

Sean Hudson, you were found guilty by a jury of assaulting Lucas Gleeson and wounding Aaron Cowen. It is for me to find facts for sentencing purposes but my findings must be consistent with the verdicts. Facts adverse to you must be proved beyond reasonable doubt.

At trial it was not in issue that you wounded Aaron Cowen with a knife and assaulted Lucas Gleeson by either attempting or threatening to strike him with the knife. The main issue at trial was whether your acts were justified by self-defence or defence of another. It follows from the verdict that the jury rejected that contention and was satisfied that you either intended to wound Mr Cowen or realised that you may do so and acted regardless of the risk.

In the very early hours of the morning on Sunday 26 March 2023 you were in a unit in George Street where your daughter Tiarna Hudson lived. Her 17 year old partner, who I will call B, was also present along with two of her female friends, one of whom was pregnant. At the time you were 48. Ms Hudson and her friends were 16. The unit was on the upper level of a two storey building with a restaurant below. The entrance was from a laneway at the rear, but there was a window which looked out over George Street just north of the intersection with Paterson Street. Around 1.00 am a group of about seven young persons, which included Georgia Sawford, Mr Cowen and Mr Gleeson, walked up George Street on their way from the Commercial Hotel to a night club in the CBD. Ms Sawford and your daughter were known to each other but were not friends. On the previous evening Ms Sawford had aggressively confronted one of your daughter's friends on the footpath in another part of the CBD. Ms Hudson intervened and a fight occurred. When Ms Sawford walked past the unit on the evening of the following day she must have either known where Ms Hudson lived or seen her through the window and she began shouting at her. It was a continuation of her aggression from the night before and a shouting match then ensued across the street. You were there and knew what was happening. People in the unit with you joined in as did others from the group below. The substance of what Ms Sawford was saying was that she wanted to go on with the violence which had occurred the night before. It was suggested that other threats were shouted but no-one could say what these threats were other than that they included an invitation to those shouting from the unit to come down to the street. Mr Cowen and Mr Gleeson were not party to any of the earlier conflict but I think it likely that one or both of them may have joined in the shouting. They were both affected by alcohol. I am satisfied that this predisposed them to participation in the exchange, but I am equally satisfied that neither of them intended any violence, and their shouts were alcohol induced taunts and bravado delivered from the safety of distance. Although there were gestures and words inviting those in the unit to come down to the street, there was no evidence at all that any of those persons, including Ms Sawford, threatened to come up to the unit or made any movement indicating an intention to do so. There was never any realistic prospect that any of them would even attempt to do so. There was no evidence that any of them knew where the entrance was. Even if they did know, to get to the unit they would have had to walk along Paterson Street to the laneway, negotiate a locked door off the laneway and another locked door at the entrance up the stairs. Despite invitations from defence counsel to admit that they were scared, none of the females in the unit gave any evidence that they perceived any risk while they were in the unit. To the contrary, Ms Hudson said that she was not worried.

Despite this, you and B left the unit together. You took a knife. You both walked down the stairs to the laneway, along the laneway to Paterson Street and then along Paterson Street for about 40 metres or so to the intersection with George Street. Mr Cowen and Mr Gleeson were on the

opposite side of the road roughly adjacent to the intersection. By that time they were well past the window where the shouting had taken place and were walking away. They stopped for a short period but I find that was because they had become aware that you and B were approaching and shouting at them. You and B then crossed George Street before, without hesitation, confronting Mr Cowen and Mr Gleeson on the footpath. Witnesses gave versions of what they observed, but the incident was captured in relatively good detail on CCTV. As soon as you reached the place where Mr Gleeson and Mr Cowen were standing you struck the knife at Mr Gleeson. You did so only once. Mr Gleeson then jumped back and you then turned to Mr Cowen and swiped the knife at him. Mr Cowen backed off and put his hands up in front of his face as a defensive gesture as you swiped the knife again. There were at least two swipes with the knife and likely more. One of these swipes struck the palm of Mr Cowen's left hand. It caused a wound which extended across the palm for about three centimetres just below the base of his index and middle fingers. I find that while these critical events were occurring both Mr Gleeson and Mr Cowen were both attempting to back away. Even as they did so you and B both walked after them aggressively up the street and you did not desist until you had followed them for some distance. You eventually turned away, but even then there was further shouting backwards and forwards as you walked off.

