

Mr Lockwood has pleaded guilty to a charge of persistent family violence. A person is guilty of that crime if he or she commits an unlawful family violence act in relation to his or her spouse or partner on at least three occasions. After a disputed facts hearing I made findings that Mr Lockwood had committed crimes that constituted unlawful family violence acts in relation to his wife on a total of 19 occasions. On four of those occasions he committed two such crimes, and I therefore now have to sentence him in respect of 23 crimes. In summary, there were nine occasions when he raped his wife, there was one occasion when he assaulted her and attempted to rape her, there were three occasions when he assaulted her and unlawfully injured property of hers, there were three more occasions when he assaulted her, and there were three more occasions when he unlawfully injured her property. Full details of each of these crimes have been published by me when I made findings of fact on 5 April 2023.¹ I will summarise the facts in relation to each crime, without going into full detail.

The couple lived together from 2004 until March 2017. There were some temporary separations during that period. They were married in 2006. The crimes in question were committed from about October 2004 onwards.

The rapes involved a variety of aggravating circumstances. Brief details of them are as follows:

- When the complainant was about seven months pregnant with her first child, she was vomiting into a bucket beside the couple's bed one night. Whilst she was trying to vomit Mr Lockwood raped her vaginally from behind.
- On another occasion, the couple were on holiday at a hotel. The complainant was menstruating. Mr Lockwood raped her vaginally on their bed at the hotel, even though she was crying the whole time.
- On another occasion one night at the couple's home, the complainant resisted Mr Lockwood advances, but he ripped her clothes off and raped her vaginally.
- On an occasion shortly after the complainant had given birth, he raped her on a mattress on their lounge room floor, even though the complainant made it clear that she was not consenting, telling him that she had just had a baby, that she had stitches, and that she was bleeding.
- There was another occasion when Mr Lockwood raped his wife anally with the result that she was in a lot of pain and could not sit down for a week or two.
- During a temporary separation in 2013 the complainant returned to the matrimonial home to get some things. On that occasion Mr Lockwood held her over the side of a bed with her back bent and her head near the floor, and raped her vaginally.
- On another occasion, the complainant had been to visit a sick friend who had died in front of her. When she returned home, Mr Lockwood pulled down her pants and raped her on their bed.
- In April 2017, a few weeks after the couple's final separation, Mr Lockwood drove to the complainant's workplace, waited for her in the car park there, and raped her in his vehicle after she finished her shift.
- Several months later, when the couple's children were spending a weekend with Mr Lockwood, he went to the complainant's home, barged in, and raped her.

¹ *Tasmania v Lockwood* [2023] TASSC 5

As I have said, there was an occasion when Mr Lockwood assaulted his wife and attempted to rape her. That was shortly before their final separation. The complainant was planning to sleep in their lounge room, but Mr Lockwood picked her up, dropped her onto the floor from a height, and then dragged her to his bedroom where he tried to rape her. She resisted, struggling with him for about half an hour. He was so drunk that he eventually passed out. On this occasion one of the couple's children saw her father manhandling her mother, and then heard her mother in the bedroom calling out to her father to stop.

The crimes committed by Mr Lockwood on the remaining occasions can be summarised as follows:

- In about 2005 he smashed a window at the couple's home.
- In 2007 when the complainant was pregnant, he assaulted her by throwing paint at her, pushing her up against a wall, throwing her onto a bed, sitting on her, and holding her hands down.
- On an occasion in 2008 Mr Lockwood committed the crime of unlawfully injuring property by throwing a beer bottle through a window at the couple's home, smashing the window. The throwing of the bottle also constituted an assault since he threw it towards his wife in a threatening gesture.
- There was another occasion when Mr Lockwood unlawfully injured property jointly owned by him and the complainant by throwing a beer bottle against a wall.
- There was another occasion when Mr Lockwood assaulted his wife by means of a threatening gesture by throwing her mobile phone towards her. That act also constituted the crime of unlawfully injuring property as the phone smashed when it landed on some concrete.
- There was another occasion when Mr Lockwood assaulted the complainant by grabbing another mobile phone from her hand and unlawfully injuring property by throwing the phone at a television set and punching the set a number of times.
- There was another occasion when Mr Lockwood unlawfully injured a mobile phone belonging to his wife by throwing it against a wall in the presence of at least one of their children.
- There was another occasion when Mr Lockwood assaulted his wife by punching the driver's side window of her vehicle when she was sitting in the driver's seat, in the presence of at least three of their children.
- There was another occasion, apparently late in the couple's relationship, when Mr Lockwood assaulted his wife by grabbing her by the hair and dragging her out of a doorway by her hair. The complainant's mother was within earshot and heard a commotion on this occasion, but did not see what happened.

