

STATE OF TASMANIA v JORDAN BRENNAN AND HAYDEN BRENNAN

10 SEPTEMBER 2025

COMMENTS ON PASSING SENTENCE

BRETT J

Mr Jordan Brennan and Mr Hayden Brennan, you have both pleaded guilty to a number of charges arising out of a violent home invasion perpetrated by you jointly on 5 September 2024. Each of you has pleaded guilty to one count of aggravated burglary, two counts of aggravated armed robbery, one count of recklessly discharging a firearm and one count of committing an unlawful act intended to cause bodily harm. You have both also pleaded guilty to some associated summary charges, in particular one count of destroy property, one count of possessing a firearm without the appropriate licence, one count of possessing a loaded firearm in a vehicle in a public place and one count of failing to take precautions to ensure the safekeeping of a firearm.

You committed the crimes together at the residential home of the complainants, a married couple aged 42 and 47 years respectively. The home was set on a block of land approximately 20 acres in size. They were living there with their two children aged 12 and 10. The complainants also operated a fruit and vegetable supply business from that property.

It is clear that you went there to rob them of valuables. You knew or at least believed that they had a safe and I infer that your intention was to steal its contents. You may have known that it, in fact, contained gold jewellery with a total value of \$40,000, but this is not clear. You arrived at the property at about 10pm. You parked your vehicle near a neighbouring property and removed the numberplates clearly in an attempt to avoid subsequent detection. You had your faces covered with balaclavas and were carrying weapons, a loaded firearm and a machete. When Jordan was apprehended by police later that night, he was found to be in possession of a folding knife and a set of knuckledusters, but while he was probably carrying these at the time, there is no suggestion that they were actually produced or used during the robbery. When you first entered the property one of you was carrying the firearm and one the machete. The complainants and their children were in bed and some of them were asleep.

The male complainant saw you first. You were both standing at the side of the house outside his bedroom. When he saw your covered faces and weapons, he shut the bedroom door, and tried to stop you entering by leaning against the door from the inside. However, one of you kicked the bedroom door, and eventually he moved away and you entered the bedroom.

In the meantime, the children, who I assume were sleeping in a different bedroom or bedrooms, had woken up with the noise of you trying to enter the house. They hid in the house then fled and called the police. You did not have any direct contact with them at any time and they did not see your attack on their parents. I do not know exactly when they fled, so I cannot determine what they heard, but given what I will describe next, it is likely that they overheard some of it.

When you entered the bedroom, you yelled at both complainants to get on the ground. You told the male complainant to lie on his stomach with his hands behind his head. One of you then pointed the firearm at his head and demanded the location of the safe. He kept asking you if you had the right house because neither he nor his wife had done anything wrong but you told him that you were sure that you had the right house. As I have already noted, I infer that you knew or believed that the house contained a safe, which in turn contained valuable property. It was this property that you had come to steal.

One of you demanded the mobile phones of both complainants. Whoever was carrying the gun grabbed the female complainant's mobile phone from the nightstand, placed it on the ground and shot it, thereby destroying it. One of you then kicked the male complainant in the face with significant force, fracturing his nose and causing a significant injury to his gum. Shortly after this, the male complainant attempted to grab the firearm when the person holding it turned away. That person then discharged the firearm and the male complainant was shot in the left thigh. Although you had clearly threatened to shoot him including by holding the gun at his head in an attempt to obtain information from him concerning the location of the safe, the prosecution case in respect to the actual shooting is that the discharge of the firearm was reckless and without regard to the safety of the complainants. In other words, the plea accepts that there was a deliberate discharge of the firearm, but that you did not actually intend to shoot him but were reckless about his safety. Of course, he would not have been shot if you had not invaded his home and brought with you a loaded firearm which you then discharged recklessly.

