

STATE OF TASMANIA v KEITH WAYNE WOODS
COMMENTS ON PASSING SENTENCE

22 JANUARY 2024
JAGO J

Mr Woods, you have pleaded guilty to one count of criminal code assault committed against your then partner on 28 September 2022, and one count of wounding also committed against your partner the following day on 29 September 2022. Additionally, you have pleaded guilty to related summary offences, namely two counts of common assault, one count of trespass and one count of destroy property.

You had been in a relationship with your partner for approximately two years. It was a tumultuous relationship. Both of you had experienced difficulty with drug use during the life of the relationship and arguments were common.

On the evening of 23 September 2022 you and the complainant were walking from your residence to the complainant's residence. You became angry and slapped her to the face using an open palm. It left a red mark on her cheek. This act amounts to one count of common assault.

On 28 September 2022 you and the complainant had a verbal argument. Sometime later the complainant visited you at a unit where you were staying. You had no permission to be at the unit and were, in fact, trespassing. When the complainant arrived, the two of you became involved in an argument. She went to leave but you told her that if she did not come in, you would drag her in, by her hair. She entered the unit and the argument continued. You called her a number of unsavoury names and approached her in an aggressive manner. At one point the complainant asked you to just let her leave. You told her she could not. She was standing by the kitchen sink and you approached her from behind. As she turned to face you, you hit her to the eye and nose area. This act amounts to the second count of common assault.

The complainant cleaned herself up. Things calmed down for a period before they again escalated. At one point, the complainant picked up a knife and told you that if you went near her she would stab you. You approached her. The complainant was scared and dropped the knife. You picked up the knife and acted as though you might harm her with it. You did not use the knife, but instead hit the complainant to the head and then kicked her as she fell to the ground. You then knelt on her chest and placed your hand around her neck and applied pressure. The complainant tried unsuccessfully to free herself from you. You continued to apply pressure. You had your hand around her neck for approximately two minutes and she experienced difficulty in breathing. She was very scared and believed she might die. This behaviour amounts to the crime of assault.

Things calmed down for a period and you and the complainant both fell asleep. The following morning, the complainant endeavoured to leave. You became angry, however, and another argument developed. You picked up a wooden pole, which had a screw in the end of it. You hit the complainant to the head with the pole. It caused her head to bleed. This amounts to the crime of wounding. Thereafter, every time the complainant endeavoured to leave the residence you would behave in a manner which intimidated her and she felt she was unable to leave.

Later in the afternoon a third person arrived at the unit. This provided the complainant with the opportunity to leave. When seen by others, she was distressed and injured. Arrangements were made for her to be transported to the Mersey Community Hospital. As a result of the

assault and wounding, she was left with a cut to her head, a badly swollen right eye, and bruising around her neck.

The incident was reported to police. You were arrested on 7 October 2022. You participated in a record of interview but essentially denied assaulting the complainant. You were placed in custody whilst further enquiries were pursued. Whilst in the cells you became agitated and kicked the toilet causing the cistern to break from the mounts. You then pulled parts of the cistern apart, leaving it irreparable. This behaviour amounts to the offence of destroy property.

You have been in custody since 7 October 2022 but have during that time served a sentence imposed by the Magistrates Court.

You are 31 years of age. You have a long history of criminal offending which reflects a long term drug addiction. You have many prior convictions for offences against property, dishonesty matters, driving offences, drug offences, bail offences and matters of violence. In respect specifically to crimes of violence, I note in February 2018 you were sentenced by this Court for the crime of assault. You have a number of prior convictions for common assault and breaches of interim Family Violence Orders. In August 2021, you were sentenced to imprisonment for offences of common assault relating to the same complainant. It would have to be said your record of prior convictions for matters of violence is a poor one.

You suffer from Attention Deficient Hyper Activity Disorder, Bi-Polar Disorder and an intellectual disability. I have received and considered an NDIS occupational therapy report. Whilst you have been incarcerated that report was prepared with a view to providing you with support from NDIS upon your ultimate release into the community. In summary, the report indicates that within the community you have variously experienced periods of homelessness and have had difficulty in completing daily living tasks. Your ongoing drug use has been problematic and disruptive. The conditions from which you suffer means that you have difficulty in completing tasks that involve literacy and numeracy aspects, planning and problem solving, attention and concentration, decision making and you lack insight. You also have considerable difficulty in regulating you emotions and behaviours on occasion. Of course, all of these difficulties are exacerbated by your ongoing use of illicit substances.

The occupational therapy report recommends that you receive NDIS assistance upon your release into the community with a focus on psychological assistance, mentoring and assistance in developing the skills necessary for successfully independent living.

The complainant has provided an impact statement. She has been badly affected by your violence. She was left with bruising, swelling and general soreness. She continues to experience headaches and dizziness. She was petrified during the incident and continues to experience a sense of fear. She is now constantly anxious and worried and continues to experience nightmares.

I note your plea of guilty. They have saved the complainant the ordeal of having to give evidence about what was obviously a traumatic experience for her. She comments in her impact statement that your pleas of guilty provided her with a sense of relief. Those pleas count in your favour. Beyond that, however, there is little which mitigates your behaviour. I do note that you have been endeavouring to better yourself whilst in custody by undertaking literacy courses and also a resilience programme directed at assisting you in understanding and managing your emotions.

Family violence crimes are, of course, always serious and courts have noted time and time again the need to condemn such behaviours. In sentencing, general deterrence, denunciation, punishment and protection of the victims are paramount considerations. The only appropriate sentence is a substantial period of imprisonment.

You are convicted of all matters to which you have pleaded guilty. In respect to the offences of trespass and destroy property I make no further order. On all other matters, I will impose a single sentence. That best reflects totality and the fact that your behaviour towards the complainant was, in effect, a continuing course of violent conduct within the context of a relationship. You are sentenced to imprisonment for a period of three years, backdated to commence on 21 October 2022 to take into account time served in custody but not otherwise allocated to a sentence. I order that you are not eligible for parole until he has served 21 months of that sentence of imprisonment. It will then be a matter for the Parole Board to assess whether it is appropriate to release you back into the community, and if so, on what conditions. Pursuant to s 13A of the *Family Violence Act 2004*, I direct that all crimes and offences, save for the offences of trespass and destroy property, be recorded on your record of prior convictions as family violence offences. I make a compensation order in favour of Tasmania Police, the assessment of which will be adjourned.