

STATE OF TASMANIA v ANTHONY BYRON YOUNG
COMMENTS ON PASSING SENTENCE

1 APRIL 2025
JAGO J

Mr Young, you have pleaded guilty to one count of Criminal Code assault. The particulars allege that on or about 27 October 2023, you unlawfully assaulted Zachary Alexander Rittman by punching, kicking and/or stomping him to the face and/or body, and throwing him into a heater.

There is a dispute as to the nature of the assault you committed. You admit punching the complainant, but deny kicking or stomping him, and deny throwing him into a heater. It was necessary to take evidence on the sentencing hearing. I will detail my findings shortly.

What is not in dispute, however, is that on 27 October, the complainant and his friend, Chloe Casey, were housesitting for a friend of theirs, Ms Roxanne Kneebone. You and Ms Kneebone had previously been in a relationship and had separated a few weeks prior to this incident. On this night, you had been at the home of your brother and had consumed a significant quantity of alcohol. As you were walking home, you decided to attend the home of Ms Kneebone. You were unaware that Ms Kneebone was away, and the complainant and Ms Casey were there, housesitting for her.

You knocked on the front door. Ms Casey answered it. Ms Casey knew who you were. You asked Ms Casey where Ms Kneebone was. You were informed that Ms Kneebone was away. At that point, the complainant exited the bedroom of the unit and entered the loungeroom. Upon seeing this, you barged through the doorway, past Ms Casey and challenged the complainant, mistakenly assuming that he had some romantic involvement with Ms Kneebone beyond being her house sitter.

You challenged the complainant. You asked him where Ms Kneebone was. He told you he did not know. You then punched him hard to the face, hitting him on the nose. The complainant fell to the ground and his nose began to bleed. You then grabbed the complainant by the collar, pulled him back up to his feet before, again, demanding to know where Ms Kneebone was. The complainant repeated that he did not know, and you responded by, again, punching him to the face area. He fell to the ground a second time. As he did, he struck a wall heater, which was situated against the wall.

It matters not, in terms of sentencing, whether you deliberately threw him into the wall heater, or he was propelled into the heater as a consequence of falling after you had punched him in the face. I am satisfied that he struck the heater because of your violence.

The State allege that once the complainant was on the ground you kicked or stomped on him. You deny this. I heard evidence on this issue. The complainant gave evidence that whilst he was on the ground, he curled up into a ball and covered his head with his hands in a protective motion. He said he felt you kick him to the back of the head. He said it was a more forceful blow than the punches you had delivered earlier, and he could feel a shoe contacting his hands and arms, which were covering his head. He said the blows to his hands were forceful and painful and that you were "standing over him".

Ms Casey also gave evidence about this point. She said that she saw you punch the complainant and throw him to the ground. She was near the front door and was on the phone to triple zero.

She did not have a full view, but observed you move your legs, in what she described as a stomping motion, which was directed towards the top half of the complainant's body.

You did not give evidence on the sentencing hearing. You relied on what you told police in a record of interview. In the record of interview, you told police that you had drunk a ten pack of Jack Daniels, together with another "two or three whiskeys" from your brother's bottles. You told police that you were very drunk. You admitted that when you saw the complainant in Ms Kneebone's home, you "lost control of meself (sic)". You described the assault as being "pretty bad". You also told police that when you drink alcohol, you lose control.

In addition to the record of interview, I also observed a portion of the body worn camera footage from the police who intercepted you as you arrived home immediately after this incident occurred. In that body worn camera footage, you can be heard to say the following: *"I'm pissed as fuck"; "I punched him, I'm not denying it, he's lucky I didn't rip his head off, I'm ropeable"; "the injuries are bad. His nose is broken"; "I've just bashed some poor cunt. I'm annoyed."*

Having observed the body worn camera footage, and having watched the record of interview in which you participated, I am firmly of the view that you were too intoxicated to really know what you did. I do not consider that you have any accurate recall of your behaviour, and your account is a reconstruction at best.

I accept the evidence of the complainant and Ms Casey. I found them both to be believable witnesses. Their evidence is corroborative of each other. I will sentence on the basis that the defendant punched the complainant several times to his face, causing him to fall to the ground. He then picked him back up, punched him again, causing him to fall to the ground a second time and strike a heater. Whilst he was on the ground, lying in a protective position, I am satisfied the defendant kicked him at least twice to the back of the head.

Mr Young, your level of intoxication was pronounced. Driven by this and jealousy, you in your own words, "lost control" when you saw there was a male in Ms Kneebone's unit. You made erroneous assumptions, and you responded with extreme and entirely unwarranted violence.

