

**STATE OF TASMANIA v CALLUM ERROL SMITH**  
**COMMENTS ON PASSING SENTENCE**

**24 September 2025**  
**JAGO J**

Callum Errol Smith, you have pleaded guilty to one count of Criminal Code assault. On 5 March 2022, you were attending a social function at the Don Cricket Club. The complainant, Mr Jones, was also at that function. You were both members of the Don Cricket Club. At the relevant time, you were aged 32. Mr Jones was aged 22.

There was alcohol being consumed at the function. Mr Jones was behind the bar, serving the alcohol. He had been drinking and was intoxicated. Around midnight, Mr Jones was dancing with your then partner and her friend. Whilst dancing, the friend made contact with a glass in Mr Jones' hand causing it to smash to the ground. This was an accident. Mr Jones became agitated because he believed he may have a piece of glass in his eye. This led to a verbal argument with your partner and her friend. The complainant left the dance floor and went back behind the bar to wash his eye out. The verbal exchange continued and at one point, Mr Jones told your partner to "fuck off".

Your partner approached you and asked you to do something about the situation. You walked behind the bar to Mr Jones. There was some toing and froing between the two of you, and something of a scuffle. You escalated the situation considerably, however, by punching the complainant once to the head. Your fist made contact with the left side of his face. It must have been a relatively hard punch, because Mr Jones fell to the ground unconscious. As you delivered the punch, you lost your footing and fell on Mr Jones. This was not a deliberate act, but it nevertheless resulted in considerable bruising to Mr Jones' chest area, which was discovered later when Mr Jones attended the hospital.

You then left the building. Mr Jones' partner attended to him. She observed he had blood in his mouth, his jaw was beginning to swell, and he was still unconscious. Police and ambulance were called. Mr Jones was taken to the Northwest Regional Hospital. He had an undisplaced fracture to the left side of his mandible, and swelling to the left side of his face. Significant bruising to his left chest and shoulder was also noted. Specialist examination determined that the injury to the jaw did not require surgical intervention. Nevertheless, the injury was very painful and caused Mr Jones difficulties for several weeks.

On 30 May 2022, you participated in an interview with police but declined to make any comment in respect to the allegations.

Your crime has had a significant impact upon Mr Jones. I have received his impact statement. He describes that it took at least six weeks for his injuries to heal, and he was in considerable pain for much of that time. He was unable to eat solid food during the six-week healing period. He still experiences some difficulties with his jaw. He says it occasionally locks up when he is endeavouring to eat. Mr Jones also had to take time off work following the assault, which had a financial impact upon him. The incident which occurred between you and Mr Jones caused division at the Don Cricket Club. Mr Jones feels that he has lost friends over this incident, and feels socially ostracised. I note there were other unrelated difficulties associated with Mr Jones' attendance at the cricket club.

I accept that in the lead up to this incident, Mr Jones was intoxicated (at the hospital he was found to have a blood alcohol level of 0.246) and may have been behaving in an annoying and argumentative manner, but nothing that he did justifies the violence that you inflicted upon

him. This assault was entirely unwarranted. The use of violence to settle grievances or annoyances, real or perceived, is simply unacceptable. Far too often, the Court sees situations of this nature occurring in and around sporting clubs, where there has been an excessive consumption of alcohol and a resort to violence. Sporting clubs should be a place of healthy connection, camaraderie and support; not a breeding place for alcohol fuelled violence. Quite frankly, people's attitudes need to change, which is why general deterrence is such a weighty consideration in this sentencing exercise.

You are now 36 years of age. You have no prior convictions for violence, although there are some prior matters which are suggestive of excessive alcohol use on occasion. You are a successful businessman, operating a tree removal business. You are in a long-term, stable relationship and help parent your partner's five-year-old daughter. Your partner is pregnant with your first child, due December this year.

This was serious criminal conduct. You knew Mr Jones was intoxicated and yet you delivered a hard blow to his head area in circumstances where you must have appreciated, given his level of intoxication, that he was vulnerable, and injury was likely to result. All too often, courts have dealt with matters where even a single punch can and does lead to life changing injury, and even death; particularly when that punch is inflicted upon an intoxicated person who cannot break their fall.

I take into account your plea of guilty. It is of some value in the sentencing exercise because it has saved the complainant from the trauma of having to give evidence, but I must say, I do not detect it as being reflective of remorse. Whilst I accept there was an amendment to the particulars of the charge on the indictment, the plea was entered late and only after the matter was listed for trial. The objective seriousness of your offending warrants the imposition of a period of imprisonment. Given your lack of relevant prior matters, your otherwise good character and your solid prospects however, I am satisfied that the period of imprisonment can be appropriately suspended.

You are convicted of the crime of assault. You are sentenced to a term of imprisonment of nine 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 sentence, then an application can be brought to activate the sentence and you will be required to serve it. The law is that a judge must activate the sentence unless it is unjust to do so.