

Jemica Louise Purdon has pleaded guilty to making a false statutory declaration contrary to s 113(1)(a) of the *Criminal Code*.

On 26 April 2021 the defendant telephoned Tasmania Police and reported that she had been raped the previous day. Police attended her home at Brighton on 26 April and she provided a statutory declaration in which she made the following statements:

The previous day she was travelling on the Midland Highway to Oatlands when at approximately 6pm she pulled over due to mechanical difficulty. A male driver pulled over and offered her a lift which she accepted. She provided a description of that male. The male turned off the highway and travelled for approximately 10-15 mins on what she thought was Muddy Plains Road. The male pulled over and told her that she had to give him sex and that he had a gun in the boot. He forcibly had sexual intercourse with her. Subsequently, he drove away leaving her on the side of the road and a female gave her a lift home to Brighton.

The statements about accepting a lift with the male and having been raped were false.

Her statement was provided to police in the form of a statutory declaration. She signed it and declared the contents to be true and correct.

The attending police officers conveyed the defendant to the Royal Hobart Hospital for the purpose of a sexual assault examination. She did not undergo an examination, advising that she would telephone the hospital to make another time.

In the course of their investigation police requested assistance from the public, and that the woman who gave the complainant a lift contact Tasmania Police. On 26 April 2021, Ms Goodwin contacted Tasmania Police and told police that she pulled over near Muddy Plains Road at approximately 4pm when she saw a vehicle with its bonnet up and hazard lights on. She offered the female driver a lift to Launceston. The female accepted and advised Ms Goodwin that she needed to attend a chemist in Launceston to collect medication. Ms Goodwin drove her to a chemist and then to McDonalds in South Launceston.

Police further investigated the matter and located CCTV footage of the defendant at a pharmacy in Prospect at approximately 6:50pm on 25 April 2021.

The defendant was arrested on 10 June 2021 and participated in a video recorded interview. After being informed of the evidence placing her in Launceston at the time of the alleged rape, the defendant admitted that she had made a false statement and that in fact she had been to Launceston to meet a male friend.

Evidently, the defendant lied to her then former partner about being raped to explain her absence and because she did not want him to know about her trip to Launceston. She had not intended to provide a false statement to police, however her former partner had insisted that she report the matter to police, and he was present when police attended the home to take a statement from her.

The lie that she perpetuated occurred against a background of controlling behaviour by her former partner. This involved a pattern of coercive control that would manifest when she

wanted to leave the house to go visiting or shopping. She lied to him because she was fearful of his response. In this relationship and an earlier relationship the defendant had experienced significant family violence. In the earlier relationship she had experienced emotional and physical abuse, including threats to harm her youngest child and her partner had assaulted her so severely that she was hospitalised.

The defendant was prescribed endone as a consequence of a back condition and in 2017 she developed an addiction to this substance. She used this drug as a crutch and a mechanism to cope with the violence.

She was too embarrassed and ashamed of her addiction to seek help from family or friends. She made contact with Alcohol and Drug Services in May 2020 but there was a 12 month waiting list. Her first appointment was on 28 April 2021, after this crime was committed.

She attributes her criminal conduct in making of the false statutory declaration to poor consequential thinking, her ex-partner's coercive behaviour, her fear of his response, and her addiction to endone. She was under the influence of large amounts of endone at the time of the offence and indeed one of the reasons for her journey to Launceston was to obtain more of the medication.

Since attending her first appointment with Alcohol and Drug Services she has had consistent ongoing treatment with Dr William Kenyon. She is now on the methadone program and making good progress.

The defendant has experienced anxiety and depression for many years and is prescribed medication for these symptoms. She was admitted to the psychiatric ward in July 2021 for a period of three days. She is aware that she would benefit from mental health support and intends to pursue a mental health plan.

She acknowledges that she should not have lied to police and she appreciates how serious it is to make false allegations of this kind. A report from Community Corrections describes her as displaying 'utmost regret' for her actions. Also, she wishes her children did not have to witness her going through the court process as an accused.

She has pleaded guilty at a relatively early stage.

The defendant was 31 years of age at the time of the offence and has some relevant prior convictions, committed in 2019: offences of altering and uttering an altered prescription and other summary offences, namely, state false name and stealing. These offences arose from her drug addiction.

The defendant is a single mother of four children. Her youngest child suffers from an immunodeficiency disorder, requiring a significant level of care.

A Community Corrections report dated 13 October 2022 notes that due to the defendant's parental commitments and her back condition, a community service order would be inappropriate. It goes on to note that the factors that gave rise to the defendant's offending are being addressed by her. She is described as exhibiting strong motivation to seek and maintain supports of her own accord. The author notes that because of her motivation and efforts she is deemed not suitable for community based supervision.

General deterrence must be reflected in the sentence because of the potential ramifications of making false allegations of a serious crime such as rape. I take into account that the defendant did not set out or plan to make this false allegation to police, but it arose from a lie she told her former partner. I take into account that the harm that resulted was in the wasted police resources which were considerable. Unlike other cases, there was no risk of someone being wrongly charged.

She has found the court process to be a salutary experience and, as noted, she is most remorseful. Given the steps that she has taken to address the underlying causes of her offending and the progress she has made, I can safely conclude that she is unlikely to reoffend. A term of imprisonment is not required and a community based order is sufficient in light of the factors that I have mentioned.

While I accept that community based supervision is strictly speaking unnecessary, in my view a community correction order is nonetheless the appropriate outcome; a lesser sentence would be inadequate and, a harsher sentence would be inappropriate. Under that order, Community Corrections may adopt a supervisory role, providing oversight of the interventions pursued by the defendant rather than delivering and co-ordinating those services. Community Corrections may also offer another layer of support and encouragement to Ms Purdon, such as encouraging her to pursue additional steps such as a mental health plan.

I record a conviction and I impose a community correction order for a period of nine months from today. This order has certain statutory core conditions and these are imposed. These include that you must not during that period of nine months from today commit an offence punishable by imprisonment; you must report to a probation officer at 114 Bathurst Street, Hobart no later than 5pm Friday 22 October 2022, you must during that period report to a probation officer as required by the probation officer and you must comply with the reasonable and lawful directions of a probation officer or a supervisor.