

Samuel William David Maple, you have pleaded guilty to the crime of assault by punching the complainant, Oscar Norris, to the face multiple times on 5 March 2022.

The complainant lived across the road from you. You introduced yourself to him approximately two weeks prior to the offence. About five days before the offence, you borrowed \$250 from the complainant. The complainant then asked you to repay the money several times over the following days. On the morning of the assault, you texted the complainant stating that you had paid him \$200, however, he only received \$100 in his bank account. At around midday, you drove the complainant and another neighbour, Tyler Triffett, to a bottle shop in New Norfolk where they purchased a carton of "Woodstock". You returned to your home and the complainant and Mr Triffett drank the alcohol they bought at the complainant's home.

From about 3.50pm that afternoon, you and the complainant exchanged text messages about the money you owed. You promised to bring the outstanding \$150 to the complainant's house in half an hour but did not. During the course of the evening, the complainant spoke to his neighbour, Kasey Triffett, and told her you owed him money. He was very drunk. He showed Ms Triffett a retractable police baton and knuckledusters he was carrying in his pockets, and said he was going to "put it on" you.

At around 8.20pm, the complainant knocked on your front door. You opened the door and came outside. You said to the complainant "you putting me on show" and punched him to the head with sufficient force to cause him to fall down the front steps. When he stood up, you told him to "fuck off" before punching him a second time to the head. The complainant did not try to fight back but attempted to leave the property. You followed him down the driveway. The complainant turned around when he got to the front gate and asked you, "what the fuck was that about" and stated that he "wasn't putting you on show". You did not reply but punched the complainant a third time to the left side of his face.

Neighbours came out of their own houses and saw you standing over the complainant on the road. The complainant had blood over his face. You did not have any visible injuries. One of the neighbours told you to "fuck off". You went back inside your house.

Police were contacted. The complainant was noted to be highly intoxicated. The complainant was taken to hospital by ambulance. Police also noted that the others in attendance at the complainant's house were highly intoxicated.

As a result of the assault, the complainant had the following injuries: facial swelling, depressed left zygomatic arch (cheekbone), 2-3cm skin laceration above his left eye, left V3 nerve paraesthesia, trismus (limited mouth opening) of 10mm and an unstable mandible segment with open fracture at the left retromolar trigone (lower jaw). He required surgery, namely an open reduction and internal fixation of the left mandible angle and left zygomatic arch and the removal of a tooth. The complainant still experiences blurry vision in his left eye and aches and pains in cold weather as a result of the assault.

Police spoke to you that night. You said the complainant had attended your house and tried to hit you on your front steps. You claim to have acted in self-defence. During your police interview, you admitted you owed the complainant money but said it was for "dope". You told police Mr Triffett had spoken to you and said you needed to watch the complainant, that he had a flick baton and was going to come and get you for the dope. Prior to the assault, you heard an angry banging at the door. You opened it and the complainant tried to push his way into the house. You told the complainant he was drunk, to get out of the house and that you would talk to him out the front of the house. You told police that when you walked out of your front door, the complainant grabbed you by the shirt and went to hit you, so you hit him first. You said you knocked him clean off the top step and that the complainant landed in the garden. You then said the complainant got up and you started pushing him out of the way, telling him not to throw another punch as he did not want another one from you. You told police the complainant threw another punch so you hit him again. You claimed the complainant then started going through his pockets and pulled a flick baton out, but did not get a chance to flick it out as you hit him again. You told police the third punch put the complainant down. You said you know how to fight, that you do not hit people in eyes, but you hit them in the jaw to knock them out.

The State accepts that the evidence supports that the complainant may well have attended your residence in a worked up state, may well have knocked at the door aggressively and may have attempted to push his way into your house. The State do not accept that the complainant offered any violence. They do not accept that there was any need to deliver the three punches with the force that you did. To the extent that they were delivered in self-defence, they were, according to the State, excessive self-defence.

Your plea of guilty is entered on the basis that you accept that your use of force was excessive in the circumstances. It was submitted on your behalf that the assault occurred on your property in circumstances where the complainant, in an intoxicated state, and having already shown weapons to a neighbour, had attended your property in that worked up state. On that basis, the only reasonable conclusion that you could have drawn was that the complainant was there to confront you to have the money returned to him. As I understand your version of events, it is not suggested that any weapon was, in fact, produced by the complainant until towards the end of the incident, by which time you had already delivered a number of significant blows to his head. I do not understand you to be suggesting otherwise.

