

AH pleads guilty to two counts of indecent assault. The circumstances are unusual. He met the complainant online in 2007 when he was 16 and living in the US. She lived in Australia. She moved to Tasmania in early 2009. Although the relationship was largely conducted online through a mutual interest in gaming sites, she visited him twice in the US, once in 2008 and once in 2009. During the second visit she became pregnant. The defendant came from the US to Tasmania and moved in with the complainant in May 2010, only days before she gave birth to her daughter. The crimes occurred on 21 May 2010 and 24 May 2010, shortly after the complainant returned home from hospital. On both occasions she woke to find the complainant masturbating over her. On both occasions he ejaculated on her face. On the latter occasion he, before ejaculating, hit her face with his penis.

Despite the upsetting and disturbing nature of these indecent assaults the complainant did not report them and the relationship between the complainant and the defendant continued. They remained living together. A second child to their relationship was born. However in February 2014 the defendant sexually assaulted their four year old daughter. In May 2014 he pleaded guilty and was sentenced by magistrate to imprisonment for 11 months, 5 months of which was suspended. The magistrate ordered that the Registrar appointed under s 42 of the Community Protection (Offender Reporting) Act place his name on the register under that Act, and that he comply with the reporting obligations for 8 years. The relationship between the defendant and the complainant ceased and she reported these crimes in December 2014. The defendant was interviewed and, despite the lapse of time, admitted what he had done.

The defendant is now aged 25. He lives alone. He receives Austudy allowance reflective of his intention to study at the University next year in robotics. He suffers from ill health and was diagnosed with autism. Although his behaviour in committing these crimes is disturbing and has had a continuing impact on the complainant, the level of criminality is not high. However, although the later offences are not prior convictions for sentencing purposes they indicate a need for a sentence of specific deterrence and protection of the public. Mitigation arises from the delay in the complaint, his admissions to the police and pleas of guilty. He may be deported but that is not a matter relevant to sentence.

AH you are convicted on each count. I order that you pay the victims of crime compensation levy of \$100 within 28 days. You are sentenced to imprisonment for 4 months wholly suspended for 2 years from today. It is a condition of that sentence that you do not commit any offence punishable by imprisonment during that period. I am not satisfied that you do not present a risk of committing a reportable offence in the future. I am required to make an order under the Community Protection (Offender Reporting) Act and I order that the registrar appointed under s 42 of that Act place your name on the register and that you comply with the reporting obligations for 10 years from today.