

STATE OF TASMANIA v REJP
COMMENTS ON PASSING SENTENCE

ESTCOURT J
9 DECEMBER 2025

The defendant, who was aged between 40-60 years old at the time of the offending, and is now aged 70 years old, has pleaded guilty to five counts of rape between 1997 and 2015.

The complainant, who was between 35-57 years old at the time of the offending, was married to the defendant between 1995 and 2015.

On 25 November 2020, the complainant told police that she had woken up on several occasions during her marriage to the defendant to find he was penetrating her vagina with his fingers or penis. The complainant had not considered that this would amount to rape, as they were married.

The circumstances of each occasion were similar. The complainant would lie with her back to the defendant, and with her knees brought up towards her chest, either asleep or pretending to be asleep. The defendant would pull her underpants to the side and on occasion would insert his fingers into her vagina and would try to stimulate her. The complainant would often wake up and find the defendant's fingers inside her. She would then roll away or curl up into more of a ball, but once his penis was erect, she states "he was on a mission". The defendant would position himself so that he could penetrate the complainant's vagina with his penis from behind.

As a matter of background and context only, I am told that this happened so many times that it became the norm.

On the occasions charged, I am told "[i]t was never quick. The defendant always took a long time to ejaculate and could take longer than half an hour". This would usually occur pre-dawn and he would apologise afterwards.

The defendant participated in a video interview on 21 February 2023, in which he admitted his conduct and that it was without consent, however he said that he did not consider that to be rape.

The defendant's record of prior convictions do not include any, strictly speaking, relevant offending but he has a history of serious sexual offending.

The defendant has pleaded guilty, thus sparing the complainant the ordeal of publicly telling her story from the witness box. He is entitled to a genuine discount on an otherwise appropriate sentence for having done so and for his admissions to police. Otherwise, there is little, if anything, that mitigates his crimes.

The defendant was an only male child and was mistreated by his father, he left school early. His marriage to the complainant was a second marriage. He has a myriad of health issues and requires specialist treatment. He believes, although recklessly, that he had implied consent to intercourse with the complainant after she awoke.

I have heard a victim impact statement read to me by the complainant. She has suffered much, physically, emotionally and psychologically. She was violated and degraded. She was treated as if she were a sex object.

That sexual acts within marriage may only be consensual is so well known now that the fact could not, in this day, be doubted for one moment. The debasement by the defendant of his wife for his own sexual gratification is not merely a mark of his lack of moral worth, it constitutes a series of the most serious sexual crime - rape.

The defendant raped his wife, commencing while she slept and continuing without her consent after she woke, on five separate identifiable occasions. No intimate partner may ever be subjected to such sexual violence of this nature. Both the law and civilised society condemn such conduct, and such crimes call for condign punishment which deters both the offender and others who might be like minded, as well as denouncing the behaviour and vindicating the victim.

I order that the defendant's name be enrolled on the register kept pursuant to the *Community Protection (Offender Reporting) Act*, and that he comply with the reporting conditions under that act for a period of ten years from his release from prison. The defendant is convicted of each of the crimes to which he has pleaded guilty and is sentenced to a single sentence of 12 years imprisonment, backdated to 1 March 2024, and he is not to be eligible for parole until he has served half of that sentence.