

Haley Renee Riley, you have pleaded guilty to the crime of assault. The complainant is Josephine Harrison. You have also pleaded guilty to a charge of resist a police officer which I am dealing with pursuant to s 385A of the *Criminal Code*.

At about 8:00pm on 19 August 2023, you and a number of your friends attended the complainant's home in Kingston. You and your friends were apparently at that time involved in an ongoing dispute with the complainant's teenage daughter, E. Your group knocked on the complainant's front door. The door was opened by E's boyfriend, B. The complainant saw about eight people standing outside her home. One of your group called out to the complainant and asked her whether E was present. B shut the front door.

Members of your group started to bang on the lounge room windows. The complainant was understandably concerned that the windows were going to break so opened the front door to see who was hitting them. You started to yell about E and stated that you were there to "bash her". Your group were also talking about assaulting E. They insulted her, calling her a "slut" and stated they wanted to "bash" her. A next-door neighbour, approached the shared fence and told your group to leave.

You picked up a small garden fork and charged at the complainant, punching her to the left side of her face whilst holding the fork. This is the conduct constituting the charge of assault. This stunned the complainant. Someone else from your group grabbed the complainant by her hair and pulled her down the front steps. She lost her footing. At the bottom of the stairs, the complainant regained her footing and threw a pot plant holder at your group. She was again grabbed by the hair and pulled backwards. This caused her to fall over and hit her head on the driveway. The complainant then rolled onto her side in the foetal position. She covered her head with her arms. She felt multiple kicks to her body and her hair being pulled. She cannot estimate how many times she was struck, but said that "*the kicking kept going on and on and on and on*". She attempted to kick out at your group and screamed at you all to stop kicking her. Other members of the complainant's household were also yelling at the group to stop. B called out that Police were on their way. You all then left the complainant's residence.

The complainant had difficulty moving after you all left and needed the assistance to get back inside the house. Police attended shortly afterwards. While police were there, you returned and approached the complainant's front door. You started to verbally abuse the complainant and police. You stated to police you had been hit with a hammer and said "*the cunt threw a hammer at me so I punched her head in*". The complainant pointed to you, stating to the Police "*that's her. That's the girl that's done it*".

Police approached you and informed you that you were under arrest. You pulled away from police and attempted to break their grip on you. You were taken to the ground. You continued to resist Police attempts to arrest you and this, of course, constitutes the conduct comprising the resist arrest charge that you pleaded guilty to.

You were arrested and transported to the Hobart Police Station. You declined to participate in a video record of interview, however, under caution and captured on body worn camera, you

stated that *"all I remember is she hit me with a hammer. I probably took it off her and hit her back with it or something"*.

The complainant was transported to the Royal Hobart Hospital. She had the following injuries:

- First, a small laceration to the left side of her temple that required three stitches to close which would leave permanent scars. The State asserts this injury was caused when you punched the complainant;
- The second set of injuries were soft tissue injuries to her arms and shins which the State accepts were caused by the other members of your group.

The complainant provided a victim impact statement. She describes being concerned about going out in public, around groups of young people who are loud. She tends to avoid places where she knows there will be groups of young people and where she might encounter you, in particular. The events of that evening have clearly had a profound effect upon her. She no longer feels safe in her own home or in her community.

You are not to be sentenced for the conduct of the others in your group. As to your conduct, the State asserts that striking a person to the head with an object is an inherently dangerous thing to do.

You were 22 years old at the time of this offending and you are now 24 years old. You have some prior convictions, although none for violence. I note, however, that you have a prior conviction for breaching a restraint order by threatening to smash the house windows of one of the people protected by that order. You are single and have no children. You attended school until year 11. You have had some employment. You are currently in receipt of Jobseeker allowance but have some casual employment which you obtained recently.

Your counsel submits that your plea of guilty reflects remorse and ownership of your conduct. It has, however, been entered at a late stage. You were first charged with assault in October 2023. I am told you were involved in a relationship at the time of the offending where you were the victim of family violence. Your former partner has been prosecuted for assaulting you. You had been using alcohol to cope with the stress and distress arising from that relationship. You had been drinking heavily on the night. I am told you did not go to the complainant's home for the purpose of being involved in an assault. The threats you made to bash the complainant's daughter when you attended the complainant's house do not sit comfortably with that submission. As to your conduct in assaulting the complainant, you claim she picked up the garden fork first, you disarmed her then struck her with the fork. You do not assert you were acting in self-defence. It is not necessary to resolve this minor dispute. On any version, there was no excuse for you acting in the way in which you did.

You have been assessed as suitable to perform community service.

Your conduct on the night was outrageous. It must have been a terrifying experience for the complainant and the other members of her household. Hitting someone in the face while holding an object, particularly an object like a garden fork, is fraught with danger. You could have so easily caused a significant injury to the complainant. The fact you returned to the complainant's home after assaulting her, and verbally abused those present, is also of considerable concern. Your conduct in resisting arrest is also concerning. It suggests you have a real problem managing aggression. I note, however, that your record of prior convictions does not disclose further offending of personal violence. A sentence of imprisonment is

warranted, however, I am satisfied it is appropriate to suspend that sentence with a condition that you perform community service.

Haley Renee Riley, you are convicted on the charges of assault and resist police. You are sentenced to three months' imprisonment, wholly suspended for 18 months from today on condition that you commit no offence punishable by imprisonment. It is also a further condition of the suspension of your sentence that you must satisfactorily perform 50 hours community service as directed by a probation officer or supervisor, within 12 months of the date of this order. There are a number of additional conditions I am required to impose. You must report, on or before 4.00pm on Monday, 12 May 2025, to a probation officer at the offices of Community Corrections in Hobart. You must, during the operational period of the order, report to a probation officer as required by the probation officer. You must, during the operational period of the order, 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. 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. If you breach any of these conditions you may be brought back to the Court and resented.

You need to clearly understand that if you do not perform those 50 hours of community service, that is a breach of the suspended sentence, as well as a breach of that particular part of the order, and that could result in the activation of your sentence.