

Mr Downie, you appear for sentence on very serious charges of aggravated burglary and committing an unlawful act intended to cause bodily harm.

Your conduct was appalling and the kind of behaviour which would ordinarily attract a lengthy term of imprisonment.

Generally, it seems that your circumstances and your family situation now are very positive.

The report from Community Corrections notes these positive developments and notes your situation has improved but there is concern that you have responded poorly in the past to Community Corrections. The other aspect of it is that there is a lot of work you need to do with Community Corrections in terms of psychological support and drug and alcohol counselling. The concern is that you were offered that in the past and you were not very co-operative or compliant. There are concerns about your level of motivation to put in the hard work that is needed. From my point of view, I think it has a long time since those past orders, your situation has improved, and it seems to me that there are very positive signs that you are now someone who would be prepared to put in the hard effort and do the work that is required.

The difficulty I have is that you are not presently considered suitable for community service or home detention because of those concerns about your past response. So what I am going to do today is take quite an unusual course and sentence you today on the aggravated burglary and adjourn the charge of unlawful act intended to cause bodily harm and see how you progress over the next two months. What I am going to do is give you the opportunity to demonstrate that you will engage and you will work hard and I am going to be very blunt and say to you that if you do not take up this opportunity and engage with psychologists and drug and alcohol treatment, and comply with all the directions, then imprisonment may be the only option for the crime of violence.

My sentencing comments will be made in full at a later date.

I sentence you now on the charge of aggravated burglary, a very serious example involving an intention to commit violence and while in possession of a screw driver. I impose a Community Correction Order for the operational period of two years from today.

One of the conditions of the community correction order is that you must appear back before me in two months' time and the order I will make is to put off the sentence on the violent crime until the same date. I will order a pre-sentence report in the meantime for that matter.

In relation to the Community Correction Order on the aggravated burglary, the conditions are extensive and they are these. For two years from today:

- You must not commit an offence punishable by imprisonment.
- You must report to a probation officer no later than 4:00 pm tomorrow at 75 Liverpool Street in Hobart.
- You must, during the two-year period, report as required to a probation officer.
- You must comply with all the reasonable and lawful directions of a probation officer.

- You must not leave or remain outside of Tasmania without the permission of a probation officer.
- You must give notice to a probation officer of any change of address or employment before, or within 2 working days after, the change.
- You must attend educational and other programs as directed by a probation officer.
- You must submit to supervision as required by a probation officer.
- You must undergo assessment and treatment for drug dependency as directed by a probation officer.
- You must comply with directions in relation to attending drug rehabilitation programs and counselling.
- You must submit to testing for drug use as directed by a probation officer.
- You must submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer.
- You must attend assessment and treatment in relation to alcohol abuse as directed by a probation officer.

I also make a special condition which is that you must appear before the Court on 8 November 2023 at 4:00 pm.