

Jack Logan John Rogers has pleaded guilty to one count of wounding. The complainant, Kaine Thomas Ayre, was 21 years of age, and he and the defendant were acquaintances. On 4 November 2021, Mr Rogers, Mr Ayre, and other people were consuming alcohol and socialising. The defendant invited the group, including the complainant, to his house at Jetty Road, Old Beach, to continue drinking. After about two hours, at approximately midnight, there was an incident in the lounge room.

The defendant was playing rap music through the television. The complainant asked to put his own music on, and he did. The defendant and his girlfriend then complained about his music. There was an argument and the complainant decided to leave. He began walking towards the front door. The defendant approached him from behind and kicked him to the back. The complainant turned around and the defendant grabbed him by his shirt collar. The complainant scuffed the defendant in return and they wrestled and punched each other. They were separated by others present and the complainant left the property.

The defendant then went into his kitchen, grabbed a large knife, and went outside and approached the complainant who raised his arms up in front of himself in a defensive action. The defendant stabbed the complainant to the upper part of his left arm. The knife blade penetrated his left bicep, and the complainant sustained an entry and exit wound. He was taken to the Royal Hobart Hospital, and treatment included 23 stitches to the wound on the outside of his bicep and 13 stitches to the wound on the inside of his bicep, as well as multiple internal stitches to the muscle.

Understandably, the complainant was terrified by the experience. He has provided a victim impact statement in which he explains that his realisation that he could have been killed plays on his mind. He has flashbacks, and his pre-existing anxiety is now much worse. He has become less trusting of people and he was unable to continue with a training program. His arm has now returned to full use but his recovery took a long time. He had to have a number of weeks off work, for which he was not paid as he is a casual employee. He still experiences pain in his arm and the scar is noticeable.

The defendant was arrested on 5 November 2021 and interviewed by police. He recalled an argument with the complainant and asking the complainant to leave, and that there was a fight, but he did not recall the incident involving the knife. He informed police he was very intoxicated. He expressed remorse during the interview, saying he hoped he had not caused the injury; it was not something he would want to do to anyone and, "It's beating me up a bit". He mentioned that he had received text messages from people saying he had stabbed someone, but he could not remember that and he was hoping he did not do that. The defendant's mobile phone was seized and the messages sent by the defendant, while still intoxicated, may be regarded overall as consistent with that lack of memory and sentiment.

The defendant had consumed a considerable amount of vodka and prescription medication Xanax. It has been confirmed that alcohol and this medication would have had a significant interaction that could result in higher levels of intoxication.

The defendant was aged 21 at the time of offending, and he is now 23. He has a few unrelated prior convictions, including one for motor vehicle stealing and one for destroy property. He has subsequent convictions, so convictions committed after this crime of wounding, for offending relating to a single incident in July 2022 dealt with on two court dates. He was dealt

with in June of this year, and that attracted a period of supervised probation for 12 months. On a later date, he received four months' imprisonment, which was wholly suspended, on condition that he be of good behaviour and not reoffend for a period of two years. Those offences involved a number of different offences, including common assault, assault police, and breaches of a family violence order.

The defendant was raised in an environment in which he was exposed to family violence, and alcohol and illicit substance abuse. He suffered extensive physical abuse perpetrated by his mother's partner and was in State care from age 10, where he experienced further physical abuse. He resided sporadically with his grandmother from age 13, until she said that could not continue there, after which he lived an unstable and chaotic life with others without State welfare intervention. His grandmother is one of his primary supports. He is one of six children and he has supportive relationships with his siblings.

Mr Rogers's education was highly disrupted and he did not complete high school. Despite this, he has adequate literacy and numeracy skills. He has a White Card certification and he has sporadic employment floor-laying with his brother, which he undertakes in a volunteering and learning capacity, and for which he does not receive an income. He has engaged with Workskills Tasmania and they are assisting him with gaining work qualifications. He is described by Workskills as respectful and compliant.

He has long-standing mental health conditions, including symptoms of anxiety and depression, and a history of self-harm, and he is prescribed medication for these conditions. He has recently commenced counselling with a psychologist. I have a report from clinical psychologist, Mr Damien Minehan, supplemented by additional information from him. Mr Rogers has complex post-traumatic stress disorder and Attention Deficit Hyperactivity Disorder. Mr Minehan "strongly" recommends that Mr Rogers continue with counselling over an extended period to enable him to manage his emotions and assist with his trauma background.

