

You have been found guilty by a jury of one count of causing grievous bodily harm and one count of assault. The victim of both crimes was your then partner, Adrienne Baugh.

The only evidence of the actual crimes came from Ms Baugh. You gave no evidence at the trial, and, in your short police interview, effectively told police you had no memory of events. While the position your counsel was taking at trial may have been gleaned from his cross-examination of Ms Baugh, that position was entirely inconsistent with what you told police about not remembering anything, and was denied by Ms Baugh. It is clear that the jury, by its verdicts, accepted the evidence of Ms Baugh.

On 23 February 2016, you were living at Ms Baugh's house in Federal Street in Burnie. You and she argued that morning and then she went out. When she came back you asked to borrow \$20. Ms Baugh gave you the money and you went and bought a cask of wine. It appears you may have drunk that cask, although the evidence as to that and where you drank it was unclear.

However, at one point in the afternoon, Ms Baugh was asleep in her bedroom. She woke, but it seems pretended to still be asleep, when she heard you come into her room. You approached where she was and began trying to stuff money in the form of notes in her mouth. It seems the reason for that may have been the earlier argument in which Ms Baugh had accused you of not helping financially. At the time these events occurred she had a broken wrist and had a cast on her right arm. She sat up. You went to punch her and she put her arm with the cast up to block the punch. She tried to kick you away. However, you punched her to the head three or four times. In the process you broke her jaw.

You then left the bedroom and went to the kitchen area. You began chopping up cannabis in a bowl. Ms Baugh came out and pulled the bowl away. You then attacked her again. You punched her, grabbed her round the throat, threw her to the ground, dragged her along the floor and kneed her to the head. She gave evidence that you also stomped with both feet on her head. For me to sentence you in relation to the last aspect of the events, I need to be satisfied beyond reasonable doubt it occurred. I am not so satisfied, and in the circumstances do not take that into account. As far as providing reasons for not being satisfied, principally those reasons arise from the medical evidence and photographic evidence which do not necessarily support an act of stomping.

After the last series of actions, Ms Baugh, dressed only in a T-shirt and underpants, ran from the house to her next door neighbour. He observed that her face was bloodied and she had difficulty talking because of her jaw. He called police. An ambulance also came and she was taken to hospital. Ms Baugh had extensive bruising on her face, head, arms and body. She required surgery to repair her jaw during which plates and wiring were needed. She spent several weeks where she had difficulty eating and lost weight as a result. She had damage to her gums and teeth and her teeth are somewhat out of alignment now notwithstanding the wiring of her jaw. In her victim impact statement, Ms Baugh talked about her then 5-year-old son witnessing the violence you inflicted and still suffering the consequences of that. That he actually saw the violence was disputed by you and, based on the evidence that I heard at the trial, I am not able to make a definitive finding that that actually occurred. I accept however that he was in the house and would have heard what was going on.

Ms Baugh now says she feels unsafe in her home and is in fear of your returning to harm her.

You were arrested on the day these events occurred and have been in custody since.

You are 32 years old. Prior to your remand in custody you were in receipt of Centrelink benefits and had some casual work doing renovations. You are a qualified carpenter and joiner. You have five children. Two, aged 9 and 12, live with their mother in South Australia. You do not have regular

contact with them although you travelled to South Australia to see them not long before these events occurred. The other three younger children live locally with their mother and, prior to your remand in custody, you were having regular contact with them.

Your parents separated when you were 4 years old. You lived with your mother. Between the ages of 5 and 11, you were sexually assaulted by an uncle you spent time with. Your mother abandoned you when you were 12. The circumstances I was told were that you went to school one day and were collected by relatives who told you your mother had gone away. Your living arrangements varied after that. At age 15 you left whatever home you then had. Eventually, you were able to do an apprenticeship in Queensland which is where you met the mother of your two older children. You and she subsequently returned to Tasmania.

You have had a long-standing problem with alcohol abuse. On the day of these events you had consumed alcohol. However, as I have indicated, there was little evidence about precisely what you drank, and there was no evidence of the actual effect upon you that day of what in fact you might have consumed.

Your attack on Ms Baugh was sustained. You threatened her life and caused her serious harm.

It is not the first time you have been violent. On 23 April 2012, you were convicted of assaulting a police officer and common assault. The common assault involved you punching a male and grabbing him around the neck. On 19 August 2013, you were convicted of two counts of breaching a police family violence order and one count of assault. In that incident you told a young girl that you would cave her mother's head in and threatened to burn her house down. The assault related to your taking a male in a headlock and kicking him.

The violence you inflicted on Ms Baugh was unwarranted. I do not accept that she inflicted any violence on you which caused you to react. I accept she only acted to defend herself after you began punching her and in the process she hit you with her plaster cast, kicked and scratched you.

I am told you have undertaken courses while in custody and are motivated to change your ways. I was provided with a document from the Equips Foundation group program at the time of the sentencing hearing. That was a completion report relating to your attendance at a program basically directed to alcohol abuse. The report was a positive one and indicated a motivation to change.

I have been provided this morning with a second document which is a letter from the senior program facilitator at the prison which relates to your attendance at a second Equips program which is one relating to effectively anger management. The letter outlines the modules in that program and indicates that you have attended some 20 two-hour sessions to date and will continue to attend until it concludes on 16 September. The letter indicates you have been contributing to the group discussions, have been willing to share your own examples of what has happened in your life, that you have been polite and have shown motivation towards the program completion.

I am told that you want to address your alcohol problems and be a better father to your children. The time you have now spent in custody is the longest period you have spent in custody. I accept for the purpose of sentencing that the material I have been provided with indicates some signs of movement towards dealing with your alcohol abuse and difficulties with anger which are apparent from this event and previous convictions.

Nevertheless, domestic violence is unacceptable in our community and cannot in any way be condoned. There must be a sentence which acts as a deterrent to you, but also to others, that female partners are not there to be bashed and threatened at will. I intend to impose a significant period of imprisonment, but I will recognise the factors that I have identified as being steps towards rehabilitation in the imposition of a non-parole period.

In all the circumstances, the orders of the Court are that:

1. You are convicted of one count of causing grievous bodily harm and one count of assault.
2. You are to serve a period of three and a half years' imprisonment with effect from 23 February 2016. You are to be eligible for parole when you have served one half of that sentence.
3. You are to pay a victim of crime compensation levy of \$100 within 28 days of your release from custody.