

Jesse William Rockliff, you have pleaded guilty to one count of aggravated assault. You have also pleaded guilty to several associated summary offences. I am dealing with those pursuant to s 385 of the *Criminal Code*. They are two counts of drive whilst not the holder of a driver licence; two counts of destroy property; one count of injure property; two counts of possess firearm when not the holder of a firearm licence of the appropriate category; two counts of possess a shortened firearm; two counts of possess an unregistered firearm; one count of possess loaded firearm in a public place; one count of fail to take all precautions to ensure safekeeping of a firearm; one count of possess ammunition when not the holder of an appropriate firearm's licence; one count of fail to take all precautions to ensure safekeeping of ammunition; two counts of possess a controlled drug, namely alprazolam and testosterone; one count of possess controlled plant, namely cannabis; one count of use a controlled drug, namely methylamphetamine; one count of possess thing used for administration of a controlled drug; and one count of unlawfully possess dangerous article in a public place, namely a hunting knife.

All of the charges arose from incidents which occurred on 10 and 11 October 2023. At the time, you were in a significant relationship with the complainant, although it seems the relationship was coming to an end. You and the complainant had a daughter, who was aged nine. At the time of the incidents, you were not residing with the complainant and your daughter, but still regularly attended the property in which they lived to facilitate contact with your daughter.

On 10 October 2023, you went to the complainant's home. You drove there in a motor vehicle. You have never held a driver's licence. You went to the back door and entered the property, intending to collect some of your belongings. Amongst the items that you collected was a shortened bolt-action single shot .22 calibre rifle. You did not hold a firearm's licence, the firearm was unregistered and shortened to a length of less than 65 centimetres. It is unclear why you had the firearm but given its nature and condition, it is unlikely it was in your possession for legitimate reasons.

As you were leaving the property, you and the complainant began to argue. Whilst arguing, you had hold of the firearm and were gesturing aggressively with your hands. The firearm was pointed in her general direction. At one point, whilst holding the firearm, you threatened to kill the complainant and her family. The complainant believed that the firearm was loaded and genuinely feared for her safety. Your daughter was nearby when all this was happening and saw it. I have no doubt she must have felt concerned by the presence of the firearm and your agitated behaviour. Eventually, you left the property, taking with you the firearm.

On 11 October, you again drove to the complainant's property. She was not home, and you had no permission to be there. Whilst there, you sprayed weed killer on her plants and emptied the contents of a fuel drum around her property. You moved a CCTV camera that you knew to be present, and which I infer you knew she had access to given your previous residency at the property. I presume you did this in order to prevent your conduct from being detected. You attempted to gain access to the house by drilling two holes through the back door. You also destroyed fence palings and a pot plant whilst you were at the property. Unable to get in, you left the property. When the complainant returned and discovered the damage you had caused, she contacted her sister and, in turn, the police were contacted.

When police attended the property, they located a quantity of ammunition in a shed. That ammunition was not properly stored. The ammunition belonged to you. Later that evening, you began calling and texting the complainant. You threatened to break into the house and called her abusive names.

Later that night, you in fact returned to the complainant's property. Whilst you were there, you telephoned the complainant and told her that you were going to burn her house down and then come and kill her and her family. Given the complainant was by this time aware you had splashed fuel at the property, and was aware that you had possession of a firearm, it was reasonable for her to believe that you were capable of carrying out the threats. She contacted police. They attended at her property and found you there. You were arrested. They searched you. They located several .22 bullets in the pockets of your clothing and also a blue container, containing cannabis. You also had in your possession a black duffle bag. Located within that bag was the shortened single shot .22 calibre rifle that you had collected the previous day. The rifle was loaded. Also located in the duffle bag was a vile of testosterone, some more cannabis, a number of ice pipes, a large hunting knife in a sheaf and three alprazolam tablets.

You participated in an interview with police. You told police that on 10 October you had driven to the complainant's house and there had been an argument. You admitted that you had a firearm in your hands during the argument. You said you had obtained the firearm from the top of the cupboard in the bedroom. You admitted that you were waving your hands around whilst you had possession of the firearm and agreed it may have been pointed in the complainant's direction. You said that it was not loaded at that point, but that you had loaded it before you returned to the property on 11 October. You did not say why, but given the overall circumstances and your obvious angst, it could not have been for innocent reasons. You admitted causing damage to the complainant's property when you attended on 11 October. You admitted the contents of the duffle bag belonged to you and that the ammunition found in the shed was also yours.

There are some very serious aspects to your criminal conduct. Firstly, waving the firearm about whilst you were arguing with the complainant, and threatening to kill her and her family, was an aggressive and intimidating thing to do. I take into account that at this point, there is no evidence to establish the firearm was loaded but, of course, the complainant and your daughter were not to know that. The complainant believed the firearm was loaded and the incident undoubtedly caused her trauma and distress. The fact this behaviour occurred in front of your child is also most concerning. I have no doubt the child would have been scared as a consequence. It is a seriously aggravating factor, in my view, that you behaved as you did in front of a child.

