

# Hard time

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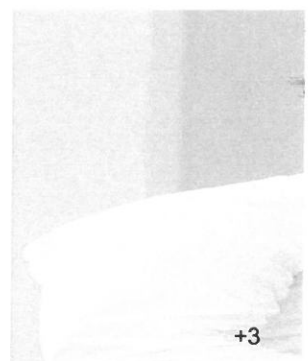
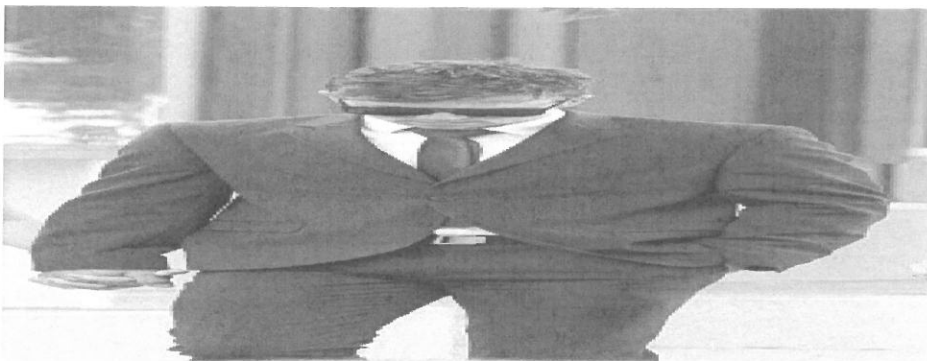
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A MAN who attacked a defenceless teenager in an alcohol-fuelled street assault has been sentenced to prison, while his two mates have walked away with community orders.



Riley Allen. Penalty: Six months' jail plus three years' (350 hours) community work.

In a sentencing hearing at the County Court yesterday, Judge Michael Bourke said their actions needed to be condemned to deter others, especially young men, from engaging in alcohol-fuelled violence.

He said while young men may not consider binge drinking a problem, the events of the night suggested otherwise.

Riley Allen, 25, was sentenced to six months' prison, to be followed by a three-year community corrections order with 350 hours community work.

Co-offenders Daniel Adolph, 25, and Ashley Kempton, 27, were both handed community corrections orders for their lesser roles in the assault. Adolph to complete 400 hours of community work and Kempton 250.

The three men pleaded guilty to recklessly causing serious injury to 21-year-old Jaidan Brook in July 2015 in Langtree Avenue, having earlier in the night attended a football function together.

CCTV footage showed a tussle between Kempton and Mr Brook, before a retreating Mr Brook was pursued by Allen and struck to the head.

Out of view of the cameras, Mr Brook retreated further and was grabbed in a "bear hug" by Adolph as Allen continued to punch Mr Brook before rendering him unconscious.

Mr Brook suffered significant and ongoing injuries in the attack, including jaw and skull fractures and some loss of hearing, as well as mental health issues. His family gave evidence he hadn't been the same person since the assault.

During sentencing, Judge Bourke noted the men were not acting in self defence, attacking a retreating victim.

"This was serious offending," he said.

"Jaidan posed no threat, he was backing away and showing no desire to fight.

"This offence was violent and occurred in a very public setting.

"People such as Jaidan Brook and the public are entitled to protection.

"Others should be deterred from alcohol-fuelled violence."

He said he considered the three men's prospects of rehabilitation excellent and personal factors, including references and steps taken to rehabilitate, had reduced their sentences.

"It is in many ways regrettable in the sense that you present, other than on this night, as an upstanding young man," Judge Bourke said of his decision to send Allen to prison.

After court, Adolph's counsel George Balot said he was remorseful and grateful to be given a chance to stay out of prison.

“My client is exceptionally remorseful for his actions, which arose out of a sense of misguided loyalty to his friends,” he said.

“He is riddled with guilt for the serious injuries caused to Jaidan Brook and also the effect this has had on his family.

“He is a young man and is very grateful to have an opportunity to engage in a Community Corrections Order that will assist him in his rehabilitation and assist the community by his unpaid community work requirements of 400 hours, rather than a term of imprisonment where he is likely to be imprisoned with career criminals.

“He has no immediate plans to return to the city of Mildura.”

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