

**STATE OF TASMANIA v LINDA LEE JONES
AND TIFFANY LOUISE SHAW
COMMENTS ON PASSING SENTENCE**

**16 FEBRUARY 2016
PEARCE J**

Linda Jones and Tiffany Shaw were found guilty by a jury of causing grievous bodily harm and assault. Ms Jones was also found guilty of unlawfully injuring property, a charge to which Miss Shaw pleaded guilty. It is my responsibility to make findings of fact for sentencing purposes although, in this case, the facts largely emerge from the verdicts. I must be satisfied of facts adverse to the defendants beyond reasonable doubt.

On 19 January 2014 Michelle Widdowson drove to a supermarket in George Town. Her 12 year old son Lochlyn was a front seat passenger. I am satisfied that, while in her own car with her daughter, Miss Shaw, as a passenger, Ms Jones chanced to see Mrs Widdowson on her way to the supermarket. Motivated by a belief that Mrs Widdowson had slept with her long-term partner, Ms Jones decided to follow Mrs Widdowson and confront her. As Mrs Widdowson parked in the supermarket car park, Ms Jones drove her car into the parking space next to her. Ms Jones and Miss Shaw approached Mrs Widdowson with metal bars as she emerged from her car. Both defendants then struck Mrs Widdowson with the bars they were holding to her arms and torso. The number of times she was struck cannot be established with certainty. I find that she was struck at least six times. That finding is based on the evidence of Lochlyn Widdowson, which I substantially accept, and the evidence about Mrs Widdowson's injuries. Lochlyn said that both accused struck his mother as she held her arms up attempting to defend herself and that she was struck a total of about five times. From her injuries, to which I will refer in a moment, I infer that Mrs Widdowson was struck at least that many times. It is possible that there were other strikes which, for some reason, left no mark.

As the defendants attacked Mrs Widdowson, Lochlyn, who was by then out of the car, was told by his mother to get back in her car. He crouched in back seat in the foot well behind the front passenger seat. At some point one of the defendants said words to the effect "kill the Scottish cunt's kid". I find the words were said by Ms Jones. At her mother's urging, Miss Shaw then used the bar she was holding to break the rear window of Mrs Widdowson's car and reach in through the hole. It follows from the verdict that the jury was satisfied that Miss Shaw attempted to strike Lochlyn Widdowson with the bar she was holding. Her attempts did not succeed. To avoid the bar Lochlyn climbed into the front seat where he was shielded from the attempt. Again, the number of times Miss Shaw attempted to strike Lochlyn cannot be established, but I sentence on the basis that she swung or thrust the bar at him two or three times. In my assessment given their respective positions and the way in which Miss Shaw must have been holding the bar to reach into the car, there was never much chance of Lochlyn being struck with the bar, at least with any significant force.

After the defendants desisted they left in Ms Jones' car. Mrs Widdowson drove herself, with the assistance of her son, to the doctor's surgery about a kilometre away. She was seen by Dr Mooney. As a result of the crime Mrs Widdowson suffered an open fracture of the first joint of the small finger on her right hand which was bleeding profusely. It is obviously an injury caused when she was attempting to defend herself. Her ring finger on the same hand was sore. She had a 5cm laceration and contusion at the top of her left arm and a 1cm laceration just below her left elbow. She had three linear contusions on her left chest wall caused by being struck with a bar. She was highly agitated and upset and complained of severe pain across her left chest, lungs, left shoulder and left arm. I accept the opinion of Dr Mooney that her ribs

were broken. Mrs Widdowson was taken to the Launceston General Hospital where she was admitted for surgery to repair the injury to her finger. She remained an inpatient for two days.

