

6 MAY 2016
WOOD J

Rebecca Janice Maree Cordwell has breached a condition of a partially suspended sentence of imprisonment by failing to comply with terms of supervised probation. On 2 August 2013, Ms Cordwell was convicted after pleading guilty to one count of armed robbery. She was sentenced by me in the Supreme Court, Burnie, to a term of imprisonment of 20 months, backdated to 6 June 2013. Six months of that term were suspended on conditions. One of the conditions was that she was not to commit an offence punishable by imprisonment punishable for two years from her release. It is not alleged that she has breached that condition.

Another condition was that Ms Cordwell was to be subject to supervised probation for a period of two years from the date of her release. Ms Cordwell was subject to further conditions that she was to report to a probation officer within one clear working day of her release and that she give notification to a probation officer of a change of address within two working days of the change. She has breached these conditions.

Ms Cordwell was released on parole on 6 January 2014. She told Community Corrections that she would live with her mother at Elizabeth Street in Burnie. In fact, she did not stay at that address following her release and she did not inform a probation officer of a change of address.

On 9 January 2014, Ms Cordwell attended Community Corrections and told her probation officer that she had not stayed at the address due to her mother having relationship problems. That was true. Ms Cordwell told her probation officer that as of that day she was staying there. However she did not stay at that address after that either.

On 13 January, Ms Cordwell attended a meeting with her probation officer and completed the probation induction process. She was then told that the Parole Board had issued a warrant for her apprehension. She told her probation officer that she would hand herself in to the Burnie Police Station that day. She did not do so. Hearing about the warrant she panicked and she severed contact with her probation officer. The warrant was executed on 5 June 2015, her parole was revoked on 12 June 2015. In the interim period she did not live at the Elizabeth Street address and she had not had any contact with her probation officer. However, it is noted that she did not reoffend in that period, and indeed in that 17-month period she remained in Burnie spending time with her children and striving to achieve a stable lifestyle.

The details of the original offending and the background to it are set out in my comments on passing sentence dated 2 August 2013. It is not necessary that I summarise them as they are available on the Supreme Court website.

I mention briefly that at the time of offending Ms Cordwell's life was unstable and her personal difficulties were profound. She was abusing drugs and alcohol at very damaging levels. Her drug addiction was serious. The progress she has made since then is significant.

After Ms Cordwell's parole was revoked, she remained in custody until 19 August 2015 when she was released on parole. She was then subject to parole and supervised probation as a condition of her suspended sentence until dates in early January 2016. From the time of her release in August, her compliance with parole and supervised probation was excellent. Her probation officer commends both her compliance and her achievements.

At the time when I sentenced Ms Cordwell her goals were then drug rehabilitation and to be reunited with her children. Conditions of probation require psychological and psychiatric counselling and drug counselling and treatment. She complied with those conditions. I read from the report provided by probation officer, Zie Devereux-Martyn, dated 29 April 2016, “During this time (that is, whilst the parole order and probation order were in place) the accused embraced intervention counselling options as directed, presented as polite and willing to submit to supervision, and appeared genuine in her motivation to lead a pro-social lifestyle.”

Ms Cordwell is on the methadone program and has managed to abstain from significant illicit substance use, apart from using small amounts of cannabis, and she is working towards achieving complete abstinence. She is not consuming alcohol. She presently has the full-time care of her youngest daughter. She is endeavouring to secure her own accommodation. She is also working towards obtaining her drivers’ licence. Her lifestyle is stable and she is enjoying her parenting role very much.

I sought a report from Community Corrections, and whilst it was very positive about Ms Cordwell's recent efforts while subject to supervision and parole, Ms Cordwell failed to attend appointments for an interview. A period of supervised probation is recommended for her to resume drug rehabilitation and counselling, and also to supervise her engagement with the methadone program. I have today received an explanation for why Ms Cordwell failed to attend those appointments and it seems that Ms Cordwell has been experiencing recent personal difficulties, and there is a need for further supervision.

I take into account that recently Ms Cordwell has been compliant and has made excellent progress. I must also take into account that Ms Cordwell's engagement with supervision has only been for a relatively short period of time, and of course, supervised probation was meant originally to be in place for two years. I also note that it is clear that a further period of supervision is needed.

In all the circumstances, I am satisfied that the appropriate order to make today is to vary the conditions on which the execution of the sentence was suspended pursuant to s 27(4E)(c) of the *Sentencing Act*, so that it is extended for a further period of ten months from today. Ms Cordwell is subject to supervised probation for that period in the same terms as imposed by me in August 2013.