

STATE OF TASMANIA v SAMUEL DAVID WILLIAM MAPLE 13 FEBRUARY 2026
COMMENTS ON PASSING SENTENCE

CUTHBERTSON J

Samuel David William Maple, you have pleaded guilty to the crime of assault. This offence occurred on 27 December 2023. The victim of your offending was a female friend of yours who you had known for a number of years. She was visiting you and had stayed at your home on the evening of 26 December. You had stayed elsewhere. When you returned home on 27 December, you told the complainant you had tickets for the two of you to attend a music festival that evening. At about 6 pm the two of you were in the living room. Two other females were present, one of whom was 14 years old. You became agitated and accused the complainant of stealing a bag from you. She told you she had not stolen from you. You stormed across the room, raised your right arm and twisted your body, punching the complainant to the left side of her jaw with significant force. This caused the complainant to fall to the ground. The complainant felt immediate pain. After you hit the complainant, you asked her why she had been "mouthing off" at you before apologising.

The complainant felt immediate pain and knew that something was seriously wrong with her jaw. She looked in a mirror, opened her mouth and noted her two front bottom teeth had separated. She ordered a taxi to take her to the hospital. When the taxi arrived, you accompanied the complainant to the emergency department. The complainant declined your offer to go into the hospital with her, and you returned to your address.

The complainant presented to the hospital with a malocclusion on biting meaning that her upper and lower teeth were not aligning. She also had swelling and bruising to her face and a laceration to her lower lip. Upon examination, the complainant was found to have a bilateral mandible fracture consisting of a right symphysis fracture and a subcondylar fracture, that is, her jaw was broken in two places. She required emergency surgery to insert titanium plates in her jaw to repair the fractures. One of the complainant's teeth had to be removed and other tooth roots were removed as part of the surgery. As a consequence of the injuries and subsequent surgery, the complainant has ongoing dental issues, including significant nerve sensitivities. Following her discharge from hospital, she was limited to a soft food diet for a period of at least six weeks.

The complainant reported this matter to police on 30 December 2023. You were arrested on 4 January 2024. You were interviewed by police. You told them the complainant had not been at your house the day before the incident but claimed that she had turned up about 20 minutes prior to you both leaving in the taxi. You denied any knowledge of the assault, stating you were focused on your girlfriend's mental health at the time. You said you did not want the complainant in your house and went with the complainant in the taxi as you wanted to get her out. You claimed to have dropped her off in town before visiting your partner at a hotel. You said that the complainant got out of the taxi at Woolworths and you thought you had paid for the taxi. When the allegations of assault were put to you, you denied them and said that the allegations were "a fucking joke". You claimed the complainant left your house perfectly fine. I take this to mean that you denied any knowledge of her injury.

You were charged with assault, processed and bailed. You pleaded not guilty in the Magistrates Court and were committed to this Court for trial. An indictment was initially signed for one count of causing grievously bodily harm. The matter was listed for trial to commence on 9 December 2025. On 5 December 2025, that is four days before the trial, the State were advised

that you would plead guilty to assault. The State accepted that plea in satisfaction of the indictment.

A victim impact statement prepared by the complainant has been provided to me. In that statement, she outlines the effects of this assault. Although her jaw has healed physically, it has healed crookedly. The mid point of her jaw now sits slightly to the left which has permanently changed the appearance of her face. This is something that she notices every time she looks in a mirror or sees a photo of herself. This has affected her self-confidence and is a reminder of the assault. She has experienced anxiety, particularly when travelling to Hobart where the assault occurred. She describes experiencing a sense of violation and loss of peace in her own body and environment. That the complainant feels this way is entirely understandable given your conduct and the injury she suffered.

Your history of violent offending commenced when you were a youth. In 2008, you were convicted of two counts of common assault relating to offending in 2007. You were 17 years old at the time of those offences and 18 years old at the time of sentence. You were sentenced to a four month wholly suspended detention order. In July 2008, you were convicted of three counts of common assault, also committed when you were a youth. That offending predated the imposition of the suspended detention order. You were sentenced to a further four months' detention which was wholly suspended.. In January 2010, you were sentenced in respect of a number of offences, including two counts of common assault committed in November 2008 and May 2009. You received six months' imprisonment which was again wholly suspended. You breached that suspended sentence and in 2013, a substitute sentence of three months' imprisonment was imposed. In 2016, you were sentenced to eight months' imprisonment for a range of offences including three counts of common assault committed in September and October 2015. In June 2023, you were sentenced to a period of three months' imprisonment, one month of which was suspended, in respect of a charge of motor vehicle stealing and a common assault. The common assault charge, which involved you punching a female to the face, is recorded as family violence offence. That offence was committed in May 2022.