He has an extensive history of illicit substance abuse, including abuse of alcohol from a young age; a history of methamphetamine use, and current use of MDMA and ecstasy at significant levels; problematic abuse of prescription medication, namely Xanax, which he consumes with alcohol; and also a history of daily long-standing cannabis use. His dependency on cannabis developed to assist him with reducing his feelings of anxiety and agitation, as well as to help him sleep. Mr Minehan recommends, as do Community Corrections, that Mr Rogers engage in alcohol and drug counselling to increase his chance of long-term abstinence and to develop relapse prevention strategies.

The defendant is well aware of the role that his prescription drug use and alcohol consumption played in the commission of this crime. He also identifies poor anger control as a factor, and he acknowledges that alcohol makes him angry.

It is Mr Minehan's opinion that there were a number of factors that contributed to this offending, the most prominent being his intoxication, and that his trauma background and feelings of hypervigilance, and hypersensitivity to perceived threat *may* have been factors.

Mr Minehan expands on this. In his opinion, Mr Rogers's history of trauma very likely has affected his personality development and his ability to manage interpersonal conflict, and likely contributes to his perception of threat and to his anger when in situations of conflict. Mr Minehan explains that Mr Rogers's resort to substance use as a form of self-medication is linked to his trauma background. As I understand the effects of trauma, it means that Mr Rogers is vulnerable to seeking out drugs and alcohol for this reason.

These matters provide an explanation but are not an excuse, and it does not reduce his moral culpability in any material or significant fashion. However, they are still significant matters in mitigation in another respect. Because of Mr Rogers's trauma background, he faces certain difficulties and obstacles, and he has had to work hard to overcome those obstacles and difficulties. The difficulties, and the effort and work involved need to be acknowledged and Mr Rogers should be given credit for that work and effort. Also, he is still a young man; he was a young man at the time he committed this crime and he remains a young man, and his rehabilitation is a priority for the Court. The efforts he is making to work towards his reform are valued by the Court. His community and the Court want him to lead a productive life.

There has been an improvement in his circumstances, and he has made significant progress with his alcohol consumption and consumption of cannabis, and it has been extremely difficult for him to overcome that dependency on cannabis. I note he has been avoiding peers who have had a negative influence on him.

A report from Community Corrections prepared for this matter indicates that Mr Rogers has been compliant with the supervision order that was imposed in June this year and has engaged well. He has been deemed not suitable for community service because of his drug problem. He is assessed as requiring a very high level of intervention regarding factors which are linked to his offending, such as mental health concerns, substance abuse, and anger management.

Mr Rogers, this is a particularly serious case of wounding. It involved an intentional stabbing in anger when the confrontation was over and the complainant was leaving your premises. The act of stabbing was not a momentary response. You left the presence of the complainant, retrieved a knife from the kitchen, and returned to the complainant. The stabbing was forceful and involved a significant level of harm. While the physical wounds have largely healed, the psychological impact on Mr Ayre continues.

The sentence must reflect these serious aspects of the offending and also deter others who might be minded to act in this way, but it must also reflect the progress that you have been making towards your rehabilitation and encourage those efforts.

Balancing these objectives, I impose the following sentence. I record a conviction and I impose 15 months' imprisonment. That term of imprisonment is wholly suspended for a period of two years on conditions as follows:

- You must not commit an offence punishable by imprisonment for a period of two years from today;
- You must submit to the supervision of a probation officer as required for the same period of two years from today;
- You must report to a probation officer at Community Corrections, 75 Liverpool Street, no later than tomorrow at 4 o'clock in the afternoon;
- You must comply with the reasonable and lawful directions of your probation officer or supervisor;
- You must not leave or remain outside Tasmania without the permission of your probation officer;
- You must give notice to your probation officer of any change of address or employment before, or within two working days after, the change;
- You must undergo assessment and treatment for drug dependency as directed by a probation officer;
- You must undergo assessment and treatment for alcohol dependency as directed by a probation officer; and

- You must submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer, which is to include psychological or psychiatric assessment or treatment for anger management.

I make an order in favour of Mr Ayre, and the terms of that order are adjourned sine die for assessment.