

Mr Titley, you have pleaded guilty to one count of strangulation and four counts of assault.

The crimes were committed on 1 March 2023 against a woman, with whom you had just formed a relationship. The relationship was intimate but had only been in place for a couple of weeks. It is accepted by both parties that it had not yet become a significant relationship. The crimes were committed during the course of a single but lengthy episode which commenced in the early hours of the morning. You were extremely intoxicated, and it would seem suffering from the symptoms of long-standing depression. You claim to have been suicidal, and this is consistent with statements made by you to the complainant at that time. The complainant drove the considerable distance from her house to yours because she was worried about you. After she arrived, you continued to drink. You were acting and speaking in a bizarre fashion and your mood was swinging between extremes of "happy to crazy".

The first assault took place over a prolonged period and consisted of several acts of violence, which seem to have arisen from an intention on your part, clearly formed in your intoxicated state, to teach the complainant how to fight. Apparently, you have some experience and expertise in martial arts. You placed your hand around her neck on at least two occasions, although it would seem not forcefully, and you also twisted her hand and fingers causing a great deal of pain. At one point, you demanded that the complainant slap you and when she refused, you started to slap her across the face repeatedly. You told her that the slaps would get harder unless she did it back to you.

The second assault occurred in a different part of the house almost immediately after the first assault. You held the complainant against the wall with one hand around her neck. The force used by you caused her head to make contact with a picture hanging on the wall. This caused her pain, and in keeping with your bizarre and drunken conduct, you apologised to her when you realised that you had hurt her.

The crime of strangulation was committed shortly after this. You grabbed the complainant by her throat with one hand, applying pressure to the point where she gagged and was unable to breathe freely. The complainant started coughing, and at that point you stopped and asked if she was okay. Unfortunately though, this did not stop your ongoing violence. You continued to slap the complainant in the face repeatedly on at least two more occasions and eventually committed the last assault by pushing her to the ground and holding her down. The entire episode did not end until late morning when inexplicably, you forced the complainant to drive with you to a nearby hotel and then left her there. She was able to call police with the assistance of hotel staff. You were apprehended by them later in the day.

It is not suggested that the complainant suffered any significant physical injury as a result of your conduct. However, she was continually in fear during the course of this lengthy episode. Your conduct was violent and unpredictable, and she must have found this terrifying. She has provided an impact statement in which she speaks about the ongoing psychological consequences of your crimes, including ongoing anxiety, frequent panic attacks and nightmares. She operates her own business and understandably the psychological effects have also had financial consequences. The act of strangulation and other attacks on the throat and neck of the

complainant were extremely dangerous. The danger was enhanced by the lack of control that was necessarily associated with your extreme intoxication.

You are 38 years of age. You have one child from a prior relationship. The child does not live with you. A psychologist has confirmed that you have a long standing history of complex post-traumatic stress disorder with extreme dissociative symptoms and major depressive disorder. These conditions stem from prolonged and severe sexual and physical abuse during your childhood. You have used alcohol over your life in an apparent attempt to deal with the symptoms, and have developed a serious drinking problem. This is consistent with your criminal history which largely consists of drink-driving and disqualified driving convictions although you have also been convicted of minor dishonesty and street offences from time to time. The last of these was in 2008. Your only conviction since then was on 7 March 2022 for an offence of breaching a police family violence order which related to verbal abuse of the person protected by that order. You received a fine of \$250. You have no other criminal history which relates to offences of violence.

Your counsel tells me that you have for many years been working hard to overcome the problems stemming from the childhood abuse. This includes psychological counselling with the psychologist who has provided the report. You have continued that counselling since committing these crimes. I am told also that after your arrest you self-referred to the Alcohol and Drugs service and worked with that service for a period of time in an attempt to overcome your reliance on alcohol. I was told by your counsel that you have been successful in that regard and the service no longer needs to work with you. A presentence report however suggests that alcohol is still an issue, and you are continuing to work with your GP on this problem. Further, notwithstanding the psychological and drinking problems, you have maintained a good work history. I have a reference from your current employer who speaks highly of you. You have entered into a new relationship since committing these crimes. I am told that the relationship is supportive and your conduct of it has been exemplary. Your partner provided evidence during the sentencing proceedings in which she attested to your character and supportive nature. She was pregnant with your child at that time but suffering from a serious health problem accentuated by the pregnancy and in respect of which she relied on your assistance. Sadly, she has suffered a miscarriage since the plea proceedings. This has caused your partner and you significant grief. I infer that you each rely heavily on the other at the moment for emotional support.