In June 2025, you were sentenced in this Court to a period of three years' imprisonment for committing an unlawful act intended to cause bodily harm and aggravated burglary. Those offences were committed on 21 March 2021. On that date, you and your co-offender entered a property as trespassers in order to steal cannabis and perhaps other property from the occupier. The sentencing judge found that it was your intention to use violence and weapons if necessary. You and your co-offender knocked on the front door. When the occupier opened the door, you asked him if he had seen your daughter. He told you he did not know her and had no idea what you were talking about. As he was telling you this, he was struck with a metal baton by your co-accused a number of times. You then punched him, causing him to fall to the ground. He was struck a total of 10 to 15 times to his back, head and legs. You were also sentenced for stealing a car from him and unlawfully setting fire to it. A further seven months' imprisonment was imposed in respect of those charges which was ordered to be served concurrently with the three year period of imprisonment. In addition, you were sentenced to unrelated charges of aggravated burglary, stealing a firearm or firearm parts, possession or use of a firearm or a firearm part by a person who is subject to a firearm prohibition notice and stealing. In total, you were sentenced to three years' and nine months' imprisonment which was backdated to 24 June 2024. It was ordered that you be eligible for parole once you served half of that term of imprisonment. You will be eligible for parole in respect of that offending on 8 May 2026.

You also have prior convictions for numerous serious driving offences including evade police, driving whilst disqualified and dangerous driving. In 2013, you were sentenced to 12 months' imprisonment in this Court on a conspiracy charge. Much of your offending is drug related, including driving a motor vehicle whilst a prescribed illicit drug is present in your blood, possession and use of controlled plants and controlled substances, dishonesty and firearm offences. In 2017, you were made the subject of a drug treatment order in relation to a number of serious driving charges and offences of dishonesty. Ultimately, that drug treatment order was cancelled and you were sentenced to a period of 16 months imprisonment.

You were on bail in respect of the offending that is the subject of your current period of imprisonment at the time you committed this assault upon the complainant. This assault also breaches the terms of the partially suspended sentence imposed in June 2023.

You were 34 years old when you committed this offence. You are now 36 years old. At the time of this offending, your partner was experiencing significant mental health problems and you were providing her assistance. This affected your own mental health. You had just returned home after spending time with your partner when you realised your bag had gone missing and accused the complainant of stealing it. You have since accepted that punching the complainant was unjustified and have relayed to your counsel that you are disgusted with yourself. You have also said that you do not consider you are a person who is known to assault females. You explained that you were tired and very stressed at the time because of the situation with your partner. It was submitted on your behalf that your apology to the complainant immediately after the assault was genuine. It was also submitted that you accompanied the complainant to the hospital to ensure that she received treatment in relation to her injuries. You accept the adverse impacts of your conduct as reported by the complainant.

Your counsel characterised this offence as distinct from your prior matters of violence as they were associated with your use of drugs or were committed in the context of offending to obtain drugs. You have attempted to address your drug addiction over a significant period of time with mixed success. Although you have experienced periods of stability and abstinence, you have, unfortunately, relapsed which is associated with further offending. You have previously lived in Western Australia where you were drug free and working. On returning to Tasmania, you relapsed and came into contact with previous associates. It is not suggested that your drug use is connected with the assault I am dealing with.

Since being in custody in 2024, you have experienced significant periods of time in lockdown. You provided a document to the court which indicates that in 2025 you experienced 97 full days of lockdown and 59 half days. On your release from prison, you will be subject to the supervision of a probation officer as a condition of the suspended portions of the sentences of imprisonment imposed by this Court in 2025.

Your offending on this occasion was very serious. This assault was entirely unprovoked. The complainant had no inkling that you were going to hit her, let alone with such force. The blow must have been significant to have caused multiple fractures to her jaw. She has experienced ongoing issues related to the injury and is constantly reminded of it because of the changes she has noted to her appearance. You come before this Court as someone who has regularly offended since your late teens. You have a number of relevant prior convictions and were on bail for serious violent offending at the time this offence was committed. I do not accept the submission that this offending is out of character for you in any sense. It may not have been related to your involvement in drug use, but your use of violence on this occasion outside of

that context suggests your violent offending is not limited to instrumental violence, but is consistent with you having a significant problem managing your anger. I also do not accept that you are someone not known to assault females. You have a prior conviction for a family violence related common assault where you also punched a female in the face. You were apparently undeterred by the presence of two others in your home, including a young female, when you assaulted the complainant.

Violence of this kind must be strongly deprecated. General deterrence is an important consideration. It is necessary to send the clear message that such violence will not be tolerated. Specific deterrence is also an important consideration in your case given your history of violent offending. You otherwise come before this Court as someone with a significant history of offending of other kinds. I take into account your plea of guilty. It has saved the need for a trial and for the complainant to give evidence. It was not entered until a very late stage after trial papers had been filed and a trial date allocated and about to commence. A plea of guilty in such circumstances is of less weight than if it had been entered at an earlier stage.

In my view, a sentence of imprisonment is required in order to address the relevant sentencing factors. The sentence I impose will operate cumulatively to the sentences you are currently serving. It is, however, necessary to take into account the period of time you have already served in custody and not impose a sentence that is too crushing in all of the circumstances. I also take into account that your time in custody has been more difficult as a result of the frequent lockdowns you have been subject to. It follows that I would have imposed a lengthier period of imprisonment, in the order of 12 months, but for those matters. Taking into account all of the relevant circumstances, including your prospects of rehabilitation, I will impose the minimum non-parole period.

Samuel Maple, you are convicted of the crime of assault. You are sentenced to 9 months' imprisonment cumulative to the period of imprisonment that you are currently serving. I order that you not be eligible for parole until you have served half of the term of imprisonment.