

STATE OF TASMANIA v JAKOB WARWICK WEGERT
COMMENTS ON PASSING SENTENCE

11 FEBRUARY 2026
SHANAHAN CJ

Jakob Warwick Wegert, you have pleaded guilty to a single count of assault contrary to s 184 of the Criminal Code 1924. The material events occurred in South Burnie on or about 7 November 2023 when you threw a rock at the complainant, Trent Cameron Aitken.

I heard sentencing submissions in this matter on 5 December last year.

You were born on 12 February 2000, you are currently 25 years of age but will turn 26 tomorrow. At the time of offending, you were 23 years old. At the time of the offending the complainant, Mr Aitken, was 46 years old.

On 7 November 2023, the complainant was at his workplace in South Burnie. At around 2.50pm he saw you and another male spray painting the side of the AWM Electrical and Cables Plus Building. He called the police to report the incident before walking over to you and the male with you at that time, and recorded you both on his mobile phone.

You and the complainant engaged in a verbal altercation. In the course of which, you attempted to spray the complainant with spray paint before throwing the spray can at him but missing. The complainant continued to record you whilst the male with you attempted to defuse the situation.

The complainant backed up towards Hopkinson Street, and you followed him and attempted to punch him. However, the complainant blocked the punch. You then became increasingly aggressive towards the complainant and threw a handful of small rocks at the complainant, which hit him.

You also threatened the complainant saying words to the effect of that you knew where he works, and that you were going to kill him. You both continued to engage in a verbal altercation before you picked up a large rock and threw it at the complainant. The rock that you threw hit the complainant's left wrist, causing immediate pain and swelling. The complainant went back over to his workplace and police arrived shortly after. The entire incident was captured on video on the complainant's mobile phone.

Ambulance Tasmania paramedics arrived soon after and transported the complainant to the North West Regional Hospital, where he received treatment for a left wrist ulnar styloid fracture. Police arrested you at the scene. Whilst under caution you said to police, *"Yeah, I threw a rock at him, hit him in the arm, and fuck that cunt, man, should've left me alone."*

You were then conveyed to the Burnie Police Station and were assessed as requiring medical attention. Ambulance Tasmania were contacted and attended the police station. You were subsequently conveyed to the North West Regional Hospital due to concerns for your mental health and were released into the custody of Ambulance Tasmania.

On 23 December 2024, you were arrested and taken into custody on unrelated matters. Whilst in custody, police conducted checks and discovered that this assault was outstanding. You were offered an opportunity to participate in an electronic record of interview but you declined. You were subsequently charged with one count of assault.

The complainant required physiotherapy as a result of the injury to his left hand and was told that he may not get the full range of movement back. You have not spent any time in custody in relation to this matter.

In relation to prior convictions, you have a conviction as a youth for an assault occasioning grievous bodily harm and received a 12 month probationary term. As an adult, you have a conviction for common assault, and two prior convictions for assaulting a public officer for which you received a three-month custodial sentence.

I was provided with, and have read, a victim impact statement from Mr Aitkin. The result of your assault was that he ended up in a plaster cast and had about 12 weeks of physical pain, discomfort and physiotherapy. The complainant may not regain complete use of his hand, as I have noted. Your assault has obviously impacted the complainant's sense of safety and preparedness to seek to protect other people's property.

The Crown did not make extensive submissions on sentence. Essentially, it was put that specific deterrence is relevant given you have a history of violent offending. There is also a question of general deterrence to dissuade others from the type of violence involved here.

In mitigation I was taken to your criminal record and it was put that you have spent 32 per cent of your adult life in custody. Obviously, those periods of imprisonment have not prevented the assault I am dealing with today.

I received a home detention assessment report dated 28 November 2025.

You were born in Queensland and moved to Tasmania with your mother and five siblings when you were an infant. The report notes that you do not know who your father is, and that you had a disrupted and unstable childhood and experienced homelessness from age 14. You are not in contact with your siblings and have occasional contact with your mother, who lives in Burnie.

At the date of the report you were in a relationship with Ms Gypsy Clay. Ms Clay has a six year old daughter and is expecting her first child with you in April 2026. You were reported as living from different addresses, averaging some three nights a week at Ms Clay's address. Ms Clay lives with her daughter in a two bedroom home leased from Homes Tasmania.

You have limited education, having been expelled from high school in Burnie for fighting during Year 8. You report good literacy. You have completed introductory courses at TAFE in bricklaying and plastering. You have little by way of an employment history, you were employed for two to three days in early 2025 unloading boats in the Hobart docks.

