

STATE OF TASMANIA v JEFFREY MICHAEL WEBB
COMMENTS ON PASSING SENTENCE

4 JULY 2024
BLOW CJ

Mr Webb has suffered from schizophrenia for about 30 years. On 30 January 2024, when he was having a particularly bad day, he assaulted three police officers in the execution of their duty. He has pleaded guilty to three charges of assaulting a police officer contrary to s 114(1) of the *Criminal Code*. He has also pleaded guilty to a number of summary offences that I am dealing with pursuant to s 385A of the *Criminal Code*.

On 30 January Mr Webb was living with his mother at Latrobe. A number of events had caused him to become particularly depressed. He was yelling and rambling. His voice was getting louder and louder. His mother called the police. Several officers attended. They saw him moving in and out of a garden shed in the corner of the back yard. He swore at the police officers. He refused to leave the shed to talk to the police. He said that they were freaking him out and that he did not want medical assistance. The officers decided that they would take into protective custody pursuant to a provision in the *Mental Health Act 2013*. They ceased speaking to him and called for backup.

A little later two female officers and one male officer approached him, hoping to persuade him to go with them. He went into the shed and came out with a large knife which he brandished a few metres from two of the officers, saying, "No. You can kill me. You can kill me." He then got a pitchfork from the side of the shed and threw it with force at those two officers. They had to move out of its way very quickly. Count 1 on the indictment is a charge of assaulting the two officers in the due execution of their duty by throwing the pitchfork at them.

One female officer sprayed OC spray towards Mr Webb, but it was ineffective. Then he got a lawnmower from the shed and hurled it at the same two officers. Again, they had to move quickly to get out of its way. Count 2 on the indictment is a charge of assaulting those two officers in the due execution of their duty by throwing the lawnmower at them.

The other female officer had positioned herself at the side of the shed. Mr Webb lunged at her with the knife, slashing her vest. Count 3 on the indictment is a charge of assaulting that officer in the due execution of her duty by lunging at her and slashing at her with the knife. She moved backwards, fell onto her back, and was trapped between the shed and the fence, unable to get away. Mr Webb made stabbing motions with the knife towards her face and neck area. She kicked out at him as he tried to stab her three times. She feared she was going to die. The first female officer drew her firearm and yelled at Mr Webb to get down. The male officer approached him, using the lawnmower as a shield. Mr Webb moved away from the officer who had fallen, and went to the other side of the yard. OC spray was used again. This time it was effective. The male officer wrestled with Mr Webb and took him to the ground.

He resisted attempts to secure handcuffs by placing his hands under his body. Eventually the handcuffs were applied. He was taken into custody and taken to the North-West Regional Hospital. It appears that he had calmed down by the time he arrived there. He was assessed by medical staff and later discharged.

Police officers went to his home the next day and arrested him. He has been in custody ever since. The premises were declared to be a crime scene, and then were searched. Police officers located a small quantity of cannabis bud in Mr Webb's bedroom, a smoking device, and a taser.

Mr Webb was taken to a police station where he voluntarily participated in an interview. He was co-operative and made full admissions. He told the interviewing officers that he had wanted the police to shoot him.

The summary charges to which Mr Webb has pleaded guilty were as follows:

- Using abusive language to police officers by repeatedly calling them "cunts".
- Resisting police officers by resisting being handcuffed.
- Possessing a prohibited firearm to which a firearms licence may not be issued – a charge relating to the taser.
- Failing to take all reasonable precautions to ensure the safe-keeping of a firearm, namely the taser.
- Possessing cannabis.
- Possessing a thing used for the administration of a controlled drug, namely a bong.

The officer whom Mr Webb lunged at with the knife has provided a victim impact statement. She had not previously been involved in such a confrontation. She was reluctant to draw her firearm, but decided to do so, and then realised that she did not have time to do so. She saw the knife slash past her face repeatedly, and was only able to defend herself by putting her boots up and kicking. She thought that Mr Webb was going to kill her. She thought that if her colleagues used their firearms there would be a risk of her being shot. The OC spray interfered with her vision and her breathing. Understandably, she needed to take time off work in the weeks following this incident and has had continuing problems relating to anxiety and self-confidence.

Mr Webb is 53 years old. He is single. He has two adult children and a grandchild. His daughter has not permitted him to see his grandchild since 2019. That was a source of considerable distress to him during January.

