

STATE OF TASMANIA v ROBYN LEE BROWN
COMMENTS ON PASSING SENTENCE

26 OCTOBER 2021
PEARCE J

Robyn Brown, you plead guilty to assault and to using abusive language to a police officer. On 28 June 2021 you were in the Launceston Reception Prison. It was the duty of two police officers, one male and one female, to escort you to the Magistrates Court. On the way and as you were about to be removed from your cell to be taken back you offered degrading and offensive abuse. As you re-entered your cell at the Reception Prison you turned and spat in the face of the female officer.

The community depends heavily on the police force for its safety and security. They should be able to go about the performance of their duty without being subject to such disgusting and demeaning acts. Another reason that your conduct was serious is because it involves the risk of transmission of disease. Exposure to the risk of transmittable disease is an unfortunate but common experience for police officers, and when it occurs it can be traumatic and worrying, not only for the officer involved but also for family members. It makes it worse that you were in fact diagnosed with Hepatitis C in 2006. The police officer is required to obtain three blood tests to establish whether she has contracted the disease. The process is not complete. The first two tests have proved negative but the third will not be performed until six months from exposure. She faces a further worrying wait. The material before me indicates that your infection is cleared, and the risk of transmission was very small or non-existent, but you should have been more aware than most of the worry you have caused.

You are aged 49. You have a long history of offending behaviour, including for dishonesty, driving offences, some involving alcohol and illicit drugs, drug offences, breaches of bail, assault and anti-social offences. There is a gap in your record between 2012 and 2020, but on 27 August 2021 you were sentenced by a magistrate to imprisonment for five months from 7 March 2021 for 10 counts of breaching bail, five counts of stealing, one count of aggravated burglary and one count of abusing police. That latter offence was committed on 27 June 2021 and involved the same female officer as well as one other female officer. No order was made as to parole. Those convictions were all following this crime but are relevant to totality and to other sentencing issues. You were due for release from the five month sentence on 6 August 2021 and so the sentence I impose will commence from then.

It is relevant to sentence that you have post-traumatic stress disorder, and a major psychotic illness, Schizoaffective Disorder. You left school very early and have had a very difficult life. The trauma condition results from many highly traumatic events suffered by you during your life including abuse as a child and violence within relationships as an adult. Your trauma condition has led to the long term and heavy abuse of many different types of illicit drugs. The poly-substance abuse has in turn resulted in the Schizoaffective Disorder which is accompanied by a combination of psychotic, depressive and manic symptoms. At the time of this crime you were suffering under a delusion that the police were corrupt. The extent to which your mental health impairments mitigate your sentence is limited because the effects of the psychotic illness are significantly exacerbated by and inextricably linked to illicit drug use. You had used methylamphetamine prior to these offences. I accept that, for that reason your blameworthiness and the importance of general and specific deterrence is somewhat moderated, but remains relevant. There remains a need to punish you and to emphasise to you the consequences of your conduct in the hope that it will not happen again. On the other hand, prison is unlikely to be of any benefit to you, or result in any benefit to the community in terms of rehabilitation, which is directly related to successfully addressing your drug abuse

and stabilising your mental health. You have been in custody already for almost three months since your last sentence was served. Implementation of an appropriate medication regime while in custody at the Wilfred Lopes Centre has helped recently but you will need assistance when in the community to maintain the progress so far. For that reason I will suspend part of the sentence on condition that you submit to supervision following your release.

Robyn Brown, you are convicted on each count. I will record a conviction for abusing police but make no other order. On the indictment for assault you are sentenced to imprisonment for seven months. I suspend four months of that term for 18 months from today on the following conditions:

- (a) You are not to commit another offence punishable by imprisonment during that period. If you breach that condition you will be required to serve the term I have suspended unless that is unjust.
- (b) During the 18 month operational period of the order, commencing today, you will subject to the supervision of a Community Corrections officer. The conditions referred to in s 24(5B) of the *Sentencing Act* apply to this condition and will be set out in the order you will be given. These include that you must report to a Community Corrections officer within three clear days of your release.
- (c) In addition to the core conditions, the order will also include the following special conditions that you must, during the operational period of the order:
 - i. attend educational and other programs as directed by the Court or a Community Corrections officer;
 - ii. submit to the supervision of a Community Corrections officer as required by that officer;
 - iii. undergo assessment and treatment for drug dependency as directed by a Community Corrections officer;
 - iv. submit to testing for drug use as directed by such an officer;
 - v. submit to medical, psychological or psychiatric assessment or treatment as directed by a Community Corrections officer;
 - vi. attend and complete the EQUIPS addiction program as directed by a Community Corrections officer.

Ms Brown, the result of that order is that you will be released after having served three months from 6 August 2021, which will be on either 5, 6 or perhaps 7 November 2021 depending on the calculations of the authorities. My intention is also that by then the various services will have had the opportunity to put in place measures in preparation for your release, if any are required. On your release you will then have to report to Community Corrections. You must understand that if you reoffend in any serious way it is almost certain that you will have to serve the balance of the term I have imposed plus any new sentence. If you fail to comply with any of the other conditions of the order you may be brought back to court and re-sentenced.