

Cody Hingston, you plead guilty to two counts of wounding. I will also sentence you on your plea of guilty to three summary offences, assault, stealing and injuring property, which arise from the same circumstances. The offences were all committed on 28 January 2023 against Adrian Rees. Mr Rees was your twin sister's partner and you did not like him. At around 1.30 pm on that day you drove up behind him when he arrived at the home in which he lived with your sister and their three sons. You left your car with a golf club, what appears in the photographs to be a metal wood, and struck the centre pillar of his car with it, causing damage. When he got out of his car you struck him in the arm so hard that the golf club broke. That was the common assault. You kept holding part of the broken shaft and, despite his attempts to avoid you and shield himself, you stabbed him in the left forearm with it. You then produced a folding handyman knife and threatened to kill him. You tried to stab him in the chest but missed, leaving only a scratch, but then stabbed him in the back while repeating your threat to kill him. You drove away taking his car keys which you removed from his car. That was the stealing.

After you left the police arrived. They treated some of Mr Rees's injuries at the scene and he was taken to hospital by ambulance. He had a long superficial abrasion to his left abdomen, a deep circular wound to his left forearm caused by being stabbed with the shaft of the golf club and a deep wound on his upper back about 10 centimetres long as a result of being stabbed with the knife. The wound on his back was stitched. The wound on his forearm was dressed and a fiberglass splint was applied.

When you were spoken to by the police you denied even being there at the time and said that Mr Rees was delusional. However forensic analysis of the broken golf club disclosed the presence of blood stains with a high grade DNA match to both you and Mr Rees. Blood with a high grade match to him was found inside the driver's door of your car which the police found parked behind your step father's home.

You were 26 when these offences were committed and you are now aged 29. You are single and live with your family. You have a steady work history mostly in labouring jobs, most recently in civil construction, and you are well regarded by your employer. Your only relevant record is for offences committed in 2015 and 2013 which were dealt with by a magistrate on 17 July 2015, now more than ten years ago. You pleaded guilty to numerous counts of destroying property committed as a youth in 2013 for which you were not convicted. However you were also sentenced for family violence offences committed on 19 January 2015 including a common assault for which you were made subject to a probation order for 12 months without conviction.

It is in your favour that you pleaded guilty. It was not an early plea but it eventually avoided the need for a trial and facilitated justice.

The attack was witnessed by other members of the public who were nearby, one of whom called the emergency services. More significantly, the attack was witnessed by at least one of Mr Rees' children, a seven year old boy who told the police and said that his "daddy was stabbed by his uncle." Your animosity towards Mr Rees was motivated by your belief about his conduct towards your sister and was intended to be protective of her, but, regardless of the reason for it, it did not justify such violence. You used weapons in such a way that you could only have intended to wound him. Without wishing to understate the seriousness of the crime of wounding you are very fortunate to have not been charged with an even more serious crime. It is also fortunate that

you did not cause Mr Rees more serious injury or worse. His victim impact statement is to be treated with the required level of circumspection but makes clear that the crimes have a real and continuing physical and psychological impact on him, as is to be expected from the nature of the injuries that he suffered.

I would have proceeded by a combination of home detention and a suspended sentence of imprisonment, but you have indicated that you do not consent to home detention. In those circumstances a term of imprisonment, some of which is to be actually served, is the only appropriate sentence. Because of your plea of guilty, your lack of prior convictions for violence, and because I think there remains a reasonable prospect for your rehabilitation, I will suspend part of the term on condition of supervision in the community on your release. You spent one day in custody following your arrest and you were remanded in custody yesterday.

Cody Hingston, you are convicted on both counts on the indictment and on complaint 30350/23, counts 2, 3 and 4. On count 3, the stealing, I make no further order. On count 4, injure property, I would have imposed a fine, but in light of the other sentence I am about to impose I will do nothing but record the conviction. I make a compensation order in favour of Adrian Rees in a sum to be assessed. On count 2 on the complaint and counts 1 and 2 on the indictment, the assault and two counts of wounding, I impose one sentence. You are sentenced to a term of imprisonment of fifteen months from 22 July 2025. I suspend nine months of that term for two years from today. It is a condition of that order that you not commit any offence punishable by imprisonment. If you breach that condition the suspended term must be activated unless that is unjust. Because that condition commences now it will operate while you are in prison and following your release. It is a further condition that during the balance of the operational period of the order following your release you will subject to the supervision of a probation officer. The conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition and will be set out in the order you will be given. These include that you must report to a probation officer at the office of Community Corrections in Launceston within three clear working days of your release, you must submit to supervision and comply with the directions given by your probation officer, you must not leave Tasmania without permission and you must notify of any change of address.

In addition to the core conditions, the order will also include the following special conditions that you must, during the operational period of the order:

- (a) submit to the supervision of a Community Corrections officer as required by that officer;
- (b) attend educational and other programs, undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

If you breach any of those conditions you may be brought back to court and re-sentenced.