Although Mrs Widdowson had a tendency to overstate the number of times she was struck, and the nature, severity and duration of her injuries, she was the subject of a terrifying attack. She was understandably concerned for the safety of her son, as well as for her own safety. He was also frightened for himself and his mother. It is an aggravating factor that the attack of his mother was carried out in his presence. He saw her injured and was exposed to the responsibility of assisting her to medical care. I accept the description given by his mother in her evidence that, since then, he has experienced disturbed sleep and symptoms consistent with anxiety. He seemed to me to be a very composed young man, but a person of his age is very likely to be disturbed by the events like this. The psychological effects of such events can be long lasting. Mrs Widdowson's injuries were serious. The marks left on her torso are evidence of blows of significant force. Her ribs would have taken some time to heal. The injury to her finger involved significant force. The photographs of the injury taken at the time show the top of her little finger completely displaced from the first joint and the bone obviously protruding. She has been left with mild deformity, reduced function and impaired sensation in that finger. What happened to her must have been extremely painful and traumatic. Fortunately she has made a good recovery from the rest of her injuries.

Ms Jones is now 43. Her record is mostly for driving offences. In 2008 she was given a short suspended sentence for trafficking in drugs. In 2008 and again 2013 she was fined for drug and firearm offences. She has no serious prior convictions for violence. In 2002 she received a small fine for what must have been a relatively minor common assault. She is not employed. Her children are now all adults. She has experienced recent difficulty in her life from the death of siblings and friends but none of that mitigates these crimes.

Tiffany Shaw is now 21. She was 19 and pregnant with the younger of her two children at the time of this crime. She was in serious trouble as a young girl. That is not surprising because of her very difficult upbringing. She was exposed to family violence in her home. In turn, she has been the subject of violence and sexual violence at the hands of partners. Violence has been normalised in her life to the extent that she resorts to it herself. She has a long-standing problem with illicit drug abuse. Between 2008 and 2010 she was convicted of crimes of violence and dishonesty including aggravated robbery, aggravated armed robbery, assault and assault police, many of which arise from drug abuse. Both her children are presently removed from her care. She had not been sentenced for any crimes committed since early 2010 until September 2015 when she was sentenced to imprisonment for six months, three of which were suspended, from 16 August 2015. That sentence was for offences of dishonesty, breaches of bail, driving offences and other anti-social offending. She would have completed that sentence on 14 November 2015 and has been in custody since then. I will take that time in custody into account in sentencing. To her credit, she has used the time in prison to cease use of illicit drugs and engage in education and other courses to assist her on her eventual release. She and her children and the community will benefit if she can be rehabilitated, but that is largely now in her hands.

I am satisfied that Ms Jones is the instigator of these crimes. Miss Shaw participated to support her mother, but, having agreed to do so, she then played a significant part. She joined in the attack on Mrs Widdowson and was responsible for the acts involved in attempting to assault Lochlyn. The only motivation for this attack was to harm his mother. It was planned to the extent that at the time that the defendants saw Mrs Widdowson they decided to follow and

attack her, armed themselves and then successfully carried out that purpose in a coordinated way. It was an outrageous and frightening attack committed in a busy public place, motivated by petty personal grievance. The defendants each had weapons. They outnumbered Mrs Widdowson. Without wishing to understate the severity of her injuries, it is fortunate that the consequences were not even more serious. One bar was recovered from Ms Jones' house. It is a heavy implement. The potential for serious injury by blows struck with such force with such an implement is considerable. I am not satisfied beyond reasonable doubt that either defendant intended serious injury to health, but both were aware of the risk and continued not caring whether such harm was caused or not. The attack on a 12 year old defenceless boy was cowardly and mean spirited. A significant prison sentence is required to mark condemnation of the defendants' conduct, to punish them and to deter them and others from acting in such a way. Neither is entitled to mitigation from a plea of guilty. Miss Shaw's plea to count 3 was of little consequence in light of the verdict. Balancing all factors including their respective roles, ages and records, and chance of rehabilitation, I have concluded that Ms Jones should receive a marginally higher sentence.

Linda Jones, you are convicted on each count. I order that you pay a victims of crime compensation levy of \$150 within 28 days of your release from prison. I impose one sentence. You are sentenced to imprisonment for two years from 10 February 2016. I order that you not be eligible for parole until you have served half that sentence.

Tiffany Shaw, you are convicted on each count. I order that you pay a victims of crime compensation levy of \$150 within 28 days of your release from prison. I impose one sentence. You are sentenced to imprisonment for twenty months from 14 November 2015. I order that you not be eligible for parole until you have served half that sentence.