

STATE OF TASMANIA v BLADE SCOTT GREGORY
COMMENTS ON PASSING SENTENCE

15 OCTOBER 2024
PORTER AJ

Blade Gregory, the defendant, has pleaded guilty to one count of wounding and one of assault. Both crimes arose out of an incident on 4 October 2021. I will refer to those involved other than this defendant by initials. MO is the complainant in each crime. At the time of the offending, the complainant had been living in a unit in a complex in Longford. He had become friends with a male, LW, and a female, JD, who lived in another unit. Those two had been engaged in an ongoing feud of sorts with another, much older person, a neighbour, Ms W. She lived on her own and often felt intimidated by the two younger people. Ms W had met the defendant and his partner at a local hotel and told them about the problems she was having with her neighbours. Ms W remained in contact with the defendant's partner. A fuller account emerged in the plea put on the defendant's behalf, but the bare facts of the matter are that in the early afternoon on 4 October 2021, the defendant was at work. He worked with his brother, VB. The defendant received a call from his partner who told him that Ms W was being harassed by LW and JD as well as the complainant. The defendant told his brother about the situation; they both left and were collected by the defendant's partner. They drove to the defendant's home where they collected an extendable baton and a knife before going to the unit complex. When they arrived, both the defendant and VB got out and went towards the unit occupied by LW and JD. At that time, the complainant and JD were walking towards the mailboxes and saw the two men running towards them. The complainant ran away and reached the rear door of his unit but was unable to get in before VB caught up with him. VB then struck the complainant at least twice in the right buttock with a knife, causing two puncture wounds. The complainant moved to the front of his unit but was confronted by the defendant who then struck him several times to his left arm and body with the baton. The complainant eventually managed to get into his unit; he realised he had been stabbed and was bleeding. Both defendants continued to pursue both LW and JD, but they were inside the unit, and so both men left. The defendant returned to work and his partner took Ms W to their home. Police went to the unit complex and spoke to the complainant. The punctures to the right buttock area were noticed and he was complaining of a painful left arm. He was taken to hospital where he was found to have two penetrating wounds, each approximately two centimetres in length and each requiring three stitches. X-rays showed no broken bones. Police inquiries led to the defendant and VB. When interviewed, the defendant made admissions as to what had occurred including hitting the complainant repeatedly to the body with a baton. He said that at some stage he realised that VB had stabbed the complainant. He said that he did not know the complainant and had never spoken to him but knew of him and his apparent association with LW & JD. He expressed remorse for his actions. MO has not made a victim impact statement but I am told he has recovered from his physical injuries, but he had pre-existing mental health issues and no doubt the incident was very stressful for him.

The defendant is now 25 years old. He is employed as a supervisor at a meatworks and has been for some time. He had a stable relationship with his partner but I am now told that they have recently separated. They have a one year old child. She has two children, aged eight and eleven, from a previous relationship and they are part of the family, with the defendant having had the role of stepfather. A letter from the defendant's employer states that he is employed on a fulltime basis with supervision duties of all workers and training of new staff, and in the author's absence, takes on the role as area manager. The defendant is said to be a reliable employee who shows ongoing commitment to fulfilling his duties. The defendant has a history of offending commencing in May 2016. It is a relatively extensive record but in the main is

confined to driving offences and ones of dishonesty. He has been sentenced to suspended terms of imprisonment on occasions but does not seem to have not breached the terms of suspension, and he has not actually served a term of imprisonment. Relevantly, there are convictions in October 2019 for two charges of common assault which, I am told, arose from the one incident. The record shows one involved throwing a can at a man hitting him the face, and the other, grabbing another man by the throat. At the same time the defendant was dealt with for those, he was also dealt with for several driving and dishonesty matters, driving whilst disqualified in particular, and on all matters was sentenced to three months' imprisonment wholly suspended for 18 months. In terms of the offending, I was told, without disagreement, that when the defendant and his partner met Ms W, she had been extremely distressed about the young people in her unit complex. The defendant's partner obtained her phone number, and they were supporting her through the difficulties she was having. When his partner rang him at work, he was told that the three people were tormenting Ms W. He originally said that he was at work and could not do anything, but then received a further call to say that Ms W was crying and fearing for her life. He was told that they had been harassing her all morning and had attacked her with a rubbish bin. He had been previously told that these people had stood over Ms W, trying her get her to use drugs, had put a wheelie bin through her window and had thrown things at her dogs causing one of the dogs a wound. She had got to the stage of sleeping in her car with her pets. The defendant was told that the police had been informed about the problems, but nothing had eventuated. The defendant's counsel accepted that all of this information that had been passed on to him was hearsay.

I was told of some detrimental influences in the defendant's childhood. His father has not been a participant in his life. He had a stepfather at a young age who abused drugs and alcohol and the defendant witnessed violence. He left grade 10 and has been essentially in employment since then, with a good industrial record. He has had episodes of depression in the past which extended to two suicide attempts. In his adolescence he struggled with methamphetamine but was able to wean himself off the habit. Alcohol use has been a problem for him and about five months ago he started counselling for that issue, and that is ongoing. I have a copy of a home detention assessment report dated 9 September 2024 which was prepared in relation to the proceedings in the Magistrates Court in respect of some current matters arising from an incident in which the defendant was extremely intoxicated. The report provides some insight into the defendant's alcohol problem. The defendant is known to Community Corrections and it is reported that his response to previous supervision was generally satisfactory but with some deterioration as time went on. He is described as having history of problematic drinking behaviour and substance use, given which he was assessed as unsuitable for home detention. He was assessed as suitable for community service. I note of course that neither alcohol nor drug abuse appears to have had any involvement in the present offending.

All forms of violence are unacceptable. This matter is made a serious one by several things. It was a vigilante style attack based on conclusions formed from hearsay accounts, although I note the Sate did not seek to assert the falsity of any particular allegation. It was carried out near the complainant's home after he had been pursued. It was carried out in the accompany of another. Weapons were involved and two wounds were caused. The defendant's culpability for the wounding arises because of the common purpose which he and his brother were pursuing. He knew of his brother's possession of the knife. He is directly criminally responsible for the assault with the baton which clearly caused pain and no doubt bruising. With all of that in mind, the conduct needs to be condemned and deterring others from this sort of behaviour is important. There are prior matters of violence in the defendant's history. That said, I take into account the defendant's pleas of guilty. They do have utilitarian value of some significance. I

was told the complainant was particularly anxious about giving evidence. I take into account the defendant's personal circumstances; in particular his background and his stable employment. I take into account the fact that he seems to have been cooperative with police and expressed remorse to them at the time of the interview.

Mr Gregory, I have set out the facts, your personal circumstances, and my summary of the seriousness of this matter and why that is so. Courts need to take a stern approach against vigilante violence. Your conduct was unjustifiable. You were responsible for the use of the baton. You knew your brother was carrying a knife. Clearly a term of imprisonment is necessary to mark the seriousness of the matter but having carefully considered things, I take the view that the execution of the term can be suspended on conditions, one of which will have a more immediate impact on you by way of punishment. I suspect this may be your last chance in respect of offences of violence. You are convicted of the crimes and sentenced to 12 months' imprisonment the execution which is wholly suspended on condition that you commit no offence punishable by imprisonment for a period of two years and on the condition that you perform 140 hours of community service within an 18 month period. Given the nature of the sentencing process pending in the Magistrates Court, I do not think it appropriate to make any other community-based orders. You will have to report to a probation officer at 111 Cameron Street by 5pm tomorrow, 16 October 2024.