

STATE OF TASMANIA v JENNIFER LEE JONES
COMMENTS ON PASSING SENTENCE

21 MAY 2021
MARSHALL AJ

The defendant, Jennifer Lee Jones, aged 43 at the time of the offending, pleaded guilty to one count of wounding contrary to s 172 of the *Criminal Code*, and one count of assault under s 184 of the Code.

The complainant is Fransiscus Adrianus Nelen. He was 57 years old at the time of the offending.

On 20 May 2020, the complainant and the defendant were residing together at the complainant's house at Lapoinya. At about 1am on the morning of 20 May 2020, the defendant woke the complainant up, saying that people were going to kill her, and that this was being organised by her father in the USA. The defendant continued to talk about that topic until 3.30am, after which time she called her father in America. Meanwhile, the complainant commenced to get ready for his 4.30am shift at an engineering establishment.

The defendant asked the complainant if, after the phone call, he now believed her. The complainant had spoken to the defendant's father. The defendant and the complainant then spoke in the bedroom, at which point the defendant began screaming at the complainant that he did not believe her.

The complainant attempted to leave to go to work. Without warning, the defendant struck him to the head with a hammer, causing him to stagger. She then struck him a second time with the hammer to his head. Blood flowed as a consequence of both blows.

The complainant tried to wrest the hammer from the defendant. The defendant then began to punch and kick him. The complainant went into the kitchen where the defendant followed him, grabbed a knife in her other hand, and slashed at him several times, leaving a wound to his neck.

The complainant then grabbed the defendant. A tussle ensued and they both fell through a glass table. The complainant was able to get on top of the defendant, but the defendant bit the inside of his arm. He said he did not want to hurt her, but just wanted to leave. The defendant was yelling that she was in fear of her life.

The complainant got up and left the house. Shortly after the defendant rang police and told them she had been attacked by the complainant, and had hit him to the head with a hammer.

The defendant told police that people were out to kill her, and that she believed the complainant was one of those people. She said the defendant was building a silencer in the shed. She said that she hit him with a hammer and grabbed a knife because he was trying to kill her.

She told police that there was a mafia contract out for her. She said she had tried to get help for weeks but no one would help her. The defendant said that she did not want to kill the complainant, but just wanted to get away from him.

The complainant suffered two open wounds to his head, and a 6cm laceration to his jaw. He had numerous cuts and bruises and three large bite marks, with deep bruising to his arm. Several of the wounds required sutures.

The defendant has been in custody since 20 May 2020. She has no prior convictions. She is a USA citizen who is a permanent resident in Australia. She has had no known work history since 2012. The convictions on these charges will make her liable to deportation after serving her sentence due to the character provisions of the *Migration Act* 1958 (Cth). This is a matter to which some weight, but not considerable weight, may be given. Deportation depends on the discretion of the relevant Federal Minister, and there is a right of appeal to the Administrative Appeals Tribunal.

The offending in this case is particularly serious. It was a nasty vicious attack on an unsuspecting person who had done nothing wrong. General deterrence requires a custodial sentence, notwithstanding the defendant's lack of prior convictions.

In custody, the defendant received antipsychotic drugs which have aided her recovery. She no longer suffers from any discernible depressive illness or anxiety. However a court ordered report from Dr Fernando, a consultant forensic psychiatrist, indicates that the defendant was suffering from a psychiatric illness at the time of the offending which distorted her sense of reality and clouded her judgment. Dr Fernando considered that the defendant would benefit from longer term psychotherapy to achieve best behavioural and emotional regulation outcomes. He also considered that cannabis abuse may have affected her mental state.

Dr Fernando considered the defendant would benefit from being considered for a supervision order, but did not recommend such an order. Due to the fact that the defendant's offending was an isolated incident of its kind in her life, and the coercive nature of any such order, I consider that this is not an appropriate case to order a supervision order.

In all the circumstances, the appropriate sentence on the charge of wounding is two years' imprisonment with effect from 20 May 2020, with a non-parole period of 12 months. On the assault charge the defendant is sentenced to six months' imprisonment with effect from 20 May 2020, concurrently with the sentence on the wounding charge.

I have considered the possibility of seeking an urgent report from the Chief Forensic Psychiatrist to allow further examination of whether a supervision order is required. I reject that suggestion on the basis that the defendant has been in custody now for more than an adequate time without this matter being resolved. I expect the Parole Board would consider for itself whether the defendant is to be placed on parole regarding various factors, including her mental health, in respect of which it will be informed by the opinions of Dr Fernando and Dr O'Donnell.