

You have pleaded guilty to one count of aggravated assault.

On 10 June 2009 you were at your home. Your husband received a telephone call from a psychiatrist who had been treating you, telling him that you had said that you were going to kill yourself. When he arrived home, you pointed a rifle at him and in abusive terms told him to get out. He ran from the house and closed a sliding door behind him. He was about one metre away, but apparently to the side of the doorway when you fired two shots through the sliding door at about chest height.

Afterwards a number of further shots were fired in the house. After some protracted discussions and negotiations involving your husband and the police, firearms in the house were deposited outside and you were later arrested in the house.

It is clear that this crime was committed because of your mental illness. You are now 47 years old. You have been together with your husband for some 18 years and have two young sons. You have been suffering significant mental health problems for a long period. Much of this can be traced back to extensive childhood neglect and abuse, including sexual abuse. You suffer from a disassociative disorder which involves periods of disassociation and loss of memory, and altered perception of your environment. This gives rise to complex behaviours. You have an ability to function but then no memory of what you have done. You have no conscious memory of these events and it seems that you were in a disassociative state when you were committing this offence. However, your plea of guilty means that I must proceed on the basis that your acts were voluntary and intentional. Your difficulties are also compounded by a conversion disorder which gives rise to serious headaches, and you have chronic depression with sleep disturbance and low self-esteem. All of these issues are somewhat complicated by alcohol and tranquiliser abuse. On the particular day you were suffering a migraine. You rang your husband and told him you were frightened of having a seizure. Your next recall is that of being outside in the early hours of the next day. Suicide notes were later found in the house and it is suggested that you were attempting to frighten your husband away in order that you could put an end to your life. For the most part you have been treated in hospital since your arrest. Your treatment regime is being differently managed and I am told that your mood is stable and that you are compliant with therapy. The need to avoid substance abuse has been reinforced to you and you seem to accept the inevitability that such conduct aggravates your situation. I should say though that there is no suggestion that such abuse triggered or exacerbated the situation on this particular day. You maintain a strong relationship with your husband and you are committed to each other. You have a number of convictions for traffic offences and were dealt with for an assault in 1982, but you were not convicted and it is of such an age that I pay it no real regard. Objectively, of course, this is a serious crime. Ordinarily, discharging a firearm in a person's direction would warrant a lengthy term of imprisonment. But as I have noted, it is clear this crime was committed because of mental illness and your degree of criminality is relatively low. On that basis it is appropriate to approach the sentencing task on an individualised basis, although there does remain a need to acknowledge the gravity of your conduct. I take into account your early plea of guilty. I will impose what I see to be the minimum term of imprisonment appropriate in all of the circumstances, but suspended on conditions.

You are convicted and sentenced to two months' imprisonment, the execution of which is wholly suspended on condition that you be of good behaviour for a period of two years. That should provide a strong incentive to continue taking appropriate medication and to abstain from excessive alcohol and medication consumption. Notwithstanding your age I think it is also appropriate that there be a probation order for a period of 12 months, special conditions of which will be that you submit to such medical, psychological or psychiatric assessment or treatment as directed by a probation officer. You will have to report to a probation officer at 27 Liverpool Street within one clear working day of today. You will also have to pay the victims of crime compensation levy of \$50 within 28 days.