

STATE OF TASMANIA v JESSE HRYCYSZYN
COMMENTS ON PASSING SENTENCE

9 MAY 2016
PEARCE J

You have pleaded guilty to perverting justice. The State alleges that on 17 January 2015, R committed a serious assault at Longford. He was arrested by police on that day, but before that occurred, he went to you and requested you to make an entry in the appointment book of the hairdressing salon in which you were working. You agreed to do that. The purpose was to create fabricated evidence of an alibi which may later be used by R, either in support of an application for bail, or in defence of the charge against him. This did not persuade anyone. Within a couple of days police had realised the falsity of this appointment. R had already been taken into custody. You did not then do anything to compound your lie, although that represents the absence of an aggravating factor, rather than a mitigating factor.

You are now 32. You have no relevant prior convictions. I accept that you have a good employment and business record over a number of years as a hairdresser, and that you are talented in that area. Your life has recently been deeply affected by the abuse of illicit drugs, namely crystalline methyldamphetamine.

I take into account that you come from a supportive family. It is in your favour that you have pleaded guilty, although not at a particularly early stage. I also accept that you are now taking steps to deal with the addiction to Ice which has affected your life. I think, given your background and your lack of prior convictions, it would be contrary to the community interest to send you to prison. However, those who commit this crime must accept that it is a serious offence because it discloses a tendency to subvert the justice system. It almost invariably leads to a sentence of imprisonment so others will realise that prison is a likely outcome.

In your case the appropriate order is for there to be a sentence of imprisonment, but which will be wholly suspended. You must understand the effect of this is that, if you commit another offence punishable by imprisonment in the period during which the sentence is suspended, the Court must then order that you serve the sentence unless it is unjust.

You are convicted on the indictment. You are sentenced to imprisonment for three months, wholly suspended for 18 months. You will pay the victims of crime compensation levy of \$50 within 28 days.