

Adam Paul Alexander has pleaded guilty to aggravated burglary with intent to commit the crime of assault or wounding and two counts of committing an unlawful act intended to cause bodily harm on 26 October 2021, and summary offences dealt with pursuant to s 385A of the *Criminal Code*: namely, two charges of breach of an interim family violence order, four charges of non-compliance with an order contrary to s 50 of the *Children, Young Persons and Their Families Act*, and two charges of breach of family violence order.

The complainants are Joeline Barratt and her son, Tyrone Clark-Barratt, who is aged 18 years. Ms Barratt and the defendant were in a significant relationship, described as "on again and off again", from March 2018 to approximately January 2021. They have a child together, a daughter born in January 2021, who was aged nine and a half months at the time of the incident.

In August 2018, the defendant was charged with the rape of Ms Barratt and he was remanded in custody and on bail for various periods of time until he was acquitted on 16 September 2021. Ms Barratt gave evidence at the trial. In August 2021, care and protection orders were made preventing the defendant from having unsupervised access with his daughter. The infant was in Ms Barratt's full-time care. On 18 September 2021, an interim family violence order was made against the defendant to protect Ms Barratt and it included conditions that he was not to directly or indirectly threaten, abuse, or assault Ms Barratt, or be within 50 metres of, or contact her directly or indirectly.

Between 19 September 2021 and 25 October 2021, the defendant telephoned Ms Barratt 900 times. She did not answer these calls. Each call was in breach of the interim family violence order and Mr Alexander has been sentenced for this conduct.

On Monday, 25 October 2021, the defendant slept overnight in his motor vehicle in the backyard of his son's residence in Bridgewater. The address is about three kilometres from Ms Barratt's home in Maxwell Drive. The next morning, the defendant rode a motorised push-bike around Bridgewater and then, at 8:35 am, went to an address at Killarney Road, approximately 200 metres from the complainant's address, where he left the push-bike and headed in the direction of Maxwell Drive. He returned about 10 minutes later. CCTV footage showed he had with him a large implement in some kind of wrapping. It was similar to a baton with a kitchen knife attached to it with tape. He crouched down and put the knife into a front pocket of his jumper and left the baton, tape and packaging with the push-bike. He approached the front door of the residence at Killarney Road and spoke to one of the occupants briefly. He put on black gloves and walked back towards Maxwell Drive. He was wearing dark clothing and a black half-face mask.

At approximately 8:45 am, he went to Ms Barratt's address in Maxwell Drive. He was not expected, nor was he permitted to be there because of the interim family violence order and the terms of the care and protection order. Paige Taylor, a close family friend, was outside the residence and she was confronted by the defendant, who stated repeatedly that he wanted to see his daughter. He ignored requests to leave. Ms Taylor returned to the residence and the defendant followed her inside and went to the lounge room. Ms Barratt was seated on the couch, holding her child. The defendant said, "Let me see my daughter", adding that no one would stop him seeing his daughter. Ms Barratt told him no, reminded him that he was not allowed to be there, and told him she would call the police.

The defendant grabbed the child from Ms Barratt and produced a large kitchen knife. While holding the child, he waved the knife around and lunged at Ms Barratt who was still seated on

the couch, inflicting two significant wounds to her right hand and upper right arm. Ms Barratt immediately noticed she was bleeding and, in her distress, wet herself. Ms Taylor grabbed the child from the defendant. The defendant went to leave and was confronted by Tyrone Clark-Barratt. The defendant grabbed him around the throat with one hand and with the other, he raised the knife and lunged at him. He stabbed Mr Clark-Barratt to the left side of his torso, just under his left nipple. The defendant fled the house on foot.

The incident was reported and police attended the residence. The complainants were both taken to hospital by ambulance. Ms Barratt was admitted and found to have sustained deep open wounds to the right shoulder and arm, 14 centimetres x 3 centimetres, and to the dorsal region of her right hand. The tendons in her right hand, right deltoid, and tricep muscles had been severed. She underwent surgery to repair the damage and suture the wound. A drain was inserted into her arm for three days. After discharge a few days later on 3 November, she was required to undergo regular physiotherapy. The expectation was that she would regain the full function of her right upper limb within 3- 6 months. It is not suggested that this did not occur.

Mr Barratt-Clark was also admitted and he presented with a 2-centimetre stab wound to the sixth intercostal space of the left chest. He underwent a laparotomy, which is a surgical incision to examine the abdominal cavity, and exploration. The treating physician noted he was lucky not to have more significant injuries secondary to the location of the stab wound, and the stab wound could easily have penetrated his heart, lungs, stomach, or liver. His wound was closed with staples and he was discharged from hospital on 1 November 2021.

