

STATE OF TASMANIA v DESIREE SIMONE EVANS
COMMENTS ON PASSING SENTENCE

22 JUNE 2020
BRETT J

Ms Evans, you have pleaded guilty to one count of making false threats of danger.

You committed the crime on 27 April 2018. At 4:09 pm on that day, you telephoned the landline of the Annie Kenney young women's refuge. The call was answered by a staff member, who, in her greeting, indicated that she was answering the phone on behalf of the refuge. You said "Your building is going to blow up tonight slut and it's going to be done by 6 pm". You then ended the call. You did not identify yourself during the telephone call.

The refuge provides short-term supported accommodation for young homeless women. In addition to staff, there were five residents in the home at the time. Police immediately attended the refuge and the residents and staff were evacuated. However, they were allowed to re-enter a short time later, after the premises had been checked by the police bomb squad.

You telephoned the refuge again three days later. The call was answered by the co-ordinator of the refuge. You made a personal threat against her. This act is relevant as context. You have not been charged with an offence arising from that telephone call.

This is not the first time that you have conducted yourself in this way. Your lengthy criminal history demonstrates a clear pattern of similar behaviour since at least 1997, when you were 19 years of age. Between 2002 and 2015, you have been convicted and sentenced on three separate occasions in respect of four crimes of making a false threat of danger. On numerous other occasions, you have been convicted of offences involving similar conduct, for example, stalking, using a carriage service to harass another person, improper use of emergency call service, breach of restraint orders and assault. The crimes for which you were sentenced in 2015 were two counts of making a false threat of danger against the Annie Kenney refuge. It involved similar conduct to that perpetrated by you on this occasion. In particular, you telephoned the refuge, spoke to a worker and made a threat that a bomb would explode in the refuge that night. You telephoned again a few days later and made another similar threat. For these crimes, you were sentenced to 12 months imprisonment with a non-parole period of seven months. As far as I can tell from your criminal record, you did not commit any further offences after your release from that sentence until you committed the crime with which I am dealing. Of course, I have been informed of some other offences which are currently being dealt with by the Magistrates Court and have not yet been finalised.

You are now 41 years of age. Your apparently entrenched and persistent pattern of behaviour, over almost your entire adult life, suggests a level of fixed thinking likely to be underpinned by some form of psychological disorder or reduced intellectual capacity. In her comments in passing the 2015 sentence, the judge noted that you had persisted with such conduct, despite the courts employing a variety of sentencing options in the past, ranging from those designed to provide you with appropriate personal support, to terms of suspended and actual imprisonment designed to achieve deterrence. It was noted by her Honour that the past sentencing seemed to have had little, if any, effect on your conduct. It was also noted that you had been unco-operative with community

corrections, and that forensic mental health authorities, who had been involved with you in the past, had stepped away because they were not able to offer you any useful assistance.

Apart from this, at the initial sentencing hearing, I was provided with little information about your background. Accordingly, on 25 November 2019, I ordered a forensic mental health report and released you on bail pending its receipt. There was then considerable difficulty in achieving the assessment necessary for the report. The service blames this largely on your lack of co-operation and even threatening conduct similar to that for which you are to be sentenced. As I understand it, you dispute this, and in any event, you are not charged with offences arising from this conduct. I will not draw any conclusions adverse to you arising from these allegations. You are certainly not to be punished for any such conduct. I simply record this to explain why it has taken so long to get to this point.

I have now received the report, as well as a number of prior reports prepared in relation to court proceedings in which you have been sentenced for similar conduct. It is clear that you have previously been diagnosed with borderline personality disorder and antisocial personality disorder on a background of mild intellectual disability. There is, however, no diagnosis of any mental health condition which would activate the Verdins considerations. The reports suggest long-standing problems with alcohol and drug abuse. It appears from the overall discussion that your personality traits contribute to social isolation and what would seem to be an entrenched inability to deal appropriately with interpersonal conflict and life's stressors. This, particularly when combined with the effect of substance abuse, leads to conduct such as that committed in this case. Your counsel called it acting out. The report notes that you were subject to the influence of alcohol when you committed these crimes and you were probably responding to recent emotional upset or hurt. Your counsel suggested that you had been assaulted by another person at your accommodation, that that person continued to reside there, and you were probably trying to attract attention to secure assistance with that problem. Whatever the reason, it did not justify your conduct. I had commissioned the report in the hope that there might be a sentencing option that would achieve positive outcomes with respect to this recurring pattern of behaviour, and because it was apparent that even significant terms of imprisonment imposed for past offending had had little, if any, deterrent effect. However, I see now that this question has been investigated on many previous occasions, and, as the judge noted in 2015, the use of various sentencing options has been utilised in an attempt to encourage and support rehabilitation. However, none of this has achieved any real modification of behaviour. Your counsel relied on the fact that there has been little in the way of offending between the 2015 sentence and this crime, and little since, but the fact that you would commit practically the same crime, after serving a significant sentence in 2015, suggests a degree of recalcitrance, inconsistent with true rehabilitation. The only conclusion open to me is that there is little prospect of achieving rehabilitation through other sentencing alternatives. This is consistent with the conclusion expressed by the author of the report.

The crime committed by you was a serious one. It involved targeting a service that provides support to vulnerable people. You must have been aware of the nature of the service having regard to the history I have discussed above. Although it would seem that the threat was clearly recognised for what it was, it was still capable of causing anxiety and did actually cause significant disruption and the diversion of police and emergency resources. You bear a great deal of personal moral responsibility for your conduct. Your actions were clearly deliberate. I have little doubt that you

understood that your conduct was wrong and, indeed, would be regarded as criminal. The lengthy and regular history of committing similar offences, often soon after serving a sentence for previous conduct, makes this very clear.

In the circumstances, I have no option other than to impose a significant sentence of imprisonment. In assessing the sentence, I will take into account your plea of guilty, although I note that it could not be described as an early plea. There is a case that little, if any, allowance should be made for your release on parole given the repeated nature of your conduct, but having regard to the lack of offending since this crime was committed, at least in the sense of it having been finalised, and to foster any indication of a commitment to rehabilitation, I will provide the authorities with the option to release you on parole before the expiration of your sentence. I think this is also indicated as a response to your plea of guilty.

Desiree Evans, you are convicted of the crime to which you have pleaded guilty and sentenced to a term of 12 months' imprisonment, which is backdated to 12 June 2020. I order that you not be eligible for release on parole until you have served 7 months of that sentence.