

STATE OF TASMANIA v JOSHUA DALE HARRISON
COMMENTS ON PASSING SENTENCE

23 MARCH 2023
BLOW CJ

Mr Harrison has pleaded guilty to a charge of committing an unlawful act intended to cause bodily harm, contrary to s 170(1) of the *Criminal Code*. He attacked a man named Lunson outside the Kmart at New Town on 13 April last year.

Mr Harrison and Mr Lunson knew each other. In the beginning they were sitting on a seat adjacent to an outside walkway, talking to each other and sharing a cask of wine. Mr Harrison was drunk. He asked Mr Lunson to help him acquire some drugs, but he refused and swore at him. About 15 minutes later, Mr Harrison stood up, pulled out a knife, and began stabbing Mr Lunson to the chest, shoulder and neck areas. Mr Lunson tried to deflect some of the blows, with little success. Mr Harrison continued the attack. He punched the victim to the face a number of times, kned him to the face a number of times, and then resumed punching him to the face, still holding the knife.

This attack occurred in public, in a shopping complex in the early evening. The entire incident was witnessed by members of the public. Two young people, who were walking along the walkway, stopped and told Mr Harrison to stop. He eventually ceased his attack. He then cradled Mr Lunson's face in his hands and apologised. He asked the witnesses to call an ambulance. I was provided with CCTV footage of the entire incident.

Police officers were called to the scene. Mr Harrison was arrested and has been in custody ever since. He took part in a police interview the next morning. He apparently had little memory of what happened, but he said he believed that Mr Lunson was in a bad way and that he had gone too far.

Mr Lunson was taken to hospital by ambulance. His injuries were initially life threatening. He had stab wounds to the right chest, left chest, forehead, and left arm, and a small laceration under his left eyelid. Both lungs had collapsed. He was in hospital for nine days.

Mr Lunson did not provide a victim impact statement. However, the impact of this attack on him must have been terrible. I infer that he has been left with permanent scars. I have been provided with a medical report in which two doctors said that one would not expect long-term significant disability from the injuries. However, the hospital records show that Mr Lunson had pre-existing mental health problems, including schizophrenia, borderline personality disorder, and a polysubstance abuse problem. I was told that his father had grave concerns for his mental state, and was trying to engage with him and provide him with support.

Mr Harrison was 27 years old when he committed this crime and is now 28. He had not spent any time in prison before his arrest in relation to this incident. He had been given some wholly suspended sentences in the past – for driving offences committed in 2015 and 2021, for an assault committed in 2017, and for possessing a hatchet in a public place in 2021. He breached the conditions of two suspended sentences by attacking Mr Lunson, but no application has been made for them to be activated.

I have been provided with a thorough report on Mr Harrison by a forensic psychiatrist. Mr Harrison has a history of mental disorder. He had three admissions to the psychiatric unit of the Royal Hobart Hospital in the 12 months preceding his attack on Mr Lunson. Whilst in the community he was prescribed a depot form of anti-psychotic medication. He has been

diagnosed as suffering from schizophrenia, but there is no suggestion that that condition played a part in his decision to attack Mr Lunson. He also has a history of substance misuse. He had commenced the Bridge programme – a programme provided by the Salvation Army for individuals affected by substance abuse – less than two weeks before the evening in question, but he left early.

The psychiatrist has reported that Mr Harrison has made some progress in the months that he has been in prison. He has benefitted from abstinence from illicit drugs and from his medication. The psychiatrist has suggested that a lengthy sentence might negatively impact on his capacity for long term rehabilitation. There are other matters that count in his favour. He is very remorseful. In fact, remorse replaced aggression as soon as he ceased attacking Mr Lunson. The attack was spontaneous and unplanned. Mr Harrison did not flee from the scene. He co-operated with the police. He pleaded guilty at an early stage. His counsel told me that he has had a difficult time in custody.

However, this was a very vicious attack. Mr Lunson could have been killed. It no doubt had a terrible impact on his mental health. The only appropriate penalty is a significant sentence of imprisonment. Because of the progress Mr Harrison has made towards rehabilitation, I will impose the shortest possible non-parole period, and leave it to the Parole Board to make appropriate arrangements for his return to the community.

Joshua Dale Harrison, I convict you and sentence you to four years' imprisonment with effect from 13 April 2022. You will not be eligible for parole until you have served two years of this sentence.