

STATE OF TASMANIA v LELA LYNNE MARIE SPOTSWOOD

21 NOVEMBER 2025

COMMENTS ON PASSING SENTENCE

CUTHBERTSON J

Lela Spotswood, you have pleaded guilty to charges on two indictments which relate to two separate incidents. On the first indictment you have pleaded guilty to a charge of aggravated carjacking. I am also dealing with your plea of guilty to an associated charge of common assault pursuant to s 385A of the Criminal Code. On the second indictment, you have pleaded guilty to charges of aggravated burglary, aggravated assault and aggravated armed robbery.

The first indictment relates to an incident which occurred on 27 January 2023. On that date you, Shae Lee Parker, Liam Van Galen and Dayne Robertson, assaulted Nadine Bryan with intent to take and drive without consent a BMW car. You are also charged with assaulting Jason Burns by threatening to break his neck and then chasing him. These events occurred at Brady's Lookout Reserve. Of the group, Ms Parker was the one who had the principal grievance against Mr Burns and Ms Bryan. At some time prior to 27 January 2023, she had lent money to the couple. The money was part of the proceeds of redress payment she had recently received. Ms Parker also lent Ms Bryan a phone she was no longer using. Shortly after lending the money and the phone to the couple, Ms Parker became aware that a further \$7,000 had been withdrawn from her bank account and credited to an account in the name of Ms Bryan. Ms Parker believed that Ms Bryan had been able to access Ms Parker's bank account using her banking application on the phone she had lent to Ms Bryan. Against this background, Ms Parker and Mr Van Galen, who were then in a relationship, decided to confront Ms Bryan and Mr Burns about this money and to try and retrieve the phone and SIM card to prevent any further withdrawal of funds.

Ms Parker and Mr Van Galen picked you up from your home in the morning. They were looking for Mr Burns and asked you to go with them. Mr Robertson was also picked up by the pair. While you were all travelling in the car, Ms Parker received information that Ms Bryan and Mr Burns were at Brady's Lookout as their car had broken down. You all travelled there and found Ms Bryan and Mr Burns in the carpark. Footage of what then occurred was captured on a dashcam installed in the car you were travelling in. I have watched it a number of times. It records Ms Parker telling Mr Van Galen to speed up to the BMW that Ms Bryan was sitting in. Mr Burns was standing to the front of the car with the hood up. On reaching the BMW, Ms Parker screamed at Mr Burns and Ms Bryan repeatedly "Hey dog" before getting out and running towards the driver's side door of the BMW. She then repeatedly struck Ms Bryan to the upper body. Ms Bryan was initially seated in the driver's seat of the BMW while this assault was occurring. Mr Burns immediately ran away when you all turned up, jumping a fence and heading to the surrounding bushland. You chased him. Mr Van Galen pursued him as well, yelling "Fuck up cunt, I am warning you, run boy I will break your fucking neck boy".

Ms Parker continued to assault Ms Bryan, demanding that she get out of the car before it got worse. Ms Bryan eventually got out of the car holding her personal belongings which Ms Parker tried to prise from hands. When Ms Bryan would not let go, Ms Parker punched her to the face. Mr Van Galen then approached and assisted Ms Parker to overcome Ms Bryan's resistance. You also returned to the BMW and proceeded to punch Ms Bryan forcefully three times to the rib cage screaming, "Let it go now". Shortly afterwards Ms Bryan let go of the items she was holding. She was again struck by Ms Parker who then slammed the car door on her. You then took Ms Bryan by the back of the neck and directed her away from the BMW.

Attention was then directed to the BMW. Ms Parker looked in the car, including the boot. Mr Robertson got into the driver's seat and you got into the rear passenger seat behind Mr Robertson. The BMW was driven away by Mr Robertson. The car broke down during the journey back to Launceston. Ms Parker later traded the BMW for \$250 to a wrecker in Launceston. Footage of the incident was posted online and was brought to the attention of police. You and your co-offenders were identified from that footage. You were charged on 30 January 2023. You initially pleaded not guilty. The matter was listed for trial in June 2025, but you entered a plea of guilty to the charge of aggravated carjacking shortly before it commenced.

