

COMMENTS ON PASSING SENTENCE

UNDERWOOD CJ

David Halliday Monk you have pleaded guilty to attempted aggravated assault. On 19 July 2005 you, your sister, her boyfriend and the complainant Ms Brooks, together with a number of other adults, were all at your sister's house. You had an unlicensed .22 firearm at the house. At about 3:30 am, when you had consumed a considerable amount of alcohol, you decided to play a trick on the complainant who was on the front step smoking a cigarette. Your plan was to get the gun, sneak up behind Ms Brooks and discharge a shot thereby giving her a fright. You got the gun and came up behind her, but during the loading or cocking process the gun accidentally discharged. Thus, the intended gesture of discharging the firearm did not come about because of the prior accidental discharge.

It was a very stupid and dangerous thing to do. Guns and alcohol do not mix, for together, they pose a real threat to life and limb. I think that you realised this for after the accidental discharge you pulled the gun apart and gave it to a friend to get rid of and also dismantled the remaining bullets.

You are yet to be dealt with in the Magistrates' Court for a series of breaches of the *Firearms Act*, and having regard to the 3-year sentence I have just ordered for aggravated burglary and assault it is appropriate to order only a conviction and that the victims of crime compensation levy be paid 4 months after you are released from prison.