

Curtly Hodge, you plead guilty to aggravated assault. On 12 December 2021, at about 7.30 pm, you went with two other men, who have not been identified, to the home of the complainant, Cameron Bowerman, in Rocherlea. You were then aged 21. He was 51 and had been an acquaintance of yours for a few months. He agreed to give you and your companions a lift in his car. You were a front seat passenger. The complainant first drove to a petrol station in Newnham and then to Churchill Park recreation ground. Why he drove there has not been explained, but when he arrived he was attacked by your two companions, one of whom had a firearm. He was punched to the head by one assailant and dragged from the car by the other. He managed to escape and ran off, but as he did so one of your associates fired two shots in his direction. Neither shot struck the complainant. The State accepts that you are to be sentenced on the basis that you did not know of any plan to assault or rob Mr Bowerman. You are not a party to the assault in the car. However once the events I have described began to unfold you abetted the aggravated assault by encouraging your companion by your presence to fire the gun. Your shared intention was to, by firing the gun, frighten him so he would not go to the police about what the others had just done to him.

It did not have the desired effect. He made his way home and the police were notified. He was not injured and his car was recovered apparently undamaged. The complainant had his own issues with drug use. After this incident he left Launceston partly to escape the drug scene but partly because of fear of recrimination. No doubt what happened to him was frightening to say the least. It is not suggested that you or anyone else intended that he be shot but he was not to know that.

You are now aged 23. It is in your favour that you have pleaded guilty. It is not an early plea but part of the delay is attributable to selecting the correct charge and to negotiations about the basis of your criminal liability. You did not fire the gun. Your intention was to threaten but not to attempt to injure the complainant. However it is still a serious matter to encourage another person to use a firearm to commit an assault. Regrettably your family background was dysfunctional and you were exposed to significant childhood trauma. You have been in State care since age 15. Your education is very limited and you have a long history of heavy abuse of illicit drugs. You are estranged from your parents. That has all contributed to what is, for a relatively young man, a bad record for offences of dishonesty and violence committed as a youth and as an adult. Much of your adult life has been spent in prison. You have been in custody since your arrest on 14 December 2021. Part of that time is attributable to other sentences for serious offences committed both before and since this crime, but I am asked to take into account that you have served 287 days, more than 9 months, not attributable to any other sentence. On that basis it is accepted by the State that any sentence I impose should commence on 20 October 2022. That also means that if I am to impose a sentence which is proportionate to the level of your criminal conduct the time for an effective parole order has already passed. I am told that the only good influences in your life are your grandfather and older brother. I think you would be assisted by a period of supervision on your release, so in an attempt to balance all of those aims and considerations I will impose a sentence of imprisonment but suspend part of it on condition that you submit to supervision of a probation officer. That is intended not only as some incentive not to re-offend but to help you reintegrate into the community and provide assistance with treatment, programmes, counselling and possibly even housing.

Curtly Hodge, you are convicted and sentenced to imprisonment for 12 months from 20 October 2022. I order that you not be eligible for parole. I suspend three months of that term for 18 months from your release. It is a condition of that order that while it is in force you do not commit any offence punishable by imprisonment. If you breach that condition then a court must order that you serve the suspended part of that term unless it is unjust. I impose a further condition that, during the 18 months the order is in force, you are to be subject to the supervision of a probation officer. The conditions which the law imposes on that order include that you must report to a probation officer at 111-113 Cameron Street, Launceston on or before 5.00 pm on Friday 11 August 2023, you must, during the operational period of the order, report to a probation officer as required by the probation officer and comply with the reasonable and lawful directions of a probation officer or a supervisor, you must not, during the operational period of the order, leave, or remain outside, Tasmania without permission of a probation officer and you must, during the operational period of the order, give notice to a probation officer of any change of address or employment before, or within two working days after, the change. I impose special conditions that you must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer, attend educational and other programs including the EQUIPS Addiction Program, undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer. If you breach any of those conditions you may be brought back to court and re-sentenced. Finally, I also impose a condition that you appear in this Court at 2.15 on Friday 20 November 2023 so that I may be given an update on your progress.