

STATE OF TASMANIA v AARON JACOB WRIGHT
COMMENTS ON PASSING SENTENCE

24 JUNE 2020
BRETT J

Mr Wright, you have pleaded guilty to two counts of assault and one count of unlawfully injuring property.

These were acts of family violence committed by you against your partner on 8 March 2019. You and she had been in a relationship for only two months and you were staying at her home, where she lived with her two daughters, aged 12 and 14. The children were in the home throughout these events.

The crimes were committed in the evening, after you had consumed a considerable quantity of alcohol. Your behaviour had started to become erratic. You were yelling loudly and had turned music up to a very high volume. You made some derogatory remarks to the complainant in front of her youngest daughter. In the conversation that followed this, you picked up a chair and threatened to throw it at the complainant. You then committed the first act of assault by grabbing her by the collar and slamming her onto a table, causing pain to the back of her head. This caused her to start crying. After this, your behaviour and demeanour deteriorated even further. At one point, you demanded that the complainant drive you to town. She refused because she had consumed some alcohol. You then began to smash items in the house. The children were in the bedroom and could hear what was happening. They were understandably alarmed and barricaded the door to the bedroom. The older child called police on 000 seeking assistance. She sent a text message to the complainant advising her of this.

The complainant, upon receipt of the text message, told you that police had been called and that you should leave. Your reaction to this was to grab the complainant by the throat and slam her into a wall. You said to her, "do you want to die". You then made threats against her daughter, which included that you would "cave her head in". As you said this, you started to walk towards the bedroom where the children had taken refuge. The complainant put herself between the bedroom and you, obviously in an attempt to protect her children. You then hit her to the face a number of times, grabbed her by the hair and slammed her into the ground. You screamed at her to make the police go away. You then took a small knife from the kitchen and threatened to stab her. She attempted to grab the knife from you, which resulted in her suffering a cut to her finger. You continued to smash items of property.

After police arrived, you forced the complainant to go outside and persuade them to leave. She attempted to do so, but the officers obviously appreciated that there was a serious problem and refused to go. They took the complainant to a neighbour's house. A siege like situation then developed between the police and you. The children were still in the house, but during the course of the stand-off, which lasted several hours, police removed them from the bedroom through a window.

You committed the crime of unlawfully injuring property during the course of the siege. Your father had arrived at the scene and pushed through the police cordon. You reacted to police removing him from the vicinity of the house by throwing a dining chair through the front window of the house, which caused it to smash. This was in the context of ongoing destruction and disturbance of property within the house. You have not been charged with any other offences arising from the stand-off with police nor the destruction and disturbance of other property in the house. You will not be punished specifically for this conduct, but your ongoing occupation of the house, the loud and obvious ongoing destruction of the complainant's

property, and mess and disarray in which the house was left, is relevant to your culpability for these crimes, and does aggravate their objective seriousness. These are surrounding circumstances which are directly related to the crimes, provide context for their commission, and increase the impact of the crimes on the complainant and the children.

As a result of the assaults, the complainant suffered injuries which included bruising to both eyes, a lump to her left foot, a lump to the middle of the forehead, soreness to her throat and nose, hair loss, other lumps to her head and, of course, the cut to her finger. She has described the ongoing effect of these physical injuries and the emotional and psychological impact of the crimes on the children and her in a detailed and eloquent impact statement. The impact on the complainant and the children has been devastating. It has included the immediate shock and distress of the events and their aftermath, and the longer term disappointment, inconvenience and ongoing traumatic stress arising from your conduct. The complainant has experienced ongoing fear and anxiety, and this has impacted on her employment to the point where she was forced to change jobs. She has been prescribed anxiety medication and has required counselling. Her children also have also experienced ongoing anxiety and emotional trauma and have required counselling. All of this is entirely consistent with what could reasonably be expected as a consequence of criminal conduct of this nature. This attack represented a very significant and devastating intrusion into the peace and security which each of the members of this family was entitled to expect in their family home. I see nothing about the complainant's description of the impact of these crimes which is inconsistent with what would reasonably be expected in such circumstances. I am satisfied that the impact is substantially as described by the complainant in the statement.

