

Jeremy Auld pleads guilty to causing grievous bodily harm and two counts of assault. The victim of each crime was, at the time, aged 4, and is the daughter of his former partner.

In March 2014 the defendant commenced a relationship with JB. He began living with JB and her twin daughters, S and L. Her relationship with their father had ceased and he had moved interstate. The defendant assumed a parental role for her daughters and they called him "dad". In May 2015 a daughter was born to the defendant and JB.

At about 5pm on 21 September 2015, JB was out and the defendant was in charge of the children at their home. When frustrated by S's refusal to get a drink for herself after eating, the defendant punched her twice to the torso. When she then refused to put her shoes on, he pushed her causing her to fall over, and struck her face with the sole of a shoe he picked up from the floor. S became distressed and unwell. The defendant told the police that she vomited and appeared to be having trouble breathing. He phoned JB at 6.12pm telling her that there had been an accident with S and asking her to come home. He phoned her again six minutes later pressing her to return. When JB arrived home not long afterwards she found S in bed, almost non-responsive, covered in sweat and vomit. She observed on S's face a deep imprint of the pattern on the sole of a shoe. She confronted the defendant about this and he eventually admitted he had hit S. S then vomited again and appeared to be losing consciousness. An ambulance was called and she was taken to the hospital, critically unwell. She was urgently assessed and taken to surgery. An emergency laparotomy confirmed that that part of her small bowel had been torn apart and faecal contents had contaminated the abdominal cavity. A 25 centimetre damaged section of the bowel was removed and her bowel was re-joined. In addition, there was evidence of injury to her liver and pancreas, and bruises to her right ear, right neck, left face, both sides of her chest and abdomen and both upper thighs. The patterned bruise on the left side of her face was also noted by the ambulance officers. Without the emergency surgery she would certainly have died.

After the surgery S remained critically unwell. While intubated and ventilated she was transferred to the Royal Hobart Hospital. She remained ventilated for two days and was in hospital for 11 days. During that period she required opiate pain relief for extreme pain. She could not eat or drink and received nourishment through an intravenous cannula. I am satisfied by the medical evidence produced by the State that the force required to produce S's injuries, particularly the ruptured bowel, was significant. A rupture of that nature is consistent with her being punched while fixed against a hard surface, causing compression of the abdominal contents against the spinal column.

The physical consequences of the crimes are considerable. S has been left with an abdominal surgical scar which extends from her sternum downwards beyond her navel. The injuries and surgery have, for the rest of her life, increased her risk of abdominal problems. The psychological, emotional and behavioural consequences have been profound. She is at increased risk of attachment disorder, causing difficulty in future relationships and assessing personal safety. JB describes how S's behaviour has altered. She has changed her manner of dress and play, is no longer calm, and demonstrates a number of other challenging behaviours. These behaviours have extended to her twin sister. Both have started wetting the bed. JB has found it necessary to seek help from a range of services, regrettably with limited effect so far.

The defendant is now almost 23, still a relatively young man. He had a stable upbringing and has had a good industrial record in labouring and unskilled employment. He has no drug or alcohol or mental health issues. He has no prior convictions. He is unable to explain his conduct except to say that he did not cope with the responsibility of caring for children. His inability to cope manifested itself in other incidents. He is not to be sentenced for any other conduct, but he does not contend that this was an isolated incident of violence towards the children. He said nothing to anyone and did not seek help. He is to be sentenced on the basis that he did not intend to cause injuries of this nature, but realised the risk of doing so and acted regardless of the risk. He is entitled to mitigation from his early plea of guilty. JB knew from an early stage that she and S and her sister would not be required to give evidence. I accept that the defendant is sorry for what he did. His admissions to the police and early plea are further evidence of that. He has already paid a price. He has been ostracised by friends and been the subject of public condemnation.

This is however a terrible serious crime. The violence he inflicted on S was a grave breach her trust in him, and the trust extended by her mother in leaving her in his care. It took place in her home. She was deprived of the safe and loving home she was entitled to expect. It is aggravating that the crime was committed in the presence of her twin sister, who has also been considerably affected. I will allow for the two days the defendant spent in custody.

Jeremy Auld, 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 three years from 10 February 2016. Given your age, circumstances and lack of prior convictions, I allow the full opportunity for parole. You are not to be eligible for parole until you have served 18 months of that sentence.