

Nakia Mansell, you were found guilty by a jury of aggravated burglary, assault and stealing. It is my responsibility to find facts for sentence, but, in this case, the facts are established by the verdicts.

At about 2.30 am on 7 October 2024 three persons entered the home in Newnham where the complainant, Robyn Brown, lived alone. She was in bed trying to sleep and all the lights were off. She thinks she must have left a door unlocked because she heard nothing until she felt her duvet being pulled up and against her face. She struggled and managed to pull the duvet down with her hands. She saw, from very close range, a man standing over her. Her evidence was that his face was illuminated by the torch he was holding and she immediately recognised the person as you. She had known you for some years and, as recently as a week or so earlier, you had visited her home and socialised with her. She saw two other people, she thought younger men, standing in the background but they were wearing some type of face covering and she was not able to identify them. She began to scream out your name hoping someone would hear. You struck her in the face and said "Just shut up." You then walked to the second bedroom where some items belonging to Nathan Davidson were stored. The light in that room was turned on and the complainant had an even better opportunity to observe you. You took an electric scooter and a mountain bike and you and one of your associates walked out with them.

There was no issue at trial that the aggravated burglary, assault and stealing occurred. The only issue was whether the complainant may have been mistaken in her identification. The jury was satisfied beyond reasonable doubt that she was not.

You are now aged 45. You are an indigenous man with close family connections. However you have long suffered from substance abuse. When you are not in prison you have been homeless for much of your adult life. You have some minor prior convictions in New South Wales and Queensland and a more substantial record in South Australia between 2009 and 2016 where you served a term of imprisonment beginning at the end of 2015. You have a very extensive criminal record in Tasmania extending back to when you were a child. It is for dishonesty including burglary, aggravated burglary and stealing. Your record also includes driving and anti-social offences and, significantly, numerous assaults. You have served many terms of imprisonment. On 4 May 2022 you were sentenced to imprisonment for 12 months, partly suspended, with a community correction order on your release. On 22 June 2023 the suspended part of that sentence was activated along with a further five month term. On 14 May 2024 a further 28 weeks was imposed from 6 February 2024 for numerous counts of burglary and stealing, driving, drug and bail offences committed in late 2023 and early 2024. Most recently, on 19 February 2025 you were imprisoned again for eight months from 16 October 2024. That sentence related to many offences committed before February 2024, but also included offences committed almost immediately upon your release. Those offences included motor vehicle stealing and stealing from a building site on 23 August 2024, stealing goods from Spotlight on 16 and 17 September 2024, stealing a chainsaw with force on 17 September 2024, stealing from Becks on 29 September 2024, and a burglary and stealing of commercial premises on 15 October 2024. The crimes for which I am now to sentence you were committed on 7 October 2024, during that same period and so totality is a relevant sentencing consideration. You completed some programmes while serving that sentence but you were arrested again for further offending on 23 September 2025 and so the sentence I impose should commence then. The most recent period of custody has been characterised by frequent lockdowns and there is very little likelihood that prison will

aid your rehabilitation. However the prospects of rehabilitation seem bleak in any event. You are not entitled to the mitigation a plea of guilty would have attracted. You are not to be punished for your record but there is clearly a very strong need for retribution, deterrence and protection of society. I will order eligibility for parole but only after you have served the minimum term which justice requires in light of all the considerations I refer to.

The reason that crimes like this are serious is because of the potential impact on victims. In the middle of the night you, in company with two others, invaded the home of a female who you knew lived alone. You had a plan to steal and you used violence against her first by pushing the bed covering over her face and then striking her once to her face when she kept shouting your name. You should not be punished twice for the assault and the use of violence which was the factor which is particularised on the indictment to have aggravated the burglary. It was of course an aggravated burglary anyway because it was her home. Fortunately she did not suffer anything but a minor transient physical injury. However, as reflected in her victim impact statement, you subjected her to an experience which would be terrifying for most people and result in serious psychological trauma. I find that, at least initially, the bottom half of your face was covered. In the normal course that would have added to her terror but she recognised you anyway. You violated her home for nothing other than petty dishonesty. The scooter and the mountain bike have not been recovered.

Nakia Mansell, you are convicted on each count on the indictment. I make a compensation order in favour of Nathan Davidson and adjourn the further terms of that order to a date to be fixed. I impose one sentence. You are sentenced to imprisonment for two years from 23 September 2025. I order that you not be eligible for parole until you have served 15 months of that term.