

STATE OF TASMANIA v RIELLY CAID BENNETT
COMMENTS ON PASSING SENTENCE

4 JUNE 2025
WOOD J

Reilly Caid Bennett has pleaded guilty to one count of assault on indictment and a summary offence of common assault which arose out of the same incident. The defendant has been sentenced by me in relation to the common assault. On 21 November 2024, I recorded a conviction, and I imposed a Community Correction Order for 18 months.

The crimes were committed by the defendant in the context of a relationship. The defendant was aged 20 at the time and his partner was aged 18. They had been in a relationship for some months, and they have one child together.

On a date between the end of February and the start of March 2022, the couple were together at the property of the complainant's father in Clarendon Vale. From time to time, they lived there together in a shed.

At approximately 7:00 am, the defendant took the complainant's mobile phone and left the shed, returning approximately 20 minutes later. He entered the shed and latched the door. He accused the complainant of "cheating on him". She denied the accusation.

The defendant slapped her forcefully to the left side of her head above her ear. The complainant said, "Bub don't do that". He slapped her again to the left side of her head but with less force.

The complainant sat down on the bed and started to cry. She screamed out for her father, calling for him to let her out of the shed.

The defendant pushed the complainant down onto her back on the bed. He got on top of the complainant and sat on her thighs. He then placed both hands around her neck and applied pressure. She grabbed his wrists to try and stop him. The defendant continued to apply pressure to the complainant's throat for approximately 30 seconds, during which she could not breathe, and was terrified.

He suddenly stopped, got off the complainant, and unlatched the shed door. She ran to her father and told him what the defendant had done. The defendant ran out of the shed and off the property, and the complainant's father gave chase but was unable to find him. The defendant returned approximately 30 minutes later. He was crying and apologised to the complainant.

The defendant and the complainant continued their relationship until approximately August 2022.

The defendant is aged 23 years and was 20 at the time of offending. He has a prior conviction for common assault imposed on 21 December 2020 when he was sentenced to an undertaking for 12 months. That was a family violence offence and so, too, was a conviction of aggravated assault committed on 28 July 2021. For that crime, and seven charges of breach of Police Family Violence Orders, and common assault, he was sentenced on 3 April 2023 to a term of 18 months' imprisonment which was backdated and a Community Correction Order for 12 months.

On 24 May 2023, he was convicted of multiple breaches of a Family Violence Order which attracted a sentence of one month imprisonment which was wholly suspended for 18 months

on condition that he complete the Community Correction Order. He spent 90 unallocated days in custody before he was released on bail, that time in custody was in 2023.

In terms of the defendant's background, he has had a drug problem for a number of years, as well as a period of alcohol abuse, particularly in 2023.

I have a report from Community Corrections dated 3 September 2024. Overall, he responded well to the Community Correction Order I have mentioned. He engaged with drug and alcohol counselling, and with Workskills to gain qualifications to assist with his employment opportunities.

The defendant has long-standing mental health concerns, and has been diagnosed with substance use disorder, anxiety, depression, and drug-induced psychosis, and he understands he has also been diagnosed with schizophrenia and borderline personality disorder. His mental health was stable at the time of the report and has been since.

Mr Bennett, on the basis of the positive report, I decided to sentence you for the common assault, which involved involving you slapping the complainant on two occasions, and impose a Community Correction Order to give you the chance to demonstrate your ongoing compliance, to enable the supports that were in place to continue, and to give you an opportunity to participate in and complete the Family Violence Offender Intervention Program, which unfortunately had not been offered in the previous year. The Community Correction Order I made then was for 18 months from 21 November 2024 and was subject to the core statutory conditions and special conditions. The special conditions were that you attend, participate in, and complete the Family Violence Offender Intervention Program as directed; and that you attend court on 11 March 2025 at 4.00 pm for review of your progress in relation to that Community Correction Order, and on any subsequent dates if so directed.

On the same date, I made an order adjourning the particularly serious assault to enable a comprehensive assessment for a Home Detention Order. As noted, the Community Correction Order was subject to a condition that you be reviewed by the Court from time to time.

You have attended Court on three occasions for review in relation to that Community Correction Order and the reports I have received have been positive. You have had a number of setbacks, but you have remained co-operative, and you are making good progress. You are now living with your mother at Parattah and caring for her as she has been diagnosed with an illness and is receiving treatment, including surgery. You are focussed on providing your mother with the support she needs. This is a good measure of your character, and you should be proud of what you are doing to help her.

A report from your probation officer, Ms Veronica Young, provided by email dated 12 May 2025 noted that you are working well with your supervising officer. You have been receptive to support in relation to parenting. You have demonstrated insight regarding your trauma history as a child and you have expressed your wish to break this cycle for your own children. You are demonstrating significant maturity and responsibility.

You have been assessed as suitable for a Home Detention Order at her address at Parattah. That positive assessment has taken a long time, and you have remained co-operative throughout.

In terms of your current circumstances, I note you are maintaining contact with your two young sons but remotely because of transport difficulties. You have totally abstained from drug use.

You have obtained your white card and have recently obtained casual employment on a trial basis as a farmhand working at Nugent. Your employer is able to provide your work schedule in advance to enable it to be approved by Community Corrections and an absence for employment can therefore be accommodated under a Home Detention Order.

The charge of assault contrary to the *Criminal Code* is a very serious matter. Applying pressure as you did to the complainant's neck is an extremely dangerous act of violence. It can result in serious injury or even death. It was terrifying for the complainant to be assaulted in that way, where she was not able to breathe and did not know what was to happen to her. Generally, a lengthy gaol sentence would be the appropriate outcome. In your case, however, given your age, the efforts you have been making, and the way you have turned your life around, I am satisfied that a Home Detention Order is appropriate.

I record a conviction, and I make a Home Detention Order for 10 months. I impose all of the statutory core conditions in s 42AD(1) of Part 5A of the *Sentencing Act* and make an order that you be subject to electronic monitoring for the duration of the order. You must, during the operational period of the order, remain at [address specified] at all times unless approved by a probation officer. You must report to 3 Terry Street, Community Corrections, in Glenorchy, no later than 1:00 pm tomorrow for the purpose of induction into that order and you must cooperate with Community Corrections with respect to the order.

I have determined not to make an order declaring you to be a serial family violence perpetrator pursuant to s 29A of the *Family Violence Act* given your progress, particularly in terms of your engagement with Community Corrections and your efforts to break the cycle of violence and be a good role model and father to your children. I am satisfied that you have strong prospects of rehabilitation. In my view, such an order is not warranted.

I direct that the count of assault on indictment be recorded as a family violence offence, pursuant to s 13A of the *Family Violence Act*.