

Beven Gleeson, you were found guilty by a jury of recklessly discharging a firearm. Although it is for me to find facts for sentence, in light of the issues at trial the facts substantially emerge from the verdict.

At around 11.00 pm on 10 February 2021 you drove to the home in Ravenswood where your former partner, who I will call the complainant, lived with your daughter, then aged almost four. You entered the home through the front door either because it was unlocked or because you had a key, and found the complainant in her bedroom. No complaint is made about you being there. You had previously been living at the home. However while you were inside an argument developed and she asked you to leave. You walked out to your car which was parked on the grassed area near the front step. The complainant followed you out, calling you names. As you sat in the driver seat, and she stood on the steps above, you retrieved a rifle which was on the passenger seat of your vehicle and produced it to her. She gave evidence that you fired a shot in her general direction. That allegation is disputed. It is not necessary for me to make findings resolving the dispute because the allegation does not form part of the charge the jury considered. It was the subject of a separate charge not included in the indictment, and you therefore cannot be punished for it whether the allegation is proved or not. You drove away but returned shortly afterwards. It is then that the conduct which was the subject of this charge occurred. You stopped your car outside her house, stepped onto the roadway, took a few steps forward and, as you did so, fired at least eight shots. Eight spent .22 calibre cartridges were later found on the road surface as well as one unspent cartridge. Two shots struck the complainant's car which was parked parallel to the front of the house, to the right of the front door as it is viewed from the street. One shot put a hole in the panel above the driver side rear wheel, and one shot struck the tyre of that wheel. A third shot struck the bricks at the front of the house above the car. Where the other five bullets ended up cannot be determined although there was no sign that they struck the house.

Your motivation could only have been, because of anger and ill-feeling, to frighten, threaten or punish the complainant. None of the shots entered the residence and I am not satisfied that you intended to fire into the house. My observation of the CCTV images obtained from cameras positioned on the house across the road is that most of shots were fired at an angle across the front of the house towards the complainant's car. Nevertheless the risk posed by discharge of a

.22 calibre rifle in the general direction of a home, and in a residential area, is obvious. There are windows at the front of the house. One of the shots hit the house very near that window. The complainant's evidence was that at the time the shots were fired she was at the back of the house but, at the time you fired the shots, you could not have known where she was. I assume, because I have not been told to the contrary, that your daughter was also away from the front of the house and the shots posed little actual danger to her. However the complainant's victim impact statement and other materials provided to me, to which I will return in a moment, describe how your daughter heard the shots and was upset and scared. I also find that, from the direction and angle that the gun was fired, there was a very real risk that some of the bullets went beyond the house to some unknown and unpredictable destination, thereby posing a risk to others.

You are now aged 33. You come from a supportive and industrious family but you have a long record of offending commencing when you were a youth, mostly for dishonesty but also for some violence. You have served many sentences of detention and imprisonment including for aggravated armed robbery in 2012. Your record involving firearm offences commences in about 2018 when you were sentenced for possession of a stolen shortened shotgun. In 2019 you were sentenced to imprisonment for 23 months for two counts of recklessly discharging a firearm on 27 February 2017, when you fired a shotgun twice towards a house in the Launceston suburb of Mayfield. The pellets from one of the shots passed through the front door, travelled nearly five metres along a hallway, posing a real risk to the occupants. These acts were in apparent retribution for unpleasantness directed towards your parents. You were obviously not deterred by that sentence.

You are not entitled to the mitigation a plea of guilty would have attracted. It is an aggravating factor that this is a family violence offence. Any violence, threat of violence or intimidation is serious in the context of the breakdown of relationships, and resort to use of a firearm deserves particular condemnation. Independently of the family violence context, law abiding members of the community would be alarmed by and would rightly condemn such use of a firearm in a residential area. Others who might be tempted to act in a similar way in the future must understand the potential consequences. The complainant has prepared a victim impact statement which describes the type of psychological effects which would be expected from the crime including feelings of anxiety, sleep disturbance, insecurity, social isolation, mistrust and hypervigilance. She has been diagnosed with post-traumatic stress disorder. It is also an

aggravating factor that you knew your daughter was present at the premises at the time. She has similar ongoing psychological problems. She has been undergoing psychotherapy and according to her psychologist this incident features prominently in her memory. She is now aged five. Other things may have contributed to the difficulties suffered by both the complainant and your daughter but I am satisfied that this crime must have been a contributing factor.

You were remanded in custody on your arrest on 24 February 2021 and you have been in custody since then. In 2021 you were sentenced to a term of imprisonment of 11 months for two counts of evading police and other offences, with eligibility for parole after seven months. Then, at the end of 2021, you were sentenced to a cumulative term of imprisonment for six months for a drug related driving offence and a string of breaches of a family violence order prohibiting contact with the complainant. Those breaches were committed throughout 2021 from prison. It seems that no parole order was made for that term. You would have been eligible to apply for parole on 23 December 2021, but this matter has prevented an application, and your scheduled release date but for this sentence would have been 23 July 2022. You have been in employment in prison as a painter but most of this time has been spent in "lockdown" which means that incarceration is more difficult than it would ordinarily be. The 2021 convictions are not prior convictions for sentencing purposes, but they are relevant to totality and to the prospect of rehabilitation. In that regard they indicate something of a continuing disregard for the law. You are not to be punished for your record, but it indicates a need for a sentence which protects the public and deters you and others from such conduct. Because of the term you have already served without the opportunity for parole I am satisfied that it is appropriate to allow the earliest opportunity for parole. Whether parole is granted will of course be a matter for the Parole Board.

Bevan Gleeson, you are convicted on the indictment. I direct that this crime be recorded on your criminal record as a family violence offence. You are sentenced to imprisonment for two years and a half years cumulative to the sentence or sentences you are presently serving. I order that you not be eligible for parole until you have served half of that term.