

Mr Jones, you have pleaded guilty to three counts of *Criminal Code* assault. I am also dealing with some associated summary matters, namely four counts of injure property and three counts of destroy property.

In October 2020, you were staying at 20 Armitage Crescent. You had been staying there for several months. It was the home of Brendan Weeks, Katrina Rundle and Wendy Weeks. At the time, Ms Weeks had significantly reduced mobility following a serious stroke. She was confined to a recliner chair. In the early hours of the morning of 2 October 2022, you became angry because the bathroom at the residence was not available for you to use when you wanted to. You became verbally abusive towards members of the household about this issue, and also became volatile over a concern you had that Mr Weeks had provided police with some information about you. You threw a number of bottles towards Mr Weeks. You then picked up a mattock, which was near the front door of the residence, and smashed the television screen. This is one count of destroy property. You then used the flat edge of the mattock head to strike Katrina Ruddle to her face causing a cut through the middle of her upper lip. You then hit Wendy Weeks, who, as I have mentioned, was confined to a recliner chair and completely defenceless, to the head, five or six times with the handle of the mattock. It caused a laceration to her forehead. Meanwhile, Brendan Weeks was endeavouring to contact police. You threatened to kill him if he did so. You also threatened to burn the house down. You struck Brendan Weeks on the head, from behind, with the handle of the mattock. This caused a laceration to his scalp. When Mr Weeks tried to use the landline to call police, you ripped it from the wall. This is one count of injure property. You also hit Mr Weeks to the ribs with the flat part of the mattock head.

In something of a rage, you went on to damage a number of items within the residence including a dog crate, a cabinet and a number of items of crockery, a bird cage, plaster on the walls of the residence and a mobile phone belonging to Brendan Weeks. The damage you caused to these items, and a recliner chair which I shall mention shortly, is the subject matter of the balance of the charges of injure and destroy property. Eventually, Mr Brendan Weeks was able to leave the house and contact police. When he did so, you went to the laundry and collected a metal pole. You used it to strike Katrina Rundle on the head, arm and hand. You also forcefully kicked the back of the recliner chair in which Wendy Weeks was seated, damaging the chair and rendering it inoperable. This recliner chair had been purchased specifically to accommodate the disability of Wendy Weeks following her stroke.

You left the residence. Police arrested you at short time later. When police spoke to you, you were still agitated. You said you were going to burn the residence and kill Mr Weeks, Mrs Weeks and Ms Rundle.

Brendan Weeks received medical attention. The laceration to his scalp was closed with steri-strips. Additional minor lacerations, bruising and abrasions were noted. Katrina Rundle had a four centimetre deep laceration to the mid-upper lip, extending externally to the upper gum. It was treated with sutures. She also had general tenderness and bruising. Wendy Weeks had a laceration to her forehead, which was closed with five sutures. She also had bruising to her left upper arm and left breast area.

The complainants have been badly impacted by your crimes. I have read the impact statements of Ms Rundle and Mr Weeks. Mrs Weeks has since passed away. They clearly found the whole experience traumatic and upsetting. Both of them continue to suffer from nightmares and flashbacks. Understandably, they were scared by your behaviour. They had been good enough to allow you to stay in their home and your response was to inflict violence on them and their property. They were entitled to be treated with respect in their own home and your behaviour was the exact opposite of that.

You are 31 years of age. You have a number of relevant prior convictions. You have, in Tasmania, three prior convictions for common assault and a prior conviction for injure property. Following the commission of these crimes, you were convicted of two further counts of common assault, which occurred in January 2022. In Queensland you have two prior convictions for common assault and one conviction for serious assault. You also have prior convictions for dishonesty, driving and bail offences.

You have, for most of your life, suffered with anger management difficulties. You struggle with emotional dysregulation when something is not to your liking. You have been diagnosed with a moderate intellectual disability. You receive the Disability Support Pension and are also an NDIS recipient. I have read a psychological report from Dr O'Donnell, dated 8 November 2022. It confirms you are functioning within the bottom one percent of the population across intellectual domains. A moderate intellectual disability renders you liable to deficits in abstract thinking, executive functioning, reasoning, problem solving and judgment making. You are also liable to deficits in personal independence and social responsibility. Difficulties in regulating emotion and behaviour are common. These descriptors are consistent with your clinical presentation and also with the type of daily support you require from your NDIS provider.

In examining the relevance of the various limbs referred to in Verdins, Dr O'Donnell opines:

"Mr Jones' level of cognitive impairment has the effect of reducing his ability to effectively problem solve, regulate emotion and cope effectively in situations of personal stress. Rather than being able to use a variety of psychological strategies to calm his emotional state to regulate his behaviour, Mr Jones tends to use aggression and at times physical violence when he feels his needs are not being met or perceives he has been treated in a way he does not like. Mr Jones has reduced ability to exercise appropriate judgment and to make rational choice when compared to peers with more developed cognitive abilities. In my opinion, there is a causal connection between Mr Jones' moderate intellectual disability and his behaviour at the time of the index offences."

I accept Dr O'Donnell's conclusion and assessment as to the impact your intellectual disability had upon you. I proceed to sentence on the basis that your intellectual disability contributed to your offending and that your moral culpability is therefore. Punishment and general deterrence are less prominent sentencing considerations, but cannot be entirely eradicated from the sentencing exercise, particularly because I do not consider that the effect of your intellectual impairment was to deprive you of your capacity to appreciate that what you were doing was wrong and unwarranted. It is also necessary to consider the risk you present to others because of your cognitive impairment, and the risk that you will again commit crimes of this nature. I note Dr O'Donnell's opinion that if your emotional regulation skills are to be

improved and your aggressive behaviours decreased, one on one specialist behavioural support will be necessary.

Obviously your criminal behaviour was most serious. You became angry over a very insignificant matter. You armed yourself with a weapon and proceeded to attack other vulnerable members of the household. You caused considerable harm to them and their property and the sentence ought reflect that.

I make the following orders. You are convicted of all crimes to which you have pleaded guilty. I impose a single sentence. You are sentenced to 18 months' imprisonment, backdated to commence on 30 October 2022 to take into account time served in custody and not otherwise attributed to a sentencing order. I order that you are not eligible to apply for parole until you have served 10 months of that sentence.