

Liam Van Galen, you plead guilty to aggravated carjacking. I also agreed to deal with your plea of guilty to common assault. The crime of aggravated carjacking is committed when a person, with others, assaults another person with intent to take a motor vehicle. On 27 January 2023 Jason Burns and Nadine Bryan were in a white BMW sedan parked in the car park at Brady's lookout. They had been driving in the car along the West Tamar Highway but pulled into the car park and stopped because the car had a mechanical problem. The car belonged to Mr Burns' mother Venecia Rushton.

Shae Lee Parker, who was your partner at the time, had a grievance with Nadine Bryan which I will explain in a moment and you had been told where she was. You set out to find and confront her and take a mobile phone she had. You were driving a white Land Cruiser and Ms Parker, one other male and one other female were your passengers. When you saw the car you were looking for in the car park you pulled in and stopped close to it. Mr Burns was outside the BMW looking under the bonnet. On seeing your car approach Mr Burns ran off. You chased him yelling threats including that you would break his neck, thereby assaulting him. Ms Parker approached Ms Bryan who was seated in the passenger seat. Ms Parker repeatedly struck Ms Bryan to her upper body and attempted to pull her from the vehicle. Ms Parker then braced herself against the vehicles and stomped on Ms Bryan's upper torso demanding that she get out of the car. As Ms Bryan slowly exited the car Ms Parker tried to prise her belongings from her hands. You also tried to prise the phone from Ms Bryan's hands at the same time that she was punched again by Ms Parker and punched and grabbed by the other female.

The female managed to get the BMW started and the other male drove it away. All of the foregoing is confirmed by dash cam footage from your own vehicle.

Ms Rushton's car was taken and sold for a paltry sum and has not been recovered. I have no victim impact statements from either Ms Bryan or Mr Burns. There is no suggestion that Mr Burns could have been injured although he might have been frightened at the time. The situation is different for Ms Bryan. She was subjected to forceful punches and kicks which must have had an effect on her even if it was transient, and being the victim of violence of that nature must also have been traumatic. It was put, without dispute by the prosecution, that the crime was motivated by a belief that Ms Bryan had used a phone lent to her by Ms Parker to access and steal from Ms Parker's bank account; money paid as compensation under a redress scheme which made the theft even more traumatic. I have no way of testing the truthfulness of that assertion but it is consistent with what was said by you at the time of the crime and I have no reason to not accept the genuineness of the belief about what had happened and that this drove the wish to recover the phone. That may explain your crime but does not excuse public violence, accompanied by dishonesty, committed in company against a single female who was considerably outnumbered.

You are to be sentenced on the basis that you are criminally responsible for your own acts as well as the acts of others including the violence inflicted on Ms Bryan and the taking of the car, although it is relevant that you were directly responsible for only a small part of the force which was used.

You have a record for dishonesty, drug and firearm offences but not for serious violence. You were given a suspended sentence in 2020 but have not been sentenced to actual imprisonment. You are awaiting sentence in the Magistrates Court for a series of driving and dishonesty

offences. At the request of the magistrate your suitability for the making of a drug treatment order was assessed and you were assessed as suitable. I was given details of your personal circumstances by your counsel but the report expands on that. You are aged 25. You are single with no dependants. You have a history of illicit substance abuse but it is a little difficult to understand how illicit drug use contributed to this offence. Whether such an order is made for the other offending will be a matter for the magistrate.

You have been in custody since 18 April 2023 and so the sentence I am about to impose will commence then. Although aggravated carjacking is a serious crime, this is not the most serious example. It seems to me that although the car was taken, the primary focus was the phone. The material included in the assessment report persuades me that you have developed some insight into your offending and a genuine wish to turn your life around, and so I will suspend part of the term

Liam van Galen, you are convicted on the indictment and on count 2 on complaint 30355/23. I make a compensation order in favour of Venecia Rushton and adjourn the further terms of that order to a date to be fixed. You are sentenced to imprisonment for 12 months. I suspend half 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 another offence punishable by imprisonment. If you breach that condition then a court must activate the suspended part of the term unless that is unjust.