

Jared Presnell, you were found guilty by a jury of aggravated assault. The jury was discharged without reaching a verdict on a further count of persistent family violence. It is my responsibility to determine the factual basis of sentence. Facts adverse to you must be established by the prosecution to my satisfaction beyond reasonable doubt. However, in this case, the facts follow from the verdict.

In about March 2020 you commenced a relationship with Kyra Pike. She was 17 and you were 21. You lived not far from each other in Evandale, with your respective mothers and step-fathers. In the main, the contact between you occurred at your home. She would sneak out because her mother did not approve of the relationship. On 6 September 2020 Ms Pike broke up with you by sending you a message on Snapchat. You did not take the news well. You responded by sending her a series of angry and threatening messages. I will return to the terms of the messages shortly. They were received by her when she was out to dinner with members of her family. After their return home to Evandale they all went to bed. The occupants of the home that night were the complainant, her mother and step father and her sister. In the early hours of the morning you went to the house with a .22 calibre firearm and fired a bullet through the front living room window. The bullet struck the window high up, before striking the ceiling and ending up lodged in the cavity behind the plaster sheet on the opposite wall. Prior to the commencement of the trial you pleaded guilty to reckless discharge of a firearm. You admitted that you were the person who fired the gun but disputed that you intended to threaten anyone by doing so. The jury rejected that proposition. The verdict was hardly surprising. There is no other plausible explanation for, in the early hours of the morning, firing a gun through the front window of the residence of the girl who had just broken up with you when you expected her to be there with her family. It was not the prosecution case that you attempted to shoot anyone. However to contend that you did not intend to threaten anyone was fanciful. So much is made clear by the messages I referred to a moment ago. They included obvious threats to do exactly as you did. You called the complainant “rape meat” and that she should tell her family to duck. You told her you had something which goes bang and said “its roulette with the family house then”.

The family took refuge that night in a hotel. You phoned the complainant. Her sister recorded the conversation. In it you said that you were drunk and off your head and felt like you had to prove that you weren’t “fucking around”.

At the time of this crime you were 22. You are now aged 28. You are not entitled to the mitigation a plea of guilty would have attracted. There is no explanation for why the trial was so delayed. Perhaps it was related to the other charges on which the jury could not reach a verdict. You had some prior convictions but they were of no relevance. They were mostly for traffic offences and possessing and using cannabis. There has been some subsequent offending in early 2023, involving possession of a revolver and ammunition, which was also in breach of your bail. A pre-sentence report indicates that you require a high level of intervention to address illicit substance use, antisocial associations, mental health issues, employment and pro-criminal attitudes. As a result, supervision in the community will form part of the order I make. Since your initial arrest you have spent a long time in custody. When not in custody you have been subject to electronic monitoring for extended periods. The result is that these criminal proceedings have already had a significant effect on you. Nevertheless, to fire a gun through someone’s window is an inherently serious thing to do, particularly in the context of a relationship breakdown. As I have said, it is not alleged that you intended to injure anyone.

However, although it was late at night, the risk that you may cause death or serious injury is obvious. There were people in the house and you had no means of knowing where they were or where the projectile may end up. The terms of your messages make clear that you were aware of the risk. Ms Pike still has nightmares about it, and feels unsafe. It requires a sentence which punishes you and makes clear to you and others what the consequences of such an act may be.

Because you have already spent 388 days in custody I do not intend to immediately return you to prison. In my view the appropriate sentence is a term of imprisonment of 18 months. I will suspend the balance on conditions. I do not record this as a family violence offence because you were not, at the time of this crime, in a significant relationship with Ms Pike.

Jarod Presnell, you are convicted on count 1 on the indictment. I record that, as a result, you are discharged on count 1A. You are sentenced to imprisonment for 18 months. To take account of the period in custody I will express that term to commence on 5 July 2025. I suspend the balance of the term for 12 months from today. It is a condition of that order that you commit no offence punishable by imprisonment. If you breach that condition you will be required to serve the suspended part of the term unless that is unjust. I impose the further condition that, during the 12 month operational period of the order, commencing today, you will be subject to the supervision of a probation officer. The conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition and will be set out in the order you will be given. These include that you must report to a probation officer at the office of Community Corrections in Launceston within three clear working days, you must submit to supervision and comply with the directions given by your probation officer, you must not leave Tasmania without permission and you must notify of any change of address.

In addition to the core conditions, the order will also include the following special conditions that you must, during the operational period of the order:

- i. submit to the supervision of a Community Corrections officer as required by that officer;
- ii. attend educational and other programs, undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.