

STATE OF TASMANIA v LEIGH GEOFFREY SUSHAMES
COMMENTS ON PASSING SENTENCE

26 JUNE 2026
JAGO J

Leigh Geoffrey Sushames, you have pleaded guilty to the murder of Senior Constable Keith Smith and the aggravated assaults of Sergeant Gavin Rigby, and Special Operations Group Tactical Operator 152. All crimes occurred on 16 June 2025. You were 46 years of age at the relevant time. Senior Constable Smith was 57 years. He had been an officer of Tasmania Police since 2000. He had received the Commissioner's medal in 2011, and the National Police Service Medal in 2016. Sergeant Rigby had served with Tasmania Police since 2002. Tactical Operator 152 had served with Tasmania Police since 2006. As of June 2025, both Senior Constable Smith and Sergeant Rigby were stationed at the Ulverstone Police Station. Tactical Operator 152 was stationed with the northern Special Operations Group.

The background to this terrible event is as follows. In 2009, you had purchased a property at Allison Road, North Motton. It is a relatively isolated rural property, comprising a brick house with an attached deck and carport, and a separate shipping container, which was used as a storage shed. The property was purchased for \$275,000. It was subject to a mortgage, at the time of purchase, of \$265,796. You had borrowed additional monies against the property in 2013. For the first seven years of ownership, you had made mortgage repayments on the loan, but those repayments ceased in 2016. By 2020, a commercial agent, had been engaged to liaise with you in respect to your mortgage arrears. When you were first spoken to in approximately 2020, you indicated you were unemployed and suffering from mental health issues. Further attempts to liaise with you in respect to the loan arrears in the lead up to April 2023, were largely unsuccessful.

On 19 April 2023, an originating application was filed with the Supreme Court of Tasmania, on behalf of the Commonwealth Bank of Australia, relating to the repossession of your home. At that time, a balance of \$207,985.26 was outstanding on the mortgage. Interest was accruing at a rate of \$41.77 per day. You were personally served with this application on 29 June 2023. Further attempts were made by agents engaged by the Commonwealth Bank to serve additional documentation, but it seems you avoided service of such documents.

During the second half of 2024, you had discussions with family and friends relating to the repossession of your home. You declined offers for assistance made by both your mother and sister. At one point, a friend noted that proceedings relating to the repossession of your home were listed in the Supreme Court. She spoke to you about it. You showed the friend bank documentation relating to the outstanding balance on your mortgage. During conversations about the repossession, you said to your friend words to the effect of, "I will kill them or shoot them, but no one is going to take my house off me".

In the lead up to December 2024, you were unemployed, having last worked in 2021, but you were not receiving Centrelink benefits. In addition to the mortgage arrears, you were also accumulating other debts from living expenses. In December 2024, you required surgery in respect to a gastro-intestinal infection, and your recovery from this surgery had some complications.

On 29 April 2025, a writ of possession was issued by the Registrar of the Supreme Court. Pursuant to this Court order, Sergeant Rigby and Senior Constable Smith attended your residence on 4 June 2025 to serve the notice of possession. You were present at the property, and you spoke with both Sergeant Rigby and Senior Constable Smith. The officers explained

to you that they were present on behalf of the Sheriff's Office and had with them the writ of possession. They explained to you the process involved in the bank taking possession of the property. You were asked whether you understood the process, and you told the officers that you did. You said, "This is why" and pointed to a stoma bag you were wearing as a consequence of the surgery in December 2024.

During conversation, the officers asked you whether you were expecting the proceedings. You responded, "I've been waiting for it to happen, I don't know what else to do". Sergeant Rigby and Senior Constable Smith explained to you that they would return at 11am on 16 June 2025, at which point the writ would be executed. Sergeant Rigby told you the expectation was that you would have removed your personal property and chattels from the residence. When you were asked whether it made sense, you indicated it did. Sergeant Rigby told you that when they returned on 16 June, the notice of possession would be taped to the front door, and a locksmith would be present to change the locks. During these discussions your demeanour was described as calm and compliant.

In the lead up to re-attending the property on 16 June, Senior Constable Smith and Sergeant Rigby co-ordinated a plan for the execution of the writ of possession, with the Special Operations Group. Information that was known about you, including some dated previous mental health warnings, was considered. Ultimately, the task was assessed as being of a low level of risk. It was decided that Special Operations Group members would be present and would remain close by but would not be involved in the execution of the writ of possession, unless required.

On 16 June, Senior Constable Smith, Sergeant Rigby and three members of the Special Operations Group, being Tactical Operators 152, 170 and 173, met approximately one kilometre from your residence. Also, present was a civilian locksmith, and the commercial agent who was acting on behalf of Wise McGrath, representing the Commonwealth Bank.

Discussions were had as to the mechanism by which the writ of possession would be executed. Given the amicable attitude you had previously displayed to Senior Constable Smith and Sergeant Rigby, it was determined that they would enter the property, whilst the civilians and Special Operations Group members would remain out of sight, at the bottom of the driveway, so as to not overwhelm you.

