

STATE OF TASMANIA v CHRISTOPHER LINDSAY ARTHUR SULLIVAN

27 JUNE 2024

COMMENTS ON PASSING SENTENCE

JAGO J

Mr Sullivan, you have pleaded guilty to four counts of assault, contrary to s 184 of the *Criminal Code*. The complainant in each of the matters is Angela Edwards, your wife. These are family violence crimes. You and Ms Edwards were married on 23 July 2022 but prior to that had been in a significant relationship for about 15 years. You have one child together. Additionally, you have a number of children from a previous relationship, and Ms Edwards has one child from a previous relationship. At the time of these crimes, the child of you and Ms Edwards, whom I shall refer to as J, was aged 11 and lived with you. Three of your children from previous relationships, E aged 18, L aged 17 and B aged 16 also lived with you, as did L's partner T who was also 17. Ms Sullivan's child from a previous relationship, K, who was aged 8 lived with you on alternate weeks.

At the time these crimes were committed, you were awaiting sentence in the Burnie Supreme Court for family violence offending against your former partner, who was the mother of E, L and B. On 19 May 2022, you were committed to the Supreme Court for this offending. On 26 September 2022 you entered a plea of guilty to the crimes of assault and injuring property. You were on bail pending sentence on 19 October 2022. At that time, I sentenced you to a period of 12 months' imprisonment, wholly suspended for a period of two years, on condition that you not commit any offence punishable by imprisonment during that time. These crimes all occurred prior to the imposition of that sentence, thus they do not breach the term of suspended imprisonment. It is nevertheless highly aggravating that you were on bail pending sentence for family violence offences when these crimes occurred. The crimes are of a very similar nature; violence perpetrated against your partner out of anger and a desire to dominate. In my view, it shows an incredible arrogance and complete lack of insight that you continued to offend in this way whilst awaiting sentence for similar conduct. It also demonstrates that you have scant regard for the law and highlights the role specific deterrence must play in this sentencing exercise.

By way of background, Ms Edwards described that in the lead up to your appearance in the Supreme Court, you were drinking alcohol to excess and were very argumentative. There were a number of disagreements which occurred pertaining to parenting arrangements. There was yelling and screaming which occurred in front of the children, and you would frequently

display aggressive behaviour towards your wife. At one point, Ms Edwards asked you to participate in marriage counselling because of the difficulties and whilst you initially agreed, you subsequently withdrew your agreement saying, "I don't want to listen to text book fuckers".

All of this culminated in Ms Edwards making the decision to move out of the residence where she was living with you in December 2022. Around the same time, police began an investigation following a referral which suggested the children in the home may be at risk. This gave rise to police speaking with Ms Edwards, and whilst she refused to make a formal statement, she did inform police that she was concerned about your level of violence. In a manner that is sadly quite common for family violence victims, she said "I don't want to get him in trouble or anything like that. The last thing I want is for him to be locked up or anything...but I need something to give, like I need it to stop".

The details of the assaults are as follows. In October 2022, you and Ms Edwards had an argument. At the time Ms Edwards was putting the younger children to bed. You were intoxicated. You had been drinking "home brew". Your 16 year old son, B was also consuming the home brew. Your wife made a comment to you that given his age, he should not be drinking alcohol. You became angry. You grabbed her by her hair and told her that she had no right to intervene with "your kids". You yelled at Ms Edwards and told her it was her fault that you could not spend time with the younger children. Such a comment is indicative, in my view, of your lack of insight and understanding into the wrongfulness of your past behaviours and attitudes. It was the violence that you perpetrated upon your former partner that led to you not being able to spend time with your young children. It had nothing to do with Ms Edwards. After this assault, Ms Edwards left the house with J and K and stayed at her mother's. It is not suggested that she sustained any physical injury as a consequence of this assault.

In June 2022, you and Ms Edwards were having an argument over money. You, without warning, struck out at her and grabbed by the throat and held her up against a wall. Fortunately, she was able to break free by "slithering down the wall". The incident was over relatively quickly and again, there is no suggestion that she sustained injury. You said, "I'm over with this". Ms Edwards described the incident as you "trying to show dominance". Afterwards, she was very upset. There were no children present when this incident occurred.

On 17 and 18 September 2022, you were away from the residence. Ms Edwards rearranged the furniture. During a telephone call, Ms Edwards told you that she had done so. You immediately started yelling at her. Several of the children were at home and could hear you yelling over the telephone. You arrived home shortly after. You were intoxicated. You began yelling verbal obscenities at Ms Edwards, calling her a "cunt", "bitch" and "slut". You were very angry and were punching various items within the house. You then pushed your wife hard. One of the children described seeing her "go flying". Ms Edwards struck the bedroom door frame as a result of your push and fell to the ground. You continued to yell at her, saying "Don't fucking touch my house...don't move my house around". You then yelled at the children to get in the car. The children were scared and thus complied. Ms Edwards was begging you not to take them. You nevertheless did and, whilst in the car with the children, continued to yell and make derogatory comments about your wife in front of the children.

On 15 October 2022, you and Ms Edwards had an argument. The children were present. You were calling Ms Edwards names. She responded by saying that you were an alcoholic. You became infuriated and began to attack her. At one point she was laying on the bed and you were straddling her with your hands, pushing her to the neck and shoulder area. Two of the children described hearing a "gargling sound" and Ms Edwards saying that she could not breathe. The children were very upset. J was in his room crying. E called out to J. You responded by saying "Don't you fucking disturb my child. He is safer here in his bed than anywhere else". The children were frightened by your behaviour. T, L, E and B all ran from the house. They went to a nearby primary school and waited in the cold for over an hour, such was their reluctance to be anywhere near your violence. Ms Edwards sent the children a number of messages trying to reassure them that she was okay and the children were safe to return home. One of the messages said that she had "copped the brunt of it, so it should be over". When the children returned, they observed red marks around Ms Edwards's neck and shoulder area.

