

Ms Flint, you have pleaded guilty to one count of aggravated burglary, one count of criminal code assault, and one count of unlawfully destroying property. On 13 October 2021 you and two other young people went to the home of the complainant. This was following an exchange that occurred on Facebook, and apparently involved some unsavoury comments being made. You approached the door of the complainant's unit and the three of you yelled out and banged loudly on the door. You then entered the unit without permission, intending to assault the complainant, hence the aggravated burglary charge. You went to the complainant's bedroom. You endeavoured to force entry to the room but initially at least the complainant held her weight against the door. Eventually the three of you kicked the door with sufficient force and frequency to break it and force it open. This behaviour grounds the destroying property charge. Once inside, all three of you began to attack the complainant. She was punched and struck repeatedly. Her finger was bitten. Knees were used to pin her onto the bed frame. At one point, one of your number obtained a knife and used it to inflict two wounds upon the complainant. You are not criminally responsible for the infliction of those wounds. The State does not assert that the wound was a probable consequence of your agreement to participate in an assault upon the complainant.

Whilst you and your two accomplices were assaulting the complainant, her younger sister was in another bedroom. She was screaming and in obvious distress. The complainant's mother was also present in the house. At one stage, one of your associates grabbed hold of her hair and punched her. You then all left the unit. The complainant was taken to the North West Regional Hospital. She had bruising to her right cheek beside her eye socket, scratch marks on the right side of her neck, superficial grazing on the back of her third finger on the left hand. The two wounds were cleaned and closed with stitches.

You were arrested later that same day. You participated in a video record of interview. You told police you had known the complainant for some time. You believed she had threatened your son, and you went to the residence because of that. You admitted to police that in respect to the bedroom door, you had tried to "knock it down". You described a tussle occurring between you and the complainant. You then said "I just punched her in the head probably six times all up, and then probably twice I punched her in the guts because I couldn't get to her face....I can't remember much after that. I remember seeing this little black and red thing she put in her hand ...I think it was probably two or three more hits after that".

You also told police that when you realised her younger sister was in the residence you "came back to reality" and realised that what you were doing was wrong. You said you were upset at what had occurred and felt "horrible".

This was a very serious assault. It was perpetrated upon the complainant in her own home and in the presence of others. There were three of you inflicting violence upon the complainant. She was vulnerable and largely unable to defend herself. Whilst I have not been provided with a victim impact statement, I have no doubt the complainant found the experience most confronting and upsetting, as too would have the others in the house. She required treatment for the wounds inflicted. Whilst, of course, you are not to be sentenced for those wounds, it is indicative of how easily matters can spiral out of control when people choose to use violence to settle grievances, real or perceived.

You are now 21 years of age. You were 19 when the crimes occurred. You have two young children and are expecting your third child shortly. You have had a most difficult upbringing. Your mother passed away from cancer when you were 11 years of age. Thereafter, you went to live with your father and step-mother. Your step-mother was a drug user and would often inflict violence upon you. Your father would also become involved in physical fights with you. When you were 14 you moved out of the home because of the violence. You were essentially homeless for the next six years or so. You entered into a relationship that was violent when you were 15. Drug use during this relationship was common and you quickly developed a methylamphetamine habit. You are now in a new, supportive relationship and I am told that you have not used methylamphetamine for over 11 months. You currently live with your partner and his family and it is to this relationship that you are expecting your third child.

You have, in the past, been diagnosed with Post Traumatic Stress Disorder largely arising from your upbringing and the grief you experienced following your mother's passing. You have struggled with depression, self-harm and suicidal ideation. You have been hospitalised several times in the past following suicide attempts.

Pleasingly, it seems as though you are now in a much more positive environment. You have support from your new partner and his family. You are receiving assistance from Youth and Family Focus with your mental health and anger management issues. By way of prior criminal history, you have been dealt with in the Youth Justice division for matters of aggravated burglary and assault. You have also been dealt with in respect to dishonesty and driving matters. As an adult, you were fined in respect to a matter of common assault and have also been fined for bail offences.

Breaking into somebody's home and assaulting them is always a serious matter. The presence of other persons, including the complainant's younger sister, in the home is an aggravating factor in my view. The potential for the injuries to have been more grave is obvious. I accept you are remorseful for your conduct and have reflected upon your behaviour and now have an appreciation as to how terrible it was. You expressed remorse to police during the record of interview and whilst the plea of guilty came at a relatively late stage, it was after considerable negotiation, particularly in respect to the wounding allegation, for which the State accept you bear no criminal responsibility. I am told there was an offer made to plead to the charges that appear on the current indictment as at the beginning of 2022. I accept the plea of guilty therefore has mitigatory value. In my view, because of the need to send a very clear message to others that violence of this nature will not be tolerated, a term of imprisonment must be imposed. However, because of your personal circumstances, and in particular the efforts you have made in more recent times to stabilise your life, I am going to suspend the period of imprisonment I intend to impose.

I make the following orders. You are convicted of all crimes to which you have pleaded guilty. You are sentenced to a period of imprisonment of six months. The execution of that period of imprisonment will be suspended for a period of two years on condition that you commit no offence punishable by imprisonment during that time. I also intend to make a Community Correction order with an operational period of 12 months. All core conditions will be imposed. Additionally, I impose special conditions that you must report to a probation officer at Burnie by close of business tomorrow. You must undergo assessment and treatment in relation to alcohol and/or substance abuse as directed by a probation officer, you must submit to testing for alcohol and/or drug use as directed by a probation officer, you must submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer. You

must, if directed to do so by a probation officer, attend, participate in and complete the EQUIPS addiction programme and/or the EQUIPS aggression programme. I make a compensation order in favour of Brylee Crowden in an amount to be assessed. I make a compensation order in favour of the Roman Catholic Church Trust in an amount to be assessed.

I need to explain to you Ms Flint, that if you do, in fact, commit any offence punishable by imprisonment, and I emphasise the word "any", during the period, you can be brought back to this Court and an application made that you serve the period of imprisonment. The law is that a judge must activate the sentence unless it is unjust to do so.