

STATE OF TASMANIA v JESSICA LEE AWDE
COMMENTS ON PASSING SENTENCE

23 FEBRUARY 2022
JAGO J

Jessica Lee Awde, you have pleaded guilty to one count of wounding. You have also pleaded guilty on complaint 5571/21 to one count of destroying property and one count of common assault. I have agreed to deal with those matters pursuant to s 385A of the *Criminal Code*.

On the afternoon of 14 July 2021, you stabbed a female who lived in your neighbourhood to her upper left cheek with a large knife. Previously, this female had loaned you some money. I infer you and she must have shared some level of friendship for this to occur. There seems to be some issue as to whether you had repaid the money or not. It is not an issue that I consider necessary to resolve. Regardless of whether the money had been repaid or otherwise, there was absolutely no justification for you to respond in the manner that you did.

On the day the complainant had approached you and asked you to commence making repayment of the money you owed. Without saying anything, you walked towards her and punched her once to the face (that is the count of common assault). Whilst the complainant was recovering from that blow, you went inside your unit, collected a large kitchen knife and returned to the complainant and stabbed her to the upper left cheek, just in front of her ear. It caused a three centimetre wound to the complainant's face. The wound bled profusely. In the course of being stabbed, the complainant dropped her phone. You picked it up and smashed it on the ground before throwing it away (that is the count of destroying property). Police were called and you were arrested. The complainant was taken to the Royal Hobart Hospital. The wound was closed using stitches. It appears as though the complainant has recovered physically, but in her victim impact statement, she speaks of experiencing ongoing trauma and panic, and constantly feeling a sense of dread.

I accept the victim impact statement might be described as having a degree of embellishment associated with it, but even so, there can be no doubt your stabbing of the complainant has significantly impacted her and left her with ongoing feelings of fear and anxiety.

When you were interviewed you told police there had been an altercation between the two of you that afternoon. You said the complainant had confronted you about money. You denied punching the complainant to the face. You said she punched you, so you went to your house and grabbed the first thing you saw. You said you were not intending to use it, but wanted to scare the complainant. You admitted stabbing her to the face. You also told police you were in a bad mood that day because a contact visit with your children had been shortened, that you suffer from obsessive compulsive disorder and have an acquired brain injury. You told police you were in a rage.

You are 40 years of age. You live alone. You have three children. They are all currently in a kinship foster care placement. You have regular contact with them. Sadly, you experienced a terrible upbringing. Both your parents were alcoholics and you were regularly left to attend to the needs of your younger siblings. You experienced sexual abuse within the family home, but your disclosures were not believed by your family. When you were 15 or 16 your mother abandoned you, leaving you at a women's shelter. You have lived independently since. You have been in relationships in which you have been the victim of serious family violence. I am told you suffer from long-term difficulties with depression, anxiety and post-traumatic stress disorder. You are medicated for these conditions. You have also had long term issues with substance abuse, frequently resorting to alcohol and drugs to suppress traumas from your

childhood. A medical report tendered by your counsel indicates you have been diagnosed with a substance abuse disorder. I am told that recently you have been making a concerted effort to address your substance abuse issues, although I note your attempts to come to terms with them in the past have been rather sporadic and largely unsuccessful. The report from your psychologist is not particularly optimistic about your capacity to be compliant going forward.

This was a serious case of wounding. Because you were angry with the complainant, you went into your house, picked up a large kitchen knife and returned outside and stabbed her. It was an intentional wounding. You had time to calm down and think about your actions. I suspect the alcohol you consumed that day reduced your capacity for calm reflection, but that in no way mitigates your behaviour. Your actions were completely unjustified and had the potential to cause serious harm. Resort to violence to settle grievances, real or perceived, is never acceptable. Such behaviour must be condemned by courts. Striking someone to the face with a knife is obviously a dangerous thing to do. Blows to the head and face area, can easily result in serious injury, sever major blood vessels or impact eyesight. The consequences can be debilitating, and sometimes even life-threatening. It is fortunate the complainant did not suffer a more severe injury, and that, in a physical sense, the wound resolved without complications.

