

STATE OF TASMANIA v TYSON FILIPO AFAMASAGA
COMMENTS ON PASSING SENTENCE

1 JULY 2025
BRETT J

Mr Afamasaga, you have pleaded guilty to one count of wounding.

The crime was committed on 17 November 2024 at Salamanca, in the early hours of the morning. The complainant was a 19-year-old man who was celebrating a birthday with a group of friends. You approached the group and asked for a cigarette but became agitated when no one acceded to your request. You were confronted by the complainant. The specific reason for this is the subject of dispute but it matters little to your culpability for the crime of wounding so I do not intend to resolve that dispute. You responded to the complainant by retrieving a 20 cm serrated hunting knife from your clothing, and stabbing him with it once in his left abdomen/flank. This caused a 3 x 3 cm laceration into the sub-cutaneous fat layer. You then fled the scene but were subsequently apprehended by police.

The complainant was transported to hospital, where the wound was cleaned and sutured. He was discharged after this treatment but subsequently required some further treatment, in particular antibiotics and the removal of the sutures. He also attended hospital on one occasion with a concern about infection. He has been left with a raised red scar on his flank.

I have been provided with an impact statement from the complainant. It is clear that in addition to the physical injury, he has also suffered significant emotional and psychological consequences as a result of this crime. This is completely understandable, your attack on him was brutal and dangerous, and subjected him to a traumatic and unanticipated experience. I have no doubt that the ongoing trauma experienced by him is as severe as he describes.

You were 21 years of age when you committed this crime and are now 22. You had a good upbringing but at the age of 17 commenced to use illicit drugs and this has had a significant impact on your development and transition to adulthood. At the time of committing this offence, you were heavily intoxicated with both alcohol and drugs. This does not provide any mitigation, of course, but it does explain the mindset you were in when you committed this crime. Apart from anything else, you were carrying the knife because of your perception that your involvement in the world of illicit drugs meant that you needed a knife for self-defence. It is nonsense of course, but I do accept that that was your perception.

I am told that committing this offence was something of a wake-up call for you. Since this happened, you have been working hard to get off drugs and improve your life. You have reengaged with and been greatly assisted by the aboriginal community. You claim to be ashamed of and deeply remorseful for your conduct in respect of this crime and its impact on the complainant. Your plea of guilty at a very early time is consistent with this claim.

In terms of your criminal history, at the time of committing this crime, there was little of significance in your record, although shortly before you did commit an aggravated burglary and stealing. On 5 March 2025, you were sentenced by the Magistrates Court to a 12 month community correction order for those offences. A report provided to me suggests that you have been engaging well with community corrections.

This is clearly a serious crime. The use of a weapon during the course of a verbal conflict in a situation which you had in fact initiated is most concerning. The complainant was entitled to

safely enjoy his social interaction with his friends. Drunken violence around social venues late at night is prevalent and dangerous. A sentence emphasising general deterrence and community protection is required. In my view, this will only be achieved by a sentence of imprisonment. The only real question is whether the sentence should be wholly or partially suspended. On balance and after taking into account your age, lack of relevant prior convictions, early plea of guilty and the steps you have taken to reform since committing this offence, I am satisfied that the sentencing aims in this case can be adequately met by a wholly suspended sentence, although you will be required to perform some community service as a condition of suspension in order to ensure some immediate and actual punishment. It is not necessary to include supervision given that you remain subject to the community corrections order imposed by the Magistrates Court.

1. Accordingly, the orders I make are as follows:

- a You are convicted of the crime to which you have pleaded guilty;
- b You are sentenced to a term of 10 months imprisonment. The whole of the sentence will be suspended for a period of 18 months on the following conditions:
 - a that you are not to commit another offence punishable by imprisonment during that period
 - b that you will perform community service for a period of 175 hours. The Court notes that the sections referred to in s 24 (5A) of the *Sentencing Act* apply to this condition. For the purpose of those provisions:
 - i you must report to a probation officer at the office of Community Corrections in Hobart within 3 clear days of today and
 - ii the operational period of the order is 18 months.

If you commit a further offence within the period of suspension as your lawyer will explain to you, that includes almost any offence on the statute books, the reality is that the Court will be required to activate the sentence and you will be required to serve it unless the Court determines that it is unjust for that to incur and that is extremely high.