

COMMENTS ON PASSING SENTENCE**WOOD J**

Chauncey Aaron Bell has pleaded guilty to two counts of assault by striking Lewis Taylor-Lawdon to the ear and neck with an object, and by threatening to hit his partner, Kellie Lockley, and two of her children, Krista Bryan, an adult, and LB, who was aged 16 at the time, with an object.

Ms Lockley and the defendant had been in a relationship for approximately three years at the time of the incident. Mr Taylor-Lawdon is Ms Bryan's partner.

During the evening of 6 March 2023, the defendant and the four complainants were present at 13 Tecoma Road in Risdon Vale, where the complainants lived. Also present was another of Ms Lockley's adult children, Braydon Bryan; Ms Bryan's infant son; and the defendant's cousin, along with her two young children.

At approximately 9:00pm, Ms Lockley had an argument with her son, LB, about chores and Ms Lockley became upset. The defendant was angered by the argument and that LB had caused Ms Lockley to become upset. The defendant and Ms Lockley left the house and drove the defendant's cousin and her children home. They returned several hours later at approximately 12:40 am to retrieve an item and then intended to return to the cousin's home to stay. The defendant went inside to retrieve the item that his cousin had left behind, and his partner and cousin and her two children waited in the vehicle parked in the driveway.

Once the defendant was inside, he had a verbal argument with LB. The defendant raised his voice and told him to stop "disrespecting" his mother. Ms Bryan came into the living room and told the defendant to stop trying to be a father to LB. This angered the defendant, and he verbally abused Ms Bryan for a few seconds then left the house. Ms Bryan stood in the front doorway at the top of the steps and told him to leave and not come back. Mr Taylor-Lawdon overheard the arguing and came and stood at the front door. LB was behind them.

The defendant went to his vehicle and retrieved a long object and began pacing the front yard holding the object and banging it against the front fence, yelling, "Come on" at Ms Bryan, LB, and Mr Taylor-Lawdon.

Mr Taylor-Lawdon positioned himself in front of Ms Bryan and LB and stepped onto the landing at the top of the steps. He retrieved a golf club which he held in front of him horizontally with both hands. LB and Ms Bryan stood behind him.

The defendant ran towards the steps with the object in his hand. He began coming up the steps but turned and ran back down and swung the object at the window at the front of the house, causing it to smash.

LB threw a chair down the steps at the defendant to try and stop him. The defendant picked it up and threw it back up the steps. Ms Lockley got out of the vehicle and tried to intervene.

The defendant again started to come up the steps, swinging the object in the air in the direction of the complainants and banging it on the stair rail.

Mr Taylor-Lawdon began descending the steps with the golf club held in front of him to protect himself. When halfway up the steps, the defendant began swinging the object at the

complainants. He did this multiple times and, in doing so, he struck Mr Taylor-Lawdon with significant force to the right side of his head.

The defendant retreated and tried to get Ms Lockley to leave with him in his vehicle. He waved the object at her and yelled at her to, "Get in the fucking vehicle," but she refused. The defendant got into the driver's side of the vehicle, reversed out of the driveway, and drove away with his cousin and her two children still in the vehicle.

Mr Taylor-Lawdon was bleeding from his neck area. Emergency services were called, and police and an ambulance attended. He was taken to the Royal Hobart Hospital for treatment. He had a 1 cm laceration to his right ear lobe which required five stitches, and three superficial lacerations to the right side of his neck.

The defendant was arrested by police on 11 March 2023 and declined to participate in an interview. He was remanded in custody and has been incarcerated since. He served four cumulative terms of imprisonment which amounted to 10 and a half months imprisonment which was backdated to 6 March 2023. It is accepted that the sentence of imprisonment I impose for the crimes before the Court today should be backdated to 16 January 2024.

Victim impact statements have not been provided. Fortunately, Mr Taylor-Lawdon has made a complete physical recovery. It is clear this was distressing experience for Mr Taylor-Lawdon and for all of the complainants.

The defendant has pleaded guilty but at a relatively late stage soon after trial papers had been provided. He was initially charged with a more serious crime, and there was delay on behalf of the police authorities in completing the file. There is utilitarian benefit in having the matter resolved by way of a plea of guilty as the expense associated with a trial is avoided and the witnesses are saved the inconvenience and stress associated with giving evidence.

