

STATE OF TASMANIA v KYE DAVID McLAUGHLIN
COMMENTS ON PASSING SENTENCE

9 JULY 2026
JAGO J

Kye David McLaughlin, you have pleaded guilty to the crimes of aggravated burglary, assault and stealing. The crimes are the result of a violent home invasion, committed by you and two others, on 29 September 2022. On that day, you went to the home of the complainant. He was aged 59 years and was a Disability Support pensioner. You were aged 20 at the time. You were in the company of a youth, who was aged 15, and a third person who has not been identified.

You and your accomplices attend the complainant's home at about 7:30pm. After hearing a knock on the door, he opened it. At that point, you and the unidentified male barged your way in and pushed the complainant into an armchair. You both then proceeded to knee him to the chest, grab his arms and punch and kick him to the head and body multiple times. The complainant put his arms over his head in an endeavour to protect himself, but this was largely unsuccessful. He lost consciousness for a period. At one point, the complainant fell from the armchair and was lying on the floor. You continued to assault the complainant whilst he lay on the floor. The complainant was moaning and crying out in pain. You and the unidentified male were yelling abuse at him. At one point, someone said "Don't move a muscle or I'll kill you."

Whilst in the complainant's home, one of your accomplices walked around the unit and collected and stole a number of items, including some coins, a mobile phone, a spare key to the unit and some tobacco. This criminal conduct was recorded by one of your accomplices, and the video was later sent to a number of people via Snapchat. In my view, it is an aggravating feature of any criminal conduct that it is later posted on social media as it serves to glorify criminal conduct, which is obviously entirely unjustifiable.

As you and your accomplices left the unit, someone kicked the complainant to the face. The complainant was left with serious injuries. He had bruising and a laceration to the left side of his face, bleeding in his left eyeball, and bruising and abrasions to his left arm. On 1 October 2022, the complainant attended the police station, made a statement and photographs were taken of his injuries. Significant bruising and abrasions can be seen in the photographs.

On 16 January 2023, you participated in a record of interview. In simple terms, you lied to police and suggested to them that you were not involved in the crimes. You said you had heard about the complainant's house being "run through", and said the youth was a part of it and you had told him some things, but you denied any personal involvement. Indeed, you went so far as to suggest to police that when you coincidentally ran into the complainant, you asked him what had happened to him because "his whole face was just purple".

On 22 March 2023, the youth participated in a record of interview with police. He admitted that he was there but claimed that he had waited outside by the door. It is unnecessary for me to resolve whether that is true. He said that you and another person had entered the complainant's home. He said it was you who was predominately responsible for assaulting the complainant.

During subsequent police investigations, the Snapchat video that had been circulated was located. It clearly identified you as one of the perpetrators. The video did not identify who the

third male was, and it is of note that at no point have you, or the youth for that matter, cooperated with police and told them who else was involved.

You bear criminal responsibility for all the criminal conduct that occurred in the complainant's home that evening. In my view, it matters little who did what. You went there as a group, forced your way into the complainant's home and at least two of you badly assaulted him. Whilst in there, you and your accomplices took the opportunity to steal items.

The complainant has been greatly affected by your crimes. I have received a victim impact statement. Even now, the complainant remains fearful that you or others will return to his home and there will be a repeat of this type of conduct. His sleep has been affected. He experiences nightmares. He is hypervigilant. He does not feel safe within his own home. He says that what happened is "constantly on his mind". What the complainant describes is typical of the type of impact that crimes of this nature can have upon victims. Not only are they often subject to physical violence and injury, but the psychological harm, they almost inevitably experience, is often pronounced and enduring. It is the very reason why crimes of this nature are considered so seriously by courts. People are entitled to a sense of safety and security within their own homes. Your actions took that from the complainant.

As noted, you were 20 years of age at the time that you committed this crime. You are now 24. On 27 May 2026, I sentenced you for the crime of aggravated armed robbery, which had been committed on 9 July 2022, so two and a half months before these crimes were committed. In those sentencing comments, I set out your personal circumstances. I do not stay to repeat them in full. It is sufficient to note that you experienced a difficult upbringing. You never enjoyed a relationship with your biological father. You experienced much turmoil and violence within the family home. It led to you being removed from the home by Child Safety Services on several occasions. You found such interventions traumatic. You were the victim of sexual abuse during your childhood. You were left with the friend of one of your stepfathers and he sexually abused you. He suicided before charges were laid. Given the chaos of your upbringing, it is not surprising that you commenced using drugs from an early age. The use of illicit substances has been an ongoing difficulty for you. Around the time of this crime, you were using cannabis, MDMA and methylamphetamine heavily.

