

STATE OF TASMANIA v LAS
COMMENTS ON PASSING SENTENCE

12 AUGUST 2025
SHANAHAN CJ

LAS you were aged 16 years old at the time of this offending. Your co-accused, Aleena Sandra Hovington, was aged 18 years old at that time. You and Ms Hovington are known associates of one another.

The complainant, Qingyi Jia was 28 years old at the time of the offending. You and Ms Hovington did not know the complainant.

On 31 July 2024 at approximately 4.45pm, the complainant was waiting for a bus outside the Club Hotel in Glenorchy. You, Ms Hovington and a youth were walking in a southerly direction past the Club Hotel. Someone in your group called out to the complainant. The complainant was intimidated by your group and attempted to ignore you.

You moved towards the complainant and grabbed the top of her phone. Ms Hovington approached the complainant, and you both demanded that the complainant give you her phone. The complainant pulled her phone away from you both. You and Ms Hovington walked away from the complainant.

After a short discussion between you, Ms Hovington and the youth who was with you, you approached the complainant as a group. The youth with you began recording a video on her mobile phone. Ms Hovington then walked towards the complainant and pushed her against a nearby wall. You grabbed hold of the complainant's hair and forcefully threw her to the ground.

Whilst the complainant was on the ground, you kicked her to the head, causing the complainant's head to violently snap backwards. You walked away from the complainant towards the youth, filming. Ms Hovington remained with the complainant and attempted to take her handbag. The complainant continued to hold on to her handbag.

Ms Hovington put her arm around the complainant's neck and pulled her backwards. Whilst holding the complainant this way, Ms Hovington punched her between one and three times to the back of her head. You jogged back up to the complainant and stomped on her head.

A member of the public stopped their vehicle and approached your group. He attempted to intervene and insert himself between you and Ms Hovington and the complainant. You became aggressive towards him and started to verbally abuse him. You attempted to approach the man, with him having to push you away several times. Other members of the public offered assistance to the complainant.

All the members of your group then left the area on a Metro bus travelling towards the Hobart bus mall.

Police attended the area shortly after and arrangements were made for the complainant to attend the Royal Hobart Hospital. The complainant had a concussion and minor grazing and bruising to her hands, feet, face and legs.

Approximately half an hour later you and Ms Hovington were present in the car park of the Glenorchy Police Station. In the presence of police, Ms Hovington mentioned an assault and stated that her foot had been hurt in the incident. Both of you were arrested. You and Ms Hovington both declined to participate in a video record of interview.

On 8 August 2024, police were conducting a foot patrol in the Glenorchy central business district. Police spoke with Ms Hovington and she showed the officers a video of the incident.

A copy of that video was taken. Ms Hovington informed police that the video had been distributed via a Snapchat account known as "Fights Tassie" or something similar.

The video was played to the Court and it depicted a particularly vicious assault on the complainant by you in company with Ms Hovington. Your role in that assault is obvious because you are easy to discern with your red hair.

The complainant's Victim Impact Statement was read to the Court. The complainant noted how it impacted upon her employment and prevented her from completing a voluntary accounting internship.

That precluded her finding a paid position and that in turn impacted upon her ability to get a permanent visa to stay in Australia. Your casual violence towards the complainant has had far reaching consequences.

The complainant thought she might die when she was assaulted for no apparent reason. She did not know where to turn for assistance. In her own words she stated:

"After the assault, they got on the bus and now I think anyone could be on the bus and it's not safe but I cannot afford a car. After the incident, I had to take a few months to recover. I still feel really stressed and uncomfortable when I walk on the street. Every time I see people who look like them, I get scared. I feel really unsafe and stressed about it. I used to think it was really safe to walk on the street, but now I only feel safe at home. I now work as a retail assistant and when I finish work at 3 pm instead of hanging around town, I walk straight home. Since the incident, I don't travel by bus or go to Glenorchy anymore."

The complainant had to suffer the further humiliation of knowing that the assault was recorded and then distributed for other peoples' amusement. The complainant has been seeking counselling which she can't afford. She now questions her decision to seek to stay in this country, she has been unable to share the incident with her family, and she no longer feels safe.

I accept the State's submission that this is an egregious example of violence that was committed in a public place, and in that regard the video speaks for itself.

You are a youth for the purposes of sentencing and the bulk of your prior matters are matters for which you have had no conviction recorded. I accept that your rehabilitation and youth are key sentencing factors in this matter, but you need to reflect on the consequences of your offending.

I understand that you are now 18 years of age having been born on 3 August 2007.

I have a presentence report which provides some context for your offending. You reported to in your interview for the presentence report that you were with a large group of young people just prior to the assault, you had been drinking alcohol since the previous day. You report black outs during times when you ranger leads to violence. You suggested that reading the police report filled in some gaps in her memory. You have also indicated to Community Corrections that your anger and blacking out are likely linked to childhood trauma and your capacity to regulate her emotions.

Of course in this instance you have the video of the assault which allows you a clear account of what occurred.

Your account of that incident is that it was not pre-planned, albeit it appears that videoing the incident was important to you and your group.

It is to your credit that your observations about what occurred reveal some insight, you state:

"It was disgusting what I did ... now thinking about what I did to her, imagine if it was one of my sisters. Imagine if she was just getting on the bus after work to go home and see her kids when I did that to her".

