

Ashton Lynd, you have pleaded guilty to two counts of aggravated burglary and two counts of destroying property. The charges arise from you entering, on two separate occasions, a residence at an address in Devonport and causing considerable damage to it and property within it belonging to the tenant, Martika Goodson. You lived in the same unit complex as Ms Goodson. Overnight on 20 November 2020, Ms Goodson became unwell and was taken to hospital. You knew this because you had been drinking alcohol with her. You then went out in Devonport, and consumed more alcohol. Around 2am you returned to the unit complex. Upon entering your unit you came to believe that someone had taken \$4000 cash that you had left there. For reasons that are not entirely clear you came to believe that Ms Goodson may have had a role to play in the disappearance of the cash. You went to her unit. You entered without permission and proceeded to damage both the unit and her personal belongings. One of the other neighbours in the unit complex heard noise coming from Ms Goodson's unit. She interrupted you and told you to leave. You refused to do so. Police were called. By the time they arrived you had left Ms Goodson's unit and could not be located.

It appears however you returned to Ms Godson's unit approximately an hour later and resumed causing damage to her residence and her belongings. This second entry grounds the second count of aggravated burglary and destroy property. Across the two incidents you smashed numerous windows in the unit, pulled an oven from the wall, poured cereal and milk throughout the kitchen, pulled a door off it's hinges, pushed a television over, threw chairs and personal belongings around the unit, poured coffee and dried pasta over the carpet, covered the bed with cereal, pulled over the fridge, removed the microwave, poured white powder and liquid makeup over the carpet and a rug that was in the lounge room and pulled over a large brown cabinet causing it to smash to the ground.

The total cost of the damage to the unit owned by Housing Tasmania was \$20,527.13. The damage to Ms Goodson's personal property was estimated at \$5,950. This was obviously a very bad example of you wreaking havoc and wantonly destroying the property of others.

You were arrested by police and participated in a record of interview. You told police you had consumed a considerable amount of alcohol and were "very drunk". You believed Ms Goodson and her partner were involved in the missing \$4,000. You did not remember causing any damage because of your level of intoxication.-You agreed you probably did cause the damage because you were drunk and angry. A subsequent examination of your mobile phone revealed messages you had sent via Snapchat in which you bragged about causing damage to the unit. "I smashed their house up and every window out of their house, I would have seriously killed them, I was so wild".

You were 20 at the time of the crimes, you are now 21. You have already accumulated a record for offending which commenced when you were 14. You have been formally cautioned in respect to a matter of unlawfully set fire to property. You have appeared in the Youth Justice Court for matters of common assault, dishonesty matters, driving offences, offences under the *Misuse of Drugs Act*, offences against police, offences of both injuring and destroying property and bail offences. The last time you were before the Youth Justice Court for offences involving destruction of property was July 2017. That offence had been committed in September 2016. Your most recent appearance before the Youth Justice Court was in March 2021. It was for among other things an assault on a police officer which was committed in December 2020.

Other than a breach of curfew matter, there has been no other offending since then. It seems over the last 15 months or so you have been able to stay out of serious trouble.

You have pleaded guilty to these matters. That counts in your favour. You were still a young person when the crimes were committed and I should treat rehabilitation as a paramount sentencing consideration. I have regard to the pre-sentence report I obtained in respect to you. It describes a very difficult upbringing in which you were exposed to quite extreme family violence between your father and mother before you were removed from the home by Child Safety Services. You then lived in a series of foster placements. You did not enjoy stability during your formative years. It is sadly not that surprising then that you have resorted to both alcohol and drugs use from your teenage years in an endeavour to escape the realities of your difficult life. You developed and have struggled with addictions to a number of illicit substances.

It seems there have recently been some very positive changes in your life. You have formed a new relationship. You describe that relationship as stable and supportive, and you and your partner are expecting your first child together shortly. Your new partner does not tolerate drug use, and has supported you in ceasing your use of illicit substances. The pre-sentence report indicates that you have abstained from illicit drug use for the last year. You describe your current relationship as life-changing for you. The trauma you experienced in your childhood left you vulnerable and led you to be involved in relationships in which you were the victim of serious family violence. In June 2019 you were badly assaulted by your then partner. That partner went to gaol as a consequence of the assault. The assault left you with significant psychological trauma including panic attacks, fear, insecurity and interrupted sleep. Your new partner has assisted you in slowly coming to terms with the impact of that assault.

You are currently employed. You are looking forward to becoming a mother and have aspirations to have a drug-free, crime free happy and safe family life. You believe you can achieve that with your new partner.

The pre-sentence report is, in my view, positive. If you can maintain abstinence from drugs and excessive alcohol consumption there is every reason for the Court to have confidence there will not be a repeat of this type of offending.

A community based supervision order is recommended.

Having said that, this was serious offending. You caused a lot of damage and others incurred considerable expense because of your destructive behaviours. I think a sentence of imprisonment is demanded, particularly because of the need to deter others. The Court cannot countenance resort to the use of destructive violence to settle grievances, real or perceived. Because however of the very significant changes you have made, and what I am satisfied are solid prospects for the future, I am going to suspend the entirety of the period of imprisonment I impose. I will also impose a community correction supervision order to assist you with ongoing rehabilitative endeavours.

Ashton Lynd, you are convicted on each count to which you have pleaded guilty. I make a compensation order in favour of Housing Tasmania in a sum to be assessed. I make a compensation order in favour of Martika Goodson in the sum of \$5,950, such sum to be payable within 28 days, although I note you may enter into a realistic repayment arrangement.

I will impose one sentence on all matters. You are sentenced to 4 months' imprisonment. The whole of that period of imprisonment will be suspended for a period of 18 months on the condition you are not to commit any offence punishable by imprisonment during that period. I also make a community corrections order. The operational period of that order will be 12 months from today. The full conditions of the community corrections order will be set out in a document that will be provided to you. In summary, they will include the following conditions that will apply for the entire operational period:

- You must not commit an offence punishable by imprisonment;
- You must report to a probation officer as required by the probation officer;
- You must comply with the reasonable and lawful directions of a probation officer or a supervisor;
- You must not leave or remain outside of Tasmania without the permission of a probation officer; and
- You must give notice to a probation officer of any change of address or employment before or within 2 working days after the change.

I impose the following special conditions that will also operate for the entirety of the operational period:

- You must undergo assessment and treatment for drug dependency or alcohol dependency as directed by your probation officer;
- You must submit to testing for drug use or alcohol use as directed by your probation officer; and
- You must submit to medical, psychological or psychiatric assessment or treatment as directed by your probation officer.

I order that you must report to Community Corrections, Reece House, Burnie by 5pm today for induction into this order.

Ms Lynd I need to explain to you that if you do commit any offence punishable by imprisonment and I emphasise the word any during the 18 months, you can be brought back to this Court and an application made that you serve the period of imprisonment I have just suspended. The law is that a Judge must activate that sentence unless it is unjust to do so.