

STATE OF TASMANIA v TYLER ANTHONY JAMES CAUSON 15 February 2022
COMMENTS ON PASSING SENTENCE **WOOD J**

Tyler Anthony James Causon has pleaded guilty to aggravated burglary and stealing. He is jointly charged with Stephen John Hunt in relation to the aggravated burglary. Mr Hunt has pleaded guilty to that charge and also a charge of assault. A third man Jonathon Henry Holmes has pleaded guilty to stealing arising from the same incident.

At the relevant time Mr Hunt and the complainant, aged 43, were residing in a unit complex located at Windsor Street in Glenorchy.

At approximately 7:25 am on 10 July 2019 the complainant was asleep on a couch in front of television at his unit. He woke to the front door being kicked in and three men entering the unit: Mr Hunt, the defendant Mr Causon, and Mr 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 the blunt side of a tomahawk or similar object, to the right side of his body.

The complainant pushed Mr Hunt into the adjoining room. Mr Causon and Mr Holmes picked up the television and began to leave the unit with it. The complainant tried to stop them. Mr Hunt followed the complainant and swung the tomahawk at him, the blunt side making contact with his back. Mr Causon and Mr Holmes left the unit with the television and Mr Hunt followed them out of the unit.

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

The complainant's injury involved large soft tissue swelling over the left flank with an overlying area of skin abrasion with no internal injury. He remained at the hospital for some 2-3 hours before discharging himself.

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

Mr Causon was interviewed by police and he told them that he had told Mr Hunt about Mr Hunt's belongings going missing and that Mr Hunt had been furious. In fact, this was a "joke" Mr Causon had played on Mr Hunt when he, Mr Causon, was actually responsible for Mr Hunt's items going missing. Mr Causon walked with Mr Hunt to the complainant's unit, explaining to police that he went to make sure that Mr Hunt did not do anything stupid, and to make sure the complainant was alright. Mr Causon told the police that Mr Hunt bashed the complainant and blamed him as the person who took the television which, of course, was not what had happened.

The State cannot say whether it was Mr Causon or Mr Hunt who forced entry to the complainant's unit. It is asserted that each committed the crime of aggravated burglary by entering the unit as trespassers, Mr Hunt with the intention of committing the crime of assault, and Mr Causon with the intention of committing the crime of stealing. Mr Causon was not a party to an agreement to commit the crime of assault. Mr Holmes was not a party to the

aggravated burglary and he did not steal the television pursuant to an agreement with Mr Causon.

The complainant has suffered some distress caused by the aggravated burglary.

Mr Causon is 26 years of age, 23 year of age at the time. He experienced a dysfunctional upbringing and as a child was subjected to physical violence and other trauma by a number of his mother's partners and also one of her acquaintances. He was referred to psychological counselling at Clare House when he was just four years of age after his step-father tried to drown him. He received counselling for a period of five years. In that period, he was diagnosed with attention deficit hyperactivity disorder.

His teenage years were marred by anxiety, depression and his ADHD symptoms which included poor behavioural regulation. He used cannabis, alcohol and amphetamine to cope with his symptoms and his life.

He has a long history of offending committed whilst under the influence of substances and almost always while in the company of others. I am informed that past Youth Justice and pre-sentence reports note a tendency for Mr Causon to be a follower and for him to be influenced by others in his offending behaviour.

Many periods of detention spent at Ashley Youth Detention Centre and Risdon Prison have meant that he has very limited skills for independent living. He tends to resort to drugs to cope with living in the community. I do note though that he has acquired education whilst at Ashley Youth Detention Centre.

He has suffered tragic events, clustered in the last five years. His parents both died. In the period leading up to these crimes, his brother died in a motor bike accident. He witnessed the accident, and the traumatic impact upon Mr Causon has been very significant. He experienced depression and his drug use escalated to the extent that he suffered two drug-induced psychotic episodes and an attempted suicide. These episodes resulted in admissions to the Department of Psychiatric Medicine. The episodes were in 2019, not long before the crimes that Mr Causon is to be sentenced for today. It has been recommended that Mr Causon pursue psychological counselling to deal with the trauma but that has not yet occurred.

Mr Causon was on bail for the matters he is to be sentenced for today, but failed to attend his trial and once arrested was remanded in custody from 1 November 2021. At that time he was receiving threats to his safety as a result of a relationship breakdown. As a consequence, steps have been taken by the prison authorities to ensure his safety.

In approximately early November last year, Mr Causon's grandfather died while he was in custody. He has found that very difficult and he has been under close supervision for some period due to concerns about self-harm.

In total, Mr Causon has spent 23 days in custody attributable to these matters before the Court today, as well as the period of remand from 1 November 2021.

