

Bradley Cashion, you were found guilty by a jury of persistent family violence. It is my duty to sentence you in accordance with the verdict. Proof of the crime of persistent family violence requires proof that offences were committed against the victim, within a significant relationship, on at least three separate occasions. The victim of this crime was Kaitlyn Lockwood. It follows from the verdict that a majority of the jury was satisfied beyond reasonable doubt of the truth of the essential aspects of Ms Lockwood's evidence. Because only three separate occasions of violence were alleged by the prosecution, the jury must have been satisfied of her evidence about each of those three occasions.

You began a relationship with Ms Lockwood in about September 2021. She had one child, then aged about 1½. She had her own residence in Ravenswood. You lived with your mother and other members of your family at Waverley. However, after the relationship began, you spent most nights together at one house or the other. At an early stage she became pregnant but suffered a miscarriage in about December. She told the jury that you wanted a baby. She suggested to the jury that you frequently argued. There were arguments about many things including you bringing guns to the house. After her pregnancy ended, that was the subject of arguments as well. At about that time her child was taken into care by the child protection authorities and no longer lived with her.

A few days before Christmas 2021 you and Ms Lockwood were together at her home, in her kitchen. In the course of an argument you struck her twice to the face. She fell to the floor and, while she was there, lying on her side, you kicked her to her ribs and stomach. That application of force constituted an unlawful assault. I am satisfied that she was left very sore with two black eyes which resolved over the course of about a week.

Overnight between 4 and 5 January 2022 you were at Ms Lockwood's home. You had a firearm. Her description of the firearm was somewhat vague but she said you referred to it as a .410 which is a type of shotgun. That is consistent with the type of damage it then caused. As you were arguing she was kneeling on her bed and you were in the hall. You produced the gun, stepped into the bedroom, told her that you were going to use the gun on yourself but that you would kill her first, pointed the gun towards her and discharged it. The shot did not strike her, but hit the plaster wall behind her near the cornice, making a hole in the wall extending into the next room. Small holes made by the shot can clearly be seen in photographs the police took later. I find that you did not attempt to shoot her. Rather, you shot above her head. You certainly had the means to carry out your threat and I am satisfied that she believed that you could have shot her. There was an obvious risk that she may have been struck by shot even though you did not intend that. By firing the gun in that threatening way you committed an aggravated assault.

At the beginning of February 2022 you and Ms Lockwood were together at your mother's home. Another argument occurred. You bit Ms Lockwood on the arm. You then grabbed her and threw her across a bedroom injuring her arm which was immediately painful. Those acts constituted unlawful assaults. She spent the next two days at home until at about 4.30 pm on 4 February her neighbour checked on her. Her condition was such that the neighbour took her to the emergency department at the hospital where she was seen by the triage nurse. The nurse recorded that Ms Lockwood appeared to have been upset and reluctant to say how she had been injured. The nurse observed a bite mark on Ms Lockwood's left arm, that her right arm was swollen and in a home-

made sling, and her right forehead was bruised. Ms Lockwood was not seen by a doctor and no medical investigations were undertaken because she left the hospital within an hour or so.

You are now aged 26. You were 24 when this crime was committed. Your criminal record is an important matter in sentencing. On 17 July 2019 you were sentenced to imprisonment for six months, most of which was suspended, for multiple family violence offences committed against a different female. The offences included two apparently serious common assaults and breaches of a police family violence order. Within a couple of months you breached a condition of the suspended sentence by approaching the victim in breach of a family violence order and on 18 September 2019 you were ordered to serve a term of imprisonment. That did not deter you. On 13 August 2020 you were sentenced to imprisonment for 15 months for further family violence offences which you began to commit shortly after your release which included emotional abuse and intimidation, two common assaults and, significantly, an aggravated assault committed by you pointing a firearm at her and threatening to kill her.

