

Christopher Harris you have pleaded guilty to one count of being unlawfully armed in public and two counts of aggravated assault. The first incident involved members of the public. The complainants in respect to the aggravated assault charges were police officers. The firearm involved in the first incident was a gel blaster rifle and in the second incident it was a gel blaster pistol. Both were realistic imitations. Additionally, you have pleaded guilty to related summary charges, namely three counts of possessing a firearm to which a firearm's licence may not be issued, one count of assaulting a police officer by spitting at him, one count of threatening a police officer and one count of breaching a Family Violence Order by being in possession of the various gel blaster firearms.

On 22 May 2021, two civilians observed you in the main street of Penguin holding the gel blaster rifle. They did not appreciate it was an imitation firearm when they first observed you. You were pulling the slide back and allowing it to snap forward, causing it to make a noise. When you observed the two civilians looking at you, you said to them "What are you two sluts looking at?". When they replied they were looking for somebody, you said "Fuck off and look somewhere else then." The civilians left and alerted police to your behaviour.

Constable Glen Martin and Senior Constable Clinton Brazendale were tasked to attend the area. Initially they could not find you but subsequently saw you walking up a nearby driveway. They identified themselves as police officers. You immediately became agitated and refused to provide your name. You told police to "fuck off". You also told police you were going to go and get your gun. Constable Martin warned you it was not appropriate to make threats of that nature. You went inside the residence. Constable Martin and Senior Constable Brazendale retreated behind their vehicle in order to obtain some protection. You exited the house with a pistol in your hand. You pointed the pistol at both officers from a distance of approximately ten metres. The pistol was in the shape of a Glock pistol. You racked the pistol with your left hand and the sound of the slide being actioned was clearly heard. Both officers believed the firearm you were pointing at them was real and accordingly drew their police issue firearms. You were directed to drop the weapon. You did so. You threw it to the ground and walked back towards the residence. You were subsequently arrested. The pistol you had discarded was located by police. It was a Glock branded gel blaster pistol. It was black and dark green in colour and presented as genuine. It was only upon closer inspection that it could be identified as being made from plastic.

Other occupants of the residence indicated to police that you had also been in possession of a gel blaster rifle. A search warrant was obtained for the residence and the premises were searched. A second Glock branded gel blaster pistol was located but the gel blaster rifle was not. The following day, your then girlfriend located the gel blaster rifle in a motor vehicle and alerted police to its presence. The gel blaster rifle was the item you had used in the main street at Penguin. Your possession of each of these three firearms was in breach of a Family Violence Order issued on 3 March 2021.

Following your arrest on 22 May, you were transported to the Devonport Police Station and treated by paramedics. You were subsequently taken to the North West Regional Hospital. Police later attended to assist with transportation and you were observed to be attempting to swallow a cable. When this was removed from you, you became agitated and abusive. You said to Constable Sheldon Cooper, "Fuck you dog" before spitting at his face. You were

restrained by Police. In doing so, you threatened a police officer by saying the words "That's the least of your worries. As soon as I get home, I'm gonna shoot you. You've got no idea what you're in for."

When you were presented before an after-hours court, you told the Justice of the Peace that on the day of these incidents, you had consumed alcohol for the first time in a year. You also told the Justice of the Peace that you were unaware it was illegal to possess gel blasters and that you and some friends had been using them for recreational entertainment.

You have spent 139 days in custody relevant to this offending.

I have read and considered the Victim Impact Statement of Constable Martin. Even with his experience in attending critical situations as a police officer, he was of the belief that the firearm you pointed at him was real and he was concerned for his safety. Fortunately, it was the calmness and experience of the officers that resulted in the situation not escalating more but, of course, that does not diminish the very real risk that was associated with your behaviour.

You have a very poor record of prior convictions. In September 2002 you were sentenced to a three month suspended detention order for arson and assault, having spent time in detention prior to that sentencing order. In 2008 you were sentenced to community service for three breaches of a Family Violence Order, common assault and charges of injuring and destroying property. In September 2013 you were sentenced in South Australia to 12 months' imprisonment for charges of aggravated assault and damage to property. In September 2016 you were sentenced by this Court for six counts of criminal code assault. In October 2019 you were sentenced for offences of breaching Police Family Violence Orders, trespass, destroying property and breaching bail conditions. You were given a suspended sentence in respect to those matters. You subsequently breached that suspended sentence order by the commission of further family violence offences. In August 2021 you were sentenced and re-sentenced to a period of imprisonment of five months. You spent time in custody for these matters before being released in October 2021. I am told that since that time, you have made a concerted effort to abstain from illicit drug use and stay out of trouble, and to date it appears you are doing well in those endeavours.

