

Mark Watkins, you plead guilty to two counts of strangulation and one count of assault. The crimes were committed on 2 October 2022 when you strangled your then partner and assaulted her eight year old son. You were then aged 31 and your partner was 27.

Your relationship with your partner commenced in April 2021. You had a daughter together born in early 2022. On 2 October 2022 you were holidaying in a cabin at the Ulverstone caravan park. You returned to the cabin at about 10.30 pm after having been out for the day. You became angry because the eight year old had eaten a whole bag of sweets and argued with your partner about it. The argument became heated. You called her vile names and said that she was "going to die and not see her kids again". You followed her outside and smashed her coffee cup. A staff member of the caravan park approached to see what was happening but you told him nothing was wrong and sent him away. However the abuse continued. You then followed your partner into the bedroom. She had picked up the baby from the cot, but you pushed her against the wall and, while she was holding the baby, put your hands around her throat and squeezed so hard she thought she was going to lose consciousness. She struggled to breathe and stay on her feet and began to slide down the wall. Her son came in and told you to leave his mother alone. You grabbed him by the front of his pyjamas and threw him on the bed. Your partner then took the children to the second bedroom and tried to shut the door. You forced your way in and grabbed her throat again. She was still holding the baby and had her arm around her son who was standing beside her. While holding her around the throat you pushed her against the wall and applied pressure as you did before. She struggled to breathe. You let go only when she told you she was scared. She cannot say how long you had your hands around her throat. She agreed to drive you to Devonport to get your car but only on condition that your mother stay on the phone while she did so.

Your partner suffered bruises on her neck, collar bone and chest. She was too scared to tell anyone about what had happened until you were arrested on other matters about a month later on 1 November 2022. Some months later the police spoke to her son about what had happened. He confirmed his mother's account and said that that he had been told, he did not say by whom, not to tell anyone about what had happened. He said that the thing he hated was that it was all over a bag of Maltesers.

You were interviewed following your arrest and denied assaulting your partner and her son. You pleaded not guilty in November 2022 and first appeared in this Court in January 2023.

Your personal circumstances were outlined by your counsel, in a pre-sentence report and in a report prepared by Dr Georgina O'Donnell, a forensic psychologist. You are now aged 34. You were brought up in a household affected by intimidation and abuse and you witnessed serious violence perpetrated by your father. Your criminal conduct commenced at an early stage which led to periods of detention during which you were further abused. You were severely injured in a motor cycle accident in 2010 when you were 20. Your injuries included a life threatening brain injury. Parts of your brain, mainly from the frontal lobes, were damaged and removed. Those parts of the brain are responsible for higher level executive function including the ability to self-monitor and regulate emotions. The brain injury affects your ability to cope with frustration and control your anger. According to the author of the pre-sentence report you have also been diagnosed with anti-social personality disorder, bipolar disorder, PTSD and ADHD. Dr O'Donnell describes a personality disorder and polysubstance abuse disorder resulting from the

long term abuse of alcohol and drugs but makes clear that these conditions existed prior to the brain injury. The neuro cognitive deficit I have described is relevant to sentence. It contributed to these offences because it impaired your ability to exercise judgment, to think clearly and contributed to behavioural and emotional disinhibition. Your moral culpability is less than it would otherwise be. However, I give it limited weight for two principal reasons. You were highly intoxicated when these crimes were committed when you knew that you should not have been drinking because of your brain injury and the effect that alcohol may have on you. Also, there is, for reasons I will explain, a clear need for protection of the public.

