

Man faces Downing Centre for 'one punch' assault

The Downing Centre District Court is the venue where James Ian Longworth, 34, is facing trial after knocking out a security guard with a single punch.

Described by a friend as "[the nicest guy in the world](#)", Mr Longworth's loved-ones were shocked by his actions.

The court heard that Mr Longworth was slurring and stumbling by the time he and a friend, Mr Hume, arrived at Bar 333 in the city. The court was told that before arriving, Longworth drank about 10 schooners of beer at another bar. He was refused entry from Bar 333 on that basis.

His friend walked away from the Bar despite being told he could enter, intending to come back in a few minutes.

After his friend had left, Mr Longworth punched security guard Fady Taiba to the ground. Taiba was seriously injured and later went into a coma.

Mr Taiba told police: "I gave him a tap. I didn't know he would land like that. I stupidly gave him a tap."

In court, Mr Longworth [testified that](#): "I remember thinking I wanted to hit him and it was spontaneous. I just remember the impact of the punch and being in disbelief that I hit him."

Mr Longworth said that he had been overwhelmed by the recent death of his father, and the fact that he didn't get to say goodbye. He testified that he would not have reacted in that way on any other night.

Mr Longworth is pleading 'not guilty' on the basis that he did not intent to cause grievous bodily harm to Mr Taiba. This is an essential part of the offence of 'cause grievous bodily

harm with intent', with which Longworth is charged. Under [section 33 of the Crimes Act](#), that offence carries a maximum penalty of 25 years imprisonment.

Specific Intent

Being intoxicated is not, by itself, enough for a person to be found 'not guilty' of an offence.

However, some offences require a person to have a specific mental state at the time of the incident. The fact that the person was severely intoxicated at the time may be used as evidence that he or she could not have formed the required intent, and could not therefore be guilty of the offence charged.

In that case, they may still be found guilty of an alternative, less-serious offence such as 'recklessly cause grievous bodily harm' under [section 35 of the Crimes Act](#), which carries a maximum penalty of 14 years imprisonment.

'One Punch' Laws

Mr Taiba was fortunate to survive Mr Longworth's the attack.

If the punch had been fatal, Mr Longworth could have faced mandatory penalties under new 'one punch laws'. [Section 25B of the Crimes Act](#) says that anyone who assaults another person while intoxicated and causes their death is subject to a mandatory minimum prison term of 8 years. The maximum penalty is 20 years imprisonment.

This was part of the NSW government's plan to crack down on alcohol-fuelled violence, which also included the [Sydney lockout laws](#), and greater police powers to 'move on' intoxicated people.

Mr Longworth's trial continues, and it remains to be seen whether the jury will find him guilty of the offence charged, or of an alternative offence.