Your return to the property the following day, telephoning the complainant whilst you were there and making further threats to kill her and her family, only exacerbated the intimidating nature of your conduct. You were obviously in a heightened emotional state given the damage you caused to her property, and the threats to burn it and kill her must have, therefore, seemed very real. And of course, you were carrying a loaded firearm in a public residential area. It is entirely conceivable that a neighbour may have heard the commotion of breaking pots and come to investigate, only to discover you in an agitated, drug affected state with a loaded firearm. The potential risk is obvious. Carrying a loaded firearm in a public area always means there is potential for the conduct to escalate into a dangerous and unexpected situation. The fact none of it eventuated, does not diminish the potential for such consequences. The unlawful possession of firearms within our community is a significant social problem. This was a

shortened, unregistered firearm. The purpose of shortening an illegal firearm can only be to facilitate its use in respect of criminal conduct. I am not attributing any such intention to you, but possessing such a weapon is a serious matter for that very reason. It is why, when sentencing for crimes and offences involving the illegal possession of firearms, emphasis must be placed upon general deterrence.

I am told you returned to the complainant's home on 11 October with a loaded firearm because you were stressed about having your belongings returned to you. I can only infer that you took the loaded firearm intending to, at the very least, use it to threaten to achieve your purpose. I am told you were drug affected when these crimes occurred. You were obviously stressed and in a heightened emotional state. To take a loaded firearm to the home in these circumstances, demonstrates a concerning lack of insight and a disregard for the safety and well-being of others. Much weight needs to be given to general and specific deterrence in this sentencing exercise. Those who believe they can unlawfully possess and use firearms in a threatening manner within our community, and particularly within a family violence context, must realise that the courts will not tolerate such conduct and that it will incur heavy punishment.

You are 33 years of age. You were 32 when the crimes were committed. You have a concerning and lengthy criminal history, although you do not have any prior convictions for firearm offences. However, you have several prior convictions for common assault, including against this complainant. You have been sent to gaol for matters of common assault. Additionally, you have committed further family violence offences, including breach of police family violence orders, destroy property and the charge of emotional abuse and intimidation. You have prior convictions for possessing a dangerous article in a public place, including a large machete and some knuckle dusters, and you have many prior convictions for various driving offences. In short, your criminal history displays a concerning disregard for the law.

You have been in custody since your arrest for this matter. On 15 February 2024, you were sentenced to five months' imprisonment by the Magistrates Court, commencing 11 October 2023. Because the sentence I impose today, will be cumulative upon the sentence imposed by the Magistrates Court, totality is a relevant consideration. You have been in custody for over 12 months now. I must ensure the combination of sentences remains commensurate with your overall criminality and is not unduly crushing in terms of your personal circumstances and prospects.

Whilst you have been in custody, you have taken the opportunity to reflect upon your future and your counsel tells me you are committed to rehabilitation. Your pleas of guilty are consistent with that. Before your incarceration, you were working. You hope to eventually be able to resume that employment upon your release. I am told you had a challenging upbringing, and you have a long-standing history of drug abuse. You began using illicit substances when you were approximately 14. You have struggled with them on and off ever since, although there have been times when you been successful in ceasing use. You say that much of this offending was related to your drug use.

In late 2022, you returned to heavy drug use because you were traumatised by witnessing a friend and work colleague lose his life in a workplace accident. I am told you struggled with the aftermath of this, and you endeavoured to cope through the use of drugs. Your relationship was affected by your heavy drug use, and it ultimately broke down. You accept that you reacted badly to the breakdown of the relationship, and that such reactions were exacerbated by your drug use.

Whilst you have been on remand, you have had limited access to courses, but you have taken up whatever opportunities have become available. You have undertaken some drug and alcohol counselling and completed the EQUIPS addiction programme. You have also undertaken volunteering work within the Risdon Prison complex and, in fact, received a nomination for a volunteering award for the work you did.

I have received a letter outlining the work you have done with the Volunteering for Change programme. You have undertaken training modules in community mobilisation, behavioural change, community assessment, cultural competency, first aid training and mental health first aid training. The letter describes that you have been respectful and committed to learning whilst participating in these programmes.

Whilst you have been in custody, you have been able to maintain some contact with your daughter. Your counsel tells me you are motivated to better yourself so that in the future you can play a meaningful role in her care and upbringing.

After assessing all relevant considerations, I am of the view that the only appropriate sentence is a substantial term of imprisonment. I will moderate the head sentence and permit early release on parole to reflect your pleas of guilty and principles of totality.

I make the following orders. Jesse William Rockliff, you are convicted of the crimes and the offences to which you have pleaded guilty. In respect to count 19 on Complaint 53317/23 (Possessing thing used for administration of controlled drug), I make no further order. In respect to counts 17, 18, 20 and 21 on Complaint 53317/23 (the drug offences) and count 22 (Unlawfully possess dangerous article in a public place), you are fined the sum of \$1,000. In respect to counts 2 and 6 on Complaint 53317/239 (the driving offences), you are fined the sum of \$500.

In respect to all other matters, I will impose a global sentence. You are sentenced to imprisonment for a period of 18 months, commencing 12 March 2024. You are not eligible for parole until you have served one-half of that sentence of imprisonment.

I make an order pursuant to s 13A of the *Family Violence Act* that the crime of aggravated assault and counts 3, 4, 5 on complaint 53317/23 be recorded as family violence offences on your criminal record.

I make a compensation order in favour of [the complainant] in an amount to be assessed.

I make the forfeiture orders sought by the State in respect to the firearm, the ammunition, the hunting knife and the ice pipes; such items to be forfeited to the State of Tasmania.