After shooting him, one of you then struck his right arm with the machete. This was deliberate and done with the intention of causing serious injury. The blow resulted in a deep wound which almost completely severed his hand at the wrist. The wound bled profusely and he drifted in and out of consciousness. One of you then pointed the firearm at his head and instructed the other person to shoot him if he moved. It is not clear why this instruction was given by the person actually holding the firearm, but I assume it was to intimidate and threaten the complainant. Given the terrible wound which you had just inflicted on him, it seems unlikely that he was in any condition to move anywhere in any event.

You then turned your attention to the female complainant. One of you pointed the firearm at her and demanded to know where safe was. She gave you its location and helped you to open it. You then took its contents, which consisted of gold jewellery with a value of approximately \$40,000. The female complainant crawled back to the bedroom to check on her husband. After you had finished with the safe, you came back into the bedroom and yelled at them about the location of the safe. The female complainant pleaded with you not to hurt them. You then fled from the residence. You were located shortly after by police. Jordan was located hiding in the bush a short distance from your abandoned motor vehicle. Hayden gave himself up to police during the course of their search. Police recovered the weapons and the stolen jewellery from the vehicle.

Police arrived at the house soon after you left. They found the male complainant seriously injured, bleeding heavily and continually drifting in and out of consciousness. They applied a tourniquet to attempt to stem the bleeding. Paramedics arrived soon after and transported the complainant to the Northwest regional hospital. Due to the severity of his injuries, he was ultimately transferred by helicopter to the Royal Hobart Hospital. He suffered the following injuries as a result of your crimes:

- (a) A semi amputated right wrist injury with the cut down to the bone and all exterior tendons severed and a scaphoid fracture
- (b) A fractured nose
- (c) A gunshot wound to the left thigh.

The complainant underwent surgery to insert screws into his wrist bone. He has required numerous physiotherapy sessions intended to help him regain function of the right hand and is anticipating further surgery in the near future.

I have been provided with a joint impact statement from the complainants. I was asked to read this to myself and accordingly will not recite its contents in detail. In respect of the male complainant's physical injuries, despite the treatment, there is still significant loss of function and to some extent this will be permanent. These problems affect his ability to undertake tasks associated with his business, and this is obviously productive of financial loss. This also will continue indefinitely. It was deemed too dangerous to remove the bullet and it remains lodged in his thigh. This causes pain from time to time. He has lost part of his gum and has ongoing issues with his teeth and breathing due to the fractured nose.

Further, as would be expected, the complainants and the children all suffer serious psychological and emotional impact as a result of your crimes, and this affects each of their lives in a significant way. The impact on them all is profound and likely to continue in the long-term, if not permanently. In relation to the children, in particular, it is impossible to predict precisely how this trauma will affect them as they grow into adulthood but it is reasonable to infer, as observed in the complainant's impact statement, that all of them will be dealing with the consequences of your crimes for the rest of their lives.

It is difficult to imagine the terror that this family, including the children, must have experienced as a result of your criminal conduct. Of course, your intention was to terrorise them, and you achieved this by the threatened and actual infliction of serious violence. All of them showed enormous courage and resilience during the ordeal, despite your cruelty towards them. This includes the children who were able to hide, escape and call the police without being detected by you. You deserve no credit for the fact that the children did not come into contact with you and did not directly witness your treatment of their parents, it is solely attributable to their presence of mind and courage. The presence of children in the house and the fact that they were forced to react that way is a factor that significantly aggravates the objective seriousness of your crimes. At least one of you claimed that you did not know that there were children there. In my view, that provides you with no mitigation whatsoever. It was perfectly foreseeable that there might have been children there, who would be impacted by your crimes. You were invading a family home late at night. You clearly expected the occupants to be present, hence the weapons. You had worked out or knew that a safe was there. I have absolutely no doubt that had you bothered to think about it, you would have known or worked out that children might also be there.