The defendant has an extensive record of prior convictions. He has many for dishonesty and a number for violent offences. These include being an accessory after the fact to the crime of wounding in 2006, attracting a 9-month sentence of imprisonment; summary offences of common assault, where he was convicted of one in 2003, two in 2008, one in 2009, five in 2010, one in 2011, one in 2012, one in 2014, three in 2015, two in 2018 which were family offences, and another two in 2020, also family violence offences. You have prior convictions for an aggravated assault and attempt to steal and you were sentenced in the Supreme Court to a term of imprisonment of six months, four of which were suspended.

Your upbringing was difficult and chaotic. Your mother died when you were young, and your father was left to care for four children and was ill-equipped to provide the necessary care. You did not have the guidance and supervision that you needed, and you began committing offences at a young age.

Drug use has been a constant factor in your offending. Your recent time in custody has resulted in progress because you have been placed on the Suboxone program, also known as the Opioid Replacement Therapy Program, which has been helpful in managing your addiction. The report from Community Corrections informs me that you are engaging with that Therapy Program which will continue in the community with Alcohol and Drug Services upon your release.

You have not been able to engage in many other rehabilitation programs while on remand. You have though engaged in a parenting course and completed that course in May 2023. You are

willing to engage in other intervention, but you are illiterate and that has been an impediment to completing other courses that might have been available to you, such as family violence intervention programs. You are willing to engage in literacy programs and in fact requested literacy support and that has now commenced. When in the community, you struggled to find stable employment, and literacy support would be helpful in promoting your prospects.

You have participated in a cognitive assessment while in custody and recommendations have been made for further assessments. You have been referred to JustACE, a program for individuals with cognitive impairments.

Your relationship with Ms Lockley is ongoing and there is an interim family violence order in place until revocation. The order has been varied to enable contact while you have been in custody but would have to be varied again by the court if your relationship continues on your release. Ms Lockley does not condone the use of illicit substances and would be supportive of efforts to address your drug use and remain abstinent.

These crimes must be viewed in a serious light. Your conduct was meant to be intimidating and instil fear, and you created a volatile, unpredictable situation. You struck Mr Taylor-Lawdon with a weapon when he was just trying to protect the other complainants. The blow was to the head, and it was the kind of force that could have resulted in grievous harm. Fortunately it did not. Your menacing behaviour was in the presence of a child and in the vicinity of two other children who would have been frightened by your conduct.

I consider personal and general deterrence, as well as denunciation, to be important objectives. I also accept that your rehabilitation is a worthwhile objective given your positive attitude to reform. I have taken into account the time that you have served by way of a term of imprisonment of approximately 10 and a half months, and you have been in custody now for a lengthy period of time since 11 March 2023.

I record convictions. I impose a global sentence of 17 months' imprisonment backdated to 16 January 2024. You must serve 12 months of that sentence. The balance of five months is suspended for a period of two years on the following conditions:

- 1 You must not commit an offence punishable by imprisonment for that period of 2 years from the date of your release.
- 2 You must submit to the supervision of a probation officer as required by the probation officer.
- 3 You must attend Community Corrections at 75 Liverpool Street, Hobart, within 48 hours of your release. I calculate the date of your release is 15 January 2025.
- 4 You must comply with the reasonable and lawful conditions of your probation officer.
- 5 You must notify your probation officer of any change of your residential address or employment before, or within two working days after the change.
- 6 You must not leave Tasmania without the permission of your probation officer.
- 7 You must comply with directions including in relation to literacy support programs, relationship counselling, parenting courses, and engagement with the JustACE program.
- 8 You must attend and complete the family violence intervention program if directed by a probation officer.

- 9 You must undergo assessment and treatment for drug dependency as directed by a probation officer, and attend and complete drug addiction programs as directed by a probation officer, as well as complying with directions that you attend Alcohol and Drug Services in relation to the Opioid Replacement Therapy Program.
- 10 You must submit to medical, psychological, or psychiatric assessment or treatment as directed by a probation officer.

It is also a condition of suspension also make an order that you must complete 98 hours of community service within the period of 2 years.

The second charge of assault which involved threatening the complainants including Kellie Lockley is recorded, pursuant to s 13 A of the *Family Violence Act*, as a family violence offence.