

Christopher Blackwell, the defendant, has pleaded guilty to the crime of rape particularised as vaginal sexual intercourse without consent. The crime was committed on 19 September 2020; The complainant is Ayla Williams-Mahon who has given her consent to being identified. Meaning no disrespect, I will mostly refer to her as the complainant, as is customary. The complainant and the defendant were friends. At the time, the complainant was living with her sister Grace and Grace's partner, Kylie Goodwin. The defendant had been staying with them for about six weeks, sleeping on the couch, following separation from his wife. The defendant and the complainant had met about two years earlier when they lived nearby one another, and they became friends in the 12 months or so before this incident. About two weeks before the incident the complainant and the defendant got drunk together at a friend's house, and the defendant told her he had feelings for her. She told him she was not interested in him sexually, that she was still coming to terms with the end of another relationship, was not interested in starting a relationship with anyone at that time, and that at least up to that stage in her life she had shown a preference for females sexual partners. The defendant seemed to accept what he was told and things went on as usual. Late in the afternoon on Friday 18 September 2020 the two were again drinking together at home. The defendant mentioned that his feelings for the complainant were growing stronger, and she again told him she was not interested. They continued drinking throughout the evening, at one point taking alcohol to drink with the next door neighbours. The complainant became noticeably drunk and the defendant started to stroke her hair, rub her hand and whisper in her ear. One of the neighbours, Ms Birt, became concerned about the defendant's behaviour, as she understood the complainant had no sexual interest in men. When Ms Birt commented to the complainant about the defendant's attention, she said he had done this before when he was drunk. The drinking continued until about 2.15 the following morning. The complainant had to be assisted home by both Ms Birt and the defendant. The complainant was put onto her bed in a state in which she was essentially incapable of taking care of herself. Ms Birt closed the bedroom door and told the defendant, who was standing nearby, to leave the complainant alone to sleep. When the complainant woke up later that morning she became aware that she was naked except for a singlet top and the defendant was in bed with her, also naked. She was suffering vaginal soreness and noticed blood on the sheets under her where her bottom had been. Her period had not been due. She essentially has no memory of what happened after 8.30pm the previous night. She was shocked and confused to find the defendant in bed with her. She asked the defendant what happened and he told her that it was not her fault, it was also his. He told her that she was sitting on the edge of the bed and cuddled up to him, then pulled him on top of her and things had "gone on from there". The complainant understood that he was telling her that they had sexual intercourse. She then had a shower and noticed bruising between her thighs. Her sister Grace found her sitting on the bathroom floor in an upset state, unsure as to what had happened. Grace spoke to the defendant and asked him what had happened. He said that after he and Ms Birt had put the complainant to bed, he had returned with some personal items of hers, that after she had been to the toilet and apparently vomited, she had sprawled out on the bed and he had lifted her legs up onto the bed at which point she pulled him on top of her and "one thing led to another". Various conversations ensued between the complainant and Grace, and the complainant and a good friend of hers who the complainant contacted in a very distressed and embarrassed state. Other people became involved leading to a number of events including the defendant being told to get out of the house, and friends of the complainant going to a pharmacy to obtain emergency contraception. Later the same evening the complainant's friend, who she first contacted, rang the defendant and asked what had happened. He said he knew what he had

done was wrong; that they had had sex. When asked whether it was consensual, he said Ayla was drunk and passed out, that she was out of it, he went back to his room, got a condom, went back and they had sex. When asked whether he thought that was OK he said "Um, no probably not, I fucked up". The defendant then rang Ms Goodwin and repeated the claim that when he returned to the room with personal items the complainant had taken hold of him. He said he went outside for a smoke but he returned and one thing lead to another and they had sex. Ms Goodwin told him he should not have been in the room. Among other things he then said he did not know why he did it, he just did. The matter was reported to police on 21 September 2020. In the resulting physical examination, the complainant was noted to have bruising on the anterior upper and lower right leg, on the posterior left arm (upper, lower and elbow), and on her left and right inner thighs. When interviewed the defendant admitted to the sexual intercourse. He described her responses leading up to and during the act and claimed he thought the sex was consensual. He said he thought she was probably sober enough to know what was going on but does not know. The State's case, and the position now accepted by the defendant is that at the time of the sexual intercourse he knew in fact that she might not be consenting, but continued on regardless. This is not a case of a positive mistaken belief which may be deprived of the character of being honest and reasonable by the operation of s 14A of the Criminal Code. I have a victim impact statement from Ms Williams-Mahon which was read to the court. I first note that she bled throughout the day in question and was sore for about four days. It is very clear that the rape has had a profound impact on her. The complainant says that there will never be enough words that will accurately capture the effect on her. It has become bigger than everything else in her life, buried itself under her skin and become a permanent part of her, to use her words. She feels the ultimate betrayal, the crime committed by one known to her, a friend and someone she and the others had trusted. She feels the defendant took away her worth, privacy, energy, time, safety, intimacy, confidence and her own voice, again to use her words. She describes the awful process of having to be examined afterwards and the medication required to guard against pregnancy and sexually transmitted disease. She has had to have therapy for the three year period since the crime. She continues to suffer from anxiety and sleepiness.

The defendant is now 34 years old. He has no recorded history of offending of any significance. He seems to have had an unremarkable childhood in the sense that he had a good upbringing and enjoys a good relationship with his parents. He has four children from the previous relationship that ended shortly before this incident; they are aged 14, 12, 10 and 6. He currently enjoys a good relationship with them. He completed year 12 and has been in regular employment since then, mostly in labouring work and has obtained some certificates in those areas of work. There do not appear to be any other relevant personal circumstances. Although he pleaded guilty to this crime, the plea came at a late stage and the only real relevance of it is that he saved the complainant from having to give evidence.

Mr Blackwell, rape is generally regarded as a serious crime and this a serious instance of that crime. It involved a grave breach of the trust that had been put in you as a friend. In particular, you had been made aware of Ms Williams-Mahon's attitude in relation to a romantic or sexual relationship with you. This was on two occasions shortly before the incident, and yet you took advantage of her when she was in a very drunken state and effectively incapable of consenting. You had been told to leave her alone to sleep after you had, with assistance, got her onto her bed fully clothed. This is a form of violence that involves an invasion of bodily and emotional integrity. The complainant suffered some physical harm and discomfort for a time, and has been deeply traumatised emotionally. That harm may well be long lasting. I take into account your previous good character but in cases such as this, it carries some but not a great deal of

weight. You are convicted of the crime and sentenced to four years' imprisonment to commence on 25 September 2023. I think it is appropriate that you be given the maximum opportunity for parole and I order that you not be eligible for parole until you have served one half of that sentence. I am obliged to place your name on the register under the *Community Protection (Offender Reporting) Act* unless I am satisfied you do not pose a risk of committing any reportable offence in the future. I cannot be so satisfied but I think the period of reporting can be relatively short. I order that your name be placed on the register and that you comply with the reporting obligations for a period of 3 years following your release.