Shortly after 11am, Senior Constable Smith and Sergeant Rigby drove in a marked police vehicle, into your driveway and parked a little to the south of your residence. Tactical Operator 152 drove in a separate vehicle and parked on a bend, in the driveway. His vehicle was out of sight. Tactical Operators 170 and 173 were parked in a different vehicle, at the bottom of the driveway, whilst the civilians were positioned further away, but still had a view to the top of the driveway as they waited.

As Senior Constable Smith and Sergeant Rigby exited their police vehicle, Sergeant Rigby activated his body worn camera. Sergeant Rigby had the writ of possession, and he walked towards the front door of the residence. He walked on a path which took him adjacent to the carport. The side of the carport, which was next to the path, was partially covered with a tarpaulin-like fabric, creating a partial barrier. Senior Constable Smith followed behind Sergeant Rigby. As Senior Constable Smith began to walk past the carport, he saw you crouched down behind the bonnet of a Ford Falcon, which was parked facing inward on the

right-hand side of the carport. Senior Constable Smith called out to you, "How are you mate?". You replied, "No good".

Having heard the conversation, Sergeant Rigby turned and returned to the carport area, reaching the edge of the fabric covering on the right-hand side of the carport. Senior Constable Smith said to you, "I'll come around" and started to walk towards the rear of the Ford Falcon. At this point, Sergeant Rigby called out to you, "Hey Leigh". You were still crouched at the bonnet of the Ford Falcon and appeared to be fiddling with an object which was not visible. At this point, you stood, revealing that you were holding a long arm Savage brand bolt-action rifle. As you rose, the firearm was held across your body, and your hands were in a position consistent with you being ready to fire it. Your left index finger was inside the trigger guard. You pointed the firearm upward, directly towards Sergeant Rigby's head. You were approximately 1.5 metres from him when you did this. This act constitutes the crime of aggravated assault.

Sergeant Rigby yelled, "Get out. Gun. Firearm" and began running along the path adjacent to the fabric covering, heading towards the rear of the house. He drew his service weapon and initially took cover behind a brick structure in the backyard of the house. He called for assistance.

As Sergeant Rigby fled, you pointed the firearm at Senior Constable Smith and fired it. The shot hit him to the left lower back. It rendered Senior Constable Smith immobile, and he fell to the ground at the rear of the Ford Falcon. Five seconds later you fired a second shot at Senior Constable Smith. This shot was to the right temple of his head and was immediately fatal. The range of fire for this second shot was later determined to be between 25 centimetres and two metres.

A brief portion of your encounter with police was recorded on Sergeant Rigby's body worn camera. That footage is very telling and in my assessment is unequivocal in establishing that you intended to kill Senior Constable Smith when you discharged the firearm at him. The footage reveals that as Sergeant Rigby initially headed up the path to the right of the carport, you were crouched in front of the Ford Falcon, clearly endeavouring to conceal yourself. As Senior Constable Smith followed behind Sergeant Rigby, he saw you and stopped to speak with you. This caused Sergeant Rigby to turn around and return to the carport area. When Sergeant Rigby speaks to you, your head is clearly visible, but the firearm is not. You then stand with the firearm held in a position whereby you could immediately fire it. You pointed it directly at the head of Sergeant Rigby. I suspect it was only because he was fortunate enough to be positioned closer to the tarpaulin covering that he was able to move out of sight, yelling the warning "Get out. Gun. Firearm" as he did. Within about two seconds of Sergeant Rigby yelling, the first shot is discharged. The second shot is discharged about five seconds thereafter.

The discharge of the firearm happened very quickly upon you standing. Sergeant Rigby had not made it to the brick structure in the backyard before both shots had been fired. Senior Constable Smith was entirely vulnerable. He stood no chance against your murderous intent. You fired the first shot at him within seconds of rising. He would not have had time to arm himself or take evasive action. This shot disabled him and left him defenceless. Within seconds you fired the lethal head shot. Without hesitation I conclude that this was a pre-meditated ambush. Knowing the police were arriving at 11am that day, you concealed yourself in the carport, appreciating that the police would have to pass by there to access the front door. When

they paused to speak to you, you launched a lethal attack. There could be no sensible conclusion other than you intended to kill.

Meanwhile, having heard the gunshots, Tactical Operators 152, 170 and 173 left their vehicles, donned their protective equipment, collected their long arm firearms and began to approach the residence. The civilians who also heard the gunshots, left the immediate area, calling triple zero. Tactical Operator 152 approached first, up the driveway, followed by the others. As they reached the fork in the driveway, they were approximately 35 metres from you. Tactical Operator 152 saw you moving onto an embankment to the right of the carport. You still had the rifle. Tactical Operator 152 yelled at you to show your hands. You responded by crouching and taking cover behind a tree. You then shouldered the rifle, moved out from behind the tree and pointed the rifle directly at Tactical Operator 152. This constitutes the second count of aggravated assault.