You are criminally responsible as a principal for the charge of aggravated carjacking. You were involved in the physical assault of the complainant. It was clear that the assault was initially undertaken to retrieve the mobile phone she had in her possession. The intention to take the car was formed at some stage during the course of the assault on Ms Bryan. You are also criminally responsible as a principal for the assault of Mr Burns by chasing him and threatening him. There is no question you either had the present ability to give effect to those threats or caused Mr Burns to believe on reasonable grounds that you did.

Ms Parker and Mr Van Galen pleaded guilty to the charges of aggravated carjacking and common assault at an early stage. Ms Parker was sentenced to 15 months' imprisonment with eight months suspended on the condition that she submit to the supervision and directions of a probation officer and commit no offence punishable by imprisonment for two years. Mr Van Galen was sentenced to twelve months' imprisonment with six months suspended on condition that he commit no offence punishable by imprisonment for 18 months on his release. Mr Robertson maintained his plea of not guilty. Following your guilty plea, you were called by the State to give evidence on Mr Robertson's trial. Ms Parker and Mr Van Galen also gave evidence. Of the three of you, you gave the most frank evidence. The State accepts that your evidence was useful to their case at trial. Mr Robertson was found guilty of aggravated carjacking. He was sentenced by me to twelve months' imprisonment with six months suspended for 18 months on his release.

Ms Parker was clearly the main offender in relation to this matter. She was 30 years old at the time of the offending and had significant priors for dishonesty matters. Her offending breached the terms of a suspended sentence imposed in March 2022. Mr Van Galen had more limited prior convictions although he had been the subject of a suspended sentence previously. He was 25 years old at the time of the offence. Like you, he participated in the assault of Ms Bryan, but not to the same extent as Ms Parker. Mr Robertson did not involve himself in the physical assault of Ms Bryan and was not sentenced on the charge of common assault. He had prior matters for dishonesty and violence. His offending breached the terms of a suspended sentence and a separate drug treatment order. He was not entitled to the mitigating benefit of a plea of guilty.

The charges on the second indictment relate to a home invasion on 30 April 2024. In the early evening, you went to an address in Red Hills with your co-accused, X. Unsurprisingly, given the time of the day, four people were at the home: JD, his 16 year old daughter L and two younger children. You and X entered the house via the unlocked front door. You were armed with a sawn-off double barrel firearm and both of you were wearing face coverings. You both went into the kitchen where you approached LD. While the firearm was pointing in Miss D's direction, you told her to get her father. Miss D called out to her father and stood in front of her four year old sister who was also in the kitchen. Mr D walked to the hallway where he was confronted by you. You rushed toward him, pointed the firearm in his face and demanded

money and drugs. Mr D went to his knees and placed his hands up in the air. You waved the firearm in his face and told him you would shoot him. X yelled at Mr D to "hurry the fuck up, we know it's here". This was witnessed by Miss D and her little sister. Mr D's 14 year old son came into the hallway when he heard yelling, but Miss D yelled at him to get back into the bathroom. He climbed out of the window to escape.

Mr D went into a bedroom and pretended to look for drugs which he did not have. The two of you followed him. He looked through a suitcase while you were present. He then told you he could give you \$1400 cash instead. He retrieved the cash from another bedroom. You asked him why he had cash and what he did for work. He told you he worked in mining. You responded that he had made a mistake telling you that because you would be back. You then saw a safe on a table in the bedroom and asked for the code. You were told it did not work. You picked it up and took it to the kitchen where you met X who was searching through the cupboards. X took a tin of coins from the kitchen. You both then left the house, taking multiple sets of keys from the hook next to the door as you left.

Mr D immediately locked the doors behind you. His children were hiding in a bedroom. While they were in the bedroom, you returned to the house and kicked and smashed a glass windowpane in the front door allowing you to unlock it from the inside. You returned to the bedroom and took the suitcase that Mr D had been looking in earlier then left. You were not wearing a face covering at this time.

CCTV captured the entry of you and X into the house including when you went back the second time. You can be seen carrying the firearm in that footage. It also captured a car and part of registration plate that matched one later located at X address. The suitcase that was taken was also located there by police. The footage also showed X smoking then discarding a cigarette which was forensically examined and returned a high-grade DNA match to her.