At the time of this crime, you did not have any prior criminal history in Tasmania, but there were some youth matters in South Australia including common assault, bail offences and dishonesty matters. As I have noted, you have subsequently been sentenced for a crime of aggravated armed robbery that occurred shortly before this crime. You have also been sentenced for a matter of common assault and stealing, which occurred on 12 November 2022, so some two months after this crime. Since then, there has been no further offending involving violence. In April 2025, you were sentenced in the Magistrates Court for a number of matters involving dishonesty and bail offences, to a 12-month Community Correction Order.

It has taken a very long time for this matter to be finalised. You were originally indicted for the crimes of aggravated robbery, committing an unlawful act intended to cause bodily harm and stealing. The State accepted a plea of guilty to the crime of assault in satisfaction of the charge of committing an unlawful act intended to cause bodily harm. I am told the matter was never prepared for trial, but you maintained a plea of not guilty to all charges for a significant period. Your counsel submits it took you reaching a point where you had some stability, and the support of your partner and her family, before you were able to properly reflect upon your behaviour and accept responsibility for it. The weight to be given to that submission, must be

balanced against the fact you lied to police when they spoke to you, claimed you had nothing to do with it, and at no time, have you been prepared to assist police by identifying the third person involved. Whilst your plea of guilty retains some utilitarian value because the State have been saved the cost of a trial, and the complainant has been saved the ordeal of having to give evidence, the value to be attributed to it is minimal given the protracted history and the late plea of guilty.

I am told that your involvement in this matter came about because you believed the complainant may have acted inappropriately towards a young female. Apparently, earlier in the afternoon on 29 September, the complainant had been at a gathering in your girlfriend's unit and someone told you that the complainant had asked a young girl to go for a drive with him. When you heard about that, you told the complainant to go home. Later that evening, you received a text message which suggested the complainant might be returning to your girlfriend's unit. I am told that you tried to contact your girlfriend after receiving the text message and when you received no response, you became concerned and then angry and set upon the plan to attend the complainant's unit with two others.

To the extent that your conduct involves an element of vigilantism, it is to be condemned. The Court cannot tolerate people seeking to extract retribution for what they perceive to be some level of wrongdoing, based purely on speculation. Those who chose to behave in this way must be punished to send a very clear message that such conduct will not be tolerated and those who think it is appropriate to take the law into their own hands, will be met with strong responses from the Court. I might add, there is no evidence whatsoever that the complainant was involved in any inappropriate activity with young people.

Although I can accept you became concerned when you could not contact your girlfriend, you reacted in an extreme and entirely unjustifiable manner. Your violence was not inflicted spontaneously. You arranged for others to attend the complainant's home with you. You then travelled there. This would have taken time. There was opportunity for you to reflect upon what you intended to do, but clearly you did not. Instead, without even offering the complainant the opportunity to answer as to your concerns, you forced your way into his home and assaulted him.

The need for general deterrence in sentencing a matter of this nature is paramount. Because of that, a crime of this nature must be met, in my view, with a sentence of imprisonment. I have given careful consideration as to whether it is appropriate to suspend some or all of that period of imprisonment, given the period of time that has passed since the commission of this crime, and the more stable position that you now find yourself in. I have decided, however, that the criminal conduct is simply too serious for you to avoid imprisonment all together. An act of invading somebody's home and inflicting considerable violence, in the company of others, demands a punitive response. I am persuaded, however, that I should suspend a portion of the period of imprisonment I intend to impose to reflect the positive changes that you have made, and give you an opportunity to continue with your rehabilitation.

I make the following orders. You are convicted of all crimes to which you have pleaded guilty. I impose a single sentence. You are sentenced to imprisonment for a period of 21 months, backdated to commence on 23 April 2026 to take account of time spent in custody and not otherwise allocated to a sentence. The last nine months of that sentence will be suspended on condition that for a period of two years, you commit no offence punishable by imprisonment.

I order that you are not eligible for parole in respect to the operative part of the sentence, until you have served one-half of that sentence, which is a period of six months.