

STATE OF TASMANIA v COREY GEORGE CADBY
COMMENTS ON PASSING SENTENCE

16 December 2025
JAGO J

Corey Cadby, you have been found guilty by a jury of the crime of aggravated burglary. You were found not guilty of the crime of committing an unlawful act intended to cause bodily harm.

On 19 December 2022, three people entered the home of Dean Smart and assaulted him in a manner that caused grievous bodily harm. He was left with a fractured skull and an associated brain haemorrhage, with a 4mm subdural haematoma overlying the cerebral hemisphere. Without treatment, the injuries were life threatening. The primary issue on the trial was that of the identity of the perpetrator of the crime. You gave evidence that you were not present and, in effect, knew nothing of the violent assault. Clearly, the jury rejected your evidence. The jury verdict is consistent with them being satisfied beyond reasonable doubt that you were present at the home when the crime was committed but not satisfied beyond reasonable doubt that you were personally responsible for the infliction of violence upon Mr Smart.

I note the State's case was that you were the principal offender and criminal liability, pursuant to s 3 or s 4 of the *Criminal Code*, was not sought nor left to the jury. It falls to me to make findings of fact consistent with the jury's verdicts. I may only make findings of fact adverse to you if satisfied of them beyond reasonable doubt.

The crime was committed on 19 December 2022, when three offenders entered Mr and Mrs Smart's home at Elizabeth Town. The evidence established the home was situated off the highway, in a relatively remote area. At about 3.20 in the morning, when the occupants were asleep in their bed, three men, wearing dark clothing, hoodies and caps and with masks over their faces, forced entry to the home. They proceeded to the master bedroom where Mr and Mrs Smart were sleeping. One of the perpetrators was armed with a weapon, most likely a metal bat or pole. That perpetrator struck Mr Smart in the head with the weapon whilst he was sleeping. In total, there were three or four strikes to Mr Smart's head.

Mr and Mrs Smart both gave evidence that they believed you were responsible for the violence. The evidence relevant to them recognising you as the perpetrator, was in two forms. Mr Smart said he recognised your voice, whilst Mrs Smart said she recognised your "posture and walk". The jury were given a warning that they needed to exercise caution in respect to the recognition evidence. Ultimately, they were not satisfied beyond reasonable doubt that you were the person who inflicted the blows to Mr Smart's head, but must have been satisfied that you were there, and that you had entered the residence as a trespasser, intending to assault Mr Smart.

There was evidence independent of this recognition evidence, which placed you at the scene and in the bedroom of the home when the violence occurred. Your stepfather gave evidence that you had told him that "Smarty had been sorted out". You also said that you had observed your auntie's breasts, a comment that was entirely consistent with you having been present in the bedroom and seen your aunty naked. The evidence established that she was, in fact, naked at the time of the incident.

I will sentence on the basis that you entered the home intending to assault Dean Smart, that you were present in the bedroom when the violence occurred, and that you were desirous of the violence occurring, as evidenced by your lack of intervention and your comment that "Smarty had been sorted out". Obviously, consistent with the jury verdict, your criminal liability does

not extend to being responsible for inflicting the violence and the injuries upon Mr Smart. Nevertheless, in my assessment, your moral culpability for this crime is very high. You went with two others, in the middle of the night, to a remote property, wearing face coverings. You forced entry intending to assault and you stood by whilst serious violence was inflicted upon Mr Smart, without making any effort to prevent or limit it. You then left the residence, with the two others, leaving Mr Smart in a badly injured state and showing no regard whatsoever for his ongoing health or welfare.

Home invasions of this nature, for the purpose of threatening and perpetrating violence, are to be regarded as extremely serious. Such criminal conduct undermines the feeling of security that individuals are entitled to enjoy within their own homes. The violent intrusion of masked individuals, in a group, into a family dwelling, in the middle of the night, must be a terrifying experience. Mr and Mrs Smart were asleep when the attack commenced. They were vulnerable and defenceless. Leaving a badly injured man with no care as to his wellbeing, speaks to your iniquitous character.

Mr and Mrs Smart have been badly affected by your criminal conduct. After the home invasion, they were not able to return to the residence. Other family members had to pack up the home for them and they relocated. Since the incident, Mr Smart has experienced flashbacks, disturbed sleep, panic attacks, hypervigilance and constant anxiety. His ability to work was impacted for over two months. Such consequences are entirely consistent with what one would expect from criminal conduct of this nature.

You are 30 years of age. You have a terrible history of prior criminal offending. Your offending commenced when you were aged 13 and has continued, on a reasonably constant basis, since. As a youth, you committed many offences involving both dishonesty and driving contrary to the law. By the age of 15, you were receiving periods of suspended detention. As an adult in Tasmania, you have over 60 convictions for matters of dishonesty, including many convictions for offences of burglary and stealing. You have six prior convictions for offences of aggravated burglary. You also have prior convictions for dishonesty in Victoria and have been sent to prison several times in that State for crimes and offences of dishonesty. It would have to be said that your record of prior convictions is demonstrative of a general attitude of lawlessness. Specific deterrence is a weighty sentencing consideration.

You have been in custody in respect to this matter since 13 September 2023. I am also told there is another two-month period, between 28 April and 19 June 2023, which you spent in custody, and which has not yet been reflected in any sentencing order.

You have grappled with drug addiction for most of your life. You started using drugs at the age of 16 and your life has, by and large, been characterised by that addiction. That is unfortunate as you have demonstrated, on occasion, that you can be a decent, contributing member of our community. You are a very talented darts player. In 2016, you won the Junior World Championship. In 2018, you secured a world tour card and played professionally in Europe. You obviously had great potential to pursue a successful career as a darts player, but your tendency to return to the use of drugs and then commit crime has largely thwarted your career.

I am told that you are hopeful of one day returning to play professional darts. The past two years that you have spent in custody has provided you with the opportunity to do something positive. You have engaged in drug and alcohol counselling. You have successfully completed

the EQUIPS addiction programme and have also undertaken a number of alcohol and drug related workshops. You have been subject to a NDIS assessment whilst incarcerated. That has revealed that you suffer with a mild intellectual impairment. You will be eligible to receive NDIS funding and support upon your release.

You have a daughter, who is aged 10, whom you have not seen for several years. I am told you are hopeful of re-building a relationship with her upon your release. You also have a partner who continues to be supportive of you.

In my assessment, this is a very serious example of the crime of aggravated burglary. It involved the invasion of Mr and Mrs Smart's home in the middle of the night. You were in company with others, you were disguised, which not only would have exacerbated the fear and apprehension felt by Mr and Mrs Smart, but also thwarted the likelihood of those responsible for the significant harm caused to Mr Smart being brought to justice. The Smarts were entitled to be safe and secure within their own home. You invaded that home for the purpose of committing the crime of assault and offering violence to Mr Smart. Whilst you are not to be held criminally responsible for the actual violence inflicted, you stood by and allowed it to occur. Such behaviour must be strongly condemned and punished, and other who may be minded to behave in a similarly lawless manner, must understand that serious consequences will flow. You have demonstrated no insight or remorse for your conduct, and you are not entitled to the mitigation a plea of guilty would have attracted.

I make the following orders, Corey George Cadby, you are convicted of the crime of aggravated burglary. You are sentenced to imprisonment for a period of two years and three months from 15 July 2023. No order for parole eligibility is made.