

Mr Riley, you have pleaded guilty to one count of assault.

The crime was committed on 11 September 2025. At that time, you had been an inmate of Risdon Prison for a relatively short time. The complainant was also an inmate. During a time when you were both in a common area together with other inmates, you overheard the complainant talking about some matters that upset you. In particular you heard him talking about a person whom he had assaulted, a crime for which he was in custody. He seemed to you to be gloating about the assault. The person was referred to by her first name which is the first name of your cousin. However, the complainant was in reality speaking about a different woman, his partner. You mistakenly believed he was talking about, and had in fact assaulted, your cousin. I will accept that that was your belief. You say that he admitted this but it may have also been the case that it was a misunderstanding which arose from his poor grasp of English. In any event, this question is immaterial in my view to your culpability for what happened next. The person was also making comments that you believed reflected badly on your brother.

You told the complainant to come to your cell, which he did. There was a short conversation between you, which the prosecution speculate may have deepened the misunderstanding as to the identity of the woman concerned. In any event, at the end of this conversation, you struck the complainant with your hand to his head. It was clearly a forceful blow. He fell to the ground and was rendered unconscious. He suffered serious head injuries, in particular, fractures to the back of his skull, fractured right temporal bone and bleeding between his skull and brain, and an extensive bleed inside his brain. It is not possible to say whether these injuries were caused directly by the blow administered by you or the impact from the subsequent fall to the ground. In my view, the resolution of that question would not have significantly affected your culpability

The complainant received first-aid from other inmates and prison officers and was transferred by ambulance to hospital. The allegation has been made is that after he fell to the ground, you closed the cell door but it is also accepted that you called for assistance and you provided some assistance to him. I do not find the closure of the cell door aggravates the seriousness of this crime. The complainant spent five days in the neurosurgery high dependency unit. He was monitored for neurological consequences but it he does not seem to have developed any further problems or require any further significant treatment. He has no memory of the incident. He has provided a victim impact statement which I have regard to.

This is a serious crime. I accept that you cannot be sentenced on the basis that you intended or were subjectively reckless in relation to the consequences of the conduct, because if that were the case you would be facing more serious crimes, but it is well-known that hitting someone with force to the head can result in serious injury or even death. In this case, the complainant was seriously injured and although I do not have evidence of lasting consequences, the potential for such harm was significant. His victim impact statement indicates that he has suffered ongoing psychological symptoms. Whether your grievances were justified or not, your motive was retribution and that aggravates the seriousness of the crime You perpetrated the crime while in custody for other crimes in prison, and this increases the seriousness of the crime because of its repudiation of the rehabilitation intended to be provided by the time in prison and its effect on the order and discipline of the prison.

You are now 27 years of age. Your counsel has given me some information concerning our general background. You had a difficult childhood. It seems your father may have been a poor role model. Your childhood was characterised by adult conflict and family violence. You have a reasonably good industrial record, but you also have a history of substance abuse. Some, if not all of this is reflected in your criminal history. You have a lengthy criminal history which includes repeated serious offending as both a youth and an adult. The record includes prior offences of violence. Some were committed as a youth. In 2018, when you were an adult, you are sentenced for offences which included two counts of common assault. On 25 October 2019, you received a total sentence of 17 months imprisonment for offences which included two counts of common assault. Each count involved striking or punching another man to the head. On 23 July 2021, you received a sentence of two years imprisonment for crimes which included unlawfully setting fire to property, burglary, stealing and motor vehicle stealing. At the time that you committed the crime with which I am dealing, you had been remanded for a number of offences which included two serious accusations of common assault, one involving pushing a woman and another involving punching a man to the face. You were ultimately convicted and sentenced to an aggregate term of nine months imprisonment for these offences. Your criminal record as a whole reflects a complete disregard for the need to obey the law, but it seems also that you have a particular propensity to assault people by hitting him in the head. I note that at the time of committing this crime you were not only in goal for an offence but you were also subject to a suspended sentence. In the light of this history you took it on yourself to seriously assault the complainant by a blow to the head while in a custodial setting. Clearly, the sentence I impose must emphasise both general deterrence and specific deterrence.

In my view, the only appropriate sentence is a significant term of imprisonment. The only mitigating factor in my view is your plea of guilty. I do not accept that this plea is reflective of remorse, in my view you do not demonstrate any genuine remorse when you spoke to police. A lot of comments you made indicated that you did not regard what you did as particularly serious and if that is the attitude you have, given the history I have outlined, then clearly you do not have insight into the seriousness of your conduct. Without insight it is unlikely that you would have remorse. However, I do accept that your plea of guilty does have some utilitarian value in that it will avoid a trial and the need for the complainant to give evidence. Mr Riley, you are convicted of the crime to which you have pleaded guilty and sentenced to imprisonment for a term of 18 months, which will be served cumulatively upon the sentence of three months imprisonment imposed on complaint 31911/2024. You are not eligible for parole in respect of this sentence until you have served 12 months of that sentence.