The aggravated burglary charge relates to your entry into the house with the intent to commit the crime of robbery. The circumstances of aggravation relied upon are that the house was used for the purposes of human habitation, that you were armed with a firearm and that you offered violence to both Mr D and Miss D. The charge of aggravated assault relates to your conduct in holding the gun in the direction of Miss D in circumstances where you caused her to believe that you had the present ability to shoot her and that you intended to induce that belief. The items stolen from the house were \$1,400 cash, a tin of coins, a suitcase which contained clothing and other personal items, a wedding ring, an engagement ring, a watch, the safe which contained the children's prescribed ADHD medication and identification documents and multiple sets of keys including those to the house and Mr D's car.

I have been provided victim impact statements from both Mr D and Miss D. Mr D powerfully describes the terror, fear and helplessness he experienced during the course of this offending. Since then, he has experienced constant worry about his children's safety and checks his security cameras obsessively to ensure his home is secure. He describes becoming withdrawn and distrustful and feeling anger towards you and your co-offender. This traumatic experience has had a significant impact on his relationship with his wife.

Miss D describes no longer feeling safe in her home. She has not been able to sleep properly. She vividly describes how she thought she was going to die and her fear that her father would be killed too. She says that you and X were unpredictable and threatening and she did not know what you were capable of. She does not like to leave the house. She missed two months off

school in the period immediately following the incident and then could only manage to attend two to three days a week. This has had a huge impact on her education. Her withdrawal from life has affected her relationships more generally. She has struggled with feeling depressed. She has been attending regular counselling to help her cope but says her whole life has changed and she will never be the same person again.

You initially pleaded not guilty to these charges. In October last year and after you had been committed to the Supreme Court to stand trial on these matters, you wrote a letter to Mr D and his children apologising for your conduct and the trauma you caused. It is a lengthy letter which explains how you became involved in committing these terrible offences. You stated you accept responsibility for your conduct. I understand that the letter was provided to Mr D via a mutual acquaintance of yours. Prosecution became aware of its contents. It seems likely that the letter would have formed part of the case against you if you maintained your pleas of not guilty.

You were 22 years old at the time of the aggravated carjacking and 24 years old when you committed the offences in April last year. You are now 25 years old. You are one of 8 children born to your parents' relationship. Your parents separated before you were born. You were raised by your mother who you describe as caring and resourceful. You maintain a close and supportive relationship with her and maintain regular contact with most of your siblings. You have limited contact with your father.

You are Aboriginal. You describe yourself as coming from a strong cultural background and are proud of your heritage. You understand that your ancestors are members of the Stolen Generation. You and your family members have experienced racist abuse throughout your lives. You were exposed to a great deal of dysfunction during your upbringing. Unfortunately, you experienced abuse at the hands of a family member for a period from when you were approximately seven to 12 years old. You have only recently begun to open up about this trauma, have not reported it to police or received counselling. Despite these difficulties, you completed Year 10. You have had limited employment since leaving school, although you had obtained some labouring work prior to being remanded in custody by me. You played AFL while you were at school and showed promise.

Unfortunately, you commenced using methylamphetamine when you were 16 years old after being introduced to the drug by your then partner. You quickly developed an addiction to that substance and have engaged in heavy and regular use since that time. You gave birth to a son when you were 17 years old. He has largely been raised by your older sister. You have some contact and hope to one day be in a position to build a relationship with him. Your relationship history has been marred by family violence.

Your addiction to methylamphetamine has dominated your life since you were in your late teens. It has been a significant factor in your offending. Your history of dishonest and aggressive offending commenced as a youth. In 2021, you received a three-month suspended sentence for driving and drug offences. In January 2022, you received a total of two months wholly suspended imprisonment and a 12 month community correction order for charges of aggravated burglary, stealing, drug driving, drug offences, false report to police, contravene conditions of a notice and other traffic matters. At the same time, you were re-sentenced on the breach of the previous suspended sentence to an additional three months' suspended imprisonment. In April 2023, you were again before the Magistrates Court for sentencing in relation to driving and drug matters and breaches of bail and like offences. Sentence was

deferred on condition you reside on Cape Barren Island. In November 2023, you were sentenced to further periods of suspended imprisonment in relation to a large number of drug, driving and breach of bail matters. You received a total of 66 days imprisonment when you were resentenced on your breach of the earlier suspended sentences. Those periods were backdated to take into account periods you had spent in custody. Your offending on both occasions breached suspended sentences.