There is no question you had a most difficult upbringing. Your father was a violent alcoholic. He regularly perpetrated violence upon both yourself and your mother. You suffered broken bones at his hands. You were removed from the care of your mother and spent time living in group homes, where again you were the victim of violence. You also spent time at Ashley Detention Centre where, sadly, you were the victim of sexual abuse. You are involved in the National Redress Scheme. Your experiences in your childhood led to you resorting to both alcohol and drugs as a coping mechanism. You developed a substantial addiction to both substances and I am told many of your prior convictions are a reflection of your long term struggles with those substances. You had been using both alcohol and drugs, I am told, on the day these offences were committed.

As noted, you spent a considerable period of time in custody following the commission of these crimes. You were released on bail in October 2021 and since that time you have engaged with a psychologist, who is exploring the possibility that you have a mental health condition. You have also engaged and sought assistance from your general practitioner and to your credit, have engaged in and sought assistance from alcohol and drug treatment services. I have received a report from Anglicare. It indicates that you have been approaching counselling with that

service with sincerity and appear motivated towards meaningful change. Importantly, you have secured employment and that seems to have provided you with stability and purpose.

Because of the apparent steps towards reform which you have undertaken, I had you assessed as to your suitability for home detention. Although you are not considered suitable for home detention because of the nature of your employment, the content of the home detention assessment report is most positive in my view. The report indicates that you have stable accommodation. Your partner, also resides at that accommodation, although independently of you. Your partner continues to support you. You undertake groundsman work at your accommodation to assist with the payment of your rent. You are well regarded in that role. You also maintain full time employment within the construction industry. The author of the home detention report made contact with your employer, who confirmed they value your work ethic and wish to retain you as an employee. Due, however, to the sometimes sporadic nature of that work, it is difficult for your employer to provide advance notice as to your work location. This is incompatible with the requirements of a home detention order. The author of the home detention assessment report nevertheless indicates that you presented with a far more positive attitude towards reform than during your previous dealings with Community Corrections, and showed insight into the difficulties your substance abuse has created for you in the past. The report suggests you hold a genuine desire to maintain abstinence from drugs. Your employment is seen to be a significantly stabilising and motivating factor in this regard.

In formulating sentence, I take into account that this is serious offending. Whilst I accept the gel blaster firearms were not capable of causing substantial physical harm, the civilians and police officers involved did not immediately appreciate that the firearms were replicas and undoubtedly experienced considerable fear, uncertainty and apprehension as a consequence of your behaviour. These gel blasters appeared very real and it was only upon closer inspection that they could be identified as imitation firearms. The use of such items in the community has the capacity to cause harm and anguish and they can be misused in criminal endeavours. That is why they are illegal. There is a need to impose a sentence that reflects a condemnation of the use of any sort of firearm, imitation or otherwise, in a threatening manner within our community.

In all of the circumstances, I have determined that the crimes committed by you are of such seriousness as to warrant the imposition of a term of imprisonment. I take into account, of course, that you have already served a substantial period of time in custody referable to these charges. I also take into account the fact that it does appear as though you have, in more recent times, made considerable gains in terms of your rehabilitation. Taking those matters into account, I have determined it is appropriate to suspend the balance of the period of imprisonment I intend to impose. I make the following orders. You are convicted of all matters to which you have pleaded guilty. I impose a global sentence. It best reflects the overlap of the offending behaviour and principles of totality. You are sentenced to 16 months' imprisonment, backdated to commence on 19 September 2022. The last 12 months of that period of imprisonment is suspended on condition that for a period of two years, you commit no offence punishable by imprisonment. I also make a Community Correction Order for a period of 12 months from today. The core conditions of that order will be set out in a written document, which will be provided to you. You are required to comply with the conditions that you must not commit an offence punishable by imprisonment for a period of 12 months from today but, of course, I warn you that the gaol sentence I imposed has been suspended for a period of two years. There is a special condition that you must submit to the supervision of a probation officer for that 12 month period, and you must participate in programmes or engage

in counselling as directed by a probation officer. I also impose a special condition, namely you must attend, participate in and complete the EQUIPS addiction programme if directed to do so by a probation officer. You must report to Community Corrections Burnie by the close of business today. Pursuant to section 11(1) of the *Crime Confiscation of Profits Act* 1993, I make an order that the gel blaster pistol located on the driveway and the gel blaster rifle be forfeited to the State of Tasmania. For the purposes of section 16, sub-section 4 of the Act, I note the Crown asserts the value of the firearm is approximately \$600.00.