

STATE OF TASMANIA v DARCY WILLIAMS
COMMENTS ON PASSING SENTENCE

ESTCOURT J
3 NOVEMBER 2025

The defendant, Darcy Williams, aged 48 years old, has pleaded guilty to the crime of assault.

On 2 February 2024, after drinking alcohol to excess, and going to sleep on the couch, he was awoken by the complainant, his wife, and after she attempted to pull him off the couch, he punched her to the top of the head twice, and then placed his hands on her throat and neck and pushed backwards while she was kneeling on the floor. She told him to stop, and he did, but he started again and the couple's two children came into the room. The younger child, a girl then aged 7, who entered first, said "stop daddy, no" at which he stopped. The defendant's hands were on the complainant's throat and neck for about 30 seconds.

The complainant has prepared a victim impact statement which I have read. Her physical injuries were shock, sore lungs, swelling of her throat and a welt behind her ear from the assault. However, she states that she has suffered significant psychological and emotional distress and is being treated for the symptoms of PTSD.

The defendant is extremely remorseful. He has no prior convictions and no history of family violence. He has given up drinking alcohol and has engaged with Holyoak and the MENS Program and has sought assistance for his mental health.

In the initial months after his arrest, he was not permitted to see his children due to the conditions of the interim Family Violence Order which had been put in place. Slowly, variations were made to the interim Family Violence Order with the children ultimately being removed from the order. The interim Family Violence Order has prevented the defendant from apologising to his wife, which he is very anxious to do.

Pursuant to s 11A(1)(d) of the *Sentencing Act*, the fact that the children were present in part during the offending, is an aggravating factor. I accept the submission of Crown Counsel, Ms Griffin, that there is ample evidence that indicates that children who are exposed to family violence can suffer serious psychological and emotional harm.

The application of force to the neck is a serious criminal act and the risks associated with this have been repeatedly acknowledged by this Court as resulting in serious injury and death, often within a short space of time.

I also accept Crown Counsel's submission that violence within relationships is of a particular concern to the community and involves a gross breach of trust within a relationship. Such conduct requires condemnation, with specific and general deterrence as the dominant sentencing factors.

The defendant is convicted of assault and pursuant to s 13A of the *Family Violence Act*, I direct that the conviction be marked on the defendant's record of prior convictions as a "family violence offence".

The defendant is sentenced to six months' imprisonment, which sentence I wholly suspend on condition that he commit no offence punishable by imprisonment for a period of 12 months.

I decline to make a Family Violence order as there is nothing in the material before me, including the complainant's victim impact statement, which would justify me in making such an order. The complainant's safety, well being and interests are not, in my view, objectively at risk, and the children have already been removed from the interim family violence order.