

Mr James-Barnes, you have pleaded guilty to one count of causing grievous bodily harm. You have also pleaded guilty to the summary offence of common assault.

You committed these offences on 30 May 2025. The background is that for the preceding two years, you had been subject to bullying and harassment from a group of other young people. This seems to have had its origin in an allegation against you that you had sexually assaulted your ex-partner during your relationship. You deny wrongdoing but the friends of this person, which included the two people against whom the offending that I am dealing with was committed, had been part of a group which had subjected you to this harassment. You claim that the harassment included a serious physical assault and robbery committed against you in June 2024. The prosecution accepts that you were the victim of such crimes but does not accept that the complainants were involved in any way. Given that this history is only intended to provide context for the commission of the offences to which you have pleaded guilty, it is not necessary for me to resolve this dispute. It is enough for my purposes that you believed that they were involved in those crimes.

On the night relevant to this case, you and your partner were driving around the CBD in Launceston in your car, and the complainants were doing the same in a separate vehicle. There were several interactions between you and them which consisted of them verbally abusing you and throwing drinks into your car. You responded on a number of occasions by driving in a hostile and threatening way. This ridiculous and juvenile sparring came to a head when you saw the complainants standing beside their car in an inner-city car park. It was common for young people to meet and interact in this car park and this was the situation on this night. You drove your vehicle to where the complainants were standing. An argument then took place with verbal abuse, rocks and bottles thrown at each other. During this argument, you drove your vehicle to approximately one metre from the complainants, pointed it directly at them, revved your engine and pulsed your vehicle towards them in a threatening manner. You then reversed backwards approximately five metres and then accelerated at them. The front of your vehicle made contact with both complainants, pinning them by the legs between your vehicle and theirs. You kept your vehicle in this position for about three seconds before reversing backwards. You then drove away and out of the car park at speed.

As a result of her legs being crushed by being pinned between the two cars, one of the complainants suffered serious injury, which resulted in the need for significant medical treatment. By your plea, you admit that her injuries amount to grievous bodily harm. You deny that you intended for your car to come in contact with her or to cause her injury, but you admit that you were subjectively reckless in that you foresaw the likelihood that she would suffer such injury, but you continued to drive at her anyway. This necessarily implies that you foresaw the likelihood that your car would come into contact with her and thereby cause serious injury. The prosecution maintains its position that you intended to strike her with the car but were subjectively reckless with respect to the causation of grievous bodily harm. This of course raises a dispute on the facts, but the prosecution indicated that it would not take that dispute further. As I indicated in submissions, in my opinion, the difference in culpability between the two states of mind in the circumstances of this case is negligible. At the very least, you drove to where the complainants were, and then, in response to further argument, accelerated to a position which

was extremely close to the complainants, conscious of the likelihood that you would strike her and thereby cause serious injury. The only difference with actual intent is a state of mind where you were actually trying to achieve that outcome. The prosecution does not assert an intention to cause injury, and accordingly I will deal with the matter on the basis of the position put to me, which still involves a very high level of moral culpability. Fortunately, the other complainant was uninjured, but of course you are guilty of assaulting her by driving your car into her.

The injured complainant was 16 years of age at the time. The injury suffered by her was a blockage of the artery at the back of her right knee and a large hematoma of the right calf muscle. She was taken to hospital where her condition deteriorated during the course of the following day. She was flown to the Royal Hobart Hospital, where she underwent immediate surgery. She has required follow up surgery and other treatment since then. I have read an impact statement provided by her which describes in detail the significant suffering which occurred in the immediate aftermath of the crime, including in respect of the treatment. She has also described the ongoing impact, including being wheelchair-bound for three months. The statement describes the ongoing psychological effect of the trauma and the consequent profound impact on her life. This impact is ongoing.

You are now 19 years of age. You have no prior convictions at all. A psychological report confirms preexisting diagnoses of autism spectrum disorder – level 2, and attention deficit hyperactivity disorder. Your treating psychologist notes that you also suffer from associated psychological symptoms of depression and dissociation, which the psychologist attributes to post-traumatic stress arising from the "prolonged and severe bullying and community violence" already discussed. The reporting psychologist expresses the view that there is a direct link between your neurodiversity and the decisions made by you at the time of committing this crime. Although considerable care is required in attributing weight to such an opinion for sentencing purposes, I do accept in your case that this is so. Your condition does not excuse your conduct but does explain why you reacted to the provocation perceived by you in a way which was clearly out of character. In particular, I accept that your psychological conditions contributed to your failure to respond appropriately in the circumstances. On the other hand, the fact that your response included using your vehicle as a weapon does increase the need for a sentence that deters you from acting in a similar way again. In this regard, I do accept that you are remorseful and have some insight into the seriousness of your conduct. This is demonstrated in part by your plea of guilty. You will also receive credit for the utilitarian value of the plea.

The objective seriousness of the crime, and its impact on the complainant, requires the imposition of significant punishment. A crime such as this would usually result in a sentence of actual imprisonment. However, given the mitigating factors I have discussed and, in particular, your age, lack of prior convictions, personal circumstances and psychological condition, I have decided that a sentence which provides you with the opportunity to avoid actual custody is appropriate. The psychologist considers that you would benefit from a community-based sentence, and I agree with this. In the circumstances, I think a wholly suspended sentence combined with community service and supervision is appropriate. Given your use of a motor vehicle to commit this crime I also intend to disqualify you from driving for a period of time. Given your keen interest in cars, this will constitute significant punishment for you.

Accordingly, the orders I make are as follows:

- 1 You are convicted of the crime and the offence to which you have pleaded guilty;
- 2 You are sentenced to a global term of 15 months imprisonment, which will be wholly suspended for a period of 18 months on the following conditions:
 - a that you are not to commit another offence punishable by imprisonment during that period.
 - b that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 18 months. That period will commence from today. The court notes that the conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within three clear days of today. In addition to the core conditions, the order shall also include the following special conditions:
 - (a) you must, during the operational period of the order,*
 - i attend educational and other programs as directed by the court or a probation officer;*
 - ii submit to the supervision of a probation officer as required by the probation officer;*
 - iii submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;*
 - c that you will perform community service for a period of 186 hours. The Court notes that the sections referred to in s 24(5A) of the *Sentencing Act* apply to this condition. For the purpose of those provisions:
 - i. you must report to a probation officer at the office of community corrections in Launceston within three clear days of today and*
 - ii. the operational period of the order is 18 months.*
- 3 Pursuant to s 55 of the *Sentencing Act*, you are disqualified from driving for a period of two years. Your license is cancelled. The disqualification will commence immediately.