

Mr Dodt, you have pleaded guilty to one count of wounding.

In the early hours of the morning on 20 July 2021 you stabbed a young man, who was an associate of yours, to the torso area three times with a knife.

The evening before you had been at a residence in East Devonport, socialising with others. The complainant was present at that address, as was your partner. The gathering went on for some time and it appears the complainant became quite intoxicated. At some point during the evening, after you had an argument with your partner, you left the address. You went to your father's residence. Whilst there you gathered some possessions including a knife. Your partner collected you from your father's residence later in the evening and you both returned to the social gathering. Up until this point there had been no conflict or issues between you and the complainant.

At approximately 1.30am on 20 July your partner and the complainant were outside arguing. They had previously been in a relationship and were apparently arguing about a motor vehicle that had been purchased during that relationship. You went to retrieve a jumper from the vehicle. Your partner would not let you do so. You became angry and began to walk away. When you were about 30 or 40 metres from the vehicle, you heard the argument between your partner and the complainant escalate. You heard your partner yell the words "Don't hit me" or something similar. You ran back towards your partner and the complainant. As you were running towards them you yelled "Get off her". The complainant walked away from your partner and towards you and yelled "You want to go then dog". He raised his hands in preparation for a fight, but before he could throw any punches, you struck him at least three times to the body with your left hand whilst holding the knife. The complainant realised he had been stabbed and retreated back towards the house. You left the scene. The complainant was taken to the North West Regional Hospital by ambulance. He had the following injuries:

- A 2 x 2 centimetre open wound to his central sternum, which was a penetrating wound to his liver and superior epigastric artery;
- A blood clot 6 x 5 centimetres in his abdomen; and
- Two superficial lacerations to his right flank, being 5 millimetres and 10 millimetres in diameter. These wounds did not penetrate the abdomen muscle wall.

The penetrating wound to the complainant's sternum and liver was potentially life threatening. Surgery was required to repair the injuries.

Police subsequently located you on Forbes Road in Devonport. You had walked from East Devonport and were on your way to the Devonport Police Station. When spoken to by police you told them about the knife and described it to them. You told them you had thrown it into the Mersey River. You subsequently participated in a record of interview and told police you had heard your partner say words to the effect of "Don't hit me". This angered you and you walked back towards them and hit the complainant. You told police you could not remember having the knife in your hand and could not remember stabbing him. You also told police that you were usually medicated for anger management but had not taken your medication for three days. You said the thought of the complainant having hit your partner sent you into what you described as a "rage".

In a physical sense the complainant has recovered well from his injuries. He reports, however, ongoing psychological consequences. He has struggled with depression since the incident and has difficulty in sleeping and in trusting people. I have no doubt that this would have been a frightening and traumatic experience for the complainant and in general terms, the impact asserted by him in the victim impact statement is consistent with what would reasonably be expected to derive from an attack of this nature.

You are 24 years of age, you were 22 when the crime was committed. You have a background of significant childhood trauma. The relationship of your biological parents was highly volatile and marked by family violence. Your father served several periods of imprisonment for offences of violence and other crimes throughout your childhood. Following the separation of your biological parents you lived with your mother. She re-partnered. That relationship was also subject to family violence. When you were about 10, you began to display serious behavioural issues and were violent within the home. You engaged in episodes of self-harm. You were unable to continue to live within the family home and were placed into foster care.

In 2012, when you were 14, your mother passed away. Understandably, you had considerable difficulty coping with this. Your behavioural issues escalated and you commenced the use of illicit substances. Thereafter, your behaviour spiralled out of control and you began to commit crime. This is reflected in your prior criminal history. School was also very challenging for you. You have limited literacy and numeracy skills. When you were in Grade 8, you were diagnosed with ADHD. You have also been diagnosed with a number of mental health conditions and have been hospitalised as a consequence of such conditions. You continue to suffer from complex mental health conditions and are receiving ongoing treatment for them. These conditions have been exacerbated by the relatively recent loss of a sibling in tragic circumstances. To your credit, in more recent times you have been able to address your illicit substance use. I am told you have not now used drugs for several years.

You have a number of relevant prior convictions. As a youth you were dealt with for offences of assault, destruction of property, driving and dishonesty charges. As an adult you were convicted in 2018 for assaulting, resisting and threatening a police officer. In 2019 you were convicted of common assault. That involved your partner. In April 2021, so shortly before this crime occurred, you were convicted of a further count of common assault. In January 2023, following this crime, you were convicted of a number of bail offences, breach of family violence order offences, assault a police officer and three counts of common assault. You were sentenced to a four month period of suspended imprisonment. That remains operative and, I am told, you have been making a concerted effort to be compliant with the terms of its suspension. Importantly, it seems the last crime of violence you committed was in December 2021. Since then there has been some bail offences committed but nothing of great substance. Given your background and prior history of offending a period of 18 months without serious offending is of significance and is consistent with the suggestion that you are making a concerted effort to change your ways. Also imposed at the time of the suspended sentence was a two year community correction order with supervision. A pre-sentence report I obtained in respect to you indicates there are pending breach actions for non-compliance with this order and a further community corrections order is not recommended. The pending breach action does not appear to relate to matters of great significance and I do not consider I should vary my intended sentencing approach because of the suggested breach.

This was a serious case of wounding. Because you were angry with the complainant, and believed he may have hit your partner, you ran a distance of some 30 to 40 metres and without

making any enquiry as to what may have actually occurred, proceeded to immediately stab him to the torso area. I sentence on the basis that this was an intentional wounding. As you approached the complainant, you had time to think more carefully about your actions and how you should respond. Instead, you inflicted life threatening wounds upon the complainant. Your actions were completely unjustified. Even if the complainant had hit your partner, and there is no suggestion that he did, resort to violence of this level to settle grievances, real or perceived, is never acceptable and such behaviour must be condemned by the courts. What you did was very dangerous and it is most fortunate that the complainant was able to receive appropriate medical attention and that a more grievous outcome did not eventuate. I accept you now regret what you did. You have reflected upon it and realise the seriousness of your behaviour. To your credit you have pleaded guilty and the complainant has been saved the ordeal of giving evidence about a matter that was clearly distressing for him.

Your crime is aggravated by the fact it was committed in public. Violence of this nature, particularly when it involves the use of a knife, has no place at all within our community. General deterrence and denunciation are important sentencing considerations, and despite your difficult background, there is little, in my view, that justifies a tempering of the prominence such sentencing principles should be given in this sentencing exercise. A sentence of imprisonment is clearly required. The only question for me is whether you should serve that sentence, or whether some or all of it should be suspended. In this case, I have determined to suspend the balance of the period of imprisonment I intend to impose in an endeavour to encourage you to maintain some of the positive changes you appear to have made in recent times. You are still a relatively young man and prospects for rehabilitation should not, to my mind, be ignored.

I make the following orders. You are convicted of the crime to which you have pleaded guilty. You are sentenced to a term of twelve months' imprisonment, backdated to commence on 14 June 2023 to take into account the time already spent in custody in respect to this matter. The balance of that period of imprisonment will be suspended for a period of two years on the condition you are not to commit any offence punishable by imprisonment during that period. Mr Dodt, I need to explain to you that if you do commit any offence punishable by imprisonment, and I emphasise the word "any" during the period of the suspension, you can be brought back to this Court and an application made that you serve that period of imprisonment that I have suspended. The law is that a judge must activate that sentence unless it is unjust to do so.

Mr Dodt, I can tell you it was a finely balanced decision to suspend the period of the imprisonment that I have imposed. I strongly encourage you to continue with the positive endeavours that you have made in recent times.