

STATE OF TASMANIA v JORDAN JOHN LAWRIE
COMMENTS ON PASSING SENTENCE

3 JUNE 2021
MARSHALL AJ

Jordan Lawrie has 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 particulars of the count of wounding are that at Risdon Prison on 18 March 2020, he unlawfully wounded the complainant by stabbing him twice in the left eye. The particulars of the count of assault are that at Risdon Prison on 18 March 2020, he unlawfully assaulted the complainant by punching him to the head and body approximately 8 to 10 times.

Mr Lawrie was 18 years old at the time of the offending, having been born in 2003. The complainant was 31 years old at the time. Mr Lawrie and the complainant were inmates at Risdon Prison, housed in the Rowallan Delta Minimum Security facility. The complainant had transferred to the unit on the evening before the offending. The complainant and Mr Lawrie did not know each other. The complainant had seen Mr Lawrie within the prison, but had never spoken to him. The unit consists of seven individual cells with, often, two inmates occupying a cell. Between 7.45am and 4.35pm, inmates are not restricted from entering each other's cell if the cell doors are unlocked.

On 18 March 2020, the complainant and Mr Lawrie were in the unit, together with seven other inmates. The door to the complainant's cell was unlocked. The complainant was lying on his bed in his cell, with the door open. At about 12.10pm Mr Lawrie approached the glass entry door to the unit and peered outside the window. He entered the communal bathroom after checking that the area was clear of prison staff. A minute later he left the bathroom, holding a small instrument in his right hand. He then walked into the complainant's cell and closed the door behind him. Without warning, he hit the complainant who was still lying on his bed, with a small instrument. He struck the complainant's left eye. The complainant felt a sharp piercing pain to his left eye. He was unable to open his eye, so he attempted to defend himself by raising his hands above his head and grabbing Mr Lawrie's tee-shirt. Mr Lawrie then stabbed the complainant a second time in the region of his left eye. The complainant's left eyelid closed, causing blood to flow, and a superficial abrasion of his cornea.

Mr Lawrie then dropped the small instrument and punched the complainant to his head and body about 8 to 10 times. This caused the complainant to bleed from the mouth. During the assault, the back of the complainant's head struck a concrete wall, causing bruising and swelling to the back of his head. The complainant yelled at Mr Lawrie "fuck off and let go". Mr Lawrie then left the cell and shut the door behind him. He then went in and out of the communal bathroom, before entering his own cell. The complainant pressed the emergency call button in his cell. Prison staff arrived a short time later, and the complainant was conveyed to the Royal Hobart Hospital by ambulance. Correctional officers found a weapon hidden in a shoe in the bathroom. It was a handcrafted modified pen with a rusty nail protruding from the end. It commonly known as a "shiv".

After examination of the complainant at the Royal Hobart Hospital, he was found to have the following injuries. A laceration of the lower left eyelid, with detachment of eyelashes, a superficial abrasion of the cornea, swelling to the left cheekbone, and swelling and bruising to the back of his head. The complainant received four stitches to his lower left eyelid, pain relief medication and antibiotics. His left eye was bandaged. He incurred temporary blurred vision in his left eye, causing pain and discomfort, but his vision was not affected in the long-term.

The complainant did not make a victim impact statement, and Mr Lawrie refused to participate in an interview with the police. The attack on the complainant was an extremely vicious, unprovoked attack on an unsuspecting victim. Prisoners are entitled to be safe in prison from other inmates.

Mr Lawrie has two prior convictions for violent offending. On 3 June 2019 he was sentenced by Blow CJ to 12 months' youth detention, backdated to 10 March 2019, the date of the offence, for the armed robbery of a 16 year old shop assistant. At the time Mr Lawrie was on bail in respect of an incident on 26 January 2019 in which he stabbed a taxi driver in the neck. He was subsequently sentenced to nine months' detention at a youth justice facility for that offence, by the Launceston Magistrates Court.

In his comments on passing sentence, Blow CJ observed that the armed robbery was to obtain money to pay a drug debt. Mr Lawrie had been smoking cannabis heavily since he was 14. He had started using Ice heavily in mid-2018. Mr Lawrie had behavioural problems associated with depression and anxiety. Blow CJ also observed that twice in 2017, for 20 weeks at a time, Mr Lawrie took part in a program for at risk young people. His social skills improved, as well as his self-esteem. His offending related to being around people who had led him into trouble. Blow CJ, in addition to the detention order, sentenced Mr Lawrie to probation under s 65 of the *Youth Justice Act* 1997 for 18 months after his release from detention, with special conditions, including undergoing psychiatric and drug counselling, and treatment as directed by an assigned youth justice worker.