Tactical Operator 152 yelled, "Put it down", twice. He then fired a single shot towards you. It hit you in the hand, causing you to go to the ground and drop the firearm. Tactical Operators 170 and 173 were able to approach you from the embankment side, whilst Tactical Operator 152 approached via the driveway. The route taken by Tactical Operator 152 took him past where Senior Constable Smith was laying on the ground. Tactical Operator 152 spoke to Senior Constable Smith, telling him to move. As he approached closer and attempted to shake him, he realised he was dead. It must have been an incredibly challenging moment to have to leave a colleague lying there and continue with his duties to ensure the scene was secure and others were safe. Tactical Operators 170 and 173 approached you on the ground. They told you to not move. You responded by saying, "I'm not fucking moving". You also said, "Come and kill me you cunts". Whilst you were on the ground, you repeated multiple times, "I'm fucking done. I'm fucking done." As your hands were being secured by the Tactical Operators, you said, "You got me cunts, you got me, you fucking got me" and repeated multiple times, "Just kill me".

The tactical operators took possession of the firearm, which was still laying nearby to you, and rendered it safe. They ejected two rounds of ammunition from it in the process.

As the Tactical Operators secured you, Sergeant Rigby returned to the carport area and saw Senior Constable Smith. The realisation that must have dawned at that moment would have been overwhelming and harrowing. Sergeant Rigby was taken from the immediate scene by other officers.

Tactical Operator 173 remained with you. Whilst with you, he heard you say various things like, "It's fucking done" and "I'm fucking done". At one point, when he told you to "shut up", you responded, "Why, what are you going to do?". As you were escorted further down the driveway to await the arrival of an ambulance, you were told to keep your head down. You said to a member of Tasmania Police, "I'd rather you put a bullet in me head". You told officers to shoot you. On one occasion, you said, "I hate cops".

At approximately 11.30am, ambulance personnel arrived at the scene. They confirmed Senior Constable Smith was deceased. They then attended to you. You told ambulance officers that your hand felt numb and tingly and that you were in a "fair bit of pain". A decision was made to transport you to Launceston General Hospital by ambulance for treatment. Prior to transport, you were searched. Four bullets were found in your right, front trouser pocket. You told officers that they were bullets for the firearm that you had used.

During transport to Launceston, you were able to answer paramedics' questions about allergies, substance use, your weight and previous medication. You were able to respond in a sensible and coherent manner to questions asked by ambulance personnel, and questions asked of you upon arrival at the hospital. At the hospital you were able to provide a medical history and personal details. You underwent custody procedures, provided your mother's contact details and requested to be put in contact with a lawyer. There was nothing to suggest that you were not fully aware of your surroundings or what had occurred. There is nothing before me to suggest medical personnel observed anything to suggest irrational thinking or impaired mental functioning.

You underwent surgery to your hand on 18 June 2025. I presume the surgery was successful. I am not told otherwise.

Police investigations at your property revealed that none of your personal items or chattels had been removed from the residence. On the kitchen bench, there was a box of .243 Winchester ammunition, which matched the ammunition seized from you, and which was in the firearm you used. The box originally contained 20 rounds. There were ten rounds remaining within it. A 12-gauge shotgun was also located under the bed in the main bedroom, and other ammunition and propellant powder was located within the main bedroom cupboard. At the relevant time, you were not the holder of a firearms licence. You had previously held a firearms licence. That however expired in August 2016, although was re-instated for about 4 months, before being suspended in December 2016, due to information received about your mental health. I have no detail as to what that information was.

A search of the area in front of the Ford Falcon, found a partially consumed marijuana cigarette, and your mobile phone, consistent with you having been waiting in the area for police to arrive. Two fired cartridge cases were located on the ground between the two cars and Senior Constable Smith's feet.

An autopsy was conducted on 18 June 2025, by Dr Andrew Reid. The autopsy revealed that Senior Constable Smith died from two gunshot wounds, the first being to the left, lower back and the second being to the head. Specifically, Dr Reid noted the following:

- A gunshot wound to the right upper temple – 30 millimetres forward of the right ear. The wound was 5 millimetres in diameter with a 1-millimetre abraded margin and peripheral satellite lacerations ranging in length from two to three millimetres. The gunshot wound had caused fractures to the cheek bones, the bone at the base of the skull, the eye socket, the forehead and the lateral walls of the skull. There were significant haemorrhages in the area surrounding the brain and within the brain tissue itself. The functional tissues of the brain had collapsed along the line of the gunshot wound track. Such was the impact that the vault of Senior Constable Smith's skull had separated from the base of the skull and the top of the head, causing the skull to collapse. The gunshot wound to the head was described by Dr Reid as "unequivocally fatal".
- The gunshot wound to the lower left flank had caused multiple fractures of the lower lumbar vertebrae and transection of the lumbar spinal cord. There had been haemorrhage of the colon, ureter and left kidney.