The complainant gave evidence, which I accept, to the effect that these were not isolated crimes. I am satisfied that Mr Lockwood was in the habit of raping his wife from late 2004 until the end of their relationship, that he raped her anally on several occasions, and that he smashed things and manhandled her on other occasions. His uncharged unlawful acts do not weigh in favour of a heavier sentence. Uncharged criminal acts weigh against the imposition of a lenient sentence, but there is not much scope for lenient treatment when a man is to be sentenced for nine rapes.

I have received a victim impact statement from the complainant. She has remarried and it is now some six years since she finally separated from Mr Lockwood. However, she still suffers continually from disturbing psychological symptoms, including nightmares, panic attacks, intrusive recollections, social withdrawal, feelings of vulnerability, hypervigilance and anxiety.

I do not know whether she has obtained professional assistance, but I believe that to be highly likely and extremely appropriate.

There are some positive things that can be said about Mr Lockwood. He is now 40 years old. He does not have any serious prior convictions. He was ordered to perform some community service in relation to charges of burglary and stealing when he was 18 years old. He was convicted on a drink driving charge in 2002. However, the significance of his lack of serious prior convictions is substantially negated as a result of his persistent criminal conduct towards the complainant over many years.

His counsel told me that he no longer drinks to excess, and now drinks only socially and occasionally.

He has a good employment record. Until I remanded him in custody he was employed as a machinery operator. He had held that job for over two years and was highly regarded by his employer.

He has a new partner. They have been together for four and a half years. It is very clear that he does not treat her in the way that he treated the complainant. His new partner has a child who is part of their household.

His counsel told me that he grew up in a dysfunctional family, that his father died when he was eight years old, and that three of his siblings have committed suicide. He acknowledges that he was drinking to excess, and attributes that to difficulties processing grief. He is close to his mother and one of his sisters. His mother has inoperable cancer and it is likely that she will die while he is in prison. The sister to whom he is close is in poor health. He will not be able to assist her in any way while he is in prison.

It was necessary for the complainant to give evidence because Mr Lockwood disputed most of the allegations against him, including all the allegations of rape and attempted rape. That is not a factor that weighs in favour of a heavier sentence, but it reduces the weight to be given to his plea of guilty. However, it does count in his favour that his plea of guilty avoided the cost and inconvenience of a jury trial. It also counts in his favour that he admitted several allegations relating to conduct witnessed by some of his children, thereby making it unnecessary for any of them to give evidence. But for his concessions, three of them probably would have had to give evidence.

Remorse is not a mitigating factor in this case. Mr Lockwood counsel told me that he acknowledges that there were significant problems relating to communication in the course of the relationship. However, he does not accept that anything he did amounted to rape.

He wishes to have nothing further to do with the complainant. He asked his counsel to tell the Court that he wished her well for the rest of life. He has consented to the making of a family violence order for the protection of the complainant which will remain in force indefinitely.

The only appropriate sentence in this case is a very long term of imprisonment. Family violence is a terrible problem in our community, and this case is an extremely bad example of family violence. Although the physical injuries were minimal, the impact on the complainant has been devastating. The impact on the couple's children must not be overlooked. Their father was a terrible role model for them, and now they will have to come to terms with his imprisonment.

There is every indication that Mr Lockwood is not the person that he was when he sexually and emotionally abused his wife over many years, but I need to impose a sentence that should deter others from the sort of conduct that he engaged in, and one that reflects the extreme seriousness of his crimes. Because Mr Lockwood has not been to prison before, and because of the positive factors that I have mentioned, I will make provision for parole, but I will fix a non-parole period that is longer than the shortest possible period. It will be the period that, because of the seriousness of his crimes, I consider to be the minimum period that he should spend in custody.

Corey Adam Lockwood, I convict you and sentence you to 17 years' imprisonment with effect from 16 March 2023. You will not be eligible for parole until you have served ten years of this sentence.

I direct that the crime of persistent family violence be recorded on your criminal record as a family violence offence. I order that the Registrar appointed under s 42 of the *Community Protection (Offender Reporting) Act 2005* place your name on the register under that Act and that you comply with the reporting obligations under that Act for 15 years after your release from prison.

I make a family violence order, to remain in force until an order is made revoking it, in the same terms as the Interim Family Violence Order made by a magistrate on 19 October 2022, except for the following variations:

- The current surname of the complainant is to be substituted for her former surname throughout.
- In condition 5, the exception beginning with the words "save and except" is to be removed.
- In condition 6, the reference to the first place of employment in the 2022 order is to be removed.