You have relevant prior convictions. In 2009 you were convicted of the crime of wounding. This involved a wound being inflicted on your former partner. You stabbed him to an area below his right eye with a sharp object. You were sentenced to a period of four months' imprisonment. It was wholly suspended on condition you be of good behaviour for two years. In addition to that matter, there are convictions for common assault in August 2013 and December 2015. For the latter matter you received a period of six weeks' imprisonment, the execution of which was again wholly suspended on condition you not commit any offence punishable by imprisonment for 12 months. There are also matters involving the use of violence against police. In 2003 you were convicted of assaulting a police officer. In 2007 you were convicted of resisting a police officer. It seems, with reasonable regularity, you resort to the use of violence when matters are not to your liking. A sentence addressing specific deterrence is obviously needed.

You say through your counsel that you are remorseful. I must say I have my doubts about that. I observed you in court whilst the victim impact statement was read out. The demeanour you displayed was entirely inconsistent with you having any remorse at all. Similarly, the comments you made to the author of the pre-sentence report, which I sought in respect to you, suggest you have limited remorse for your behaviour and continue to blame the complainant for some of what occurred. I suspect any remorse is predominantly directed at your current predicament, rather than the type of genuine remorse a court looks for. Nevertheless I do note that you have undertaken some counselling whilst you have been remanded in custody, and that may well have helped you to develop a greater degree of insight into the effect your crime has had upon your victim. Your plea of guilty retains a utilitarian value. It facilitates justice and that counts in your favour. I take into account the matters outlined in the pre-sentence report generally. It is quite positive in my view. It suggests the period of time you have spent in custody has been very difficult for you, and has reinforced your motivation to make the changes necessary to achieve reunification with your children. You have abstained from drug use in custody and are determined to maintain abstinence upon your release. You have enrolled in courses whilst in custody in the hope of bettering yourself, but unfortunately because of the regularity of lockdowns in the prison at present, these courses are yet to occur. I will take into account the additional hardship that such lockdowns place upon prisoners. In my view, a prison sentence in the current climate has a greater punitive aspect associated with it, than one served when

such restrictions are not in place. A community correction order is recommended by the author of the pre-sentence report. It is hoped that with specific programs directed at your substance abuse and anger management long term change can be achieved.

General deterrence and denunciation of dangerous violence are important considerations, and despite your difficult background and the various conditions from which you suffer there is little that justifies a tempering of the prominence they should hold in this sentencing exercise. I do note, however, the time you have spent in custody appears to have motivated you to make changes. Whether that motivation can be sustained by you remains to be seen, but I think I should encourage it by suspending part of the period of imprisonment I intend to impose upon you. Taking into account all of the circumstances, I make the following orders:

- 1 You are convicted of all matters to which you have entered a plea of guilty. In respect to the count of destroying property, I make no further order.
- 2 On the count of wounding and the count of common assault, there will be one sentence. You are sentenced to eight months' imprisonment backdated to commence on 7 December 2021 to take into account time already served in custody. The last four months of that period of imprisonment will be suspended for a period of 18 months on the condition you are not to commit any offence punishable by imprisonment during that period.
- 3 I also make a community corrections order for a period of 12 months following your release from custody. I impose the core conditions. You will receive a document setting all those out. Additionally there will be the following special conditions:
 - (a) That you submit to the directions of a probation officer with respect to engagement with medical practitioners, including psychologists and psychiatrists.
 - (b) That you undergo assessment and treatment for alcohol or drug dependency as directed by a probation officer.
 - (c) That if directed by a probation officer you must attend, participate in and complete the EQUIPS Addiction program as directed;
 - (d) That if directed by a probation officer you must attend, participate in and complete the EQUIPS Aggression program as directed.
- 4 You must report to the office of Community Corrections Hobart on or before 5pm on the day following your release from custody.
- 5 I make a compensation order in favour of Danielle Denny-Sheriff in an amount to be assessed.

Ms Awde, I need to explain to you that if you do commit any offence punishable by imprisonment – and I emphasise the word any – during that time, you can be brought back to this Court and an application made that you serve that part of the period of imprisonment I have suspended. The law is that a judge must activate that sentence unless it is unjust to do so.