

STATE OF TASMANIA v CHLOE ANNE BROWN
COMMENTS ON PASSING SENTENCE

23 JULY 2025
WOOD J

Chloe Anne Brown has pleaded guilty to attempting to commit the crime of interfering with a witness contrary to ss 100 and 299 of the *Criminal Code*.

The defendant's partner, Mitchell Noel Allie, was charged on 24 March 2021 with crimes committed on 19 and 21 March 2021. The crimes involved three counts of stealing, two counts of aggravated burglary, one count of committing an unlawful act intended to cause bodily harm, and one count of unlawfully setting fire to property. The complainant was Anthony Percy.

Mr Allie was in custody in June 2023 and on 29 June, he made a number of phone calls to the defendant using the Arunta phone system which record the calls of remandees and prisoners. Mr Allie directed the defendant to purchase a card and flowers; what to write in the card, including by leaving a phone number for the complainant to contact; and to leave the card and flowers at the complainant's home address at Schofield Drive, Sorell.

In a phone call during that morning, he told the defendant to "put that number" in the card. When the defendant asked if he wanted anything written in the card, Mr Allie said to write in a "sorry" card, "Can you give me a call".

During another phone call in the late afternoon, the defendant told Mr Allie she had just given the card to her father. The defendant had the call on speaker and her father, who was present, had an exchange with Mr Allie about which house the card and flowers were to be delivered to.

During the afternoon, the defendant and her father purchased the card and flowers, then together sat in the car and wrote in the card. They parted ways and Mr Brown went on his own to the complainant's house to deliver the card and flowers.

After the card and flowers had been delivered, the defendant had further phone conversations with Mr Allie, where they discussed the fact that the card and flowers had been left on the doorstep and that a phone call was expected.

The complainant discovered the flowers and card outside his front door early that evening. The card was in an envelope with "Ton" written on it. The card had a printed message on the front that read, "You're Heading for New Horizons", and inside contained the typed message, "It Won't be the Same Without You". Handwritten in the card was: "Hey mate give me a call, cheers", and a phone number which was connected to the defendant.

The complainant asked his adult niece to call the number in the card. She called but there was no answer. She received a call back from a male, who was Mr Brown, who asked, "Did you get my flowers?" and then said, "Tony's got a court case coming up, let him know he's not to show up." The defendant was aware of and/or involved in what Mr Brown was to say to the person who rang the number in the card.

On 30 June 2023, there was a further phone call between Mr Allie and the defendant in which she told him about the phone call with the woman who had called and that the person had wanted nothing to do with it and sounded "very petrified". Mr Allie replied that "if they want nothing to do with it, they probably won't come to court".

The matter was investigated by police and on 13 July 2023, the defendant participated in a record of interview. During the interview, she lied and denied knowing anything about the delivery of the flowers and card, about Mr Allie's involvement, or about who lived at Schofield Drive.

In fact, the defendant by her actions in purchasing the card and flowers, and assisting with their delivery and with the phone call in which Mr Percy was told not to come to court, attempted to dissuade Mr Percy from attending court as a witness in the proceedings in which he was the complainant, and from giving any evidence.

The crime of attempting to interfere with a witness is a serious crime and general deterrence is an important consideration. The conduct has the potential to deter witnesses from attending court and giving evidence, particularly if they have been subject to violent and criminal offending by the perpetrator. The crime is regarded seriously by the courts because of its capacity to undermine the operation of the justice system and the risk that offenders may go unpunished.

The defendant has no prior convictions of any significance. She has one prior conviction of dishonesty involving a false number plate which attracted a fine.

The defendant is now aged 24. At the time she committed the crime she was 21, had an infant child and was 30 weeks pregnant with her second child.

She pleaded guilty at a relatively late stage, but still, her plea deserves some weight in mitigation both in terms of her acceptance of responsibility for her conduct and due to saving the community the expense associated with a trial.

The defendant is a single mother raising two young children. Her life revolves around her children and her parenting responsibilities. While her role as a single parent is a busy and at times challenging role, it is one that she finds rewarding. She has stable rented accommodation where she lives with her children. Her physical and mental health is good but in the past, she has experienced depression. She is conscious of this vulnerability and aware of what needs to be done if she experiences symptoms in the future.

She is in a relationship with Mr Allie, who is serving a lengthy term of imprisonment. She is close to her father and her relationship with him and with her sister is supportive. Her partner's mother also provides her with support.

The defendant has strong literacy and numeracy skills and a history of employment in food and retail industries.

While she had an active role in the commission of the crime, I note she was not the instigator; Mr Allie instigated and directed the carrying out of the crime. At the time, her judgement was clouded by her partner's request and influence and the involvement of her father, and she did not stop to think about the implications of her actions or the seriousness of her conduct. She understands now the importance of witnesses feeling safe in coming to court and in giving evidence and that it is essential that people are able to do that without interference or fear. The defendant has expressed regret for her actions.

I accept the defendant is generally law-abiding and responsible and her actions were out of character. She does not have a drug addiction or alcohol problem which may lead her into

criminal conduct. The defendant does not condone illicit drug use by others, including her partner. The defendant has found the court process to be difficult and the prospect of imprisonment to be stressful. It has proved to be a significant deterrent.

Ms Brown, I expect your concerns about imprisonment have not only been for yourself and the impact of that on your future but also the impact on your very young children. There is a good prospect you have been deterred from any future offending.

Mr Allie has been sentenced for his involvement in this crime and he received a term of 9 months' imprisonment. His situation, however, was different. As the perpetrator of violence upon Mr Percy, his culpability in instigating and directing the attempt to interfere with Mr Percy giving evidence against him was particularly high. His circumstances are different, too; he is older than you, he has many prior convictions for crimes of dishonesty, and has served terms of imprisonment in the past which have not proved to be a deterrent. Your circumstances are different, and that warrants a different sentencing outcome.

I have a pre-sentence report which indicates that supervision is considered unnecessary because there is a minimal risk of reoffending and no need for support or psychological intervention at this time. You are considered suitable for community service and your parenting commitments can be accommodated.

In the particular circumstances of this case, there is limited need for personal deterrence. While general deterrence is a significant factor, so too is your rehabilitation. You are a young person with your future ahead of you and significant responsibilities, leading an otherwise law-abiding life and you should have the opportunity to demonstrate that you will not reoffend.

I am satisfied that a Community Correction Order with an obligation to complete community service is an appropriate sentence in this case.

I record a conviction and impose a Community Correction Order which is to be in place for 12 months from today. That order carries all of the statutory core conditions provided for in the Sentencing Act, which include that you must not commit any offence punishable by imprisonment, for a period of 12 months from today; you must report to Community Corrections at 75 Liverpool Street by 4:00 pm today and report to a probation officer as required; you must comply with all the reasonable and lawful directions of a probation officer; you must not leave or remain outside Tasmania without the permission of a probation officer; and you must give notice of any change of address or employment before, or within two working days, after the change.

In addition, I impose a special condition that you must satisfactorily perform and complete 56 hours of community service within that same period of 12 months.