There are, of course, numerous other factors which aggravate the objective seriousness of these crimes. These include premeditation. Irrespective of who thought up the plan, you were both well aware of what you were going to do and had made preparations. You entered the home armed with weapons, including a loaded firearm, and then used them, first to threaten and then to cause serious injury. You covered your faces with balaclavas, an act which hid your identity and also added to the intimidation and fear experienced by your victims. Other aggravating features of your conduct include your use of threats, including the threat of lethal force, for example when a gun was held to the head of the male complainant to extract information, and the sustained and serious nature of the violence perpetrated by you. The violence, in particular the attack with the machete, was cold blooded and cruel. Your victims, a family asleep in their own home, situated on a large property, were clearly vulnerable. It was probably merciful from

the perspective of the complainants that you eventually left, but when you did, you left the male complainant bleeding profusely and passing in and out of consciousness. Clearly, you were not concerned in the least about his welfare.

Jordan Brennan, you were 21 when you committed these crimes and you are now 22. You have a child who is almost 2 years of age who lives with his mother. You had a difficult childhood. Your father was a drug user and was not involved in your upbringing. It seems that you were introduced to illicit drugs at an early age and have had significant substance abuse problems since you were a young teenager. These problems relate to both alcohol and illicit drugs. You found school difficult but did manage to obtain a qualification for work in aged care as a result of diversion into a vocational program. You have suffered from anxiety and depression since childhood but there has been no formal diagnosis concerning any condition affecting your mental health. However, you have had treatment including medication and psychological therapy for a number of years. Since your remand in custody, you have taken courses in an effort to address some of the deficits in your development to date.

Your criminal history is largely consistent with the general course of your life already described. You were 13 when you first received cautions in relation to the possession of what I assume was cannabis. At the age of 14, you were dealt with by the Youth Justice Court for the offence of assaulting a police officer. There was then regular and varied offending throughout your teenage years. This included further offences of violence relating to police. In 2020, you were convicted of several offences, which included common assault, and assaulting, resisting and threatening a police officer. In the months before committing these crimes, you were dealt with for a variety of offences including drug matters, assaults and assaulting a police officer. You were sentenced to a community correction order. Finally, on 24 July 2024 which is only about six weeks before you committed these crimes, you were sentenced to a suspended sentence of imprisonment for one month, for the offence of disqualified driving. You were subject to that sentence when you committed these crimes, and the prosecution has made an application to activate that sentence. This is not opposed by you. It is clearly not unjust that it be activated, and it will be.

While the prior offending has been constant and serious, there is nothing in it which approaches the level of seriousness of the crimes which are the subject of this sentence. A significant and relevant feature of your criminal history and background is of course your problem with illicit drugs. I have not been expressly told what you wanted this money for but there is a reasonable inference that it was connected to your drug use. This is not a mitigating factor, in fact it increases the need for both general and specific deterrence. However, it is also necessary to consider how this problem should be addressed in sentencing. Drug use is something that is amenable to rehabilitative work while in prison. There is nothing to suggest that you have taken any steps prior to committing these crimes to address the problem in the community although you have undertaken some programs while on remand. As far as your return to the community is concerned, your substance abuse problem is also something that can be the subject of rehabilitative work during parole. A grant of parole will, of course, depend partly on your commitment to rehabilitation demonstrated while in custody, but if the commitment is there that it can be appropriately addressed both in prison and on parole.

Hayden Brennan, you were 23 when you committed these crimes and are now 24. Your prior criminal history is minimal. It consists of a couple of traffic matters, including one low range drink driving. Subsequent to your commission of the crimes with which I am dealing, you were convicted of the offence of driving while an illicit drug was present in your oral fluid. This

offence was committed in December 2023. Your childhood does not seem to have been as disrupted as Jordan, although both of you were deprived of the benefit of a responsible father. Your education went to year 11. You have been using cannabis since you were 15. I am told that this was largely related to your own attempts to deal with the effects of anxiety and depression. Unfortunately, it seems, your father, who had absented himself during your childhood, returned to your life when you were 17. His contribution was to introduce you to illicit drugs other than cannabis, in particular methylamphetamine. You continued to use this drug up to your commission of these crimes. You have experienced a significant degree of social isolation, but you have also had some employment in recent years. You were suffering financial stress at the time you committed these crimes and it is a reasonable inference that you were motivated to become involved in the crimes because of the prospect of financial gain. It is not clear the extent to which your use of methylamphetamine contributed to your financial difficulties nor your motivation for committing this crime. However, as with Jordan, your drug problem is something that needs to be dealt with if you are to successfully rehabilitate. I make similar comments with respect to the work that can be done in this regard both in prison and on parole. I observe that you have already made good use of your time in custody by undertaking some rehabilitative programs.

