

STATE OF TASMANIA v PAIGE SAMANTHA TRIFFETT
COMMENTS ON PASSING SENTENCE

9 FEBRUARY 2023
BRETT J

Ms Triffett, you have pleaded guilty to the following charges:

- (a) One count of using a carriage service to menace harass or cause offence. This is a Commonwealth offence and carries a maximum penalty of three years imprisonment
- (b) One count of assaulting a police officer. This, of course, is a State offence. You have also pleaded guilty to some associated summary offences, in particular resisting arrest and using abusive and threatening language to police officers.

The Commonwealth matter arises out of a long running dispute between you and another woman. You and she had been friends for years but about 12 months before you committed this offence, the friendship had broken down. I am not sure about and not particularly interested in the perceived grievances that gave rise to this problem, but there had been a number of confrontations between the two of you, including a physical altercation a couple of days before you committed this offence.

The offence itself was constituted by sending a series of messages to the complainant through Facebook messenger. This occurred over a period of two days, in particular 30 September and 1 October 2020. I have only been told about your messages, I am not sure whether she was responding, but it does not make any real difference. Your messages are threatening and malicious. They include direct threats of harm, including a particular threat to "slit your kids throat." There are also some very specific threats to damage her property, including her house.

You say you had no intention of carrying through on these threats. I suppose I have to accept this, because if you did have an intention to do so you would probably be facing other more serious charges. However, it is clear that your specific threats of harm, including to the complainant's children, were designed to and did communicate to her a general feeling of menace. She told police that she did not feel safe and that the contents of your messages had "crossed the line". I completely agree with her. What you said was disgraceful and you should be very ashamed of what you did.

The State crime was committed on 1 October 2020. Police went to your house and arrested you in respect of the Commonwealth matter. Although you were under arrest, you unilaterally decided to go into your house to collect your mobile phone. The complainant police officer asked you what you were doing and, in the course of that, touched your arm. This resulted in a violent overreaction by you which included pushing the officer to the chest, grabbing hold of his police vest and then resisting arrest by holding onto the door of the house. When the officer tried to remove your hand, you again pushed him causing him to fall into a garden bed and then spat in his face several times. You also bit him to the top of his head through his police hat and then on the right forearm. Biting his arm caused teeth punctures to his skin. Eventually, police were able to subdue you but you remained violently resistant and threatened and abused officers as you were taken to and after arrival at the police station.

The attack on the police officer is a very serious matter. Police officers put themselves at great risk on behalf of the community to enforce the law and this officer was clearly just performing his duty. The confrontation was entirely of your making. Your decision to bite him on the arm

was dangerous and I have no doubt caused considerable pain, and probably a consider degree of apprehension. Having said this, the officer has declined to provide a victim impact statement.

You were 27 years of age when you committed these crimes and you are now 29. You are in a relationship and have no children. You have a concerning and relevant criminal history. It is extremely concerning to me that your prior convictions include several for violent offending, including against police officers. You also have a lengthy history of illicit substance use, including the use of methylamphetamine. You say that the substance use is related to the offending and that both are related to ongoing problems with your mental health, including anxiety, depression and borderline personality disorder. You claim that at the time of this offending, you were in the process of withdrawing from methylamphetamine, and that your mental health was problematic.

You claim also to be very ashamed of your behaviour in relation to both sets of offences and remorseful for the impact of these offences on the respective victims. There would seem to be some support for this, in that there is some evidence that you have been taking steps to develop a pro social lifestyle and avoid the types of associations, influences and circumstances which have underpinned your offending in the past and on this occasion. You have moved to a relatively remote location in the central highlands and have settled full-time employment. The author of the presentence report contacted your employer, who spoke highly of your work ethic, and advises that he intends to offer you a management position in his business after the resolution of this sentence. You claim to now be abstaining from illicit drugs and that you drink very little alcohol. You also claimed to have repaired your relationship with the woman to whom you sent the messages but this seems to be disputed. I do not think this is a dispute I need to resolve. You did comply with a restraint order put in place after the crime, for her protection. You have entered pleas of guilty to these crimes and I will accept that this is consistent with your claimed remorse and desire to rehabilitate. Overall, I accept that there are real indications that you are committed to rehabilitation and are taking positive steps to move your life in the right direction.

There is no doubt that both crimes deserve the imposition of a sentence of imprisonment. The misuse use of the Internet in the way that you did when you committed the Commonwealth offence is a serious contemporary social problem. It is very easy to commit this crime, and it can have very significant and damaging consequences. Once again, I have not received a victim impact statement from the complainant but as I have already said, there is no doubt that your threats caused her significant fear. General deterrence is a very important sentencing consideration. The attack on the police officer fits into a similar category. Police deserve the protection of the courts when executing their important public duty. Those who would attack or harm them must realise that severe consequences will follow from such conduct.

The only real question is whether you should be required to immediately serve some or all of the sentence of imprisonment. I must say that I found this to be a very close decision. You have now come well and truly to the end of the line as far as leniency is concerned. If you continue to act in a violent way to others, the courts will have no option other than to send you to prison. Having said this, I think there are enough positive factors in your life now to warrant giving you an opportunity yet again, to avoid an actual period of incarceration. Accordingly, I will impose sentences which will provide you with that opportunity. However, in relation to the Sate crime, it is appropriate that you perform some community service so as to effect some actual immediate punishment.

The orders I make are as follows:

- a. You are convicted of the crimes to which you have pleaded guilty;
- b. In relation to the Commonwealth crime, you are sentenced to 6 months imprisonment. I direct that you be released immediately upon giving security by recognisance in the sum of \$2,000, conditioned that you be of good behaviour for a period of two years from today.
- c. In accordance with s 16F of the *Crimes Act*, I explain to you that if you fail to comply with a condition of the recognisance, in particular, if you fail to remain of good behaviour, including by committing an offence such as this during that time, you may be summonsed to appear before the Court and, if a breach has been established, you may be called upon to forfeit the amount of the recognisance, or the order may be revoked and you may then be required to serve the whole or part of the sentence. Further powers that the Court has in the case of a breach of a condition of the recognisance is to require you to perform community service, extend the recognisance period or take no further action. Finally, I am required to explain to you that the recognisance may, at any time during its currency, be discharged or varied in accordance with the provisions of the s 20AA of the *Crimes Act*.
- d. In relation to the State crime and offences, you are sentenced to a global term of 9 months imprisonment. The whole of the sentence will be suspended for a period of 24 months on the following conditions:
 - a. that you are not to commit another offence punishable by imprisonment during that period;
 - b. that you will perform community service for a period of 100 hours. The Court notes that the sections referred to in s 24 (5A) of the *Sentencing Act* apply to this condition. For the purpose of those provisions:
 - i. you must report to a probation officer at the office of community corrections in Hobart within 3 clear days of today and
 - ii. the operational period of the order is 24 months.