I have victim impact statements from the complainants, which I have read. The complainant, Joeline Barratt, felt terrified during the incident, and after she was wounded, she was traumatised to see her son stabbed; she thought he was going to die. She tried to help him and also hide from her son that she had been stabbed, but he saw and became hysterical. She said it was heartbreaking to see him in that state. The wound that she suffered has left a scar across a tattoo that has sentimental value.

The impact of these crimes upon Ms Barratt's life has been severe. Her children were removed from her care for a period after she had worked really hard to have them placed in her care and to separate herself from the defendant. She lost her home because she found it too distressing to continue to live there. She has ongoing symptoms of depression, has difficulty sleeping, and suffers from nightmares. She has been seeing a counsellor since the incident.

Tyrone Clark-Barratt describes that at the time of the incident, he thought he was going to die. He has a prominent scar that he is ashamed of and which is a reminder of the incident. He recalls being told by a doctor he could have been killed if he had been stabbed in a slightly different location. He has been affected emotionally, as well as physically. He experiences a racing heart and has panic attacks. He is seeing a counsellor. He feels very angry. He had a strong bond with the defendant and he trusted him as a father figure. In fact, he was the only father figure in his life. He has felt depressed since the incident. He does not like socialising now, and he has nightmares and has been prescribed sleeping medication.

The defendant was located by police at approximately 10:50 am on Brighton Road at Elderslie. He participated in an electronically recorded interview. Initially, he declined to comment about his movements that day, and later denied being in the vicinity of the complainant's residence. He expressed surprise and upset about the injuries sustained by the complainants. He suggested his sons, Jesse or Adam, may be responsible.

He was remanded in custody and has been in custody since his arrest on 26 October 2021.

The police investigation gave rise to a strong circumstantial case, as well as there being evidence from the complainants identifying the defendant as their assailant. There were committal proceedings in the Magistrates Court, but the complainants were not required and the proceedings only involved one police witness. The defendant first appeared in the Supreme Court on 5 September 2022. On 1 February 2023, defence counsel indicated to the Crown that the matter may resolve.

After the defendant was remanded in custody, he breached a family violence order by sending two letters to Ms Barratt; one on 14 February 2022, and one on 13 March 2022. In those letters, he expressed his love for her and apologised for wrecking their family. The two letters were intercepted by a child safety officer. The two breaches of the interim family violence order arise from his offending on 26 October 2021 in that he contravened the order as he was not to assault Joelene Barratt, nor was he to go within 50 metres of her. There was an interim care and protection order in place under the *Children, Young Persons and Their Families Act* concerning the infant, and the defendant was required to observe a condition that he not remove his daughter from her placement without the authorisation of child safety services, and that he not have contact with her unless authorised. He was to abide by the interim family violence order that was in place and by breaching that in two respects, he committed two further offences of non-compliance with the order.

The offending before the Court today is a breach of a suspended sentence imposed on 13 February 2020 in the Magistrates Court, on complaint no. 11245/19, for an offence of a breach of a family violence order. He was not to go within 50 metres of Joelene Barratt, or contact her directly or indirectly. On 29 November 2019, they both attended a twenty-first birthday party at the Central Bar and Café in Collins Street. They arrived separately but sat together.

The defendant is 48 years of age. He has prior convictions and, relevantly, prior matters of violence, with a conviction for assault in 1993; another in 1998, which attracted a fine; an assault in 2000, for which he was sentenced to a community service order; another in 2004; and then later in 2014; and one in 2018, particularised as head-butting Joelene Barratt which is a particularly serious form of common assault and attracted a sentence of eight months' imprisonment, with four months suspended. This period of suspended imprisonment was breached by the defendant, and in 2019 he was required to serve the balance of the sentence.

His record discloses a significant number of breaches of family violence orders, many of which have given rise to suspended terms of imprisonment, and further offending which has breached the terms of his suspended sentences and given rise to him being resentenced. He has been sentenced to a significant number of actual terms of imprisonment for breaches of family violence orders and related offending.

His prior convictions for breaching interim and final family violence orders commence in 2010 which, together with offences of evading police and dangerous driving, attracted a partially suspended sentence and, later, a conviction in 2011 and convictions in 2013 for two breaches. There are three breaches of a family violence order concerning Joelene Barratt dealt with by the court in 2019, involving being within 50 metres of her address and going inside the premises, and a sentence of six weeks' imprisonment wholly suspended was imposed. This was later breached and the sentence was activated in 2019 when he was sentenced for new and numerous offences of breach of family violence order and attempt to breach family violence order concerning Joelene Barratt. A sentence of nine months and six weeks' imprisonment was imposed on that occasion.

On 13 February 2020, a term of two months' imprisonment, wholly suspended, was imposed for breach of family violence order for being in contact with, and going within 50 metres of, Joelene Barratt. That was suspended for two years.

