

Gus Absolom, the defendant, has pleaded guilty to one count of assault committed on 31 January 2022. The particulars are that he assaulted the complainant, John Smedley, by punching him to the head, grabbing and pulling at him and striking him to the head with a hammer. The facts are as follows. At the time of the offending, the defendant had, in effect, a teenage stepdaughter who, in turn, was friends with a girl of the same age, who I will call Amelia. Amelia was the daughter of a woman whom the complainant was in a relationship. In the evening of 31 January 2022, Amelia messaged the defendant's stepdaughter stating that she was scared and asking whether she could stay with the defendant's family. The defendant went to Amelia's home and picked her up. He gained the impression that the complainant had assaulted Amelia's mother that day. Shortly after, the defendant and his partner, went to the complainant's home. The couple went to the front door, knocked loudly and demanded that he come outside. Mr Smedley's mother answered the door, at which point she saw the defendant's partner pass a hammer to him. The defendant said some abusive things about the complainant and asserted that he had punched Amelia's mother and he said he wanted to fight him. The complainant heard the defendant yelling and went to the front door. The defendant then punched him in the head. Mr Smedley attempted to retreat but the defendant followed him inside and continued to punch him to the head and face. He then dragged Mr Smedley outside and hit him once to the side of the head with the hammer. Mr Smedley's head started to bleed instantly. He managed to get away and ran to some nearby bush land. The defendant then pursued him shouting at him not to go near Amelia's mother. A short time later, both the defendant and his partner emerged from the bush land and left the area. Not long after Mr Smedley emerged, with his head still bleeding. The defendant was intercepted by police shortly after, driving a different vehicle than the one in which they had gone to the complainant's home. Police later found the hammer in the other vehicle. When spoken to he admitted that he had gone to the particular address, that he assaulted Mr Smedley by punching him, and said that he was not happy with Mr Smedley as he had assaulted Amelia's mother in her presence. However, he denied using a hammer. He was arrested and declined to be further interviewed. No victim impact statement was provided and I do not have any information about any injury or consequences that the complainant may have suffered.

The defendant is now 30 years old. He is still in the relationship he was in at the time; that has been a long term one. The two are presently living in separate homes but plan to move to one home shortly. He has a seven year old daughter from a previous relationship. He is in good terms with the mother of that child and sees his daughter every second weekend. There is a two year old daughter from the current relationship and his partner is now three months pregnant with their second child. The defendant does have a recorded history of offending. In September 2011 he was convicted of a summary assault and made the subject of a community service order to perform 49 hours. I note that he was 18 years old at that time. There is an entry for two minor drug offences in early 2013 for which no convictions were recorded, with the proceedings being adjourned on his undertaking to be of good behaviour for a period of two years. More recently in July 2021 he was convicted of destroying property, namely a glass window pane, and fined \$400. The defendant has a good work record. He did part-time work while completing the last two years of his secondary education, he has worked as a builder's labourer for two years and then had three different full-time jobs over a period of a little over nine years. He is now working full-time with a local Council as a parks maintenance officer. I am told that he is deeply sorry that things got out of hand. It was asserted, without dissent, that

he did not go to the complainant's home intending to assault him but just to confront him. Having reflected on what happened, he is now resolved not to get involved in other peoples "predicaments and issues", as it was put.

All forms of violence are unacceptable. This matter is made a serious incident of assault by a number of things. It was a vigilante style attack based on a conclusion formed from a hearsay account given to the defendant. It was carried out at the complainant's front door and pursued while he went inside. It was carried out in the company of another. A tool was used as a weapon and there was a blow to the head with that weapon; a very dangerous thing to do. As such, the conduct needs to be condemned and deterring others from this sort of behaviour is important. I note that the defendant was not actually responsible for taking the hammer to the house, but I think that is of little consequence. There is a prior matter of violence in the defendant's history although it is of some age, but more recently there is an episode of destructive behaviour and so specific deterrence becomes relevant. It follows from all of that, that there is no clear entitlement to leniency but I take into account the defendant's personal circumstances; in particular his family situation and his stable employment. I also take into account the plea of guilty. Although it did come at a late stage, it avoided a trial and so has some practical value.

Mr Absolom, I have set out the facts and the matters that I need to take into consideration. Courts need to take a stern approach against vigilante violence. Your conduct was completely unjustifiable and the use of the hammer is to be deplored. A term of imprisonment is necessary to mark the seriousness of the matter but I take the view that the execution of the term can be suspended on conditions, one of which will have a more immediate impact on you by way of punishment. I suspect this may be your last chance in respect of offences of violence. You are convicted of the crime and sentenced to 12 months' imprisonment the execution of which is wholly suspended on condition that you commit no offence punishable by imprisonment for a period of two years, and on condition that you perform 175 hours of community service within that period. You will have to report to a probation office at 75 Liverpool Street Hobart by 5pm tomorrow, 13 October 2023.