Both of you claim to be remorseful for your conduct and its consequences for this family. Of course, it is very easy to say this when you are standing in the dock. I suspect remorse at this point may exist to some extent, but it is also closely connected to your appreciation of the predicament in which you now find yourselves. Remorse cannot have any significant mitigatory weight when the crime, including the potential for violence, was premeditated, and you left the badly injured complainant to his fate. Your claim of remorse does not assist your victims, who now have to cope with the consequences of what you did, for the rest of their lives. It may, however, inform my assessment of your potential for rehabilitation. Your pleas of guilty are consistent with this claim of remorse, although the case against each of you was very strong. There is some utilitarian value which arises from the fact that the plea in each case means that the complainants will not have to give evidence in a trial, and you should receive some credit for this.

As far as your respective culpability is concerned, there is not much to distinguish between you. It seems to be accepted that the robbery was initially Jordan's idea, and that he accessed the weapons. He admitted to police that it was he who shot the complainant and cut his hand with the machete. However, Hayden was aware of the plan some hours earlier and clearly went along with it and involved himself fully in it. He knew that the home was likely to be a family home and that they were taking with them a loaded firearm and a machete. The plea is consistent with the conclusion that all of the crimes were probable consequences of the prosecution of the armed robbery. It is also clear, in any event, that he was present during, and may well have participated directly in the commission of all of the crimes. He was carrying at least one of the weapons upon entry into the house and for some of the time after that. There is no suggestion that he intervened or disagreed with what was happening and was anything other than a full and enthusiastic participant in the prosecution of the common purpose. However, although there is little to distinguish your respective moral culpability in respect of the commission of the crimes, I think a slight distinction should be made having regard to Jordan's history of prior offending.

This was a horrific home invasion perpetrated with violence and for the purpose of greed. The objective seriousness of the crimes committed by you is aggravated by all of the factors already discussed. The primary sentencing considerations are general deterrence, denunciation and

community protection. Because of the need to place emphasis on these factors, and despite your age, the question of rehabilitation is of less significance in the formulation of sentence. The correct approach I think is to impose an appropriate head sentence, but to permit parole at the earliest opportunity. This will provide the Parole Board with the opportunity to respond to any meaningful prospect of rehabilitation demonstrated by you while you are serving your sentence in prison.

Accordingly, the orders I make are as follows:

- a You are each convicted of the crimes and the offences to which you have pleaded guilty;
- b Jordan Brennan, I activate the sentence of one months imprisonment imposed by the Magistrates Court on 24 July 2024. You will serve the sentence from the day that you were taken into custody, which is 5 September 2024. You are not eligible for parole in respect of that sentence.
- c In respect of the crimes and the offences to which you have pleaded guilty, I impose a global sentence of imprisonment for eight years. That sentence will be served cumulatively upon the one month activated suspended sentence. You are not eligible for parole until you have served one half of that sentence.
- d For the purposes of S 92A (3) of the *Sentencing Act*, I specify that:
 - i the total term of imprisonment which you are liable to serve in respect of all of the above sentences is eight years and one month commencing on 5 September 2024
 - ii The total period that you must serve before you become eligible for parole is four years and one month commencing 5 September 2024.
- e Hayden Brennan, in respect of the crimes and offences to which you have pleaded guilty, I impose a global sentence of imprisonment for seven years. That sentence will be backdated to commence on 5 September 2024. You are not eligible for parole until you have served three years and six months of that sentence.