

Mr Stafford-Goss, you have pleaded guilty to one count of Criminal Code assault. You committed the crime on 30 January 2024. The crime was committed against your then partner. You and the complainant had been in a significant relationship for approximately four years, living together for much of that time. The relationship had ended in December 2023, and the two of you ceased living together. There is one child to the relationship.

In late January 2024, the complainant had been to a social function at a hotel to celebrate her friend's birthday. A few days later, on 30 January, the complainant was at her home. The two of you engaged in a text message conversation. During that conversation the complainant asked you not to come to her address. Later in the evening, you nevertheless went there. You immediately started questioning her about her behaviour during the social function she had attended to celebrate her friend's birthday. Essentially, you accused her of dancing with other men. The two of you became involved in a heated verbal argument. The complainant asked you to leave. You refused to do so.

The complainant went to bed. Your child was asleep in the bedroom on a foldout bed. You continued to question the complainant about her behaviour at the social function. The complainant continued to ask you to leave. Eventually, you said you would go. You leaned down to kiss the complainant, but she turned her head to the side. Seemingly, this angered you. You grabbed her with both hands around her throat and squeezed. You pushed her down hard onto the bed. Whilst you were holding your hands around her throat, you shook her and said, "Why do you make me do this".

The complainant was struggling to breathe. She tried to pry your fingers from around her neck. After a few seconds you let go, but did not leave. The argument continued. You again grabbed the complainant by the throat with both hands and pushed her down hard onto the bed. You then let her up before again placing your hands around her throat and pushing her down onto the bed. In total, there were three separate applications of force to her throat. On each occasion, she had difficulty in breathing, but she did not lose consciousness.

You then picked the child up from his bed and carried him outside. The complainant took the opportunity to run from the house and hid in some nearby bushes. You came outside and called to her, but she remained hidden. A short time later you left the residence with the child. The complainant did not report the incident to police immediately. This is not unusual given the many complexities associated with family violence. She reported the matter to police in December 2024. You were later spoken to by police. In a record of interview, you told police that the incident had occurred. You said you were in a rage. You also told police that you were using drugs at the time. You later sent a text message to the complainant acknowledging your behaviour.

I am not told of any injuries suffered by the complainant and there is no impact statement. I have no doubt, however, that the complainant would have found the situation scary and upsetting, and it is most likely that she experienced some level of discomfort from the pressure you applied to her neck. It would also have been concerning to her that her young son was present throughout all of this. Whilst there is no suggestion that he awoke during the incident; you obviously paid no regard to the risk that he may do so. It is well understood that exposing

young children to family violence can, and often does, have significant adverse effects upon them.

You are 26 years of age. You are aboriginal. You have a number of relevant prior convictions. In total, you have four prior convictions for common assault as an adult, and there is also a matter from the Youth Justice Court for common assault. That matter was dealt with without conviction.

One of the matters of common assault involved the same complainant. In October 2020, you slapped her to the face. You were sentenced for that matter, together with another matter of common assault committed against a male, and various other driving and drug offences, in August 2021. The sentence imposed was a period of six weeks' imprisonment, the execution of which was wholly suspended for a period of 12 months. There is nothing on your record to suggest you did not comply with the terms of that suspended sentence.

You were raised in a very dysfunctional family. Your mother had significant involvement in the criminal justice system. Your father has never been a part of your life. You were often left to take responsibility for raising your younger siblings. Your mother re-partnered. Your stepfather was a violent man. You observed much family violence during your upbringing. That trauma has marred your life, and in many ways, your upbringing has determined your life's trajectory. Drugs were an issue from your teenage years. You have been diagnosed with depression and ADHD. I am told, given your own experiences, that you are very conscious of the harm family violence can cause, and you are ashamed of having acted in this way. You do not want your son to be exposed to the same sort of upbringing that you had to endure.

You have displayed a number of positive qualities at various times. For example, you have taken on the care of your younger siblings. When employed, you work hard and are well regarded. Whilst you have been remanded in custody you have been employed as a wardensman and have apparently attended to the tasks associated with that role, well. You are willing to engage in counselling and want to better yourself to ensure that this sort of behaviour does not reoccur.

I accept that you are genuinely remorseful for your conduct, as evidenced by the admissions you made to police and your early plea of guilty.

That said, family violence of this nature is simply unacceptable and cannot be tolerated. The violence perpetrated against your partner is aggravated by the presence of your young son. The fact that you committed the crime whilst affected by drugs, provides no mitigation whatsoever. In fact, in my view, it is a serious aspect of this offending because your intoxication meant you were less able to appreciate the amount of force you were applying to your partner's neck. It is well understood that applying pressure to a person's throat is inherently dangerous. It can very quickly lead to serious injury and sometimes even death. The psychological impact of such acts can also be most serious as it is an act which is indicative of the exercise of power and control. There is a strong need for a court to provide such protection as it is able to, via the imposition of sentences that will act as both a punishment and a personal and general deterrent. It is also of concern that you are a repeat offender. You have previously inflicted violence upon the complainant, and whilst you are not to be resentenced for your prior conduct, it suggests specific deterrence is a weighty consideration.

The only appropriate sentence is one of imprisonment. In assessing the sentence, I take into account your plea of guilty and your remorse. I will permit eligibility for parole at the earliest opportunity to provide the Parole Board with the opportunity to supervise your return to the community in a manner which permits appropriate work to be done to address the risk factors.

I make the following orders. You are convicted of the crime of assault. You are sentenced to imprisonment for a period of 12 months. That sentence will commence on 29 May 2025. I note but for your plea of guilty, I would have sentenced you to 16 months' imprisonment. You are not eligible for parole until you have served one-half of that sentence. Pursuant to s 13A of the *Family Violence Act*, I direct that this crime be recorded on your criminal record as a family violence offence.