

STATE OF TASMANIA v AARON RAYMOND McCULLOCH
COMMENTS ON PASSING SENTENCE

BLOW CJ
15 SEPTEMBER 2022

Aaron Raymond McCulloch, you have pleaded guilty to a charge of unlawfully injuring property. There are reasons why this charge is being dealt with in the Supreme Court. It really is here by accident. This is the sort of case that would ordinarily be dealt with by a magistrate.

On 17 January 2020 you went to a hotel in Ulverstone. It was a Friday evening. You were having a quiet drink there. A man who lived on the mainland was about to return, and friends gathered for a drink. There was an incident when a person who did not routinely drink in the hotel suddenly and surprisingly punched a man to the face, causing him to fall to the floor. You intervened and defused the situation. The victim of that punch armed himself with a cue from a pool table. You intervened and disarmed him. There was violence from a hostile group and you were attacked. You may have used force in self-defence, but you did not do anything unlawful and the violence ceased. Then you saw a member of the hostile group suddenly and for no reason punch the man who was being farewelled to the face, causing him to lose consciousness and fall against a pool table, and then to the floor. You were drinking from a glass of beer at that moment. You reacted by hurling the glass at the assailant. The glass broke. There was further violence, and you threw another glass in the direction of a window. That glass broke and the window was damaged. In total, you broke two glasses and damaged a window. You did so after exercising commendable restraint and in a situation where it probably would have taken a great deal of self-control not to have reacted in the way you did. What you did was out of character. You have no significant prior convictions. You are a family man and you have been in steady employment ever since leaving school at the end of grade 10 over 20 years ago.

I am going to have to make an order than you pay compensation. I think in the circumstances I will not impose a conviction, but I will impose a small fine.

I order you to pay a fine of \$100 within 28 days. I order you to pay compensation in an amount to be assessed to the proprietor of the Lighthouse Hotel. I adjourn the assessment of the compensation sine die.