

Dane Pyke, the defendant, has pleaded guilty to one count of assault committed on 9 April 2024. At the time, both he and the complainant, Blaise Baddeley, were inmates in Risdon Prison, both housed in a maximum security unit. They had known each other for a time and were friends. At the time of this offence, they faced a joint charge of murder. The incident happened about 3pm. It was captured on CCTV. The defendant and the complainant were walking backwards and forwards within the common area of the prison unit. They stopped walking and turned to face each other, and when the complainant momentarily looked down, the defendant punched him in the face with a closed fist. At that moment, the complainant was eating from a bowl, was not facing the defendant, and accordingly, was not able to brace for the blow. The punch caused the complainant to fall backwards onto a table before losing his footing and landing on his side on the floor. The defendant attempted to punch him again with a closed fist, and then kicked him once to the upper part of his body. He then knelt next to the complainant and punched him a total of about six times in quick succession to the head and upper body. The complainant did not fight back or resist at any time. When the defendant stood up from his kneeling position he was pushed away from the area by another inmate. As he walked away, he picked up a water bottle and threw it onto the complainant who was motionless on the floor, unconscious. At that time, the other inmate who had attempted to intervene, was attempting to roll the complainant on to his side and render first aid. Prison staff then entered the common area of the unit and removed the defendant. He was put in an isolation area. When interviewed by police, the defendant made admissions as to the assault. He said he thought he had punched the complainant about three to four times to the face with about a four out of ten force, but said he was so angry he probably hit him harder. He knew straight away he had hit the complainant too hard and realised he was unconscious as soon as he stopped hitting him. In explanation he said that it was something said by the complainant that he did not appreciate and he "just sort of snapped". He explained the issue had been building up for a time. He further explained that his intention was not to hurt the complainant badly but just "to give him a smack in the mouth". He said he felt horrible about what he had done.

As to the complainant's injuries, he was taken from the unit by stretcher and then taken to hospital. On arrival, he was assessed as having clear facial trauma with significant left periorbital swelling and left cheek swelling. A further examination showed a left eye orbital floor fracture, a displaced nasal bone fracture and a large area of bruising with extensive subcutaneous emphysema on the left side; that is, air trapped in the tissue under the skin. That is the extent of the medical information. When police spoke to the complainant, he refused to comment. He has declined to make a victim impact statement.

The defendant is now 28 years old. He has a very lengthy record of offending, commencing as a youth. By 2013, on a number of charges including two of assault, he was sentenced to a partially suspended term of youth detention. Conditions of the suspension were breached which led to further detention. Periods of imprisonment by virtue of various orders followed. In November 2019 he was sentenced to 20 months' imprisonment on a charge of aggravated robbery. In June 2023, on a charge of causing grievous bodily harm, he was sentenced to two years' imprisonment to commence on 19 April 2022, with a non-parole period of 16 months. By that time, the events led to the murder charge had occurred. That was on 23 January 2022 and he was remanded in custody. On 16 April 2025, having been acquitted of murder and

aggravated armed robbery, but found guilty of charges of burglary, aggravated burglary, stealing and unlawfully setting fire to property, he was sentenced to five years' and three months' imprisonment backdated to 18 April 2024; that is, the expiration of the sentence imposed in June 2023. A non-parole period of three years was set. The end result of all this is that the defendant has been continuously in custody since 19 April 2022. The total period which he could conceivably face from then is seven years and three months, but with parole, it is four years and three months.

As to his other personal circumstances, he seems to have engaged in polysubstance abuse from an early age with consequent addictions. Drug use and addiction underlies his lengthy record. I was told of a pressure cooker type environment in the prison at the time with daily lockdowns of between one half to one day. The relationship between him and the complainant had been under strain due to the impending murder trial. Tensions had been building between the two men in relation to that trial. I was simply told that things came to a head at the particular moment, and the defendant lost his temper. I was informed that heavy prison punishment was imposed immediately afterwards. He was the subject of a few weeks of 24-hour lockdown, and then 12 weeks of 23 hour lockdown. This offending caused security arrangements for the murder trial to be increased as the two men had to be transported in lengthy daily trips to and from the location. It seems that the defendant has apologised to the complainant, and they are on very friendly terms once again. I accept he was cooperative with police after the incident and it is evident from what he said that he regretted his actions. I am told that he was and is remorseful which, in the circumstances, I am prepared to accept. In terms of the plea of guilty, I accept that it has some utilitarian value, albeit it was late. The defendant's attention was directed to the murder trial and once that was resolved in April this year, the State was told of the change of plea. There may be some prospects of the defendant's rehabilitation. His mother remains fully supportive of him and when he is able to, he wants to take some steps to warn people about the consequences of illicit drugs; those consequences include of course, the type manifested in his lengthy record.

Although I would not put this in the most serious of categories of assault, it remains a serious case nonetheless. First, it is a prison offence. It undermines the proper management of, and discipline within, the prison. It required the intervention of correctional officers. The attack was carried out on an unsuspecting complainant who, it might be thought, felt completely safe in the defendant's company. It was a rather brutal assault which was persisted in, including as the defendant moved away, throwing a water bottle at the then prostrate complainant. The law is that the forgiveness of a victim is of no great consequence in terms of the appropriate sentence. There is a need for punishment, condemnation and general and personal deterrence. As a prison offence, any term of imprisonment must be made cumulative to the term presently being served unless there are exceptional circumstances. Such circumstances were expressly disavowed by the defendant's counsel.

Mr Pyke, I have set out the facts of the case, your personal circumstances and the view that must be taken of your offending. Regardless of what tensions had built up between the two of you due to the impending murder trial, such violence, or indeed any violence, was completely unjustified. It is most fortunate that Mr Baddeley did not suffer more serious injuries. Despite your record you seem to have some prospects of reform as I have mentioned. A term of imprisonment is inevitable, but I take into account the period of time you have been, and are likely to be, in custody. In addition, some discounting of the sentence is justified because of punishment already imposed by way of prison discipline, your admissions, remorse and plea

of guilty. You are convicted of the crime and sentenced to six months' imprisonment to be served cumulatively on the sentence of imprisonment that you are presently serving.