

The defendant, Ryan James Frederick Bester, date of birth 30 October 1997, has pleaded guilty to one count of assault contrary to s 184 of the *Criminal Code* at Glenorchy in Tasmania on or about the 4th of August 2023, against "the complainant" by placing both hands on her throat. I have also agreed to deal with a summary offence of common assault against the complainant on the same day by slapping her face, that being charge 1 on complaint 7329/23 and one of breach of bail, being charge 3 on that complaint, and one charge of possessing a controlled drug, namely methylamphetamine, being charge 4 on that complaint.

The complainant and the defendant went to high school together. Four months before the alleged offending, they began speaking online. They were in a significant relationship for a few months before this offending.

At the time, the defendant was granted bail to live at the complainant's address on unrelated summary matters. The defendant was required to always be present at that address, with various exceptions for work, medical appointments, legal appointments, and court. The complainant was the defendant's surety, with a recognisance of \$1,200.

On 4 August 2023, the defendant arrived at the complainant's address and knocked on the door. She allowed him inside and subsequently asked him to pay the \$200 which he owed her. The defendant became aggressive, and began calling the complainant names. He pushed her with both hands, causing her to move backward. He then slapped her to the left side of her face with his open right hand with considerable force. That being the count of common assault on Complaint 7329/23.

The complainant sat down on the couch, half laying down, and facing toward the doorway. The defendant sat on top of her, facing her. He grabbed her throat with both hands. He held her for a few seconds. During this time, the complainant struggled to breathe. The complainant struggled with the defendant and the defendant then left the house.

The complainant called 000 and reported the incident. The police attended the complainant's home at about 3:00am. At 1:20pm that day, police attended an address in Montrose and the defendant was arrested. He was found in possession of a small quantity of methylamphetamine.

I have read a victim impact statement which is supportive of the defendant and reports no physical or mental sequelae as a result of the assaults.

The defendant has limited relevant prior convictions. He is now aged 27. He had a difficult upbringing. He is remorseful for what had occurred. He told police that he had never assaulted a woman before and felt terrible that the relationship ended in this manner. He did not see any injuries on the complainant.

In addition, the defendant has spent 130 days of unallocated time in prison on remand on other matters, which may be taken into account by me when arriving at sentence.

Whilst in custody the defendant has recognised that some of the reasons for his offending have been his illicit drug taking and his inability to control his emotions when upset. He has participated in and successfully completed two courses whilst in custody, to his credit, being the Alcohol and Other Drug Workshop and The Resilience Program Strong not Tough.

I am told that his plea of guilty is driven by an acknowledgement of his guilt and by remorse and it has the utilitarian benefit of avoiding the cost of a trial.

The defendant has had three short periods of employment only in his life.

In an effort to break his use of illicit substances, he attended Velocity Transformations program, between April 2018 and April 2019 and successfully graduated from that program. He has also attended Serenity House and Missiondale for treatment for his drug use.

Upon his release he intends to relocate to the north of the state. He intends to re-enter Serenity House with the aim of moving on to Missiondale to help him abstain from illicit drug use.

Society's attitudes towards domestic violence have rightly hardened in recent decades. Domestic violence has reached epidemic proportions and is an evil about which too little appears to be being done, in my view. It is also well understood that assault by placing pressure on a person's throat has the capacity to quite easily cause death.

The defendant is convicted on each of the charges to which he has pleaded guilty and I impose a single sentence of 12 months' imprisonment, backdated to 1 August 2024, with the balance from today suspended on condition that the defendant commit no offence punishable by imprisonment for a period of two years.