He took medication for his schizophrenia for a long time, but his original psychiatrist retired and he ceased to receive professional assistance at the beginning of the pandemic in 2020. He subsequently took medication prescribed by a general practitioner. He has been a regular cannabis user since the age of 24. He later became a user of amphetamine and methylamphetamine. In March 2022 he ceased using illicit drugs other than cannabis. In April 2022 he ceased taking all prescription medication. He continued to use cannabis. Not surprisingly, there was a deterioration in his mental health.

There were a number of stressors in the period leading up to the events of 30 January. Mr Webb's father died in 2018. He was seriously injured in July 2021 when a man attacked him in a hotel. He had to have surgery to repair various fractures around his right eye. During January of this year three of his friends committed suicide. He experienced stomach pain which apparently had no organic basis. He became increasingly stressed and experienced some suicidal ideation. It is clear that the moral culpability of his offending conduct is substantially reduced as a result of his schizophrenia, and that this case is therefore not an appropriate one for the imposition of a penalty calculated to deter others from similar conduct.

He has obtained appropriate psychiatric treatment and medication whilst in custody. His counsel informed me that in mid to late April he felt that a fog around his brain had lifted, and that he had had clarity of thought ever since.

Mr Webb has some prior convictions. In 1990 he was given a suspended sentence of three months' imprisonment on a charge of wounding. I was told that when he first smoked some cannabis at the age of 17, he became paranoid and stabbed a friend three times with a knife. He has not been to prison before. However a magistrate gave him a wholly suspended sentence of two months' imprisonment on 22 February 2023.

That sentence was suspended on condition that Mr Webb not commit another offence punishable by imprisonment for a period of 12 months. The offences that I am dealing with were committed 11 months and 8 days after that sentence was imposed. The Crown has applied for the suspended sentence to be activated. By virtue of s 27(4C) of the *Sentencing Act* 1997 I must activate that sentence unless I am of the opinion that that would be unjust.

Mr Webb pleaded guilty to all the relevant offences before the magistrate. The charges related to five separate episodes of offending. They can be summarised as follows:

- In November 2020 he drove a motor vehicle with THC, amphetamine and methylamphetamine in his oral fluid. He was also convicted of possessing and using cannabis at that time.
- In December 2020 he was found in possession of a small quantity of methylamphetamine and an ice pipe.
- In February 2021 he drove a motor vehicle with amphetamine and methylamphetamine in his oral fluid.
- In November 2021 he breached a bail condition by failing to appear in the Magistrates Court.
- In May 2022 he drove a motor vehicle with THC in his oral fluid.

It was not suggested that there was anything wrong with the way he drove on the occasions when police intercepted him on the road. It is significant that two of the three charges of driving with illicit drugs in his oral fluid go back to the days when he was a user of amphetamine and methylamphetamine – drugs that he gave up more than two years ago now. The charges that gave rise to the suspended sentence are very different from the principal charges that I am dealing with – the three charges of assaulting police officers. I consider it particularly significant that Mr Webb came close to completing 12 months of freedom without contravening the condition of his suspended sentence. Having regard to all of those circumstances, I think that it would be unjust to activate the two-month suspended sentence or to impose any substituted sentence. I will make no order in relation to the suspended sentence.

Mr Webb has pleaded guilty to these charges at an early stage. It has not been necessary for the Crown to prepare the case for trial. There has never been any suggestion that any of the assaulted officers might have to give evidence. When interviewed by police officers on the day after the incident, Mr Webb said that he could see how the female officer whom he lunged at with the knife thought that he was going to kill her, that he was "so sorry for the lady", that he was thoroughly disgusted with himself and absolutely regretted what happened, and that he thought the attending police should all have received commendations for not shooting him.

The only appropriate penalty in this case is a sentence of imprisonment. I will backdate it to the date that Mr Webb was arrested. Because of his mental illness and the other mitigating factors that I have mentioned, I will impose a substantially shorter sentence than I would otherwise would have imposed, and I will fix the shortest possible non-parole period. I hope

that there will be parole conditions that require him to obtain appropriate psychiatric treatment and take appropriate medication.

Jeffrey Michael Webb, I convict you and sentence you to 12 months' imprisonment with effect from 31 January 2024. You will not be eligible for parole until you have served six months of this sentence. I order that the pitchfork, lawnmower and smoking device seized by the police be forfeited to the State of Tasmania. I assess the value of the pitchfork to be \$5 and the value of the lawnmower to be \$40. In respect of the application to activate the suspended sentence imposed on 22 February 2023, I make no order.