

Mr Carbonari-Bishop, you have pleaded guilty to one count of *Criminal Code* assault. On 6 November 2024, you were at a home in Devonport, dropping off some vehicle parts to a gentleman who lived there, a Mr Stedman. You and Mr Stedman were in a shed at the rear of the property. The shed was divided into two areas – a workshop area and a storage area. You and Mr Stedman were in the workshop area.

Unbeknown to you, the complainant, Jay Harding, had also arrived at the residence and was in the storage area of the shed. You and Mr Harding had previously been good friends but there had been a falling out. Mr Harding was there to see another person who lived at the residence, a Mr Lynd. Mr Harding did not know you were at the residence. You were initially unaware of his arrival, but within a short time of him having entered the shed, you heard his voice and then observed him through a mirror. You immediately approached him, lunged at him and punched him to the right side of his face with significant force. The impact caused Mr Harding to lose consciousness and fall backwards. It was by pure chance that Mr Lynd caught him as he fell and thereby prevented him from hitting the concrete floor. The complainant's eye immediately began to bleed. You left the residence.

The complainant attended the Mersey Community Hospital. He had multiple fractures in his right eye socket. On 7 November, he underwent emergency surgery at the Royal Hobart Hospital for a right orbital floor fracture, with inferior rectus muscle entrapment. The surgery was complicated. It involved the reconstruction of the floor of the eye socket with a bone graft from his pelvis. But for the surgery, it is likely he would have suffered permanent eye damage.

On 15 November 2024, and then again on 20 December 2024, the complainant was reviewed. On both occasions he was still experiencing ongoing double vision and pain.

On 17 November 2024, you were arrested. You told police you knew nothing of the matter.

The complainant has been badly affected by your violence. He has become very apprehensive around others and socially withdrawn. He continues to experience pain and has ongoing difficulties with his vision. Playing video games used to be one of his favourite past times. That has been taken from him as his eye no longer responds quickly enough to play such games.

This assault was entirely unprovoked and unwarranted and has left the complainant with an on-going deformity. Your criminal conduct was very serious.

You are 22 years of age. By way of prior criminal history, you have some driving matters and offences against police. There is also a matter of destroy property. There is nothing involving violence towards a person. You have had a difficult upbringing. Your father was physically violent to you during your childhood. You have no on-going relationship with him. Your mother was a drug addict, and you have no on-going relationship with her. You spent most of your childhood with your paternal grandmother. She died in September 2024, so about two months prior to this incident. Her death came after a six-year battle with cancer. You supported her during her illness. You have really struggled with the loss of your grandmother. You now feel isolated and alone, and are without family support.

You are in employment. You have been employed in the agricultural industry for the past two years. You are well regarded in that employment.

I am told you now recognise that what you did was very foolish. You and the complainant had been friends but the falling out had turned nasty. When you became aware of his presence, emotion got the better of you and you reacted. Whilst your reaction may have been spontaneous, it was also entirely unjustifiable. No level of animosity or grievance justifies what you did. The complainant did nothing to provoke you. His presence there had nothing to do with you. It goes without saying that punching another person to the head and face area is an inherently dangerous act. The blow you delivered was hard. It rendered the complainant unconscious. He was standing on a hard concrete surface. It was purely fortuitous that there was another person standing nearby who reacted quickly and broke the complainant's fall.

All too often, courts have dealt with matters where even a single punch can, and does, lead to life changing injury, or even death. Endeavouring to settle grievances using violence is a matter of significant community concern. General deterrence and denunciation are prominent factors in this sentencing exercise. Because of that, the significant harm you caused and the objective seriousness of your offending, I am of the view that a period of imprisonment is warranted. Given your young age, however, your plea of guilty, your apparent insight and your seemingly good prospects, I am satisfied that the period of imprisonment should be suspended.

You are convicted of the crime of assault. You are sentenced to a term of imprisonment of eight months. The whole of that sentence will be suspended for a period of two years on condition that you are not to commit another offence punishable by imprisonment during that time. If you fail to comply with the terms of the suspended period of imprisonment, Mr Carbonari-Bishop, then it is almost inevitable, in my view, that you will be required to serve that period of imprisonment. The law is a judge must activate it unless it is unjust to do so.