You have spent some time in custody pending the resolution of these matters. Some of that time has been allocated in the course of sentencing which has occurred in the Magistrates Court. I calculate that you have spent 96 days in custody that has not yet been allocated to any sentence imposed upon you.

You became involved in the events of January 2023 at the request of Ms Parker and Mr Van Galen. It was not your argument, but you clearly took on their grievance and willingly participated in the violence that followed. So much is evident from the footage. You were heavily affected by methylamphetamine at the time which you acknowledge tends to make you angry.

Your involvement in the offences committed in April 2024 was directly related to your drug use. You had incurred a debt to X who was supplying methylamphetamine to you. You were told by X and another person that the house would be unoccupied, and that money and drugs would be found. You were provided the firearm by X. The decision to be armed does not sit comfortably with the claim that the property would be unoccupied. Regardless of whether the presence of the occupiers was anticipated, it must have been apparent to the two of you that people were home when you entered. You and X did not think better of your plan but committed the offences and threatened violence while doing so. You also re-entered the property a second time, using force to do so, in circumstances where you knew that people were home.

This was extremely serious offending. The use of a shortened firearm is particularly concerning and no doubt induced additional fear in your victims. The presence of children at the premises further aggravates your offending. Not only was one of the children assaulted by you, all three of the children witnessed you and X acting with extreme aggression in frankly terrifying circumstances. It is understandable that Mr D and his daughter have suffered significant and adverse consequences as a result of the traumatic experience you and X subjected them to.

You have pleaded guilty to all of these offences. Those pleas were not early ones. I accept there may have been a genuine legal issue relating to the charge of aggravated carjacking which delayed your plea. No such submission has been made in respect of the April 2024 offences. Nevertheless, your pleas have saved the complainants from being required to give evidence at trial which would no doubt be retraumatising. You have also offered to give evidence at the trial of X. She has not yet been committed to the Supreme Court. The State acknowledge that your offer to give evidence would be of assistance to their case at trial and accept that this is a factor that should be taken into account when sentencing you.

It is very clear that your addiction to drugs is at the heart of your offending. Your background of trauma is no doubt important to understanding your substance abuse history. Since being remanded in custody, you have been receiving some mental health treatment. You are prescribed medication to assist with sleep, to manage your PTSD and associated nightmares, and for treatment of your depression. You have also been commenced on a monthly depot injection to manage symptoms consistent with drug-induced psychosis. I am told you want to

address your drug use and have expressed a willingness to engage in counselling and associated supports. You have not accessed such services in the past. You acknowledge that you continued to use methylamphetamine and cannabis prior to being remanded in custody.

I had you assessed for suitability for home detention, drug treatment and community correction orders. The authors of the assessment report consider that you are ineligible for a drug treatment order for two reasons. One of their concerns is that you still have some outstanding matters that are yet to resolve in the Magistrates Court. The primary concern relates to the assessment that the offending for which you fall to be sentenced involved the infliction of actual bodily harm that is not minor harm. In the case of Ms Bryan, that was physical harm and in the case of the victims of your April 2024 offending, that was psychological harm. There is some merit in their assessment that the harm in respect of both offences was not minor. While I accept that both Mr D and Miss D have suffered considerable distress and fear arising from the offending, I do not have any evidence before me that either have been diagnosed with a recognisable psychiatric illness: see *Tasmania v Joseph* [2017] TASSC 23 at [15]-[21]. I do not wish to diminish their experience in any way by saying this. I would not be at all surprised if they do meet the diagnostic criteria of such an illness, but I simply have no evidence before me to support that finding. There is also no evidence before me that Ms Bryan required or sought treatment for her injuries although it is apparent that considerable force was used during the course of the assault, particularly by Ms Parker. While s 27B(1)(a)(ii) of the *Sentencing Act 1997* may not prevent me making a drug treatment order, I am otherwise not satisfied in all the circumstances that it is appropriate to make such an order: see s 27B(3)(a). The offending, particularly in April 2024, is very serious. While your rehabilitation is an important consideration, it is not the only or the most important one, particularly in the circumstances of that offending. It involved the invasion of a family home in utterly terrifying circumstances. The use of a firearm and the presence of children are significant aggravating features. You did not stop your plan to steal from the house when it was apparent people were home, indeed, you returned and used force to re-enter and steal further property. You made threats to return again in the future. You have also been assessed as unsuitable for a home detention order. In any event, I do not consider that a home detention order would adequately reflect the seriousness of your offending.