In relation to your health, you have an injury to your arm which includes deep lacerations and severed tendons incurred after heavy drinking with friends. It is reported that you display little insight into your alcohol use, albeit you admitted that when you consume alcohol, you drink to excess.

Your substance abuse is set out at pages three and four of the report. It includes poly-substance use, but your biggest problem has been with methylamphetamine. It is reported that you have been abstinent since 8 December 2023. You continue to use cannabis and described your use as 12-13 cones of cannabis, up to three times a day. Community Corrections hold significant

concerns about whether you will be able to abstain from cannabis use.

You attribute your offending to poor decision making and the use of illicit substances. You reported being heavily under the influence at the time of this assault. You have indicated your regret at what happened and say you would like to apologise to the complainant in person.

You have previously had the benefit of two community corrections orders. The first in December 2020 and the second in June 2023. In both instances you breached the orders, and the orders were cancelled. You are currently the subject of a 12 month community correction order with a supervision component, which was imposed on 27 August 2025. To date, you have been compliant with the current order, but you are facing fresh allegations of disorderly conduct and using abusive language to a police officer, alleged to have been committed on 7 September 2025.

I asked the question during the course of sentencing submissions whether you have a problem with authority and it was put on your behalf that you do not. When I made further inquiries regarding the pending charges it appears, whatever the outcome of the charges, that those charges relate to an incident where you were again involved in heavy drinking. There appears to be an emerging theme or pattern associated with your conduct when you have been drinking heavily.

You have been assessed as unsuitable for a home detention order. You have been assessed as unsuitable for community service. You have been assessed as suitable for a community based supervision order, albeit a very high level of intervention is required.

Your counsel put that since your release from custody in April of 2024, you have taken great steps to remain abstinent from methylamphetamine. During that time, you were convicted of driving without a license and possession of cannabis.

It was put on your behalf that you would benefit from supervision in the community. It was also put, as I understood it, that a disposition that included a suspended sentence, coupled with a community supervision order, was appropriate.

Jakob Warwick Wegert, you are convicted of one count of assault on indictment 411 of 2025. It was a serious assault and led to the breaking of the complainant's wrist. You represent a risk to the public unless you deal with your personal issues around your use of methamphetamine, cannabis and alcohol.

I impose one sentence. I sentence you to 9 months' imprisonment, but fully suspend that term for 18 months.

That order, suspending the 9 month term, is subject to the following conditions:

- (1) It is a condition of that order that whilst in force you do not commit another offence punishable by imprisonment. If you breach that condition, then a court must activate the suspended part of your sentence unless that is unjust;
- (2) I also make an order under s 24(2)(b) of the *Sentencing Act 1997* that the order suspending the whole of the 9 month term of imprisonment, is subject to your compliance with the following community correction order.

- (3) I make a community correction order for a period of 18 months, this means you will be subject to the supervision of a probation officer. The core conditions required by s 42AO of the *Sentencing Act* apply to this condition, and will be set out in the order that you will be given. In addition to the core conditions, the order will also include the following special conditions: during the operational period of the order:
- (a) you must attend educational and other programs as directed by a probation officer, and in particular you must attend, participate in, and complete the EQUIPS Addiction Program if, and as, directed by a probation officer;
 - (b) you must submit to the supervision of a probationary officer as required by a probation officer;
 - (c) you must undergo assessment and treatment for drug dependency as directed by a probation officer;
 - (d) you must submit to testing for drug use as directed by a probationary officer;
 - (e) you must not consume alcohol;
 - (f) you must submit to testing for alcohol use as directed by a probationary officer;
 - (g) you must undergo assessment and treatment for alcohol dependency as directed by a probationary officer, and
 - (h) you must submit to psychological or psychiatric assessment as directed by a probationary officer.

You must report to a probation officer at 75 Liverpool Street, Hobart, within two business days of this order.

The effect of the order under s 24(2) of the *Sentencing Act* is that the community corrections order works as a condition upon which the suspension of your sentence rests. If you breach those conditions, you may be brought back to the Court for re-sentencing and required to serve an immediate term of imprisonment. By making those orders under s 24(2), I acknowledge the seriousness of your offending.

The intention of this sentence is that having recognised the need for general and specific deterrence, you also have the opportunity to get assistance for your difficulties with methylamphetamine, cannabis and alcohol whilst under supervision in the community. I understand that you are about to become a father and it is entirely a matter for you whether you now commit to turning your life around, but the orders that I have made seek to give you that opportunity.