The jury rejected your claim that you acted in self-defence or defence of another. I am satisfied that when you left the unit you were not thinking of defending anyone. Your evidence was that you had a genuine belief that force was necessary to defend yourself or the people in the unit but that was fanciful. I am satisfied that both you and B left the unit intending a show of force to challenge or intimidate those who had been shouting from below. Perhaps there was some element of deterring future violence on the part of Ms Sawford or her associates, but I reject, as the jury must have, that Mr Cowen or Mr Gleeson did or said anything which may have led you or B to believe that force was necessary to defend yourselves. You and B were the aggressors. You both walked purposefully and aggressively to both men without pausing when it was obvious that by then they posed no threat to anyone. You and B created the situation which led to the violent conflict. You acted without pausing. Mr Cowen and Mr Gleeson responded to your acts, for the most part by backing away, confirmed by the nature of Mr Cowen's defensive injury.

Having carefully considered the CCTV and oral evidence I am not satisfied beyond reasonable doubt that you intended to actually strike Mr Gleeson. Thus, I am not satisfied that there was an attempt to strike him. It was, however, an assault by threatening gesture. Your evidence was that you did not intend to actually harm anyone, just scare them, but I am satisfied that your acts involved a high degree of recklessness. I find that you must have, and did, realise that there was a real risk that the knife, wielded as it was, would strike Mr Gleeson but acted regardless of the risk. You moved the knife quickly towards Mr Gleeson, quite close to him. It was good fortune that it did not actually contact him. Mr Gleeson and another member of his group gave evidence that had he not swayed his head out of the way he would have been struck. I cannot say that this would have been so. I think that my conclusion is more consistent with my finding that your primary motive was to threaten and intimidate. However Mr Cowen was struck. Your acts directed at him were obviously dangerous and the degree of recklessness which resulted in Mr Cowen's hand being wounded was high.

Mr Cowen's hand was cut. It was treated the following morning by stitches and glue at the hospital. Mr Cowen made a victim impact statement. There is no medical evidence of any lasting physical impact although Mr Cowen says he remains troubled by the injury. His assertions of serious psychological impact are to be treated with the required circumspection but he describes

just the type of effects which are entirely possible whether or not they manifested in this case. I have no doubt this would have been a frightening attack both for Mr Cowen and Mr Gleeson.

You are now aged 52. You have a long record of offending commencing when you were a youth for including dishonesty and serious driving offences but also for violence. You have served many terms of imprisonment: in 1994 for two counts of common assault; in 1995 for grievous bodily harm; in 1996 for assault; in 1997 for aggravated armed robbery and in 2000 again for aggravated armed robbery. Both of the robberies involved the use of a knife to threaten the victims in one case a service station attendant and in the other the proprietor and staff of a newsagency. In 2007 and 2009 you were again imprisoned for offences including common assault. Most recently you were sentenced in 2012 to imprisonment for assault and being an accessory after the fact to murder. On 29 March 2011 you punched the victim to the ground. Although he was then killed by another person you were acquitted of murder because you did not anticipate or encourage the violence which resulted in the death. However you then assisted in disposal of the body and attempted to hide evidence. You were sentenced to imprisonment for 7½ years from 5 August 2011 with eligibility for parole after 5½ years. Since that sentence was imposed there has been no further violent offending but there has been other offending. In 2020 you were imprisoned for 12 months for serious driving offences. Then, in 2023, you were sentenced to six months for burglary and stealing and breaches of bail.

You have four children aged between 14 and 24. You live in Launceston with your brother for whom you are the primary carer. Your imprisonment would have a significant impact on him as described in a report provided by his support co-ordinator tendered today. Despite your poor criminal record you have a very sound industrial record. You have held long term employment at a concreting firm and you are well regarded by your employer who has remained supportive and accommodating. You are not entitled to the mitigation a plea of guilty may have attracted.

I was asked to consider making a home detention order. Such an order may be made if the court considers that, were it not to make a home detention order, you would have been sentenced to a term of imprisonment in relation to these crimes, whether or not the term might have been suspended. An order may only be made if, in all the circumstances, I consider it appropriate. An assessment report recommended against such an order for the reason that no premises suitable for home detention were available. Sentencing has been delayed for many months to enable every possible opportunity to identify such premises, but none has been forthcoming despite the lapse of time and nothing is on the horizon. It would be unjust to delay sentencing any longer. A sentence of imprisonment is the only appropriate sentence taking into account the seriousness of these crimes, involving as they did the use of a knife in public and in one case the infliction of a wound, and for that reason I think the sentence must be actually served. Despite your record I will allow the earliest opportunity for parole. You spent two days in custody in 2024 which I will take into account.

You are convicted on both counts on the indictment. You are sentenced to imprisonment for 12 months from 13 April 2026. You are not to be eligible for parole until you have served half of that term.