

Annie Shaw, you plead guilty to one count of wounding. The sentencing proceedings commenced on 8 September 2023 before Geason J. His Honour heard the facts and a plea in mitigation. Sentence has not yet been passed. The Chief Justice has determined, in accordance with the *Sentencing Act* 1997, s 91(5), that it appears probable that, for serious cause, Geason J will be unable to pass sentence within a reasonable time. Accordingly the matter has been referred to me to pass sentence. The parties have agreed that I have regard to a transcript of the sentencing proceedings on 8 September. In the course of those proceedings the Court was provided with a copy of a report dated 12 October 2023 by a forensic psychiatrist, Dr Michael Jordan. An assessment of your suitability for a home detention order was ordered and a report was prepared. I heard further submissions about the contents of it. Dr Jordan prepared a further report of his opinion about your suitability for home detention.

The crime was committed on 17 September 2022. You were 24 at the time and in a long term relationship with Brodie Gordon. You and he were staying with some friends in New Norfolk while you were waiting to move into a rental property. At about 8 pm you were alone in the lounge room. You had been drinking all day. When he made an insensitive comment about your relationship with your family you became angry and struck him with a short round glass you were holding. It shattered and cut his face quite deeply above his left eye and left cheek bone. The others present in the house came to his aid and applied bandages. He did not seek medical assistance. The police only became aware of the matter about 10 days later on 28 September when investigating other allegations made by you. When you were interviewed by the police you admitted hitting Mr Gordon with the glass but said your intention was only to throw a drink on him and you didn't mean to hurt him.

It follows from your plea of guilty to wounding that you admit that you intentionally struck him with the glass either intending to wound him or realising the risk that you would do so and acting regardless of the risk. I will proceed on the basis that the latter applies but in cases like this the risk of wounding is so obvious that there is little difference in culpability between intent and recklessness.

It is in your favour that you pleaded guilty. Your only prior conviction of any possible relevance is for abusing a police officer in June 2019 for which you were, without conviction, required to enter into an undertaking to be of good behaviour. You are now 25 and single. You have separated from Mr Gordon and there have been no further incidents. You completed year 12 and worked full time for a few years. You have stable accommodation in a private rental property where you live with your mother. You receive a carer's pension because, since you were 21, you have been looking after your mother who is in very poor health. Your responsibilities include dressing and bathing her as well as housework. You have a positive relationship with your step father who is supportive of you. Your goal is to become a veterinary nurse and you are currently undertaking some on-line vocational training.

In Dr Jordan's opinion you have a borderline personality disorder of the type often seen in individuals who were exposed to trauma in his or her early years. In your case it resulted from childhood sexual abuse. For reasons of shame, confusion, distress and the possible impact on your family this was not disclosed until a short time before you committed this crime. However the effects of it have been apparent for a long time. You have been prescribed anti-depressant medication since you were a teenager. There were instances of reckless behaviour as a young

person and some self-harm. You continue to experience low mood, restlessness and irritability, and some suicidal ideation. Your mental health has been managed by your GP but until recently there was no referral for targeted treatment. The disclosure led to a falling out within your family. During the period leading up to the crime you had not been taking your medication. On the day you were significantly affected by alcohol. Your partner was a generally supportive person, but when he made the comment he made about your family it struck a nerve and you reacted with immediate anger.

Because of the part alcohol played in this crime Dr Jordan does not think that there is any reduction in your moral culpability or reduction in the need for general deterrence arising from your mental health. However I accept Dr Jordan's opinion that imprisonment would likely bring about a further deterioration in your mental health and hinder your rehabilitation.

The community has a legitimate concern about violence of this type, and in particular the infliction of injury by blows to the face with glass objects. I have no information about any impact on Mr Gordon. It is likely that at least he will have scars on his face but it seems otherwise he has recovered. Of course there was potential for even more serious injury. However, I accept that this was a spontaneous and impulsive act, not premeditated in any way, and that you immediately regretted it. It was an act which was out of character for you. You have demonstrated yourself to be, in general, a kind and caring person. You understand the seriousness of your crime and the factors which led to it as a result of which, if the necessary conditions for your ongoing treatment and rehabilitation are put in place, it is unlikely to be repeated.

In this case I do not consider actual imprisonment to be a necessary or appropriate response. I accept Dr Jordan's opinion that imprisonment is likely to have a detrimental effect on your mental health and hinder your ability to obtain the medical and psychological support and treatment he considers that you require. Dr Jordan considers that you could manage the restrictions of a home detention order but he expressed that opinion in the context that the alternative was actual imprisonment. The author of the assessment report does not consider you to be suitable and I agree. I share the concern expressed in the report about the compounding effects of isolation, restriction to home and lack of psychological intervention which would accompany a home detention order on your already troublesome mental health. In my view the appropriate sentence is a wholly suspended prison term and an order for supervision in the community.

Annie Shaw, you are convicted. In accordance with the *Family Violence Act*, s 13A, I direct that the offence be recorded on your criminal record as a family violence offence. You are sentenced to imprisonment for six months, wholly suspended for 18 months from today. It is a condition of that order that while it is in force you do not commit any offence punishable by imprisonment. You must understand that if you breach that condition then a court must order that you serve that term unless it is unjust. I also make a community corrections order for a period of 18 months from today. The full conditions of that order will be specified in the order you will be given and include that you not commit an offence punishable by imprisonment, that you report to and comply with the directions of a probation officer, that you must not leave Tasmania without permission and that you must notify of any change of address. I impose special conditions that you must, during the operational period of the order, submit to the supervision of a probation officer as required by the probation officer, attend educational and other programs, undergo assessment and treatment for alcohol or drug dependency, submit to testing for alcohol or drug use and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer. If you breach any of those conditions you may be brought back to court and

re-sentenced. I direct that you report to Community Corrections in Hobart by the close of business tomorrow.