When you realised Ms Casey was calling the police, you ran out the front door to a taxi. You went home. Police intercepted you as you were exiting the taxi. An ambulance attended to the complainant. He was taken to hospital. As a result of the incident, he suffered multiple fractures to the nasal bone and the right frontal bone in his forehead. Whilst the complainant's physical injuries healed with time, he continues to experience severe headaches. He has also been left with significant psychological impacts. He has been unable to attend work because of intense feelings of anxiety. He has been unable to sleep. He has had to see a psychologist on several occasions since the incident. His mental health is poor and this is impacting his relationship.

You are 34 years of age. You have a substantial and relevant criminal history. Your criminal offending commenced when you were a youth and has continued on a fairly regular basis since. You have prior convictions for driving offences, bail offences, drug offences, offences against police, destruction of property and disorderly conduct. Particularly, you have six prior convictions for common assault, and prior convictions for three counts of Criminal Code assault. In April 2017, Porter AJ sentenced you to a 10-month period of imprisonment for three counts of criminal code assault, committed against two separate complainants. The last three months of that sentence were suspended. You breached the suspended portion of that sentence

by committing family violence offences and the suspended sentence was activated. You have a poor history of family violence offending. You have breached the terms of Police Family Violence Orders, Interim Family Violence Orders, or Family Violence Orders on over 25 occasions. As far as I can discern from the notations on your record of prior convictions, at least some of these breaches have involved aggressive behaviours, including violence to property. You have been sentenced to periods of imprisonment for violent offending, and you have also received the benefit of suspended periods of imprisonment. Indeed, you were subject to a 28-day period of suspended imprisonment, imposed for breaching a Family Violence Order when you committed this crime.

You are currently in receipt of a disability support pension, because you suffer from ADHD, anxiety and depression. You have experienced a number of mental health difficulties over the years and you have rarely sought proper medical assistance for your conditions. You have had several periods of employment, predominantly in labour-based industries. You are currently working as a fencing contractor. I have received a reference from your employer. He is supportive of you and has indicated a preparedness to continue your employment in the future.

You were exposed to family violence at a young age, and recall having to intervene in physical altercations between your parents, and then your mother and her new partner, only to have the violence turned on you. Between the ages of 12 and 15 you lived with supportive grandparents, but beyond that, you have lived a transient lifestyle. As an adult you have struggled to find stable accommodation, although I am told in January this year you secured a Housing Tasmania rental.

You are the father of three daughters. You maintain a relationship with your children, although, at times, it has been spasmodic. I am told that upon obtaining your Housing unit, your eldest daughter came to live with you.

Your record of prior convictions clearly demonstrates that you have a long-standing difficulty with alcohol and drugs, and with controlling your anger. There is a very clear nexus between your alcohol use and offending behaviour. You have been given the opportunity, in the past, to demonstrate that you can rectify that situation, but seemingly to little avail. That said, I am told that following your release from custody in 2021, you ceased the use of methylamphetamine and reduced your alcohol consumption. There is some support for that proposition in your record of prior convictions, because there is an abatement in your offending between January 2021 and this crime. Obviously, on this night though, you had again consumed a lot of alcohol. I am told the reason behind that, was it was the anniversary of your brother's passing, and you were spending time with other siblings marking that. Your behaviour on this night should be a stern reminder that it seems you simply cannot control yourself when drunk, and you need to do something about that in the long term.

An application is now made that I activate the 28 day period of suspended imprisonment. I see no basis upon which I could conclude it would be unjust to do so, and sensibly no submission is made to the contrary. I am satisfied it ought to be activated, particularly because the breaches of Family Violence Order for which it was imposed, related to Ms Kneebone and this violence arose in circumstances where you were, in effect, seeking to demonstrate power and control over Ms Kneebone by barging your way into her house, and demanding to know who was in there and why.

I take into account your plea of guilty, although I note the value of it in mitigation is largely ameliorated by the fact the complainant was required to give evidence on the disputed facts hearing.

Mr Young, your conduct this night was, quite frankly, disgraceful. You were drunk. You were jealous. You made erroneous assumptions. And you inflicted gratuitous violence upon an innocent man. You have been given several opportunities in the past to endeavour to address this issue, but there is little evidence of enduring change. Specific deterrence is an important sentencing consideration.

In my assessment, a term of immediate imprisonment must be imposed to mark the seriousness of your conduct, but because there is some suggestion that you can make positive change, and with appropriate support may be able to sustain that change, I will make allowance for parole. I make the following orders. You are convicted of the crime. You are sentenced to imprisonment for a period of twelve months, commencing 20 March 2025. Additionally, I order the activation of the 28 day period of imprisonment imposed on 18 January 2022. That period of imprisonment will be served cumulatively to the period of imprisonment just imposed. I order that you are not eligible for parole until you have served one half of those periods of imprisonment.