

**STATE OF TASMANIA v TRAVIS ANTHONY MORTYN and
TYRON JAMES PAGE
COMMENTS ON PASSING SENTENCE**

**21 MAY 2024
ESTCOURT J**

The defendants, Travis Anthony Mortyn and Tyron James Page, have been found guilty by a jury of three counts of assault on a taxi driver and his wife and young daughter on 25 August 2020. The two men, with a third man and a woman, had been driven by the male complainant to Clarendon Vale where they bought drugs. They did not pay the full taxi fare. Thereafter the complainant was called to another job and it was the same group. He took them to New Town on a promise to pay both fares.

In the early hours of the morning one of the men rang the complainant to say that he had left his mobile phone in the taxi. The complainant located it and it was arranged that it could be collected at the complainant's residence, which was nearby in New Town. When the same group arrived and the complainant answered the door, one of the three men pushed him against a wall and then all three punched him and kicked him when he was on the ground. A member, or members, of the group then punched the complainant's wife and grabbed and threw the couple's three year old daughter.

Although only moderately severe injuries were sustained by the male and female complainants and their child was physically unharmed, the couple, who are Indian migrants, were traumatised by the vicious attack on them at their own home. The male complainant was unable to return to taxi driving and lost income for some weeks while he looked for other work. The female complainant no longer is able to feel safe and her daughter, who is now seven, is still scared that her father or her mother will be hurt by random people.

The defendants are both 28 years old and both have prior convictions for serious crimes of violence. There are no mitigating circumstances, in my view in the case of Mr Mortyn, and there is nothing to distinguish between the defendants' joint criminal liability.

Mr Mortyn is sentenced to a single sentence of 18 months' imprisonment, back dated to 28 August 2023, with the balance from 28 May 2024 suspended on condition that he commit no offence punishable by imprisonment for a period of 12 months.

In the case of Mr Page, I propose to order a pre-sentence report with an assessment of Mr Page's suitability for home detention and community service to be provided to me.