You have been subject to a Care and Protection Order with Guardianship to 18 years.

You are the biological child of RR and GS, you have an older and younger sister, at the time of the report one was 19 and the other 16. You also have two half sisters aged 29 and 26 at the date of the report. You have two half brothers aged 27 and 25 at the date of the report.

You were removed from your biological parents at three years of age and placed in a foster home. You have expressed some concerns as to your feelings of safety and feeling left out and ignored by your carers. You moved back in with your mum when you were 12 years old. The environment in which you were raised included incidents of family violence, emotional, physical abuse and neglect.

You began your schooling at Lauderdale Primary School, you then attended Sorell School from years 3 to 7. You attended Lambert School but were expelled after some 6 months. You then attended Ogilvie High School in years 8 to 10. You attended Elizabeth College for year 11 but did not complete it. You have an ambition to finish school and returned to Elizabeth College in March of this year. You have sought information from TAFE about certification as a tiler in 2026.

You have indicated that that at the time of the offending you were using alcohol and drugs almost every day. You have now been sober for about 6 months with the exception of vaping. You currently live with your girl friend in the Margate area. The presentence report suggests that you have "begun the long and challenging journey to better understand yourself and utilise the supports that are being provided". Youth Justice are continuing to work with you, and are seeking to stop the cycle of generational trauma and assist you to make a positive contribution to the community.

Your counsel submitted that as a result of your up-bringing you have developed maladaptive coping mechanisms, and that your mental health declined. You started spending more time away from the family home with negative influences. Your attendance at school dropped and this culminated in that offending period in 2024.

You have now returned to school and almost completed year 12, that is to your credit. I am told that the person that committed this ugly offence and the person that comes before the Court today, are very different people. We can only hope that that is so.

I have noted that you have sought to make changes to your life to avoid the peer group that you were part of at the material time. I am told that you were previously associating with the co-accused, and that you now deem Ms Hovington to be a very negative influence.

You are yet to obtain public housing but are wait listed.

I was handed three letters of support by your counsel. I received a letter from Ms Ruth Fitzgerald a Child Safety Officer with the Department for Education, Children and Young People dated 13 June 2025. Next was a letter from Ms Katie Norris a psychologist, and finally a letter from Tim Medwin from the Alternative Programs offered by Elizabeth College.

Those letters painted a completely different picture of you to what I saw on the video recording.

Ms Battaglione submitted that you are showing strong prospects of real rehabilitation. The changes you have made are immense, and a lot has occurred. Indeed they were described as "astounding" by Mr Medwin. I have been impressed by your commitment to your own education and rehabilitation.

I note you have pleaded guilty at a reasonably early opportunity. However the assault and its consequences are serious and you have heard some of the consequences in my remarks this afternoon.

Ordinarily an assault of this type would require an immediate sentence of detention. What I have to consider are your prospects of rehabilitation and maintaining the road to a better life that you have been actively pursuing. That does not mean I have lost sight of the complainant's pain and the detriments that she suffered.

Even though you were 16 at the time the seriousness of this crime means that it must be dealt with in the Supreme Court. Accordingly, it is open to me to sentence you to detention, because of your age I also have power to sentence you according to the *Youth Justice Act*.

Because of your youth, your rehabilitation and long term welfare are very important. I think it very likely that you were too immature and affected by peer group relationships to fully understand how serious your actions were. You are still at a stage where hopefully your behaviour and attitude might be turned around for the better, it appears you have taken some significant strides in that direction.

Actual detention may have a seriously corrupting and damaging effect on you.

The presentence report recommends supervision. I agree that a sentence should provide for your ongoing support, but a probation order is nowhere near harsh enough for a crime as serious as this. Your offending requires a period of detention. Because of your early plea of guilty, your lack of prior matters, what I accept is a genuine remorse and your personal circumstances, I have decided to wholly suspend the period of detention but combine it with a requirement for community service.

That suspended detention order will reinforce and facilitate your ongoing supervision and encourage your rehabilitation. The seriousness of this crime requires that I record a conviction.

You are convicted on count 1 on the indictment. I direct that the orders I am about to make be administered by the Youth Justice Division. On the indictment I make a community service order and order that you serve 100 hours of community service. In addition, I make a detention order for a period of 18 months. I order that the whole of that period be suspended for a period of 18 months. The suspended detention order will be subject to the usual conditions prescribed by the legislation, which are:

- (a) during the period specified in the order, you must not commit another offence which, if committed by an adult would be punishable by imprisonment;
- (b) during the period of suspension, you must report to the assigned Youth Justice worker as required by that worker;
- (c) during the period of suspension, you must receive visits from the assigned Youth Justice worker as required by that worker;
- (d) you must notify the assigned Youth Justice worker of any change during the period of suspension of your residence, your employment, your school or other education or training establishments before or within two days after that change;
- (e) during the period of suspension, you must obey the reasonable and lawful instructions of the assigned Youth Justice worker;
- (f) you must attend educational, personal, health or other programmes as directed by the assigned Youth Justice worker;
- (g) you must, as directed by the Secretary, submit to testing for controlled substances or alcohol;
- (h) you must undergo medical, psychological, psychiatric or drug counselling or treatment as directed by the assigned Youth Justice worker;
- (i) you must abstain from using controlled substances, and
- (j) you must reside at an address approved by your assigned Youth Justice worker.