Mr Lawrie remains a young offender. With appropriate psychiatric, psychological and drug counselling, he has a reasonable prospect of rehabilitation. At the time of the offending he was not taking medication because his antipsychotic medication had been taken from him by other prisoners who were standing over him. Since late January 2020 he has been receiving antipsychotic medication by way of wafers. He is now in a better condition, psychiatrically, than he was at the time of the offending, although he missed presenting for his medication on several occasions after then, including on the day of the offence.

Dr O'Donnell undertook an independent forensic psychological assessment of Mr Lawrie and produced a report dated 21 May 2021. Dr O'Donnell noted that Mr Lawrie has a history of problematic use of methylamphetamine and cannabis, and has developed drug induced psychosis. Mr Lawrie has an official diagnosis of schizophrenia, with prominent paranoid symptoms. His paranoid psychosis has persisted in the absence of drug use and when medication compliant. He receives a disability support pension due to his mental illness, and when in the community resides with his mother. He has an NDIS support. He has had exposure to family violence as a child. He has low intellectual functioning which declined between 2011 and 2019. Mr Lawrie has experienced command hallucinations from a female voice, telling him to stab prison staff and other detainees in the head neck of throat. He told Dr O'Donnell that he stabbed the complainant because a female voice told him to do so. Dr O'Donnell noted that Mr Lawrie entered the adult prison system in January 2020 when remanded in relation to a wounding charge. That charge was ultimately not the subject of any prosecution. Dr O'Donnell observed that Mr Lawrie has a supportive family who understands his treatment needs. He is very close to his mother and stepfather, and is also supported by the Tasmanian Aboriginal Centre. All are stable influences on him. Mr Lawrie is currently accommodation in the Cowra Unit in medium security. There he has been focussing on physical training with weights to help him sleep. He understands that he has schizophrenia and the importance of taking his medication. He is currently taking prescribed Olanzapine wafers. He is supported by Aboriginal Health Care which understands his needs. When he returns to community life he

has a contact act the Community Forensic Mental Service in Launceston who he enjoys talking to.

Based on Dr O'Donnell's report, it appears that Mr Lawrie's psychiatric illness has diminished the moral culpability of his offending conduct. His condition should have a bearing on the sentence which is imposed and the conditions which may be attached to it. The severity of Mr Lawrie's symptoms also moderates the need for general deterrence in this case, as does the need for specific deterrence. Dr O'Donnell opined that Mr Lawrie's schizophrenia had a causal link to the offending conduct due to the influence of paranoid ideation and communal hallucinations on his conduct. Dr O'Donnell also noted that Mr Lawrie is currently coping well in the prison environment. Mr Lawrie told his mother before the offending about his command hallucinations, and his mother passed that information on to the prison, but a psychiatric review was not undertaken until after these offences were committed. Dr O'Donnell said that Mr Lawrie is likely to benefit from traumatic focus therapy in a stable environment which may assist to reduce his current violence risk profile.

Mr Lawrie currently remains a significant risk to the community due to his schizophrenia. The protection of the community demands that he be treated appropriately in a secure environment. It may be questionable whether a standard prison environment is the best place for him, or a psychiatric unit within the prison system or outside. I also take into account in imposing sentence that prison authorities placed Mr Lawrie in isolation for just over one month after the day of the offence.

Mr Lawrie has pleaded guilty to the crimes on the indictment. It is not for me to second guess whether he is fit to plead. Notwithstanding his reduced culpability having regard to his schizophrenia, his crimes, especially the wounding by shiv, was a very serious matter. It was by sheer luck the complainant was not more seriously injured.

In all the circumstances, taking into account all the abovementioned mitigatory factors, including Mr Lawrie's youth, mental illness, diminished responsibility, difficult upbringing, as well as his previous juvenile offending, involving crimes of violence, the objective seriousness of the offending and protection of the public, I consider that the appropriate sentence on the wounding charge is three years' imprisonment, with six months suspended on the condition that Mr Lawrie commit no offence punishable by imprisonment for a period of two years after his release. I also order that he not be eligible for parole until he has served one half of the operative term of the sentence. On the assault charge, I sentence Mr Lawrie to nine months' imprisonment, to be served concurrently with the sentence on the wounding charge. I formally convict Lawrie on both charges. When Mr Lawrie is eligible for parole, a detailed submission on his behalf will hopefully be put to the Parole Board concerning his medication regime and his psychiatric support. It is hoped that the Parole Board would give careful examination to all those issues. The sentence on the wounding charge is backdated to 13 November 2020, to take into account the time already served in respect of these matters, and on an unrelated charge against Mr Lawrie in relation to which he was taken into custody on 6 March 2021.

I would have considered the possibility of seeking a report about the making of a community correction order, including that Mr Lawrie be subject to the supervision of a probation officer after his release, but for the provisions of s 17(2A) of the *Sentencing Act* 1997. The difficulty in making such an order was discussed by Porter AJ in *Gordon v Tasmania* [2020] TASCRA 17 at [69]-[70] in the context of the length of the head sentence. However I understand that supervision on probation may be a condition of parole.