I take into account that the period of remand since December has been particularly difficult for remandees and prisoners due to COVID-19 restrictions. Visits have been suspended and even phone contact has been limited. Lockdown periods have been longer than they ordinarily would be. Mr Causon has been seeking support from therapeutic services within the prison

because of his very vulnerable psychological state, but that has not been made available to him. He received a screening assessment with the promise of follow-up, but that has not yet occurred. Courses and counselling for his drug abuse have not been made available. He has been anxious about the spread of COVID-19 within the prison as he was unvaccinated, and his request, in November last year to be vaccinated has not yet been acted upon. It is noted that generally, as a matter of course, vaccination has been offered to inmates and remandees, but not yet to Mr Causon. He would have accepted that offer had it been made to him. In conclusion, I take into account that the prison environment has been much more difficult in these circumstances, particularly for inmates such as Mr Causon with psychological difficulties or vulnerabilities.

After committing these crimes before the Court today, he committed the crimes of aggravated burglary and stealing on 16 August 2019 - almost 5 weeks later. With respect to those matters he was remanded in custody on that date. He was sentenced to a term of 18 months' imprisonment backdated to that date, with the balance from 3 September 2020 suspended on conditions.

After his release, he committed further offences in the 12 month period from October 2020 to October 2021. These offences involved breaches of bail or conditions of bail, injure property, destroy property, motor vehicle stealing and unlawful setting fire to property. Again, his drug use was a significant factor. Mr Causon has pleaded guilty to those matters and they are for mention on 28 February and for sentence on 24 March. Mr Causon has been remanded in custody on those matters at this stage.

Mr Causon is motivated to receive support and guidance on his release and to overcome his drug addiction. Recently, his sister has been diagnosed with cancer and he is wanting to be in the community so that he can be there for her. He has four children, still of a young age and he has spent little time with them and they are also a motivator for change.

He has some family support in the community. His grandmother has been a positive influence and support and he has a close relationship with his sister.

I note he pleaded guilty at a late stage to these charges on indictment, the second an alternative, and not in the form originally pressed by the State.

I have a report from Community Corrections, identifying Mr Causon as requiring a high level of intervention, and the need for structured support in relation to his mental health in particular grief and trauma issues and also his substance abuse. He is assessed as suitable for supervision by Community Corrections.

I have a report from consultant psychiatrist Dr Michael Jordan dated 11 February 2022. He highlights Mr Causon's trauma background and his substance abuse. Evidently, mental health treatment had been planned by another psychiatrist in the past but not put in place.

Dr Jordan regards the need to address Mr Causon's substance use as a high priority. He identifies the risk of future psychotic episodes if he does not remain abstinent from methylamphetamine. He regards Mr Causon as suffering from a range of symptoms that are totally consistent with a diagnosis of Post-Traumatic Stress Disorder arising from the tragic death of his brother. He is going to arrange for a referral to a psychologist with appropriate expertise. Other treatment and support may be arranged by his general practitioner.

Mr Causon, you are to be sentenced now to two crimes of dishonesty. The aggravated burglary in this case is not just a crime of dishonesty, it is a crime of aggression, the occupant was present when his home was forcefully invaded. Anyone would be intimidated and distressed by such lawless behaviour. I note that you were affected by drugs at the time, but that does not in any way excuse your behaviour. I do take into account that you were not a party to the violence and indeed you made efforts to stop Mr Hunt from his behaviour.

You are still a relatively young man and given your age, your very real difficulties, the hurdles you have faced and now, your motivation to address your offending and underlying factors, it is in my view appropriate to give prominence to your rehabilitation. If you are able to address these factors, your mental health and your drug problem and, if you begin pursuing constructive activities within the community then I expect that you will have a positive future. But, as you know, you have to address your mental health because that is tied to your substance abuse and you have to address your substance abuse and remain abstinent. In this, you need specialised and intensive supports in the community. They are available, and you understand the importance of seizing the opportunity that is being offered to you.

I impose a sentence of nine months' imprisonment backdated to 8 October 2021 the balance from today is suspended for two years on condition that you do not commit an offence punishable by imprisonment during that period.

I also impose a community correction order for a period of two years. The statutory core conditions of a community correction 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 on the day after you are released from prison. 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 which will be in place for two years from today:

- You must submit to the supervision of a probation officer as required by the probation officer.
- You must comply with all directions to attend psychological or psychiatric treatment or counselling.
- You must attend, participate in, and complete the EQUIPS Addiction Program as directed.
- You must undergo assessment and treatment for drug dependence as directed by a probation officer and comply with all directions regarding drug use including attending the Alcohol and Drug Service for one-on-one counselling and treatment .
- You must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.
- You must comply with treatment and a mental health care plan as recommended by your treating general practitioner.
- You must comply with directions regarding educational and employment skills and opportunities, vocational courses, health and fitness activities and recreational skills and activities.

I note that Mr Causon is in custody on the summary matters I referred to. It is hoped that the supports that have been recommended and accommodation will be available to Mr Causon seamlessly upon his release.