

STATE OF TASMANIA v BRADLEY DALE RAMANAUSKAS 9 NOVEMBER 2022
COMMENTS ON PASSING SENTENCE **BRETT J**

Mr Ramanauskas, you have pleaded guilty to two counts of assault and four counts of the summary offence of destroy property.

These offences were committed on 25 August 2020. The assaults were against your mother and your male friend. At the time, you were living at your mother's house, with your girlfriend and other family members. Your friend had arrived at the house that day because he was moving in with the family.

You had been drinking alcohol for most of the day and by mid-afternoon, you were very intoxicated. It is suggested that you may also have taken some prescribed medication and this contributed to your level of intoxication. An argument developed between you and your mother, which involved a lot of yelling. The argument continued for most of the afternoon, and eventually your friend intervened in an effort to bring it to an end. You reacted violently to his intervention. Firstly, you violently attacked your mother's property. This included throwing a chair against an internal door, and smashing two separate windows by throwing a coffee cup at them, as well as your mother's mobility scooter. You also smashed your mother's mobile telephone. You then went into a bedroom and started hitting the walls with a metal baseball bat, causing extensive damage. Your friend retreated to another room with a female who also at the house. You forced your way into the room where they were taking shelter and attacked the male with the bat. You repeatedly hit him to the head, upper body and legs for an extended period. Your mother came into the room while this was happening and tried to protect your friend by getting on top of him. You continued to hit both of them with the bat. The blows to your mother struck her arm, legs, feet and ribs. Eventually, you left the house.

Needless to say, both complainants suffered significant physical injury. Your mother suffered a broken arm, which required surgery, as well as extensive bruising to her feet, ribs, back, arm and hand. The male suffered extensive bruising to various parts of his body, and an injury to his right knee. He required crutches to walk for a time.

The male has declined to make a victim impact statement, but I have received such a statement from your mother. She describes experiencing significant pain during and since the attack. She suffers ongoing restriction of movement and requires the assistance of her daughter to undertake some day-to-day tasks. She is still taking strong pain medication. Understandably, she found this experience and the aftermath traumatic and is very upset about what you did to her.

You reached 18 years of age a few months before you committed these crimes. You are now 20. You were exposed during childhood to significant family violence inflicted by your father. You have been assessed with a full scale IQ of 70, which Dr Jordan, a psychiatrist, describes as a borderline/mild intellectual disability. Dr Jordan also notes that your mental health is "complicated by ADHD and a history of depression and anxiety". You had no prior convictions at the time of committing these offences. Since then, the only matters of which you been convicted are driving offences, breaches of bail and a minor firearms charge. They were all committed at around the same time or shortly after these events.

Objectively, these are extremely serious crimes. They were completely unprovoked, committed against people with whom you had a close relationship and they involved brutal and dangerous violence. You committed this criminal conduct in your mother's home and you

used a weapon. You caused considerable injury. The actual consequences are bad enough but they could have been far worse.

There is no doubt that the seriousness of your conduct warrants the imposition of a sentence of imprisonment. The only real question is whether some or all of that sentence should be suspended. It is obvious that your actions were completely out of character. You have no prior history of acting in this way. The fact that you were highly intoxicated provides some explanation, but it is still difficult to understand why you would react in this manner, notwithstanding that you were drunk. In any event, your intoxication is not a mitigating factor.

After balancing all relevant considerations, and despite the objective seriousness of your offending, I am persuaded that priority should be placed on your rehabilitation. This is primarily because of your age and lack of prior convictions. In this regard, it seems that you have some insight into the seriousness of your conduct and its impact on the victims, and you are very remorseful. You demonstrated this remorse when you were interviewed by police shortly after these events, and you have entered an early plea of guilty. You have also, since this occurred, taken meaningful steps to deal with problems in your life which may have contributed to your behaviour. You have been approved for comprehensive support through the NDIS and have engaged with providers of that support. You have sought treatment for the ongoing symptoms of your mental health condition. Dr Jordan's opinion is that you will find the experience of prison particularly difficult because of your intellectual capacity, and that prison is likely to negatively impact on your rehabilitation. In my view, it will certainly interfere with the continuity of the support that you are receiving at this time. You did spend a short time in custody after your arrest and you found this to be a very difficult experience.

Because of these considerations, in particular the need to prioritise your rehabilitation, I have decided that it is appropriate to impose a wholly suspended term of imprisonment. Such a sentence should not be seen as minimising the seriousness of your criminal conduct, or the impact that your actions have had on your mother and your friend. You must realise that this sentence is a real sentence of imprisonment, but provided that you follow the conditions of suspension, and do not commit any further offences in particular, you will not have to actually serve the sentence in prison. However, if you commit further offences, or do not follow the conditions of suspension, then there is a strong probability that you will have to serve the sentence. So, your future is entirely up to you.

A suspended sentence also enables me to impose ongoing supervision as a condition of suspension. The presentence report recommends against supervision on the basis that you have adequate supports in place without it. However, I agree with your counsel that a period of supervision will be useful to monitor your ongoing participation and utilisation of support resources. Accordingly, that will also be a condition of the sentence.

The orders I make are as follows:

You are convicted of the crimes and offences to which you have pleaded guilty;

You are sentenced to a global term of 12 months' imprisonment. The whole of the sentence will be suspended for a period of 12 months from now on the following conditions:

- that you are not to commit another offence punishable by imprisonment during that period.

- that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 12 months. That period will commence from today. The court notes that the conditions referred to in s 24 (5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within three clear days of today. In addition to the core conditions, the order shall also include the following special conditions:

(a) you must, during the operational period of the order;

- (i) attend educational and other programs as directed by the court or a probation officer;*
- (ii) submit to the supervision of a probation officer as required by the probation officer;*
- (iii) submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.*