

Mr Carn has pleaded guilty to a charge of assault that was laid under the *Criminal Code*, and to 13 summary offences that I am dealing with under s 385A of the *Criminal Code*. All of the charges relate to a family violence incident on 18 May 2019.

That day was a Sunday. Mr Carn got angry because his partner had gone out with some friends on the Saturday night when he did not want her to. After a few unpleasant phone calls, he rode to the complainant's home on a motorcycle at about 10.20am. He was not the holder of a current driver's licence. He has pleaded guilty to a charge of driving whilst unlicensed.

He revved the motorcycle engine excessively. The complainant locked herself inside the house and called the police. Mr Carn forced a roller door open, damaging it. He kicked at the back door, damaging it too. He hit at windows as he walked around the house, damaging a flyscreen. He has pleaded guilty to two charges of destroying property in relation to the doors, and to a charge of injuring property in relation to the flyscreen.

The complainant let him in. He yelled and screamed. He dragged the complainant around the house by her clothing. He has pleaded guilty to a charge of assault in relation to that. In the hallway he slapped the complainant to the face, put her in a headlock, forced her to the ground, and put his foot on her head for about five seconds. He has pleaded guilty to another charge of assault in relation to those actions.

As the unpleasantness continued, he threw a clothes airer around the lounge room, damaging it. He punched a mirror in the hallway, breaking it. He threw a wooden cubby house onto its roof, damaging it. He has pleaded guilty to three counts of destroying property in relation to those items.

Next, he committed the assault that has brought him to this Court. The complainant was sitting on the bottom step of the house's front landing. Mr Carn walked towards her with a 30 cm long kitchen knife, tapped her to the right leg with it, said he was going to kill her, lunged at her, and pointed the knife towards her throat. It came within 5 cm of her neck. In an attempt to get away from Mr Carn, the complainant fell off the steps into a rock garden. She thought she was going to be stabbed.

Subsequently Mr Carn pushed the knife through the front screen door of the house, and threw the knife into a corrugated iron screen on the front deck, causing a dent. He has pleaded guilty to two counts of injury to property in respect of those actions.

Two police officers arrived. Mr Carn called them "fucking dogs" and "fucking maggots". He has pleaded guilty to a charge of using abusive language to a police officer.

He went inside and locked himself in. The police called for additional officers, and two more arrived. After some negotiations, Mr Carn came out and was arrested. However he resisted them by tensing his arms and struggling against their grip. He has pleaded guilty to a charge of resisting police officers in the execution of their duty. He called them "cunts". That word is also the subject of the charge of using abusive language.

Once he arrived at a police station, he co-operated with the police to the extent of taking part in an interview and admitting much of what he had done. He admitted approaching the complainant with the knife, waving it around, and pointing it at her.

He was held in custody overnight. The next day a magistrate granted him bail and made an interim family violence order that included a condition requiring him to wear an electronic monitoring device. It appears that he has worn that device and complied with that order ever since.

The complainant suffered minor physical injuries. She had a red mark on the left side of her forehead. The back of her neck was sore. She had bruising on her legs. However the psychological impact on her has been far more significant. She was suffering from depression and taking medication for it before this incident. She became very distressed as a result of the incident. She had to take six days off work. She has continuing psychological symptoms that I need not list. There has been some improvement, but the psychological impact of this attack is ongoing.

The couple have a 5 year old child. It appears from the complainant's victim impact statement that he has been distressed and confused by what happened, even though he was not there.

Mr Carn was 26 years old at the time of this incident and is now 27. He has a number of minor prior convictions but, apart from this incident, he has not been in any serious trouble for about five years. He has no convictions involving violence. He is now living with his parents. He is in steady employment. He has never used illicit drugs. He has had problems with alcohol. He was drunk on the morning in question. I ordered a pre-sentence report from a probation officer, who reported that he recognised that all his problems stemmed from alcohol, that he had cut his alcohol intake significantly, and that he was on a waiting list to attend a residential rehabilitation program run by the Salvation Army. He told the probation officer that he felt devastated for doing what he did, that he accepted that it was totally his fault, and that he would like the complainant to know that he is sorry. The probation officer also reported that he is considered suitable to undertake community service, and that it would be appropriate for me to make a community correction order, with a view to case management focussing on his alcohol consumption and decision-making.

In the circumstances, I think the most appropriate course is for me not to send Mr Carn to prison today, but to impose a wholly suspended sentence of imprisonment, as well as requiring him to perform some community service and spend a period under the supervision of a probation officer. I will also be making a final family violence order, something that was not opposed. On the charge of driving without a licence, I see no need to impose any penalty other than a conviction.

Jackson Maxwell Carn, I convict you on all charges. On counts 1 – 9 and 11 – 14 on complaint 4510/19, as a global penalty, I sentence you to three months' imprisonment, which is wholly suspended on conditions that (a) you commit no offence punishable by imprisonment within two years, and (b) you perform community service in accordance with the order that I am making today, and I make a community correction order, to operate for 12 months from today, with conditions that (a) during that period you must satisfactorily perform 84 hours' community service as directed by a probation officer or a supervisor, and (b) during that period you must submit to the supervision of a probation officer as required by the probation officer. I make a

family violence order, to operate for 12 months from today in the same terms as the interim family violence order made on 20 May 2019.

I order that you pay the complainant compensation for the damage suffered by her. I adjourn the assessment of that compensation sine die.

I order that the kitchen knife be forfeited to the State of Tasmania.

I direct that the offences that are the subject of counts 1 – 7 and 11 – 14 on complaint 4510/19 be recorded as family violence offences.