

Ms Reynolds, you have pleaded guilty to one count of wounding.

You committed this crime on 27 November 2017. The victim of the crime was a 20-year-old female, who was in a relationship with your former partner. He and the complainant were standing in a group of people on a suburban street when you drove past a number of times, yelling abuse. I was not told to whom the abuse was specifically directed, but I infer that there was bad blood between you and your former partner, and possibly the complainant. In any event, this immature display of anger culminated in you getting out of the vehicle and approaching the complainant. You were carrying a knife. You and the complainant then became involved in a physical exchange which included pushes and punches. It would appear from the facts that have been presented to me, that you were both participating in that. The fighting continued for a short time until you swung at the complainant with your arms. You were holding the knife in your hand when you did that. Its blade came into contact with the complainant's hand and left upper bicep, resulting in small wounds to both.

Your counsel asserts that you did not get out of the car with the intention of engaging in a physical altercation, but rather your intention was to confront your former partner. You claim that the fight with the complainant commenced when she tried to prevent you from doing so. You concede that you took the knife with you when you left the car, and agree that this was an unwise and foolish decision. However, you claim that you did not intend to use the knife aggressively. Further, although there is no doubt that your application of force to the complainant was intentional, your counsel asserts that you did not have an actual intention to inflict a wound with the knife, but concedes that the crime of wounding is established on the basis of your subjective recklessness. Given that you must have realised, at the least, that you had the knife in your hand when you swung your arms at the complainant, this concession is appropriate. Further, your counsel claims that you were acting in self-defence, but concedes that the force used by you was excessive. There is some support for your belief that the complainant started the physical altercation, because it seems that you attended at the police station immediately after this incident to make a complaint about her physical attack on you. The prosecution did not call evidence to dispute these assertions and you will accordingly be sentenced on the basis put by your counsel. However, it is obvious to me that the physical exchange would not have started at all, but for your aggressive actions in yelling abuse and then getting out of the car with a knife to confront your former partner. All of these matters are relevant to my assessment of your moral culpability for the consequences.

The complainant was treated at the hospital immediately after this incident. The wounds required stitches. In terms of ongoing problems, the injury to her left ring finger required surgery to repair nerve damage. This surgery was successful, but there is a long-term prognosis of some decreased sensation in the finger. Further, I have been provided with an impact statement by the complainant which describes the ongoing physical and consequent practical problems arising from the injuries. The complainant also asserts ongoing psychological consequences and says that she has required psychological counselling to deal with the effects. I have no doubt that this would have been a frightening and traumatic experience, and it seems to me that in general terms the impact asserted by the complainant is consistent with what would reasonably be expected to arise from an attack of this nature.

You are 29 years of age. You have the sole care of your 9-year-old child. The child's father has no involvement in his life and I am told that the child has a high degree of emotional dependence on you. He would find separation from you for the longer term traumatic. You

have a background of significant childhood trauma. You were subjected to serious neglect and sexual abuse by your mother for many years, and you were the subject of a care and protection order from the age of 9. It is not surprising you continue to suffer from depression and require ongoing counselling. Your criminal history is relatively modest, but it does include sentencing on two separate occasions for violence related matters. In 2013, when you were 23 years of age, you were convicted and fined for two counts of breaching a family violence order. In June 2018, you were convicted and sentenced to community service for assaulting and resisting a police officer. The latter offences were committed on the same day as this crime and, I understand, relate to the same set of circumstances. Having regard to the penalties imposed in both cases, neither set of offences would seem to have been particularly serious, but it is of concern that you have now been before the courts more than once for offences relating to violence. The only other offences in your record are a couple of traffic matters.

Your actions in driving up and down the street, yelling abuse and then getting out of the car to engage in what was clearly intended to be an aggressive confrontation, were immature and irresponsible. When you got out of the car with a knife and then used it in the ensuing physical altercation, thereby wounding the complainant, you elevated this conduct to the level of a serious crime. What you did was dangerous and the complainant suffered injury and serious consequences as a result of your conduct. However, the consequences could easily have been far worse. Your crime is aggravated by the fact that it was committed in public. Violence of this nature, particularly when it involves the use of a weapon, has no place in our community. The requirements of general deterrence and denunciation require the imposition of a sentence of imprisonment.

The only question for me is whether you should serve that sentence or whether some or all of it should be suspended. In this case, I have determined to suspend the whole of the sentence. In doing so, I have taken into account your general background and limited criminal history, and have concluded that the suspended sentence will effectively deter you from engaging in this kind of stupidity in the future, and will thereby achieve the goal of rehabilitation. Further, I think it is appropriate in this case to take into account your need to care for your son, and the harm that might be caused to him if he were to be separated from you. It is, of course, not to your credit that you did not think of your responsibility to him when you decided to act as you did. Hopefully, for his sake and for yours, you will stop and think before you get involved in conduct of this nature again.

The orders I make are as follows:

- 1 You are convicted of the crime to which you have pleaded guilty;
- 2 You are sentenced to a term of 9 months' imprisonment, the whole of which will be suspended for a period of 18 months on condition that you are not to commit another offence punishable by imprisonment during that period. As your lawyer will explain to you, this means that if you commit a crime of any nature within that 18 month period, which carries a potential penalty which includes imprisonment, and that includes most offences on the statute books, including some driving offences, then the court will be required to have you serve the sentence which I have imposed unless it is of the opinion that it would be unjust to do so. Finally, I comment that I would have also have imposed community service as a condition of suspension, but Community Corrections have assessed you as unsuitable for such an order at this point in time.