Such offending demands a penalty that recognises the need to denounce your conduct and deter others from engaging in like conduct. The sentence also needs to recognise the harm caused to the victims of the offending. I do not ignore the possibility that you are someone who has good prospects of rehabilitation. You have demonstrated, in my view, genuine insight into and remorse about your offending. You had been employed before I remanded you in custody. I accept you are willing to address your drug issues and the likely connection with your traumatic background. You have pleaded guilty. I take into account the evidence you gave during the trial conducted in respect of the aggravated carjacking and your willingness to give evidence on any trial relating to the April 2024 offences. I will impose separate sentences in relation to the two sets of matters in order to reflect the effect of your cooperation in the sentencing exercise. I have also given consideration to the overall effect of those sentences and the principle of totality to ensure that the sentence imposed is not too crushing.

Lela Lynne Marie Spotswood, you are convicted on all charges on the two indictments and on the charge of common assault on complaint 30355/2023.

On the charges of aggravated carjacking and common assault, you are sentenced to a 10 month period of imprisonment backdated to 23 August 2025. Six months of that sentence is suspended

for a period of 18 months from your release from custody on condition that you do not commit another offence punishable by imprisonment and you are subject to the supervision of a probation officer. But for your cooperation during the course of Mr Robertson's trial, I would have imposed a head sentence of 12 months imprisonment which was the same sentence imposed on Mr Van Galen and Mr Robertson. In my view, your level of culpability and antecedents were similar to those of Mr Van Galen. Mr Robertson did not involve himself physically in the assault, but had worse prior matters and did not have the benefit of a plea of guilty.

On the charges of aggravated burglary, aggravated assault and aggravated armed robbery, you are sentenced to a period of 30 months imprisonment cumulative to the sentence imposed on the charges of aggravated carjacking and common assault. Twelve months of that sentence is suspended for a period of 18 months, also on condition that you do not commit another offence punishable by imprisonment and are subject to the supervision of a probation officer. But for your promised cooperation, I would have imposed a head sentence of three years imprisonment. You must understand that if you do not cooperate as foreshadowed, the State may appeal against the sentence imposed upon you and you risk having to serve an additional period of imprisonment.

I order that you be eligible for parole after the expiration of one half of each of the operative parts of the sentences of imprisonment I have imposed, that is after the expiration of two months and nine months imprisonment respectively. In my view, it is appropriate to allow you the opportunity of parole at the earliest opportunity to facilitate your rehabilitation in the community.

As each of the suspended sentences is conditional on your supervision by a probation order, the order is subject to the core conditions of a community correction order which are set out at s 42AO(b) to (f) of the *Sentencing Act*. They will be provided to you in writing. They include that you must report to a probation officer at the office of Community Corrections in Launceston within three clear working days of your release, you must submit to supervision and comply with the directions given by your probation officer, you must not leave Tasmania without permission and you must notify of any change of address. In addition to the core conditions, the order will also include the following special conditions that you must, during the 18 month operational period of the supervision order:

- 1 submit to the supervision of a Community Corrections officer as required by that officer;
- 2 undergo assessment and treatment for drug dependency, submit to testing for drug use as and submit to medical, psychological or psychiatric assessment or treatment as directed by a probation officer.

For the purposes of s 92A(3) of the *Sentencing Act*, I specify that:

- (i) the total term of imprisonment which you are liable to serve in respect of all of the above sentences is 40 months backdated to 23 August 2025;
- (ii) the execution of 18 months of the term is suspended;
- (iii) the total period you must serve before you become eligible for parole is the aggregate of the non-parole periods on the operative parts of both sentences of imprisonment which is a total period of 11 months commencing on 23 August 2025.

In addition, I make compensation orders pursuant to 68(1) of the *Sentencing Act* in favour of:

- (a) Venecia Hawkins (also known as Venecia Rushton) in an amount to be assessed; and

(b) JCD in an amount to be assessed.