

**STATE OF TASMANIA RODNEY DALE GREGSON
COMMENTS ON PASSING SENTENCE**

**13 SEPTEMBER 2022
ESTCOURT J**

The defendant, Rodney Dale Gregson aged 36 at the time of the offending has pleaded guilty to three counts of assault and one count of stealing.

On 6 May 2018 the complainant aged 37 at the time of the offending, attended the complainant's house after the two had agreed to meet on a dating website.

At approximately 8.30pm they went upstairs to the complainant's bedroom and engaged in consensual sexual activity for approximately half an hour before the defendant asked to have sexual intercourse with the complainant. The complainant did not want to engage in sexual intercourse in the manner that was being suggested by the complainant and said so. The defendant continued to insist saying "*come on, just do it.*" Each time the defendant insisted he was becoming more forceful and agitated. He stood up from the bed and started getting dressed. He told the complainant he had led him on. The defendant took a bottle of Jim Beam from his backpack and as he started drinking the Jim Beam he called the complainant a "*cunt*". The complainant was sitting on the bed and moved over to the opposite side as the defendant was becoming aggressive.

The defendant slapped the complainant twice to the left side of his head using his right hand with an open palm. The defendant threatened to punch the complainant multiples times by lunging at him and swinging his fist towards his head. These punches did not connect with the complainant as the defendant stopped his fist within a couple of inches of the complainants head. The complainant believed he was going to be punched. He felt scared, anxious and made a conscious effort to stay calm in order to avoid the situation escalating. That is count one.

The defendant continued to behave aggressively. He struck the complainant to the knee cap with the Jim Beam bottle and said words to the effect "*I bet you've never had to deal with a psycho cunt like me, schizophrenia is an interesting thing to deal with, I know where you live and I'll come back tomorrow with a machete and take your fucking head off*". That is count two.

The defendant lent forward and tried to hit the complainant to the head with the Jim Beam bottle, before saying "*I should just take your head off now, no one will know if I murdered you because you're home alone*".

The defendant then told the complainant "*give me all your money*". The complainant was afraid he would be assaulted and told the defendant he had \$50 in his wallet which was in the spare bedroom. The defendant picked up the complainant's e-cigarette off the bedside table and said "*I am taking this too.*" The defendant followed the complainant to the spare bedroom and snatched the \$50 note from him. That is count three.

The defendant left the spare bedroom and appeared to be leaving the house. The complainant put his head outside of the bedroom door to check if he was gone and the defendant turned and struck the complainant to the head with the Jim Beam bottle. The bottle connected with the complainant's left temple. That is count four.

The complainant quickly closed the bedroom door. The defendant tried to enter, but the complainant used his body weight to keep the door closed.

The complainant heard the defendant walk down the stairs. The complainant came out of the spare bedroom and saw him exit the front door. As the defendant was walking out the door he yelled "*I'm gonna come back and take your fucking head off*".

In 2019 the defendant absconded to Victoria while on bail. A Supreme Court warrant was issued for his arrest on 12 April 2019. In March 2020 he was charged with assault, weapons, property and driving charges in Victoria. He was bailed on those charges but failed to answer his bail in May 2022 when he returned to Tasmania. On 29 May 2022 he was arrested in relation to the outstanding warrant for this matter.

An indictment was filed on 23 July 2019. The Crown Papers were filed on 29 July 2022.

The matter was included in the trial grid published on 22 August 2022.

The trial was due to commence on 12 September 2022. It was indicated on 11 September 2022 that the matter would resolve by way of a plea of guilty. As part of the matter being prepared for trial all but one of the witnesses listed in the Crown Papers were briefed. The complainant attended two separate briefings which were both approximately one hour in duration.

The complainant suffered bruising and abrasions and a broken kneecap.

I have listened to a victim impact statement. The complainant has been left traumatised and lives in fear of the defendant seeking him out. His personality has been changed.

The defendant has a record of prior convictions which include assault.

He has been in custody since 29 May 2022.

He is a 40-year-old man. He has a partner, he has a son who is aged 12. He suffers from an acquired brain injury and schizophrenia but neither has any casual connection with the commission of these crimes. He was diagnosed with schizophrenia at the age of 18, and he was placed on a disability support pension at the age of 20. Throughout all of his adult life he has been effectively homeless.

I have seen a letter from the defendant's psychologist who notes that the defendant reports a long history of anger issues and cannot handle confrontation. Nonetheless and even given his prior offending it would seem that serious assaults such as those involved here are out of character for him.

While never an excuse, the explanation for the offending is clearly that the defendant had been drinking all day on the day of the offending. He has no memory of the events.

I take account of the sentencing submissions made on behalf of the State and agree that these assaults are of a serious nature.

The defendant is convicted of three counts of assault and one count of stealing. I impose a single sentence of 18 months imprisonment, backdated to 29 May 2022 with the last six months of that term suspended on condition that the defendant commit no offence punishable by

imprisonment for a period of two years from his release from prison. The defendant is not to be eligible for parole until he has served six months of that sentence.