

Mr Green has pleaded guilty to an offence under ss 162 and 299 of the *Criminal Code* in that he attempted to commit the offence of "Written threat to murder". Section 162 of the Code, provides as follows:

"Any person who, knowing the contents thereof, wilfully, and with intent thereby to intimidate or influence any person, causes such person to receive any writing threatening to kill him or any other person, is guilty of a crime."

Under s 299 of the Code, attempt to make a threat prohibited by s 162 of the Code, makes the person making the threat guilty of a crime under s 162.

The circumstances of the offending were, broadly, as follows. In June 2023, the accused was an inmate at Risdon Prison. He remains incarcerated there, but for this matter, was due for release on 30 April 2025. In early June 2023, the accused was introduced to the complainant, who worked as a clinician at the Reintegration and Rehabilitation Services section of the Corrections Department. The complainant was required to assist the accused. On 15 June 2023, the complainant was unable to keep an appointment with the accused due to a lockdown at the prison. The complainant was unable to let the accused know that she could not attend the meeting.

In response to the complainant's non-attendance at the proposed meeting, the accused wrote two notes to the complainant, which contained threats to kill her. The accused made sure the note would be discovered by a corrections officer. The corrections officer reported the matter to the prison authorities. The matter was then referred to the police.

As well as the notes containing threats to kill the complainant, the accused wrote a letter to the complainant which was abusive and threatening.

In setting a sentence, the Court takes into account the seriousness of the offence, the accused's substantial criminal record and his status as a dangerous offender. The Court also takes into account that, ultimately, the complainant became aware of the threats and was originally disturbed by them, but since then, has been able to deal with them in her own way, making the trauma to her not ongoing. However, the fact that the threat was not made known to the complainant at the time of the offending carries little weight. What is significant is the accused's intention.

At the time of the offending, the accused had been incarcerated since 2011. Transition to society would have been a major concern to him. He had difficulty dealing with lack of clear communication. The failure of the meeting with the complainant to come to pass, upset him and frustrated him enormously. This helps to explain his conduct, but does not excuse it.

General deterrence and specific deterrence demand a significant penalty. Vindication of the complainant is also important. However, the accused is remorseful and understands his reaction was not appropriate, and that was not the way he should go about showing his frustration. On that basis, the Court understands the accused now has insight into his offending and is genuinely remorseful for what he has done. He has also been subjected to internal discipline in the prison, resulting in him being confined to his cell for a lengthy period.

Weighing up all these matters, the Court considers that a custodial sentence is appropriate, but the length of that sentence should be reduced on account of the ameliorating factors referred to above. In all the circumstances, the Court sentences the accused to a term of imprisonment of six months, to take effect from 30 April 2025.