

STATE OF TASMANIA v KYE DAMIAN GREENLAND
COMMENTS ON PASSING SENTENCE

23 MAY 2016
BLOW CJ

Mr Greenland has pleaded guilty to three charges of making false threats of danger. On three occasions in the month of February 2016 he threatened to go to the home of a Mr Devine and either kill him or harm him there.

On 13 February, in an anonymous 000 call, he told a police officer that he was going to kill Mr Devine. That threat was not one of the three threats for which I will be sentencing him. A police officer arranged to make a call to the mobile phone from which the 000 call had come. Mr Greenland answered the police officer's call, and said, "I'm going to go to Richard Devine's house and kill him and I don't care if I go to gaol for a long time for doing it. He deserves it."

On 16 February Mr Greenland made another 000 call and told a police officer that he was going to walk up to Jackson Street, Glenorchy and kill Mr Devine. The next day, in another 000 call, Mr Greenland told another police officer that he was walking up to Mr Devine's house and that he was armed. Less than an hour later, he made another 000 call in which he told a police officer that he was outside a supermarket in Glenorchy. Police officers arrived there three minutes later and arrested him. He spent a night in custody, and was released on bail the next day.

The 000 calls resulted in considerable inconvenience for the police, and in fear on the part of Mr Devine, his partner, and the four children of their household. On 13 February an attempt was made to locate Mr Greenland's phone by means of triangulation, but the police were only able to establish that the phone was in the Bridgewater area. Mr Devine was advised of the threats on 13 February. Police officers attended his residence on 16 and 17 February, but both times he told them that he had not seen Mr Greenland.

Mr Greenland is 39 years old. He is a disability support pensioner. He suffers from post-traumatic stress disorder and depression. He has some convictions for offences relating to alcohol and violence. He has never been sentenced to imprisonment, but last October a magistrate sentenced him to community service and imposed a 9-month probation order in relation to a charge of behaving in a violent manner.

His counsel told me that he had taken steps to address his problems, and no longer had a problem with alcohol.

Mr Devine apparently told the police that his partner had previously been in a relationship with Mr Greenland. Mr Greenland's counsel told me that it was the other way around – that Mr Greenland had commenced a relationship with a former partner of Mr Devine. Mr Greenland's instructions were that Mr Devine had repeatedly phoned and texted him, until he got to a point where he started making the 000 calls, making false threats. He had no intention of actually causing any physical harm to Mr Devine.

A probation officer has reported that Mr Greenland is not considered suitable for another community service order. In the circumstances, I think the only appropriate penalty is a very short wholly suspended sentence of imprisonment. I take into account the fact that Mr Greenland spent a little time in custody when he was arrested in February.

Mr Greenland, I am going to give you a suspended prison sentence. If you stay out of trouble, you will not have to serve this sentence. If you get into any further trouble, you will probably have to spend some time in prison for the threats that you made in relation to Mr Devine.

I convict you and sentence you to 12 days' imprisonment, wholly suspended on condition that you commit no offence punishable by imprisonment for a period of 12 months. I order you to pay your victims of crime compensation levies of \$150 within 28 days.