- Neither gunshot wound was determined to be a contact or near contact wound due to the absence of searing, soot deposition and stippling. The range of fire was estimated at being between 25 centimetres and 2 metres.

Dr Reid concluded that the left lower back injury was of a nature and degree sufficient to have caused immediate collapse and incapacitation due to the massive injuries to the lumbar spine, spinal cord, left kidney and ureter. This injury would have impeded Senior Constable Smith's movement considerably, although it is possible that he may have retained some use of his upper limbs. Nevertheless, the evidence from the scene did not suggest that Senior Constable Smith moved at all after receiving the gunshot wound to the back. Dr Reid determined that the gunshot wound to the back occurred first. Given the positioning of Senior Constable Smith's body, it was not possible for the lower left flank wound to have been inflicted after the fatal head wound.

It follows from the findings of Dr Reid that at the time you inflicted the fatal wound to the head, Senior Constable Smith was largely immobile, utterly defenceless and entirely vulnerable. From a distance of between 25cm and 2 metres, you fired a shot into his head. Given those circumstances, there can be no doubt that your intent was to kill.

On 26 June 2025, you participated in a video record of interview. Amongst other things, you told officers that you did not recall, or only vaguely recalled, being at home on 16 June. You claimed you did not recall killing Senior Constable Smith. You said you did not recall pointing a firearm at Sergeant Rigby or at any other officers. You said you could not recall any police attendance on 4 June 2025. In relation to not paying your mortgage, you said that you expected that God would pay the mortgage and that God would "take care of everything". When asked how that was working out for you, you initially said "good", before saying "then God didn't do anything".

During the interview, you initially denied having any firearms at your home, claiming you had handed them in "years ago", but later said that you had "got a gun from a bloke". You said it was "years ago", and you had "just got it for something to do", but it was not obtained to shoot anybody. You told officers that you could not explain what had happened, that it was God. You said before you were shot, you recalled talking to God. You could not remember it, it was all a blur, but you recalled being on the ground and seeing your hand and police being on your back and cuffing you. You said you could not recall any conversation with police that day. When asked about your feelings as to the repossession, you said that you were "just waiting for God to fix it".

As to killing Senior Constable Smith, you told police that you did not accept that you had shot him, that it was "in God's hands". You said that you did not want anyone to die and that you did not want to "kill cops". You denied pointing the firearm at police saying, "it was God telling me to do that". You said you just wanted to keep your house and wanted God to "get you out of the shit you had put yourself in". You said that you had conversations with God about what was going to happen but got no answer. You said that God had chosen you to kill and that you believed God told you to shoot police officers when they arrived at your house. You accepted that you had prepared a firearm to "Possibly defend the house... for whatever reason I had in my head at the time". You said that you knew that Senior Constable Smith and Sergeant Rigby were there on 16 June to repossess your house, and agreed that you had prepared a firearm, loaded that firearm and placed further ammunition into your pocket. You said that God was instructing you to do what you did; that you did not want it to go that way, that it was "one big mistake".

You agreed that you had not paid the bills since 2021. You said that you were not earning an income but were living off savings and borrowed money. You said that you stopped paying the mortgage because God told you that He would pay the bills and the mortgage for you.

Your presentation in the record of interview is described as flat and confused, which is in stark contrast to your presentation at the scene, and the way in which you communicated with and responded to questions asked by police, ambulance personnel and medical personnel following the incident. It is also different to how you presented on telephone calls made by you whilst in custody, in a date range that is broadly proximate to the interview. You began speaking to your mother via the Unity prison telephone system on 13 July 2025, so approximately two weeks after the record of interview, and such calls continued over several months.

On 1 October 2025, during a conversation with your mother, you said, "It's eating at me. I've done the wrong thing". At another point, you said, "I made a huge mistake and I'm so fucking sorry for what I've done". You told your mother that the rifle that you had used was stolen. You also told her "No one knew what I was going to do. I didn't know what I was going to do". You said that you did not have a plan and had not planned anything.

In subsequent phone calls on 27 and 28 October 2025, you told your mother that you were "not in a good head space" at the time of the offending. You said, "With dope and everything else and what I was thinking". You said that you had made a "big fuck up", that you would "wear it for the rest of your life". You said to your mother "It's just the drugs I suppose" clarifying you meant your use of marijuana. You told your mother that you were ashamed of yourself and that you did not know why you had done it. You said that it was all your fault and indicated that you would "suffer for it". You said that you were sorry for what you had done and said that you knew it was the wrong thing and that you understood that Senior Constable Smith's family had "lost a lot".

You pleaded guilty on complaint to a charge of murder and one count of aggravated assault on 28 January 2026 in the Magistrates Court. You subsequently pleaded guilty on indictment to the second count of aggravated assault. The Court accepts they are early pleas of guilty and also accepts that you had indicated to your counsel, at an earlier point in time, that you wanted to plead guilty, but it was necessary for some medical information to be obtained.