On 25 March 2021, he was sentenced to six months' imprisonment for breaches of an interim family violence order, which occurred on 11 and 12 January 2021, with the sentence commencing on 12 January 2021. Further breaches were dealt with by the court in February 2022, which included the 900 phone calls in September and October 2021. Four months' imprisonment was imposed, commencing on 26 October 2021. Relevantly, that is the only sentence of imprisonment he has served since he was remanded in custody on these matters.

The circumstances of the defendant's offending on 26 October 2021 are as follows. A child protection order and an arrangement whereby he was to have one hour per fortnight with his daughter, facilitated by Child Protection, was in place at the time of offending. Staffing issues meant that, unfortunately, that time was not always arranged and contact was irregular. The defendant was frustrated by the lack of contact he was having with his daughter.

He consumed one and a half to two points of a gram of methamphetamine earlier that day. He says that affected his decision making. Mr Alexander does not put that forward as an excuse and, of course, it is not an excuse. The defendant knew from experience that methamphetamine could cause him to feel angry and agitated, and could lead to him acting impulsively and recklessly.

The defendant armed himself and went to the address where his former partner and child were living. He did not intend to cause anyone physical harm but rather intended to use the knife to threaten and intimidate whoever tried to prevent him spending time with his daughter. The situation, however, escalated very quickly and became heated, and Mr Alexander used the knife to inflict violence.

The defendant was not remorseful at first but, after some months in custody and time spent sober reflecting on his behaviour, he became aware of the severity of what he did and he is sorry about both complainants. He understands that he has irreparably damaged their lives and the family group, leading to a complete lack of contact with his daughter, for which he acknowledges he is solely responsible. I accept that at no stage did the defendant intend to remove his daughter from the home as his purpose was to spend time with her there.

I have a report from Mr Matthew Holloway of Community Corrections, which supports the plea in mitigation in various respects and that the accused is remorseful and accepts responsibility for what he did, as well as the real and long-term harm he has caused. Mr Holloway notes the defendant has expressed "significant remorse" for his actions, stating he would need to live with his actions that day "for the rest of his life". Mr Holloway notes the defendant could not articulate why he went to the house that day but stated that he wished he could take it back and that he had made different choices.

The defendant has written to the Court a letter of apology in similar terms. I accept his letter shows insight regarding the seriousness of his actions and remorse for the impact of his actions on his victims.

The defendant grew up in a difficult environment. His step-father was punitive and harsh. He left his challenging home environment at 13 to live with his grandmother. He experienced periods of homelessness as a young teenager. He is close to his sister, who lives in Western Australia, and remains in contact with his mother, who is currently receiving palliative care for cancer. His mother and other family members are very supportive of him and he has recently

received a message from his mother expressing how proud she is that he has been abstinent from drugs, and a message expressing the hope of family members that he can stay away from drugs when he is released into the community. The defendant has three adult sons and maintains regular contact with his eldest.

Very sadly, one of his sons was killed in a car accident during his current period of time in custody. This is referred to by Mr Holloway in his report in the following terms:

*"The defendant blames himself as it was his motor vehicle and had he not been in custody, the car would not have been in his son's possession. Further, the defendant said he was very distraught that he could not attend his son's funeral as a result of his current incarceration and feels that he has not been able to grieve his son's death."*

The defendant was given the opportunity to view the funeral remotely but it is accepted that not being able to attend his own son's funeral is a particularly acute hardship that adds an especially harsh dimension to the punishment involved in the period of imprisonment that should be taken into account by the Court.

I note, too, that his mother has leukaemia, she is in hospital very ill, and that there is much family concern about her condition. Also, one of his sons, who is 18, has a brain tumour. The defendant wishes he could provide support to his son at this time and feels that he is letting people down. He appreciates that this is his fault, but it does mean that imprisonment is continuing to be a heavier punishment than it otherwise would be.

The defendant has two other children, a son who is eight years of age and lives with his mother in the north of the State, and his infant daughter, mentioned in these comments.

The defendant is not wishing to reunite with any of his former partners and his priority is to get himself and his life back on track. He wants to undertake parenting courses so he can eventually work towards having visits with his infant daughter.

I note that I have today made, with the defendant's consent, a family violence order in v comprehensive terms for an indefinite period.

The defendant has a history of traumatic incidents that need not be detailed here but which occurred in a primary school setting. He has been engaging in counselling while in custody and he intends to continue with specialist trauma counselling in the community. The plea in mitigation indicates a link between this background of trauma and his drug use, which commenced at the young age of 13 years to overcome intrusive thoughts.

He has been employed in a variety of work, including car detailing, farm hand and labouring assistance, and as a trade assistant, and he has been working as a cleaner in custody. He has poor literacy skills, and understandably so, given he left school by Year 8. He has a history of mental health difficulties and has been prescribed anti-depressant medication in the past.