You have not engaged in regular employment since the accident. There has been some seasonal and maintenance work but not for the last four years. You are in receipt of a disability pension. You have a long record for dishonesty and alcohol related driving offences. You also have a long record for violence. You were convicted of assaults in 2009, 2012, 2013, 2016 and 2017, at least some of which were family violence. You have six children presently aged between 2 and 15 to four different partners. You have committed numerous family violence offences against three other women in addition to the victim in this case. Your first conviction for breaching a family violence order is in 2009. You have been to prison on a number of occasions. On 29 November 2022, about two months after these crimes, you were sentenced to imprisonment for 14 months for, on my count, 35 counts of breaching a family violence order, 10 counts of assault and one count of emotional abuse and intimidation. Those offences were committed against a different female partner in the latter part of 2020 and during 2021 and involved a prolonged course of family violence. I infer that you had spent some time in custody prior to sentence because the term was backdated to commence on 29 April 2022. The term is relevant to totality but it is important to note that the sentence relates to separate offending against a different woman. You completed that sentence on 28 June 2023 and you were admitted to bail on 17 August 2023 having spent an additional 50 days in custody.

You were released subject to a community corrections order. Since then you have engaged in the Family Violence Offender Intervention Program. You are reported to have engaged positively and you claimed to the author of the pre-sentence report that it has changed the way you act. You claim to have reduced your use of alcohol although you have a continuing involvement with the Alcohol and Drug Service. There has been no further offending and no breaches of the family violence order made to protect the complainant which included electronic monitoring. You are, and have been since early 2024 in a new and supportive relationship in respect to which there have been no reports of violence and there are no other outstanding charges.

Until 2023 your compliance with community based orders and your record of continued offending was very poor. I accept that since your most recent release there have been some positive signs of rehabilitation. Your response to the program I have referred to suggests that there is an increased insight into the seriousness of offences of this type. It is in your favour that you have pleaded guilty. Those who plead guilty are generally allowed a reduction in sentence. It is not a particularly early plea but was entered after it was agreed that two additional charges would not be proceeded with. It meant that a vulnerable complainant and her son were not required to give evidence.

However, it is my duty to impose a sentence which reflects the objective seriousness of these crimes. Violence within relationships is an insidious, prevalent and serious problem in society. The devastating impact of violence perpetrated against women in domestic circumstances is well recognised across Australia by the criminal courts and the community. Strangulation is a serious

crime because it is a particularly dangerous form of attack, indicative of the exercise of power and control and carrying a real risk of serious injury or death. You are to be sentenced for two counts of that crime albeit that they were committed during the same series of events. As far as I have been made aware there was no lasting physical injury in this case but the psychological impact of such crimes can also be very serious. 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 punishment and a personal and a general deterrent. You are a repeat offender. These crimes are made even more serious by the fact that they were committed in the presence of the victim's eight year old son. When he attempted to intervene to protect his mother you assaulted him as well. Exposure to family violence at such an impressionable age can have a devastating long term impact on children. You, more than most people, should have known that from your own experience. It is also an aggravating factor that when you committed these crimes you were on bail for other family violence offences and subject to family violence orders to protect another person. There is a risk that a return to prison will undo some of the positive progress which has recently been achieved but it is a necessary consequence of offences of this gravity committed in the circumstances I have outlined. You were remanded in custody on 7 February 2025 so, taking into account the further 50 days you have already spent in custody, the sentence I impose should commence on 19 December 2024.

Mark Watkins, you are convicted on counts 3, 4 and 5 on the indictment. In accordance with the *Family Violence Act*, s 13A, I direct that each offence be recorded on your criminal record as a family violence offence. I am satisfied that you should be declared a serial family violence perpetrator in accordance with s 29A of the Act and I express the declaration to be for a term of four years from today. I am satisfied of the matters set out in s 16(1) of the Act and will make a family violence order. I do not see that continued electronic monitoring should be required following your release. The order is for a term of four years from today and is in the terms of the interim family violence order made 27 September 2024 with the following amendments:

- condition 3 is amended by addition of the words "except through a legal practitioner for the purpose of obtaining or arranging contact with the child, [named child], in accordance with a current contact agreement or an order of a court of competent jurisdiction relating to the child or 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; and,
- by deleting conditions 11 to 19 inclusive.

But for your plea of guilty the term would have been two years and nine months with eligibility for parole after 18 months. You are sentenced to imprisonment for two years and three months from 19 December 2024. I order that you not be eligible for parole until you have served half of that term.