The Crown assert that you armed yourself with the firearm, intending to resist the execution of the writ of possession by the use of force, and that when you shot Senior Constable Smith, you intended to kill him. Whether you did what you did because you genuinely believed you could resist the execution of the writ, or because you were angry and resentful about the fact that the writ was being executed, or because you were incensed that matters had reached the point they had, or more likely a combination of all, is of little consequence. For reasons I have explained, I am satisfied beyond reasonable doubt that this is a case of pre-meditated, intentional killing. You armed yourself with a loaded firearm and spare ammunition, and you lay in wait knowing that police would be attending your residence on 16 June at approximately 11am and would logically pass by the carport to access the front door. It is reasonable to infer you waited some time, as evidenced by the partially smoked marijuana cigarette, in the vicinity of the Ford Falcon. At no point whilst you were waiting, did you reflect upon what you were about to do and desist.

Once the officers were in close proximity to where you were hiding, and had seen you, you stood, holding the firearm in a manner which enabled it to be immediately used. You pointed it

at the head of Sergeant Rigby, a very serious act in itself. He was able to flee because of his proximity to the tarpaulin like covering, but within seconds, you discharged the first shot into the rear flank of Senior Constable Smith. The fact the shot struck his rear is consistent with him turning to run but given how quickly you discharged the firearm he would have had no chance to protect himself. As he lay prone in the carport, you discharged a second shot into his head. The callousness you displayed by firing the head shot, whilst Senior Constable Smith lay disabled and defenceless, is almost beyond comprehension for any person with a decent sense of morality.

The combination of those circumstances clearly demonstrate that this was an intentional killing of a police officer who was simply there doing his job. It was a deadly attack carried out for reasons which are not entirely clear, but most likely involved misplaced feelings of anger and resentment, particularly given what you had told your friend only a few months earlier. The police were entirely unsuspecting. You had shown no aggression or heightened emotions during your interactions with them on 4 June. Appropriate planning had been undertaken, and nothing had been revealed to suggest the task ought to be categorised other than as low risk.

Whilst the taking of any life is obviously an egregious matter, the killing of a police officer whilst in the execution of his duty, is an exceptionally serious crime. The gravity of such conduct is of a nature that it must occupy a position at, or near to, the pinnacle of the scale of seriousness. Courts need to give weight to the protection of members of the police force. They serve an important role within our community. The community relies heavily on police for their safety and security. Police officers are routinely required to respond to situations of danger and put themselves at risk. Here, that risk was realised in the gravest of manners. Senior Constable Smith paid the ultimate price for his service to the community.

Moreover, the seriousness of the two acts of aggravated assault should not be overlooked. You pointed a firearm directly in the face of Sergeant Rigby. He believed he was going to die. It was only because he was in closer proximity to the tarpaulin, enabling him to step out of your line of sight, that he was probably saved.

Tactical Operator 152 entered the driveway, having heard shots being fired. He had no way of knowing what he was walking into. When he first called for you to show your hands, you refused to do so. Instead, you took cover behind a tree before you shouldered the rifle and pointed it directly at him. Again, the fear must have been very real, particularly given Tactical Operator 152 knew that the shots were not from a police issued revolver. The likelihood of you firing again was tangible. The two crimes of aggravated assault are, as and by themselves, very serious examples of criminal conduct.

The calmness and professionalism of all officers in bringing this matter to an end without further harm being occasioned to anyone, is commendable, and highlights the extent to which the community is dependent upon the courage and expertise of police officers.

The impact your crimes have had upon Senior Constable Smith's family and friends, upon Sergeant Rigby and Tactical Operator 152, and the entire Tasmanian police force, is immeasurable and irrevocable. Lives have been changed forever. The sense of sadness and loss for so many, is overwhelming. I have received victim impact statements from Senior Constable Smith's father, his two brothers and sister, his stepson, his daughter and his wife. I have also received impact statements from Sergeant Rigby and Tactical Operator 152.

It is impossible to do justice to the eloquent and meaningful insights provided by those statements in summary form. Losing Senior Constable Smith in such an unexpected, senseless and violent way has been severely traumatising for his family, friends and colleagues. They have, in their respective statements, described in powerful and moving terms their profound grief and anguish, and the lifelong impact these crimes will have upon them. What follows should not be seen as an attempt to convey in full the enormity of the loss, as that is simply unachievable. It is clear from the victim impact statements that Senior Constable Smith was a caring, humble and thoughtful individual, who loved his family immensely and took great pride in his career with Tasmania Police. He was admired by his colleagues and the shock, and sadness of his death has permeated all levels of the Tasmania Police force.

Mr Graeme Smith described the shock and distress of learning of his son's passing. He misses his son terribly. It is a grief from which he will never recover. Mr Christopher Smith describes the overwhelming sense of sadness and hurt that now fills every day. He speaks of the great pride he has in his brother's achievements. Mr Derrick Smith also speaks of debilitating sadness and grief. He poignantly describes the sense of devastation that has pervaded his life since his brother's passing. Similarly, Ms McDermott speaks of the devastating impact of her brother's passing, and the struggle she has experienced in trying to come to terms with the inexplicable nature of his death. Family occasions will never be the same. Words simply cannot describe how much they will all miss him.

