

Mr Magaza, you have pleaded guilty to one count of assault.

You committed the crime on 2 February 2024. At about 10am, you boarded a Metro bus which contained four other passengers. One of these was a 56 year old woman, who is the complainant in respect of this crime. You chose to sit in the seat directly beside her. She seems to have been uncomfortable with this and she asked you to move, noting that the majority of the seats on the bus were unoccupied. You refused and an argument broke out between you. During the course of the argument, she made comments criticising you for smelling of cigarette smoke, and at some point made a comment which you took to be a racist slur. You became verbally abusive towards her. The argument escalated when she attempted to physically move you from the seat and her right forearm came into contact with your cheek. You and she continued to trade insults and abuse. You then punched her more than 10 times to her face and the right side of her head. A nose ring she was wearing was ripped out as a result of this and her nose began to bleed. She stood up to search for her phone, and you continued to punch her multiple times to the side of her face. After this, you yelled at other passengers, and then left the bus.

The complainant suffered a nasal fracture, bruising to her right eye and swelling and pain to the face. She has provided me with an impact statement in which she describes not just the effects of the physical injuries but also the significant emotional and psychological consequences of this attack. She has sought therapy, but it is also clear that there is ongoing trauma, which impacts her severely and affects her ability to carry out everyday activities. She suffers fear and anxiety when in public and is particularly concerned about using buses. All of this, it seems to me, is consistent with what would be expected of a serious and unexpected public attack such as this.

You are now 32 years of age and were 31 when you committed this crime. You have a number of prior convictions for disorderly conduct and other street and police offences. You do not however seem to have a significant history of serious violence, although on 8 November 2024, you were convicted and fined for a common assault committed after the matter with which I am dealing.

I have obtained a presentence report which sets out your personal history in some detail. In recent times, you have undergone an extended period of homelessness, and suffer from complex mental health needs and social dislocation. You have been diagnosed with schizophrenia and receive regular medication for that condition. You have been assessed as unsuitable for both community service and supervision. The report recommends that upon release from prison you should continue association with specialist agencies and community organisations who have provided you with support in the past.

There is no question that this was a particularly serious assault. The violence was brutal and sustained. You attacked the head of your victim with numerous blows, and this in itself was a very dangerous thing to do. The attack occurred in public. I do not consider that any provocation arising from comments made during the argument with this woman justified your response. You were just as much to blame for that disagreement as she was, and in any event there was no reason for you to engage in violence to this extent. In my view, the objective seriousness of the crime and the need to deter others from public violence of this nature leads to the conclusion that

the only appropriate sentence is one of imprisonment. In the light of the presentence report, I do not intend to include any community-based orders. You are well aware of the organisations that can provide you with support upon your return to the community. It is to be hoped that some work will be done with them for you while you are in prison to prepare you for that time.

Zelaki Magaza, you are convicted of the crime to which you have pleaded guilty and sentenced to seven months' imprisonment. The sentence will be backdated to 23 June 2025. You are not eligible for parole in respect of that sentence.