the complainant was involved in the theft of some of his belongings from his unit the night before, and he and Mr Causon went to kick in the complainant's door. His purpose was to confront the complainant about his missing property. He told police he got into a wrestle with the complainant and punched him. He also said that the complainant reached for a weapon which was not true. He denied using a tomahawk in the assault. He said that he did not intend to assault the complainant but the situation escalated. However, it is the State's position that, at the very least, the defendant went to the unit with the intention of committing an assault by threatening gesture. This is accepted by the defendant.

The defendant is to be sentenced on the basis that he committed the crime of aggravated burglary by entering the unit as a trespasser with the intention of committing the crime of assault. Mr Causon's intention was to commit the crime of stealing. Mr Holmes was not a party to an agreement with Mr Causon but formed his intention to steal once inside the unit.

The complainant has provided a victim impact statement. He describes his experience of waking up to find men standing over him as frightening. He has back pain and a worsening of anxiety symptoms following this incident, symptoms such as difficulty sleeping and panic attacks. He avoids leaving his home and has moved to another unit with more security.

The defendant is aged 34. He has some prior convictions, notably a few convictions for violence. On 16 January 2006 he was convicted of common assault, on 9 October 2008 he was convicted of wounding and sentenced by the Supreme Court to a suspended gaol term of four months' imprisonment, on 21 March 2016 he was convicted of common assault, and in May of that year a breach of a police family violence order. He has not been sentenced to a term of actual imprisonment for past offending. The defendant has no convictions since committing the offences before the Court in 2019.

The defendant pleaded guilty, although at a late stage his plea is still of benefit, saving the complainant from having to give evidence.

The defendant's offending was closely linked to his abuse of methamphetamine. He began taking this drug in 2018 with disastrous consequences. It resulted in the loss of his job, estrangement from his mother and siblings with whom he had always been very close and loss of contact with his young daughter, now aged 7. His use escalated, to a point in 2019 when he was using a considerable quantity on a daily basis. He used methamphetamine the day before committing these crimes spending a night in police custody after being arrested for shoplifting. While in custody overnight, his unit was the subject of a burglary and his television and laptop computer were stolen. After he was released from custody he made enquiries about who was responsible, and his co-offender Mr Causon told him lies and said it was the complainant. The defendant took the tomahawk handle to the complainant's unit in order to confront him. His emotions of anxiety and anger were heightened by the effects of methamphetamine.

After the incident, the defendant discovered he had been lied to about the complainant's involvement. When he was interviewed by police he expressed remorse for having hurt the complainant, and later, he apologised to the complainant in person.

The defendant has taken active steps to overcome his addiction to methylamphetamine. He enrolled in a 12 month residential drug rehabilitation program known as Velocity Transformations and commenced that on 20 October 2021. A letter from his case manager reports that he made significant progress in his recovery. He completed the four week assessment phase and commenced stage 1 of the four stages of the program.

As a result of the progress he has made with respect to this drug addiction, he has reconnected with his family members who are very supportive of his rehabilitative efforts. He reports they are "incredibly proud" of his efforts. Unfortunately, recently the defendant's mother had a fall and the defendant has reluctantly left the program in order to reside with his mother and to care for her.

I have a very helpful report from community corrections which gives thorough consideration to the defendant's circumstances and to recommendations with the purpose of promoting his rehabilitation. In terms of his rehabilitation, I note that he has a good education and a sound industrial record to fall back on.

It appears from the report that the defendant is building on the progress he made while at the Velocity Transformation Program. He attends the Velocity Church on Sundays. He is not seeking employment at present because he hopes to re-engage with the Velocity program. It is to be noted though that he may not be accepted because of his withdrawal from the program on this occasion and two other occasions in the last 12 months.

The report notes that the defendant has mental health conditions and that he has been diagnosed with bi-polar disorder, schizophrenia and attention deficit hyperactivity disorder. He was admitted to the psychiatric ward on multiple occasions in 2020 as a result of suicidal ideation he attributes to his drug use. He can now see a marked improvement in his mental health over the past 12 months because of the reduction in his drug use. He is engaging with Community Mental Health for management of his mental health conditions and has been assigned a case worker to assist him.

It seems that the defendant is motivated to address his drug use. He values the positive relationship he now has with his family and he does not want to lose that. He has made contact with the Bridge Program and he has been accepted to commence their program on 17 January 2022.

The report notes that the defendant is suitable for community service and is assessed as requiring a high level of intervention and a period of supervision is recommended. Comprehensive recommendations are made with respect to case management and they will be reflected in the sentencing orders I make.

The crimes here are serious involving a home invasion with violence carried out by you. I note these crimes were not organised or planned. I note that fortunately the violence did not result in serious injury. Principally, the complainant has suffered harm in the nature of distress and trauma resulting from this unexpected and aggressive intrusion into his home. His sense of safety has been disturbed and, as I have noted, he is left with lasting symptoms of fear and anxiety. This harm must be reflected in the sentence.

On the other hand, your personal circumstances and particularly, the positive steps you have taken towards your rehabilitation should be given weight. You have taken a significant number of steps which demonstrate that you are genuinely motivated, not only to take this path of a law abiding life but to stay on that path, and that you have good prospects.

The sentence I impose is as follows. I record convictions and I impose a term of 12 months' imprisonment, the operation of which is wholly suspended for two years on condition that you do not commit an offence punishable by imprisonment during that period of two years, starting today.

I also impose a community correction order for a period of two years. The statutory core conditions of a community corrections order are imposed. These include that you must not during that period commit an offence punishable by imprisonment. You must report to a probation officer at 114 Bathurst Street, Hobart before 5pm tomorrow. You must report as required by the probation officer and comply with the reasonable and lawful directions of a probation officer or a supervisor. I also impose the following special conditions:

- You must, within two years from today satisfactorily perform 98 hours of community service, as directed by a probation officer or a supervisor.

- You must, during that same period of two years submit to the supervision of a probation officer as required by the probation officer;
- You must undergo assessment and treatment for drug dependence as directed by a probation officer;
- You must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.
- You must attend, participate in, and complete the EQUIPS Addiction Program as directed;
- You must attend, participate in, and complete the EQUIPS Aggression Program as directed.