Senior Constable Smith's wife has been deeply and irretrievably affected. Her grief is profound. She speaks of the love and unwavering support provided to her by her husband and the happy and fulfilling life she and Senior Constable Smith had built together. She notes the pride he experienced when her daughter chose to take on his surname, which was a testament to the close and loving relationship they shared. She speaks of Senior Constable Smith being her rock. The sense of loss is unbearable, and there is the added sense of guilt of seeing other family members suffer. She speaks of the immense sadness she feels when she thinks of the dreams and plans, she shared with Senior Constable Smith that will now not be fulfilled. At times the pain is excruciating and all consuming. Her life will never be the same.

Senior Constable Smith's daughter asked me to read her impact statement to myself. I therefore will not describe in detail the overwhelming impact the loss of her father has had upon her. It is sufficient to say that her pain is immeasurable and multi-faceted. It is very clear that Senior Constable Smith was a loving and devoted father to her, and, in turn, she was a loving and devoted daughter. She will miss his "dagginess".

Mr McGuinness, Senior Constable Smith's step-son, speaks of Senior Constable Smith being a gentle, patient and kind person. He was a deeply loved father, step-father and grandfather. The loss of Senior Constable Smith has deeply affected Mr McGuinness and his broader family. Family gatherings will no longer be the same. He misses his guidance and affection and is devastated by the knowledge his own children will miss out on having Senior Constable Smith as part of their lives.

Sergeant Rigby speaks in moving terms of his profound grief and anguish following the loss of his much-admired colleague and friend. The impact of the events of 16 June has been lifechanging for Sergeant Rigby. He describes the sense of terror when the firearm was pointed at him. He genuinely believed his life was going to end that day. He experiences flashbacks and nightmares. His sleep is disturbed. He is constantly anxious and now avoids activities he previously enjoyed because of a fear that something may go wrong. His ability to do the job

he loves has been adversely impacted. To date, he has not been able to return to work. He has been left with an overwhelming sense of "survivor's guilt". He constantly thinks about what he may have been done differently. It is hard for him to understand how, what was anticipated as a relatively routine job, could end in such a devastating manner. He speaks of his appreciation of the professionalism and kindness shown to him by his colleagues. He will be forever haunted by the events of that day.

Tactical Operator 152 also speaks of the brutal and lasting affect the events of 16 June have had upon him. He recalls hearing the initial gunshots and appreciating that they were not from a police issue sidearm. He recalls the feeling of dread as he donned his protective equipment and entered the scene. He speaks of the horror he felt when he observed Senior Constable Smith lying in the driveway, and the impact witnessing the anguish of others has had upon him. Tactical Operator 152 finds himself questioning his purpose as a police officer. He too feels an immense sense of "survivor's guilt". He now isolates himself and often withdraws from social events. His emotional wellbeing has been impacted. He often reflects upon that moment when his own life was in danger and the enormity of his decision to use lethal force on another human being. The trauma of the day has changed him and will stay with him for the rest of his life.

The Court appreciates the insights provided by the various authors of the impact statements. It is fundamental to the sentencing process that the Court endeavours to understand the devastating consequences this crime has had upon those that were there, and their family and friends.

It is also important to acknowledge the profound impact that this incident and Senior Constable Smith's death has had upon all members of Tasmania Police. His death has reverberated across the entire policing community. Whilst policing is, by its nature, a profession that carries with it an element of risk, the loss of an officer in the line of duty, in circumstances which were understood to involve a relatively routine task, has understandably, deeply shaken the sense of safety and confidence within Tasmania police. In the aftermath of Senior Constable Smith's murder, many officers are feeling a heightened sense of vulnerability, which has altered how they perceive their work, their personal safety and highlights the risk faced by them and their families each time they undertake their duties. Senior Constable Smith was well known and well liked within Tasmania Police and many officers continue to experience enduring grief, shock and distress.

Mr Sushames, I turn now to your personal circumstances. You are 47 years of age. You were 46 at the time of the crime. Your childhood was characterised by emotional and physical abuse. Your father was an alcoholic. At times, the violence he resorted to was extreme. For example, you can recall at least two occasions where he discharged a firearm toward you. Your parents separated when you were aged 10 or 11. Thereafter, you lived with your mother until you were 17. You then returned to live with your father, leading to an estrangement in the relationship with your mother which lasted for several years. Your father has since passed away. In 2023, about a year prior to this incident, you rekindled your relationship with your mother.