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 committed when you were 17 years old. You received a four month wholly suspended detention order on that occasion. 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 were sentenced to 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 one of 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 became eligible for parole in respect of that offending on about 8 May 2026.

On 22 December 2025, you were sentenced in the Magistrates Court on a large number of offences to a period of 12 months' imprisonment, nine months of which was ordered to be served concurrently with the sentence imposed in this Court in June 2025. Seventeen of those offences were breaches of bail conditions which prevented you from contacting the complainant and witnesses to the crime for which you are to be sentenced today. I note it is not alleged that the breaches involved the complainant or the witnesses to this matter.

On 13 February 2026, I sentenced you on another charge of assault to nine months' imprisonment to be served cumulatively to the period of imprisonment that you were currently serving. The assault was committed on 27 December 2023, that is, after the assault for which I am sentencing you today. On that occasion you assaulted a female friend without warning and without provocation by punching her once to the side of the face. Her jaw was broken in two places. She required emergency surgery to insert titanium plates in her jaw to repair the fractures. One of her teeth had to be removed and other tooth roots were removed as part of the surgery.

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 for which you were sentenced in June 2025 at the time you committed this assault upon the complainant.

You were 33 years old when you committed this offence. You are now 36. A number of your prior matters are associated with your illicit substance use, as I have already observed. 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. 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. You are eligible for parole in relation to your current terms of imprisonment in December this year. You would like to obtain parole. If granted, you intend to request a transfer of the order to Queensland so you can live there with your father. You consider that would put some distance between you and your former associates. You have been engaging in some drug and alcohol counselling whilst in custody.

You have now accumulated a considerable number offences of violence. Concerningly, a number of them have involved you delivering significant blows to people's heads and particularly their jaw area. Your comments to police during the course of your interview suggests this is a particular strategy you employ to knock out those who are unfortunate enough to fall victim to your conduct. The risk of such violence causing serious, if not permanent injury, is obvious. The complainant in this case suffered significant injury and required surgery. You owed the complainant money and seemingly had difficulty repaying it. The complainant was no doubt quite frustrated by this. No doubt, the consumption of alcohol emboldened him to confront you about it. On any version, there was no need to react in the way that you did. There is no suggestion that he presented any weapon when he first attended your house. The blow you dealt him on the first occasion was, in my view, plainly excessive. There was no basis, in my view, for you to hold any genuine belief that you needed to use force to defend yourself when delivering the second and third blows. By your plea, you accept that you were not acting in lawful self-defence at the relevant time. You must be sentenced accordingly. I do, however, take into account the context in which this assault occurred.

The only appropriate sentence in the circumstances is one of imprisonment. It is quite clear that you persisted with delivering blows to the complainant in circumstances where he was in no real state to either to defend himself or retaliate. In my view, this suggests that you have a real problem controlling your anger. General and specific deterrence, denunciation and vindication of the victim are the primary sentencing considerations. I take into account that you have been in custody serving sentences of imprisonment since June 2024. By my calculation you have been sentenced to a total of four years and nine months imprisonment. Totality has work to do. I also take into account that your time in custody has been more difficult as a result of the frequent lockdowns you have been subjected to. I take into account your plea of guilty, however, it came at an extremely late stage. Although the State have accepted a plea to a lesser charge in satisfaction of an indictment charging you with a more serious offence, there is no suggestion that a proposal to resolve the matter of this nature was put to them at an earlier stage. The complainant had been briefed to give evidence and was stressed about the prospect of doing so. The matter was listed, albeit not as a priority trial. It was not until it was apparent that there was a good prospect of the trial being reached that your

plea was entered. Any mitigating benefit of a plea of guilty must be considered against that background. I consider that your prospects of rehabilitation are guarded. I hope that you are prepared to take steps to address your propensity for violence before someone is more seriously hurt. I have determined that it remains appropriate, however, to afford you the opportunity of parole in light of all of the relevant circumstances.

Samuel Maple, you are convicted of the crime of assault. You are sentenced to 9 months' imprisonment, cumulative to the periods 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.