On 20 January 2023, you were arrested. You participated in a record of interview. You said you and your wife are "always a bit verbal...I don't see a problem with that". Otherwise, you made no admissions. You have been remanded in custody since that date.

Ms Edwards declined to make a formal statement to police about these incidents. At no time did she seek medical attention. She initially declined to make a victim impact statement and

continued to communicate with you whilst you were remanded in custody. However, with time for reflection Ms Edwards has come to appreciate the harm you were causing to both her and the children. In a recently provided Victim Impact Statement she notes that she now recognises how controlling and demeaning your behaviour was and the stress relief that has come with no longer being caught in a cycle of family violence. Overall, her comments are reflective of the type of psychological harm and emotional conflict that is common place for many victims of family violence.

I take into account your background generally. It is set out in my sentencing comments of 19 October 2022 and I do not intend to repeat it. I note your record of prior convictions. You have significant prior convictions for driving offences and dishonesty. This is the fourth time you have been sentenced for family violence offences by courts. In 2008 you were convicted of breaching a police family violence order and injuring property. In 2013 you were convicted of a family violence offence of common assault. I have mentioned the sentence imposed on 19 October 2022. In addition to the family violence offences, you also have a prior conviction for Criminal Code assault from August 2008.

You have a longstanding difficulty with alcohol. When I sentenced you in October 2022 I was told you had addressed your drug and alcohol difficulties. That is clearly not so. Alcohol continues to be a problem for you and given the facts of this matter, it appears that when intoxicated, you become agitated and aggressive. Whilst remanded in custody you have undertaken an adult resilience course and have been on a wait list for an alcohol rehabilitation course. I am told that you recognise that you need assistance with your alcohol use and are intent on addressing it. You recognise that if you do not, you are likely to continue on the cycle that has characterised your life for the last several years. Moreover, and relevant to sentence, if you do not address your alcohol difficulties you are likely to present as an ongoing risk to persons with whom you are in a significant relationship.

I take into account your plea of guilty. Despite the fact it was entered at a relatively late stage, it has value in the sentencing process. There would have been some complexities in this matter being prosecuted given the complainant's reluctance at the time to make a statement against you. The prosecution would have had to rely upon evidence from a number of child witnesses. Saving them from the anxiety and trauma associated with giving evidence is of value.

Your behaviour is significantly aggravated by the presence of the children when many of these incidents occurred. On one occasion, the children were so scared that they fled the house. It is now well understood that exposing children to family violence can have significant deleterious affects upon them. On a number of occasions you demonstrated terrible behaviour in front of the children and treated their mother with disrespect. There is never an excuse for such behaviour within relationships. Family violence is an insidious, prevalent and significant problem within our community. The devastating impact of violence perpetrated against women in domestic circumstances is well recognised by both the courts and the community, and men who continue to perpetrate such violence must understand that their behaviour is going to be met with strong sentencing responses. The Court has an obligation to provide such protection as it can through the imposition of sentences that will act as both a punishment and a personal and general deterrent.

I make the following orders. You are convicted of the crimes to which you have pleaded guilty. I impose one sentence. You are sentenced to a period of three years' imprisonment commencing on 20 January 2023. I order that you not be eligible for parole until you have served one half of that period of imprisonment. It will be a matter for the Parole Board to assess if and when it is appropriate to release you on parole, and upon what conditions. I expect any such determination will consider what work you have done in the meantime in respect to your attitude towards family violence offending.

Pursuant to s 13A of the *Family Violence Act*, I direct the crimes be recorded on your criminal record as family violence offences. I make a compensation order in favour of Angela Edwards in an amount to be assessed. Pursuant to s 36 of the *Family Violence Act*, I make a Family Violence Order for a period of four years, in the following terms:

1. You must not stalk Angela Maree Edwards and J;
2. You must not directly or indirectly threaten, abuse or assault Angela Maree Edwards and J;
3. You must not be within 50 metres of, or contact, Angela Maree Edwards , directly or indirectly, including by any form of electronic or other communication, except for:
 - (a) the purposes of discussing matters arising out of the relationship, including relating to J by way of SMS or electronic message or an agreed third person;

- (b) to attend counselling, family dispute resolution, mediation or meetings conducted by a court appointed expert in circumstances where such meetings are by consent and arranged by SMS, electronic message or an agreed third person;
 - (c) in accordance with a current contact agreement reached in respect to J, or by order of a court of competent jurisdiction relating to that child; and
 - (d) during an appearance in court proceedings involving the parties, or discussions in the court precincts for the purpose of those proceedings and consented to by both parties.
4. You must not enter the premises at [address stated] where Angela Maree Edwards is presently living, or any other place where Angela Maree Edwards may from time to time be living or staying.
 5. You must not go within 50 metres of the boundary of the premises at [address stated], or the boundary of any other premises where Angela Maree Edwards may from time to time be living or staying.
 6. You must not damage any personal or other property owned or possessed by Angela Maree Edwards or J.
 7. I further order that the usual firearms conditions attaching to Family Violence Orders will apply to this order.

I note the complainant is now supportive of this Family Violence Order being made.