When you were nine, you experienced a significant life event. Your older brother, who was then 13 years of age, passed away in a terrible accident. You and he were on a ride at a show, and your brother was thrown from the ride. He suffered significant head injuries and died a few days later. You witnessed the incident and the aftermath of it. At the age of nine you, understandably, had difficulty in rationalising it and coming to terms with it. You developed significant mental health issues. They went largely undiagnosed for many years. Since your

remand in custody, you have been diagnosed with Post-Traumatic Stress Disorder, thought to have developed because of the difficult childhood you endured and the trauma of witnessing your brother's death. You have also been diagnosed with cannabis use disorder.

The passing of your brother also had another significant impact upon you. Following his death, you developed a number of intense religious beliefs. You spent a lot of time talking to God and believed that God was sending you messages. You had strong beliefs about going to heaven and wanted to die so that you could be reunited with your brother in heaven. Your beliefs led to conflict within the home because your father disavowed religion and actively prevented you from reading a Bible. He forbade you from following your beliefs, which caused you upset and confusion.

During your early teenage years, you became a user of cannabis, and by your early 20's, you were a heavy user, consuming it daily. It seems your use of cannabis led to many psychotic episodes. There have been periods of hospitalisation associated with drug induced psychosis. I am told that your use of cannabis and experiences of psychosis have been so frequent that you now find it difficult to distinguish between things that have really happened and things that you have come to believe because of the psychosis.

You have no relevant prior convictions. You have a productive employment history. You completed an apprenticeship as a fitter and machinist in 2001. You did very well during your apprenticeship, securing awards for Apprentice of the Year. After obtaining your qualifications, you worked for a number of companies before commencing work at Simplot in Ulverstone in 2007. You remained working there until 2021.

Around that time, you decided that you wanted to become a foster carer. You undertook the relevant courses to obtain the necessary qualifications. You left your employment at Simplot and became the carer for a foster child. That child had come from a significantly disadvantaged background and there were a number of behavioural issues. The foster care arrangements broke down after a period of about six months.

You did not return to paid employment after that. Between 2021 and these crimes, you were without a source of income. You did not apply for Centrelink payments. Initially, you lived on savings and contributions or loans from family and friends. During this period, you did not pay the mortgage, nor other living expenses such as rates and electricity bills. Your mother assisted you with some of these expenses, such as paying the rates and electricity bills. She apparently offered to assist you with your mortgage, but you declined. Your reluctance to allow others to assist with the mortgage payments seems to have stemmed from a belief that you had formed that God was going to intervene and assist you in resolving the mortgage arrears. It is submitted that you believed throughout this time that "God would take care of everything". It is very difficult to discern whether this belief was a reflection of extreme religious devotion or was a product of your constant cannabis use. I will return to the question of the relevance of your mental health to sentencing, but I note for now that there is nothing before me to suggest you have ever been diagnosed with a condition such as hyper-religiosity.

In 2024, you suffered a perforated colon, which necessitated a significant operation. Six inches of your colon was removed. Subsequently, the surgical site became ulcerated. A second operation was required. As a consequence of these operations, you now wear a colostomy bag. I accept that is likely to present some challenges in the custodial setting.

As to your mental health, I am told of two specific admissions to mental health facilities, both are quite dated. In September 2001, you were admitted to the Spencer Clinic. You were, at that time, espousing unusual religious beliefs. You were diagnosed with a drug induced psychosis. In January 2003, you were again admitted to the Spencer Clinic. On that occasion, the diagnosis was "paranoid psychosis". It is not clear as to whether that psychosis was drug related or otherwise. In the period 2021 to June 2025, there are records from the Tasmanian Health Service which indicate that you were suffering from depression and were exhibiting periodic suicidal ideation.

I also note that the reason your firearm licence was suspended in December 2016 was because of reports pertaining to your mental health, but as I have already noted, the Court has no detail at all as to the source or content of those reports.

Whilst it is clear that you have experienced some mental health difficulties, I note they were not to the point that they prevented you from working at least until 2021, and they were not such that they prevented you from being assessed as a suitable foster carer in 2021.

After the commission of these crimes, you were assessed by a forensic psychiatrist. The psychiatrist diagnosed long-standing post-traumatic stress disorder, cannabis use disorder, and major depressive disorder. The Court has not been provided with any form of psychiatric or psychological report. There is nothing before me to suggest that you did not understand or appreciate the wrongfulness of your conduct. There is nothing before me to suggest that the considerations enunciated in *R v Verdins* [2000] VSCA 102 have any application. I will sentence on the basis that generally mental health difficulties have been a long-standing feature of your life, most likely stemming from a combination of a difficult upbringing and the loss of your brother in traumatic circumstances, couple with your long-term daily cannabis use. It appears, on occasions at least, your mental health issues have had a direct correlation with your excessive cannabis use. Indeed, the most recent diagnosis is of post-traumatic stress disorder and cannabis use disorder, suggesting an inextricable link. For sentencing purposes, there is nothing before me to suggest that there was any nexus between your mental health and the commission of the crimes such that your moral culpability is reduced, or that principles of general or specific deterrence should, to any extent, be moderated.

