

**STATE OF TASMANIA v TRISHA JEAN GORDON**  
**COMMENTS ON PASSING SENTENCE**

**14 AUGUST 2020**  
**GEASON J**

Ms Gordon, you have pleaded guilty to wounding. I am also dealing with some summary matters pursuant to s 385A of the *Criminal Code*, at your request, two counts of common assault to which you have pleaded guilty. Those charges arise from the same episode.

The victim of your offending was your mother.

She arrived home on 10 October 2019 to find you in the lounge room drinking alcohol. You told her you were drunk. She describes you as appearing happy.

At your request, she had a drink with you. You told her that a friend was going to be visiting you.

Shortly afterwards when your mother asked a further question in relation to that visit you became angry with her and yelled, "What's it got to do with you."

You then began yelling at her that your father had sexually abused you. You alleged that she was aware of the abuse and did not protect you from it.

This is an ongoing unresolved problem between the two of you.

You went to the kitchen and obtained a knife. You sat down in a chair and held up the knife saying to your mother that she was a liar and should be dead. As you were talking to her mother you were throwing the knife so that it hit the floor in front of her. You would retrieve it and repeat that.

Your mother was scared and crying. You told her to stop crying or you would cut her throat. You approached her, grabbed her by her fringe and pushed her head back and continued to yell abuse at her. You asked her if she was going to call the police. She said she was not. You told her that if they arrived you would cut her throat and that she would be dead before they got to her. You also said you would kill yourself.

When your mother made a comment about her dog, you accused her of being more concerned about it than you. In that moment she managed to pick up the knife. You grabbed it from her, put her in a headlock and held it against her throat. You said you were going to slit her throat and proceeded to cut your mother across her neck. You let her go. She described feeling blood dripping down her neck. Before she could leave, you blocked her exit whilst holding the knife and saying, "You're not going anywhere, I'm going to cut your throat." When she did get past you, you grabbed her and pulled her hair and pushed her against a kitchen cupboard before letting her go. You took two steak knives from the kitchen drawer and held them against her neck. You pushed the blunt side of the knives into her neck. You asked her if she wanted a knife and suggested that you could stab each other.

It was at this point that a neighbour knocked on the door. He was returning the dog. It had run from the house during the commotion. Your mother took the opportunity to run out the back door whilst you were engaged with him. The police were called. Your mother was given first aid and an ambulance was called. As a result of your conduct your mother suffered a five centimetre laceration to her neck.

When police found you, you were emotional and agitated. You were yelling. You were arrested and taken to the police station where you participated in a video interview. You denied being responsible for the assault on your mother. You said you had been drinking, that you were drunk and that you did not usually drink.

I have a pre-sentence report and a psychiatric report about you.

That report describes a horrible childhood because your father was a violent alcoholic who frequently physically, sexually and emotionally abused you. Your exposure to that abuse during the formative years of your childhood has led to significant problems of low self-esteem, emotional instability and difficulty controlling anger. This has resulted in your having spent significant periods in custody in the past, none of which has, demonstrably, deterred you from further offending. It is opined by Dr Jordan that unless you receive psychological and psychiatric care, this will not change.

You have been diagnosed with post-traumatic stress disorder and borderline personality disorder. You have suffered depression and issues with substance abuse over an extended period. I accept that the abuse at the hands of your father was instrumental in the mental health problems which have emerged. That abuse is material because of the way in which it has complicated your relationship with your mother. This episode is an exhibition of the anger which has emerged from those issues. It explains it to that extent. It does not excuse it. In terms of your culpability, and the so called *Verdins* principles, I note the content of Dr Jordan's report, to the effect that those principles are not engaged.

Within the reports I have received, you have described your current mental health as good, something you attribute to the receipt of prescription antipsychotic drugs, appropriate antidepressants and mood stabilising medications through correctional health. Indeed Dr Jordan observes that the stability associated with your being in custody has benefited you. In that respect this period of incarceration represents an opportunity for you to engage in such programs as you can to address your anger issues, and to do so within a structured and relatively stable environment.

Your record is not a good one. You have a history of offending involving violence. I cannot ignore that in fixing sentence for the reason that it reveals not just a propensity to violence but the fact that past sentences have not deterred you, a matter I have already observed. The most recent offending occurred in 2017, and I note that there are older convictions between 1999 and 2014.

The pre-sentence report indicates that you are keen to address the criminogenic needs you have by completing anger management courses and re-engaging with mental health support and maintaining medication. If this is to succeed there needs to be a significant commitment on your part. You commenced a Court Mandated Diversion Program in the past, but your attendance and participation was unsatisfactory and the order was cancelled. Parole orders, although many years ago now, were revoked too due to your non-compliance. I don't intend to make a parole eligibility order, a matter which influences the length of the sentence I intend to impose. That is in part because of your past failures, but not principally so. It is because it is my view based on the psychiatric report that such treatment as is available is most likely to be efficacious within the prison environment, rather than through community based programs, at

least initially. I will impose a community corrections order to carry you through on your release.

In sentencing you the Court must have regard to the need for personal and general deterrence. Most of the matters to which I have referred already, relate to the need to deter you. Those circumstances which are personal to you I have factored in to the sentence.

In terms of general deterrence, the objective is to deter others from behaving in the way that you have. The Court must also vindicate your victim, and impose a sentence which shows that it understands the impact of your offending on your mother. That offending was undeserved, unprovoked and cruel.

I take account of your plea of guilty and reduce the sentence I would otherwise have imposed by 20% in recognition of the benefit which accrues to the administration of justice thereby. In particular that plea has saved your mother the need to give evidence and relive what must have been a terrible experience.

I intend to impose a penalty in respect of the indictment and to record convictions in relation to the summary matters, on the basis that the summary matters arise from the same episode the subject of the indictment, and a sentence which approaches your conduct in that "rolled up" way is the most logical and appropriate. In essence that is one penalty for all your conduct on this day.

Ms Gordon I convict you on all matters. On the indictment I sentence you to 2 years' imprisonment. I backdate the sentence that to the date you were taken into custody. I record convictions on the summary matters.

I do not intend to make a parole order for the reasons I have given. I make a community correction order for a period of 12 months to commence on your release. The conditions of the Order will be the standard ones and I make the special conditions referred to in the report:

- (a) you must submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer and;
- (b) you must undergo assessment and treatment for drug dependency as directed by a probation officer.