

Mr Crosswell has been found guilty by a jury on a charge of assaulting a police officer. The charge actually relates to an assault on two officers – a sergeant and a senior constable. He assaulted them by pointing a crossbow at them at his uncle's home in Molesworth in the early hours of 1 August 2018.

On the previous day, 31 July, Mr Crosswell had been involved in the theft of three rifles and three shotguns from a safe at a residence in Dysart. His fingerprints had been found there. He was on parole at the time. He was living in Bridgewater, but decided it would be a good idea to spend the night at his uncle's home in Molesworth. After travelling to Molesworth he became involved in a confrontation with one of his uncle's neighbours. The neighbour followed his vehicle to his uncle's house. He scared the neighbour away by coming to the door with the crossbow, which resembled a rifle. It had a stock and a trigger mechanism like those of a rifle, as well as a long metal part similar to a rifle barrel. The neighbour phoned the police and reported that he had been involved in an encounter with a man with a firearm. Police officers deduced that the man was Mr Crosswell, who was suspected of involvement in the theft of the six guns from Dysart. Seven officers were despatched to Molesworth.

On arrival, they surrounded the house. One officer called out words to the effect of, "Armed police. Come out with your hands up." The officers could hear Mr Crosswell's partner screaming inside the house. They thought she might be in danger. In fact she was so concerned that Mr Crosswell might get himself shot that she was extremely distressed. Mr Crosswell did not emerge from the house. He repeatedly called out to the police, saying words to the effect of, "Come in and I'll fucking shoot you." He did not have a firearm. He only had the crossbow. It was not capable of firing. However it was a frightening looking object. At first glance it could easily be mistaken for a rifle.

The two officers to whom the charge relates were outside the front door of the residence. Each of them saw Mr Crosswell inside the residence. He was holding the crossbow at approximately chest height, pointing it at them, and shouting threats. They had drawn their firearms. They each thought that they might be killed. I accept the evidence of the senior constable as to what happened next. Mr Crosswell moved away from the front door and went to a bedroom. The senior constable entered the house, followed by the sergeant and then a third officer. Mr Crosswell pointed the crossbow at the senior constable from the bedroom, but then moved out of sight, put down the crossbow, and came back into the bedroom doorway with nothing in his hands. He was then arrested.

Counsel for Mr Crosswell submitted that I should not be satisfied beyond reasonable doubt that his client continued to point the crossbow after the senior constable entered the house. Neither the sergeant nor any of the other officers gave evidence of seeing Mr Crosswell pointing the crossbow at that stage. These events happened very quickly. The sergeant was obviously very troubled by this incident, to such an extent that I think he may well have had difficulty giving a thorough and accurate account of it afterwards. I have no reason to doubt the accuracy of the senior constable's version of events.

The two officers declined to provide victim impact statements. However it is clear that they each thought that they were in a life-threatening situation. This incident has had a significant

ongoing psychological impact on one of the two officers. Some of the other officers who attended the scene needed to obtain professional assistance following this incident.

Mr Crosswell's uncle left the house through the front door at a stage when Mr Crosswell was pointing the crossbow and shouting threats. He was rapidly moved out of the way by police officers. There were two children sitting on a couch in the living room throughout this incident. They no doubt heard the police officers shouting for Mr Crosswell to come outside, and heard him threatening to kill the officers. They were present when the three officers entered through the front door and two more entered through the back door, all with their firearms drawn.

Mr Crosswell is now 37 years old. He spent his early teen years in State care. He was abused, developed a drug problem, and became a user of cannabis and amphetamines. He has spent much of his adult life in prison. He has over 150 convictions for crimes and offences involving dishonesty. In 2003 he was sentenced to two years' imprisonment for assaulting a police officer as a result of pointing a sawn-off rifle at an officer and threatening to kill him. The officer had been trying to arrest him. In 2007 he was sentenced to six months' imprisonment for aggravated assault and escape after fighting off a police officer who was trying to arrest him. The conviction for aggravated assault related to a threatening gesture, when he put his hand in his pocket and told the officer, "I fucking told you I've got a gun." In 2010 he pleaded guilty to a series of crimes including armed robbery and assaulting a police officer. His original sentence for those crimes was reduced by the Court of Criminal Appeal to a sentence of eight years' imprisonment. That conviction for assaulting a police officer related to an incident when he fired a shot from a car towards a female officer who was deploying road spikes in an attempt to apprehend him. He was on parole in relation to the 2010 crimes when he committed the assault that I am concerned with.

Another judge has sentenced him to a cumulative term of 20 months' imprisonment, with a non-parole period of 10 months, for the crimes committed when the six firearms were stolen on 31 July 2018. He became eligible for parole on 2 May 2020, but did not have bail in relation to this charge. If not granted parole or remission, his uncompleted sentences will not expire until 30 May 2023.

Because the sentence that I am about to impose will come on top of the eight year sentence from 2010 and the 20 month sentence relating to the firearm theft, the "totality principle" requires me to take a more lenient course than would otherwise have been appropriate. I will therefore impose a slightly shorter head sentence than I would otherwise have imposed, as well as making provision for Mr Crosswell to become eligible for parole a year before this sentence expires.

However the only appropriate penalty is a significant cumulative sentence of imprisonment. The two police officers were acting in the execution of their duty. There are times when police officers have to expose themselves to risks, including risks of death, serious physical injury or serious psychological harm, at the hands of criminals. The criminals who expose police officers to such risks must be severely punished. To make matters worse, what Mr Crosswell did during this incident was done in the presence of two young children.

Rodney Gene Crosswell, I convict you and sentence you to two years nine months' imprisonment, cumulatively with your other sentences. You will not be eligible for parole until you have served 21 months of this sentence.