I take into account that you are remorseful for your conduct. When you were assessed by the forensic psychiatrist, I am told that you expressed to him uncertainty as to why you did what you did, but also shame about what had occurred. You indicated to him that you did not wish to be alive. Similarly, whilst you have been unable to explain your actions to your counsel, you have repeatedly told him of your shame and remorse and have been adamant in your wish to plead guilty and accept responsibility. I also note the conversations you had with your mother following your remand in custody, in which you repeatedly indicated that you knew you had done the wrong thing and that you were sorry for what had occurred and the harm you had caused.

Your pleas of guilty are relevant to the sentencing exercise, although I note that much of the pertinent aspects of your conduct was captured on body worn camera, and given the circumstances I have described, little could be advanced to suggest your intent was anything other than an intent to kill. Nevertheless, I accept your pleas should be seen as an expression of remorse, acceptance of responsibility and acknowledgement of harm caused. They have facilitated the course of justice and have saved the community the cost of a trial. Most importantly, the pleas of guilty have avoided witnesses having to recount traumatic events and

saved the families from having to experience the stress, trauma and upset associated with a trial. Your pleas of guilty will be given weight in mitigation but it represents one of many factors that must be balanced in the exercise of the sentencing discretion.

Here, the sentencing goals of general deterrence, denunciation and just punishment are of paramount importance. The horror of your conduct, in many ways, speaks for itself. As I have outlined, this was the premeditated intentional killing of a police officer and the assault of two other police officers by pointing a loaded firearm directly at them causing them to fear for their lives. It is the gravest of criminal conduct.

It is incumbent upon the Court in dealing with crimes of this nature, to show an appropriate measure of support for police officers who routinely undertake demanding, dangerous and often under-appreciated tasks. As I have noted, the community is dependent to a substantial extent upon the courage of police officers and rely upon them for protection and assistance, the maintenance of public order and the enforcement of laws. When crimes like this occur, the very fabric of our society is shaken. The murder of a police officer is abhorrent to our community, and it demands condemnation in the strongest terms. A strong sentencing response is required to reassert societal values and affirm the importance of the lawful authority of police in maintaining public order.

In my view, it is appropriate to impose one sentence, given the circumstances of your criminal conduct. That sentence must reflect not only the sanctity of human life, but also the profound, separate harm that you have caused to each of your victims. Principles of totality and proportionality have application. The sentence must also reflect your personal circumstances, particularly your remorse, your plea of guilty and to a lesser extent, given the gravity of your offending, your lack of prior criminal history.

Because full weight needs to be given to the sentencing objective of general deterrence, a sentence towards the highest end of the scale is warranted. I have therefore given careful consideration to the question of whether it is appropriate to impose life imprisonment. In deciding whether to impose a life sentence, both the objective circumstances of the crime and the circumstances of the offender are to be considered. For the reasons I have outlined, I regard the objective circumstances of this crime as involving an exceptionally high degree of seriousness. It was an intentional killing, committed in circumstances akin to an ambush, coupled with additional acts of violence directed to two other police officers. The fact that the defendant is capable of such conduct and significantly is unable to really explain why such conduct occurred, suggests that he does present a future risk.

On the other hand, the defendant's remorse and preparedness to accept responsibility, suggests an insight and understanding of the great harm that he has caused, which weighs against the imposition of a life sentence. Despite the gravity of the crime, I have decided not to impose a life sentence. The defendant has no relevant prior convictions and whilst for a crime of this nature, that consideration carries limited weight, there is no other evidence suggesting a general propensity for violence, or indication that the defendant presents the type of broad ranging and long-term societal risk which requires a life sentence. I cannot conclude that the defendant is incapable of rehabilitation or lacks the capacity to lead a productive and responsible life. He has demonstrated in the past that such a capacity exists.

That said, I acknowledge given the defendant's age and the sentence I intend to pass, the potential for the same effect, but in my assessment, a very long term of imprisonment must be

imposed. The sentence must serve to administer the punishment which the defendant deserves, protect the community, vindicate the victims and represent the public condemnation of the intentional taking of the life of a serving police officer. The sentence must unequivocally convey that such odious conduct will not be tolerated.

Eligibility for parole should only be permitted after the defendant has served the minimum term of imprisonment required, taking into account all of the circumstances of the crime and the need for punishment, condemnation, prevention and deterrence. The gravity of these crimes, and the significantly aggravating factors I have outlined, leads in my assessment, to a conclusion that a lengthy non-parole period is warranted. I am cognisant of the age the defendant will be when he becomes eligible to apply for parole, and indeed the age he will be when his sentence expires if he is not successful in receiving parole, but for the reasons I have expressed, a very heavy sentence and a non-parole period beyond the minimum is necessary.

I impose the following sentence. Leigh Geoffrey Sushames, you are convicted of one count of murder and two counts of aggravated assault. You are sentenced to a term of imprisonment of 40 years from 16 June 2025. I order that you not be eligible for parole until you have served 25 years of that sentence.