He was introduced to amphetamine in 2012 and later to methamphetamine. He was consuming a significant quantity of this drug on a daily basis in the six months prior to the incident that sees him before the Court.

When in the community, the defendant had a network of criminal associates. He has indicated that he would not be reconnecting with them upon his release from custody, stating that he intends to maintain abstinence from illicit substance abuse and that he is aware that associating with them would jeopardise those good intentions. He is also intending to pursue support from

Holyoake when in the community. It seems a strong motivating factor in addressing his drug problem is his desire to have future contact with his daughter.

The author of the Community Correction report assesses the defendant as requiring a high level of supervision in the community.

Mr Alexander, these are very serious crimes. You took a knife to a situation to cause fear and intimidation so you could have contact with your daughter. The fear and intimidation you caused was, in itself, a terrible harm to the victims. You entered the house intending to assault or wound at least one of the occupants. When you were inside, you stabbed two people with a knife, intending in those moments to maim, disable, or inflict grievous bodily harm. You stabbed the mother of your infant daughter after you had grabbed the child from her, and you stabbed a young man of only 18 years to the chest. You wounded both of them and their injuries were serious. There was significant potential for their injuries to be even more serious, and in the case of one of them, it could so easily have resulted in his death. Fortunately, both have made a physical recovery.

The reason you committed these crimes is an aggravating factor. You defied an interim family violence order and child protection order, both of which were in place to protect Ms Barratt. There is a strong need for general deterrence. The sentence must also reinforce what you already know: that these are serious crimes. The courts will impose harsh penalties to protect vulnerable members of our community. An aggravating factor is that these crimes were committed in the presence of the child and, although it was not your intention to put her at risk, in the volatile situation you created, she was put at risk. Another aggravating factor is that both victims were attacked in their own home, a place where they are entitled to feel safe, and were caught unawares.

There are cases involving these crimes where violence is planned and then executed. I give weight to the fact that this is not such a case and, as I have mentioned, you did not plan to remove your child from her home.

Even though you have many prior convictions for breaching court orders and I note, with concern, a prior conviction for assaulting Ms Barratt, I do consider that you have prospects of rehabilitation, noting your genuine remorse, the progress you have made in relation to your serious drug problem, and the work you are doing to address underlying factors in relation to that problem. These positive factors will be reflected in your eligibility for parole and the sentence I impose on the breaches of court orders.

I record convictions. On the crimes on indictment, namely aggravated burglary and two counts of committing an unlawful act intended to cause bodily harm, I impose a global sentence of three years and ten months' imprisonment, backdated to 26 February 2022. You are not to be eligible to apply for parole until you have served half of that sentence. In relation to count 2, that is, committing an unlawful act intended to cause bodily harm in relation to Joelene Barrett, I direct that that be recorded on your criminal record as a family violence offence.

On the offences on complaint involving breaches of the interim family violence order, breaches of the child protection order, and breaches of the family violence order, I impose a global sentence of eight months' imprisonment, wholly suspended on conditions. On the application to breach the suspended sentence of two months, I activate the sentence and I order you to serve it, however, in the circumstances, given the length of the sentence you are already subject to, it is to be served concurrently with the sentence I have just imposed of three years and ten months. In relation to the wholly suspended term of eight months' imprisonment that is subject to the following conditions:

- First, you must not commit an offence punishable by imprisonment for a period of two years from your release from prison;
- You must submit to the supervision of a probation officer as required by a probation officer for two years from the date of your release;
- You must report to a probation officer at Community Corrections, 75 Liverpool Street, Hobart, within two working days of your release from prison;
- You must comply with the reasonable and lawful directions of a probation officer or supervisor;
- You must not leave or remain outside Tasmania without the permission of a probation officer;
- You must give notice to a probation officer of any change of address or employment before, or within two working days after, the change;
- You must attend educational, vocational, and other programs as directed by your probation officer;
- You must undergo assessment and treatment for drug dependency as directed by your probation officer;
- You must undergo assessment and treatment for alcohol dependency as directed by a probation officer;
- You must submit to testing for drug use as directed by a probation officer;
- You must submit to medical, psychological, or psychiatric assessment or treatment as directed by your probation officer;
- If directed by a probation officer, you must attend, participate in, and complete the EQUIPS Addiction Program;
- If directed by a probation officer, you must attend, participate in, and complete the Family Violence Offender Intervention Program.

Mr Alexander, this is a very heavy sentence – four and a half years' imprisonment. There could be no doubt in your mind about the seriousness of your crimes. However, the sentence also reflects the efforts you are genuinely making towards your rehabilitation, and provides an incentive for you to continue. It suspends eight months of that term on very strict conditions, and provides the minimum non-parole period.

I note, finally, that I have made a Family Violence order in the terms sought for an indefinite period unless revoked.