

Mr Brown, you have pleaded guilty to the charge of assault contrary to s 184 of *Criminal Code*, unlawfully injuring property contrary to s 273 of the Code, and three counts of assaulting a police officer contrary to s 114(1) of the Code. You have also pleaded guilty on complaint 9826/19 to resisting a police officer. You were 30 years old at the time of the offending.

At that time you were in a relationship with the daughter of the complainant in relation to count 1 on the indictment.

On 21 October 2019 you and the complainant's daughter travelled to Mount Wellington in your vehicle. The complainant was also present along with some children and another relative.

Alcohol was consumed. You became confrontational towards your girlfriend and made allegations against her that she was looking at other men who were inside the area you were all seated. An argument developed. One of your group attempted to diffuse the argument. The complainant then stepped in and asked you to stop. You responded by punching her to the face, hitting her lip. She fell sideways and hit her head on a rock. She suffered swelling to her lip and an abrasion to her left side temple which bled.

She decided that she would walk home but eventually abandoned this idea and returned to the vehicle. You were in the driver's seat. She sat in the rear of the vehicle with the children. You continued to verbally abuse her daughter. Eventually the vehicle was driven away to an address in Gagebrook where your passengers left the vehicle.

At about 11.30pm, you returned to that address. Your partner grabbed the four children and got into your vehicle. You got out of the vehicle with a hockey stick which you used to smash the back, front and side windows of a motor vehicle the property of a Jye Curtain. The damage was significant. You then returned to your vehicle where your partner and the children were seated, and reversed the vehicle and then drove into the back of Mr Curtain's car causing further damage. You left.

Police arrived at the Gagebrook address shortly after and spoke with witnesses. As a result they attended at another address in Gagebrook where you answered the front door. You walked towards the back of the house, attempting to leave. Police followed you. You were told you were under arrest for assault. Police attempted to place your hands behind your back to restrain you but you resisted, pulling your hands away from them. The two children at the residence also attempted to obstruct police. Police stumbled and you all fell to the floor. You attempted to grab a piece of timber as police were trying to restrain you. You then bit Senior Constable Paul Britten on the arm and you continued biting for some time. You were punched to the face in an attempt to free that officer. The bite to the officer's arm broke the skin and caused swelling and a deep abrasion with obvious teeth marks. The struggle continued. You pulled police forward onto a nearby couch and you kicked out your leg which connected with the head of another police officer. Police continued in their attempts to restrain you, and whilst doing so you bit another officer to the hand. This broke the skin and caused a small laceration to his ring finger. You were punched again in order to force you to release your grip, and OC spray was deployed. Eventually you were restrained and handcuffed.

When police attended the scene at Mount Wellington, a small amount of blood was located on a rock and a sample was taken. You agreed to participate in an interview and you made limited admissions. These included that you drove to Mount Wellington and become intoxicated. Otherwise you did not recall anything. You were charged and detained for Court. Your counsel identifies intoxication as explaining your inability to recall what had occurred. You have been in custody since that time.

I have received victim impact statements to which I have had regard in framing sentence. I have considered your prior convictions which include offences for common assault in 2013, and resisting a police officer in 2011 and 2009. I note the age of those convictions.

Whilst you are not to be punished a second time for prior offending, it is indicative of your attitude generally, it is relevant to your character, and it emphasises the need for personal deterrence.

In mitigation, the improvements you have made in relation to substance abuse are emphasised. I have been told you have made significant changes in your life since this offending. Of course, you needed to. I have received some evidence about your continued abstention from drugs. I am prepared to accept that you are minded to make changes, but the penalty I impose must also emphasise general deterrence. Offences against police officers undertaking their duties rightly attract harsh punishment. The sentence must recognise the vulnerability of police officers in the undertaking of their duties. This was aggressive behaviour which involved injury to others, and, of course, the damage to property.

I am required to have regard to the principle of totality in fixing sentence. In my view that is most easily achieved through the imposition of a global penalty on the indictment.

In fixing penalty I have regard to time you have spent in custody. When you appeared before me on 28 July this year I remanded again. At that point you had served 160 days in custody. I will reduce the sentence I would have imposed by that period.

On account of your plea of guilty, I will reduce the sentence I would otherwise have imposed by 20% for the utilitarian benefit which accrues as a result of that plea.

The State has asked me to activate a suspended sentence of 14 days, which I intend to do,

Mr Brown on the indictment I convict you and sentence you to 15 months' imprisonment. That sentence is backdated to the date you were taken into custody in July this year. I direct that you not be eligible to apply for parole until you have served 10 months' of that sentence. I further determine that the suspended sentence of 14 days should be activated, and I make that sentence cumulative to the sentence that I have just imposed. On the complaint, I record a conviction.

The State seeks a number of compensatory orders. I make those orders in terms of the statement of facts presented to the Court on the last occasion. They are, a compensation order in favour of Jye Curtain in respect of the damage caused to the Subaru Forester vehicle. The assessment of those damages is adjourned sine die.