Your counsel submits that you are remorseful for your conduct, particularly having regard to its impact on the complainant. I accept that your response in referring yourself to the Alcohol and Drugs service and continuing psychological counselling is indicative of, at the very least, some insight into the underlying problem with alcohol which obviously contributed to your offending behaviour. In saying this however, I also observe that your intoxication cannot provide any mitigation or excuse for your conduct. Further, your ongoing defence of your conduct as some form of martial arts training, shows that you do not have complete insight into the problems associated with your drinking, and in particular the impact of drunken conduct on others. I also do not accept that your late plea of guilty, entered on the morning of the trial, is consistent with your stated remorse. You should receive some limited credit for the plea because it, at least, avoided the need for the complainant to give evidence at the trial, but I am told that she was on standby to do so until the very last minute because you did not give a firm indication of the plea until it was entered in Court. The prosecution accepts that there was a significant delay in bringing the matter to trial but, quite frankly, you could have pleaded guilty at a much earlier

time. I do not think that you should receive any significant credit for the plea apart from the benefit that flows to the complainant.

The crimes to which you have pleaded guilty carry with them a high degree of objective seriousness. Technically, this was not family violence within the legislative definition because of the recent nature of the relationship at the time of perpetrating the violence, but it still carries with it all of the factors which make violence against someone with whom you are in an intimate relationship so serious. This includes the breach of trust that is inherent in the relationship. Your conduct on this occasion involved a terrible breach of trust, because you had in fact sought the complainant's help to deal with the psychological problems that you were experiencing at the time. She drove a lengthy distance in the early hours of the morning for the sole purpose of helping you. Your response to this kindness was to treat her in this appalling way. I regard your moral culpability for this conduct as high and note again that it is not mitigated by your intoxication. However, I do accept that your conduct was out of character. In particular, you do not have an established history of perpetrating family violence. The serious nature of your criminal conduct requires an emphasis on general deterrence, denunciation, punishment and vindication of the complainant. This would normally require the imposition of a term of actual imprisonment. However, it is clear from the opinion of the psychologist and the evidence of your partner that sending you to prison at this time would significantly set back your psychological health. It would also harm your partner and her children. I consider this to be an exceptional circumstance given her health difficulties, and the loss of the child. When I take these matters and your lack of prior convictions for crimes of violence into account, I am satisfied that the relevant sentencing aims in this case can be achieved by a sentence that does not involve your immediate incarceration. I did have you assessed for home detention, but I accept that the pressures created by this form of incarceration would pose considerable risk to both your health and the welfare of your family. In this regard, I am heavily influenced by the opinion of the psychologist. In my view, the appropriate sentence is a suspended term of imprisonment made conditional upon the performance of community service and ongoing community-based supervision. I think the former is necessary to provide some actual and immediate punishment and the latter is necessary to ensure that you continue to pursue the therapeutic steps you have taken since committing these crimes.

Accordingly, the orders I make are as follows:

- a You are convicted of the crimes to which you have pleaded guilty;
- b You are sentenced to a global term of 18 months imprisonment, the whole of which will be suspended for a period of 2 years on the following conditions:
 - i that you are not to commit another offence punishable by imprisonment during that period.
 - ii that you will perform community service for a period of 189 hours. The court notes that the sections referred to in s 24 (5A) of the *Sentencing Act* apply to this condition. For the purpose of those provisions:
 - (a) you must report to a probation officer at the office of community corrections in Launceston within three clear days of today and

(b) the operational period of the order is two years.

- c that you will be subject to the supervision of a probation officer. You must comply with this condition for a period of 12 months from today. That period will commence from today. The Court notes that the conditions referred to in s 24 (5B) of the *Sentencing Act* apply to this condition. These include that you must report to a probation officer within three clear days of today. In addition to the core conditions the order shall also include the following special conditions:

(a) you must, during the operational period of the order,

- i attend educational and other programs as directed by the court or a probation officer;
- ii submit to the supervision of a probation officer as required by the probation officer;
- iii not consume alcohol;
- iv undergo assessment and treatment for alcohol dependency as directed by a probation officer;
- v submit to testing for alcohol use as directed by a probation officer;
- vi submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer;
- vii attend, participate in and complete the Family Violence Accused intervention program as directed