Your relationship with Ms Lockwood began in September 2021, not long after your release from custody. It ended soon after you were taken into custody again on 14 February 2022. Since then you have been dealt with for other offences. In breach of an order you phoned Ms Lockwood from prison. Prior to going back into custody you committed some drug offences as well as numerous breaches of the order in place to protect your former partner. On 25 July 2022 you were sentenced to imprisonment for nine months from 14 February 2022 three months of which was suspended for two years. Again, the suspended part of the sentence was breached. On 24 November 2022 that three month term was activated from 2 September 2022 and you were ordered to serve a further term of four months for family violence order breaches including by possession of a replica firearm and live ammunition at the time of your relationship with Ms Lockwood. Most recently, on 7 August 2023 you were sentenced to imprisonment for nine months from 3 April 2023 for possessing a stolen rifle when you were shooting in the bush with your brother and further breaches of the family violence order concerning Ms Lockwood by going to her home and attempting to interfere with the electronic monitoring device you were wearing at the time. Although none of the offences since your release in 2021 involve actual violence towards Ms Lockwood or anyone else, the result is that you have been in custody for the majority of the time since 2019. I will take into account the 29 days you have spent in custody which are not attributed to any other sentence. You were taken into custody following the verdict on 13 February 2024.

These offences were committed over a relatively short period and are the minimum number which may constitute this crime. The relationship was not a lengthy one. You maintained separate residences and there was little financial interdependence. A majority of the jury was satisfied that there was a significant relationship, likely because of the degree of personal commitment to each other at the time. But in the circumstances of this case, that fact, while necessary to constitute the crime, adds little to your overall criminal liability. All of the unlawful acts were sufficiently identified so that they could have been made the subject of separate charges. Each involved separate criminality aggravated by being committed in the context of a close intimate relationship with a female over whom you had power and control and in breach of the trust which is implicit within such relationships. Two of the crimes were committed in her own home. Many of the same sentencing considerations apply whether or not it amounted to a significant relationship. You are not entitled to the mitigation a plea of guilty would have entailed, particularly because it would have spared Ms Lockwood the additional burden of having to give evidence. I do not disregard the chance that, at your age, there may still be some chance of rehabilitation but imprisonment has not deterred you and you have done little else to

demonstrate that you may reform. There has been no demonstration of remorse or insight and there are no other mitigating factors. I have no victim impact statement from Ms Lockwood. I infer that the injuries she suffered as a result of the physical assaults committed before Christmas 2021 and in early February 2022 were not permanent or long lasting. However that does not mean that there was no impact. I have no doubt that the circumstances of the crimes were traumatic for her at the time. The aggravated assault, involving as it did the use of a weapon and the nature of the threats which accompanied it, is particularly serious and must have put Ms Lockwood in fear of her life. The cumulative impact of family violence offences of this nature can be profound. As has been frequently pointed out, the prevalence and devastating impacts of violence perpetrated against women in domestic circumstances are well recognised across Australia by the criminal courts and the community. Violence within relationships is an insidious, prevalent and serious problem in society. Victims are vulnerable and commonly reluctant to complain. That is so for a range of possible reasons including shame, guilt, fear and unjustified self-blame. Sometimes there is even a wish to protect perpetrators through misguided loyalty, affection, the wish for emotional and economic security or a culture of not complaining. I have little doubt that such reasons help explain why Ms Lockwood was a reluctant witness, how she presented as a witness and why she has not made a victim impact statement. It is also commonly the case that other persons, family members and friends for example, are unwilling to become involved even if they know of or suspect violence within a relationship. For those reasons there is a strong need for a court to provide such protection as it is able to provide through the imposition of sentences that will act as both a personal and a general deterrent. Because of the time you have recently spent in custody I will allow the earliest opportunity for parole.

Bradley Cashion, you are convicted. Pursuant to s 13A of the *Family Violence Act*, I direct that this crime be recorded on your criminal record as a family violence offence. You are sentenced to imprisonment for three years from 15 January 2024. I order that you not be eligible for parole until you have served half of that term.