

Beau Ruffels, you were found guilty by a jury of committing an unlawful act intended to do bodily harm contrary to the *Criminal Code*, s 170. Whilst it is my responsibility to determine the factual basis on which you are to be sentenced, my findings must be consistent with the verdict. Facts adverse to you must be established to my satisfaction beyond reasonable doubt.

The crime was committed on 5 February 2024 against Gregory Webb. Mr Webb was a friend of yours and you lived close to his home in Booth Street, Ravenswood. However on that day and during the previous day or two you had been arguing about some tools that you said you had purchased from him. In the course of the argument he made threats towards you. You believed that he was capable of aggression and possibly violence if affected by the alcohol or drugs you knew him to use. Despite this, late in the afternoon of 5 February you decided to go to his house to confront him. You took with you a machete. It was an object with a wooden handle and a metal blade about 400 mm long. You told the police you had made it yourself and you had sharpened it during the course of that day. As events occurred you came across Mr Webb walking along Booth Street in the opposite direction. He was on his way back from the shop. You admitted that you applied force to Mr Webb's head with the machete and that he was injured as a result. The principal issues at trial were how the force was applied, and whether you acted in lawful self-defence. Your account of the incident was given during an interview with the police on the following day. You claimed that Mr Webb approached you aggressively, saying he was going to stab and kill you, and although you told him to go home he tried to punch you. You reacted, you said, by throwing your hand at Mr Webb only to punch him to the jaw, but either forgetting that you were holding a machete or without having time to drop it. At the same time, you said, Mr Webb ducked into the machete, thereby increasing the level of force with which the machete came into contact with him.

On reflection I do not think that it is necessarily inconsistent with the verdict that you acted in self-defence but with excessive force. The jury may have rejected part of your account but accepted other parts. However I am satisfied beyond reasonable doubt that, as you walked towards Mr Webb you did not believe that any force was necessary to defend yourself. Mr Webb was not expecting to see you. You had gone looking for him, not the other way around. He was on the way back home from the shop and was not armed. Although he could not remember when giving evidence, I am satisfied that he saw that you were holding a machete. He later told his mother he had been struck by a machete. It is a large object and would have been obvious. As aggressive as he might have been at other times, that made it most unlikely that he would have been the first to attempt violence. It was submitted to the jury that the CCTV of the incident which the police found, although from a long way away, showed Mr Webb as the aggressor. I do not share that view. The quality of it is so poor that few reliable conclusions may be drawn from it. If anything, it is inconsistent with other claims you made to the police that there had been a verbal exchange before and after and that you did not leave until you checked that Mr Webb was alright.

However consistency with the verdict does require that you are sentenced on the basis that you applied force to Mr Webb intending serious injury. The jury must have rejected your account that the injury was inflicted in the manner you claimed and found that you deliberately struck Mr Webb to the side of his head with the machete with a single direct forceful blow. I make the same findings. I find your intention to have been both to maim, that is to wound in a serious way, and to cause grievous bodily harm, that is to cause serious injury to health.

The blow caused a laceration extending for about 10 centimetres on the left side of his head above his ear. The laceration was deep enough to, for much of its length, extend down to his skull. It resulted from the application of enough force to cause an underlying linear skull fracture. The skull fracture was undisplaced and required no treatment. The laceration and skull fracture, of themselves, did not endanger his life, but the consequences could have been life threatening through blood loss and intracranial infection. Because he was agitated and in a state of reduced consciousness he was intubated to enable investigation of the extent of his injury. He was transferred to Hobart for neurosurgical treatment not available in Launceston. The wound was surgically cleaned and closed. He spent two days in ICU and was in hospital for a few more days. Fortunately for him and you he has seemingly made a good recovery, at least on the information I have been given.

You are now aged 34. You live with your partner with whom you have two children, one aged four and the other just eight weeks. You have two other children from an earlier relationship. You have held employment as a handyman, landscaper and painter. You have prior convictions dating back to when you were a youth including for dishonesty, driving offences and using, selling and cultivating cannabis. However illicit drugs became a serious problem for you about seven years ago. You become addicted to an opioid analgesic prescribed following a serious motor cycle accident but graduated to methylamphetamine. Your life deteriorated. You lost your job. Your abuse of drugs is reflected in your criminal record. On 16 February 2024, less than two weeks after this crime was committed, you were sentenced to a wholly suspended term of imprisonment of 18 weeks and a 12 month community correction order for anti-social, drug, firearm and dishonesty offences committed between March 2022 and May 2023. This crime is, I am told, the last remaining but by far the most serious of the offences committed by you during that period in your life. You have no prior convictions for serious violence. You were affected by methylamphetamine at the time you struck Mr Webb. The effects of the drug may explain why you acted in such a violent way but do not of course excuse or lessen the seriousness of it.

In September 2024 you engaged in an inpatient withdrawal program and since then have been assisted by the Alcohol and Drug Service to remain abstinent from drugs. A reference from your current employer attests to your value to his business. Another reference describes your valued role in caring for another person. I accept that your imprisonment may be not only difficult for your family but detrimental to the rehabilitation that you have undertaken over the last year or so. I accept also that you are now sorry for what you did but it was remorse which only developed over the passage of time. You are not entitled to the mitigation a plea of guilty would have attracted.

The crime of committing an act intended to cause bodily harm is regarded as serious because it involves unlawful infliction of force accompanied by intention to do serious harm. It has been said many times that ordinarily a term of imprisonment of between three and seven years is appropriate. Of course I am not bound by that range and there are cases in which different sentences have been imposed. Your crime was committed by a single blow, and did not involve prolonged or repeated violence. I am told that you have reconciled with Mr Webb. He did not provide a victim impact statement. When giving evidence he described you as an old friend. If he has forgiven you, although he did not say that, a lenient sentence is less likely to be demeaning to him or aggravate any feelings of distress, hurt and violation suffered by him. However, sentencing is not a private matter between the offender and the victim. A serious crime is a wrong committed against the community as a whole. The sentence must balance your rehabilitation with the community expectation that crimes involving such serious violence will be punished.

Your crime is aggravated by the fact that it was committed in public with the use of a weapon, and death or even more serious injury could easily have resulted. The sentence must reflect the need to condemn such crimes and protect the public by hopefully deterring others from acts of this nature. I was asked to consider home detention but this crime is too serious for that. A term of imprisonment is the only appropriate sentence although I will allow for your rehabilitation by suspending part of the term.

Beau Ruffels, you are convicted on the indictment. I order that the machete seized by the police is forfeited to the State. You are sentenced to imprisonment for three years from 26 November 2025, the day you were remanded in custody. I suspend one year of that term for two years from your release. I order that you not be eligible for parole until you have served one year of the operative part of the sentence.