

STATE OF TASMANIA v EBONY-ROSE KELLY
COMMENTS ON PASSING SENTENCE

30 MARCH 2020
BLOW CJ

Ebony-Rose Kelly, you have pleaded guilty to a charge of wounding, and to a charge of assault that has been laid under the *Police Offences Act 1935*. Both charges relate to an argument with your then partner in the early hours of 3 February 2019. You and he had been together for about four months. On the night in question you went drinking together at two bars and then went to a party. As well as drinking a lot of alcohol you and your partner each took an ecstasy tablet. After you got home, you and your partner got into an argument. You became violent. You threw a can of alcohol at your partner and it struck him to the shoulder. The assault charge relates to that act. Then you and your partner argued about your car keys. You took your car keys and struck your partner to the back of his head about six times, causing two puncture wounds and a small cut to the man's right hand. He called an ambulance and was taken away.

He was bleeding freely from the puncture wounds to his head, but the small wound to his hand did not require any treatment. He was taken to a hospital where his injuries were cleaned and he was allowed to leave. He had a 4 centimetre bruise to an area of his scalp. He supplied a victim impact statement in which he said that he was off work for over a month as a result of his injuries, and that he lost a considerable amount of income. He has continuing psychological symptoms, has been seeing a psychologist for counselling, and has been prescribed medication for anxiety and depression. He loses income when he takes time off work for appointments with his doctor and his psychologist. Not surprisingly, your relationship with him ended at the time of this incident.

You were 25 years old on the night in question and you are now 26. You have no significant prior convictions. You have longstanding problems with anxiety and depression. In the weeks following this incident you were diagnosed as suffering from bipolar affective disorder. The psychiatrist who provided that diagnosis recommended mood stabilising medication. You have been taking that medication, as well as antidepressants, ever since. On the night in question, you had not been taking your antidepressant medication, and it was unusual for you to drink much or to use illicit drugs. You regret what you did. You would apologise to your former partner if you were to encounter him. You are unlikely to do anything like this again provided you keep taking appropriate medication.

I do not regard the assault with the drink can as serious, but I do regard the wounding of your partner with the car keys as serious. In the circumstances I think the most appropriate course is for me to require you to perform several days' community service. The Courts need to discourage family violence by imposing penalties that mark its seriousness.

On both charges I convict you and make a community correction order, to operate for a period of 12 months, with a condition that within that period you must satisfactorily complete 35 hours' community service, as directed by a probation officer or a supervisor.

I direct that these offences be recorded on your criminal record as family violence offences.