The presence and involvement of the children in this event is a significant aggravating factor. They not only witnessed your conduct but were under direct threat from you. They found it necessary to barricade themselves in the bedroom and call the police. There is no reason to doubt that they were well aware of the threat posed by you to them, and that their mother was being assaulted outside the bedroom as she tried to protect them from you. The threat posed by you would have been reinforced by the fact that they ultimately needed to escape from the house through a window with police assistance.

You were 32 years of age at the time you committed these crimes and you are now 33. You have a significant criminal history, which commenced substantively when you were 18 years of age. It includes several offences of violence. In 2011, you were sentenced by this Court to two years' imprisonment for assault, together with some associated offences. You have been subsequently convicted of offences which include breaching family violence orders and common assault. The record discloses that an assault of which you were convicted in 2018 involved punching a female complainant, not the complainant in this case, to the face. In addition to violence, it is clear also that much of the prior offending manifests the excessive use of alcohol. There appears to be a clear association between the use of alcohol and your propensity for violence.

Your counsel has provided me with considerable detail about your background. At the age of 7, your mother abandoned the family and your counsel asserts that this has had a significant and ongoing impact on you. You have a very close relationship with your father. You were bullied at school and this interfered with your education. Eventually, you completed your education to grade 10 level by home schooling. You are industrious and have been employed regularly as a painter. You have your own son now and although he does not live with you, you

have significant contact with him. You have apparently been diagnosed in the past with social anxiety, and you have a longstanding problem with the use of drugs and alcohol.

Your counsel asserts that you are deeply remorseful for your conduct and its consequences on the complainant and her children. It is submitted that you have demonstrated this remorse by pleading guilty at a relatively early time and by your willingness to co-operate in the administration of justice. In this regard, it is noted that the plea will avoid the need for the complainant and the children to give evidence, and will save valuable court time. You have also indicated a commitment to reform and, for this purpose, have attempted to pursue rehabilitative courses while you have been in custody. Your counsel submits that I should also take into account in mitigation the impact of the current health crisis on your experience of prison. It is submitted that it has made and is likely to make your time in custody more difficult than would otherwise be the case. In particular, you have not been able to have visits from your father and this has had a particularly significant impact on you because of your close relationship with him, and the fact that your father is chronically unwell. I accept these submissions and they will each be given appropriate weight in the assessment of sentence.

However, it is impossible to ignore the serious aspects of this case. You engaged in brutal and completely unprovoked violence against the complainant. Your actions understandably created a terrifying situation for her and her children. The actual violence was accompanied by threats which included threats to kill her, and this in turn was accompanied by your use of a weapon to threaten her. The violence caused significant physical injury to the complainant, and the ongoing impact of your crimes on her and her children has been profound. Family violence of this nature will simply not be tolerated by the courts and is rejected by the community. General deterrence and denunciation are primary sentencing considerations. Further, having regard to your record of offending, I am satisfied that specific deterrence and protection of the community are also relevant sentencing factors. The only appropriate sentencing option is a significant sentence of imprisonment. I will allow for early release on parole, but in fixing the appropriate non-parole period, I take into account the need to balance the requirement for general and specific deterrence and other relevant sentencing factors against the provision of an opportunity to foster and support your rehabilitation. I will fix a non-parole period in accordance with my determination as to the minimum period that you should actually spend in prison for these crimes.

The orders I make are as follows:

- 1 You are convicted of the crimes to which you have pleaded guilty.
- 2 You are sentenced to a global term of three years' imprisonment, which will be backdated to 1 January 2020. You will not be eligible for parole until you have served 21 months of that sentence.
- 3 Pursuant to s 13A of the *Family Violence Act*, I direct that each crime be recorded on your criminal record as a family violence offence.
- 4 I make a compensation order in favour of the complainant in respect of count 3. The compensation will be in a sum to be determined, and I adjourn determination of that sum sine die.