

Varlen Barron, you plead guilty to wounding and assault. Both crimes were committed with your older half-brother Blade Gregory on 4 October 2021 against Maxwell O'Keefe. He was then aged 20. Mr Gregory's partner knew a woman who lived on her own in a unit in Longford. She had been arguing with her younger neighbours, a male and a female, who had become friends with Mr O'Keefe. He lived in the same unit complex. Mr Gregory and his partner had already been told by the woman of the issues she was having and when, on 4 October, Mr Gregory's partner received a phone call from her complaining that she was being harassed by the neighbours, he decided to do something about it. At the time you and he both worked as cleaners at the Longford meat works. He told you of the problem. His partner came to pick you up and you left together intending to go to the unit. On the way you stopped at Mr Gregory's home to collect an extendable baton and a knife.

When you arrived you saw the female neighbour with Mr O'Keefe in front of the units. As far as I have been told, he had nothing to do with the feud except that he was friends with the people involved. You and your brother ran at him. He tried to escape into his unit but you caught up with him at his back door. You then used the knife to strike him twice to his right buttock causing two puncture wounds. Unable to get through the back door of the unit, Mr O'Keefe ran to the front where he was confronted by your brother who used the baton to repeatedly strike him to his left arm and body until he eventually managed to escape inside. It was only then that he realised that he had been stabbed and was bleeding.

Mr Gregory was identified as one of the offenders and arrested just over two weeks later on 19 October 2021. You took yourself to the police station the following day but made no admissions. Mr O'Keefe was taken to hospital with two penetrating wounds to his right buttock, both about two centimetres in length. Three stitches were required to close each wound. Fortunately for him and you he, on the information I have, was cleared of any other serious or lasting physical injury but no doubt this was a terrifying event for him and ongoing psychological effects are likely to exist.

Your personal circumstances were outlined by your lawyer and in other material provided to the court, including two reports prepared by a forensic psychologist, Dr Georgina O'Donnell. You were 19 at the time of these crimes but are now 22. Your father has a history of violence but your mother and stepfather are supportive and positive influences. You struggled at school and moved into employment after grade 10 but you have a solid work history. You have been in a relationship for three years and have a five month old child. Your only criminal record is a burglary and theft of a firearm committed on 26 September 2021, a few days before these crimes, for which you were fined in 2022. Your plea of guilty is in your favour but it is not an early one. These crimes were committed now more than three years ago. However, the victim was spared from the trauma of having to give evidence, and justice was facilitated.

Dr O'Donnell's first report is dated 21 July 2022 and was prepared primarily about another incident on 20 November 2021, after the crimes I am dealing with, in which it was alleged that you shot another man in the leg for harassing your brothers. She saw you while you were in custody. You presented with a heightened risk of suicide and were under crisis support management. The risk you posed to yourself at that time arose from the stress caused by your imprisonment combined with other risk factors: youth, your aboriginality, a recent history of self-harm, depression and suicidal ideation. Two weeks before these offences were committed,

you had seriously harmed yourself by cutting your arm. Although you claimed that you had no substance abuse problems, you said that you had used Ice before the events of both 4 October and 20 November 2021.

Dr O'Donnell's second report followed another interview with you on 11 September 2024. She reported that you are a dedicated and devoted new father and that you and your partner have established a healthy and stable family unit. You have stable accommodation, you no longer associate with the people who were involved in the 2021 incidents. You have not been in trouble since then. You have employment, although you are currently not at work because you broke your wrist in a motor cycle accident and you had surgery to insert a plate and wire on 14 November 2024. You engage in healthy outdoor activities and do not abuse alcohol and drugs. Nothing Dr O'Donnell says justifies the conclusion that any mental impairment you had was causally linked to these crimes. However, notwithstanding the improvement Dr O'Donnell describes, she considers that the same risk factors still apply. You are currently being assessed for having had seizures which seem to arise from stress and you have recently been medicated for anxiety. Prison poses a very high risk to you because it would likely impact you more than a person who does not experience the same risk factors. There is a serious risk that imprisonment would have a significant adverse effect on your mental health.

Even so, you are to be sentenced for crimes which involved serious violence. Mr O'Keefe had done nothing to you or anyone else and yet he was confronted by two men with weapons who pursued him to his own home. You were directly responsible for the use of the knife and are also criminally responsible for the blows struck by your brother because you were in it together. It was a vigilante style attack. You had no need at all to be involved but you agreed to go along, intending violence, based purely on what you had been told by someone else. Conduct like this must be condemned. Those responsible should be punished so that you and others, who might be tempted to act in a similar way, will know what the likely consequences will be and think twice. When your brother was sentenced a different judge made similar comments. He was sentenced to imprisonment for 12 months which was wholly suspended on condition that he perform 140 hours of community service. I have decided to impose much the same sentence for two reasons. The first is that it would not be fair to you to impose a harsher sentence unless there was a good reason to do so. You were the person who actually used the knife but he initiated the confrontation and gave the knife to you. In addition, he was older and, although he made some admissions, his criminal record was considerably worse than yours. I also accept that you are to be sentenced as a young person who, since then, has showed substantial progress in rehabilitation and demonstrated a capacity to be a responsible, productive and law abiding member of society.

Varlen Barron, you are convicted on both counts on the indictment. You are sentenced to imprisonment for 12 months, wholly suspended for 18 months from today. It is a condition of that order that while it is in force you do not commit any offence punishable by imprisonment. If you breach that condition, then a court must order that you serve that term unless it is unjust. I impose further conditions that during the operational period of 18 months from today, you are to be subject to the supervision of a probation officer and you are to satisfactorily perform 140 hours of community service. The other conditions on that order will include that you must report to a probation officer at 111-113 Cameron Street, Launceston on or before 5.00 pm on Friday, 20 December 2024. You must, during the operational period of the order, report to a probation officer as required by the probation officer and comply with the reasonable and lawful directions of a probation officer or a supervisor. You must not, during the operational period of the order, leave, or remain outside, Tasmania without the permission of a probation officer and you must, during the operational period of the order, give notice to a probation officer of any change of

address or employment before, or within two working days after the change. I impose special conditions that you must, during the operational period of the order, attend educational and other programs, undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer. If you breach any of those conditions you may be brought back to court and re-sentenced.