

Tory Barker-Stokes, you have pleaded guilty to one count of perverting justice. On 28 January 2025, you assaulted a man by the name of Mr Talbot-Smith. You pleaded guilty to this charge in the Magistrates Court and are currently awaiting sentence in respect to that. Before pleading guilty, however, you perverted justice by endeavouring to have Mr Talbot-Smith drop the charges by sending him a threatening message.

In the days following the assault, on 29 and 30 January, before you knew you were going to be charged, you sent messages to Mr Talbot-Smith via Facebook saying things like *"You better reply, or I'll come back up there. I already left a lump on yah". "I'm gunna fuck you up dick head do yah research"*. Such messages were not directed at having the charges dropped, but they were threatening and also demonstrative of a complete lack of care over what you had done.

On Thursday, 20 February 2025, police attended at your residence and spoke to you about the assault matter. Later that same day, you sent Mr Talbot-Smith a further message which read *"Drop the charges and that's the end of it. If u don't, you won't like what happens next. Don't fuck with me. You should have done your research, if that assault charge isn't dropped by tomorrow afternoon you'll find out what I mean by that and it's not gunna be good for you or anyone close to you so think about everyone and everything before you make this a war you can't win. Drop the charges and nothing will happen. If you don't well (laughing emoji x 2) like I said choose wisely."*

This message was not only threatening, particularly given it came on top of the earlier messages, but was clearly directed at having Mr Talbot-Smith drop the charges. The only purpose in sending the message was to try and avoid the consequences which would flow from you having assaulted Mr Talbot-Smith. Understandably, Mr Talbot-Smith felt threatened by the messages and was concerned that you would return to his property and further assault him or cause damage to his property.

You are 26 years of age. You have prior convictions for offences contrary to the *Misuse of Drugs Act*, offences contrary to the *Road Safety (Alcohol and Drugs Act)* and some other driving offences. You were also dealt with for a matter of destroy property in May 2022 but were placed upon an undertaking without conviction.

You are an Aboriginal man. You currently live with your mother. You have a background of significant trauma. You had a difficult relationship with your father who was an alcoholic and physically violent towards you. You were sexually abused by a family member when you were approximately seven. You have a long history of mental health difficulties. You have been diagnosed with Post-Traumatic Stress Disorder arising from the childhood sexual abuse. Characteristics of Post-Traumatic Stress Disorder have been apparent since your primary school years. You also have a long-standing history of polysubstance abuse, including alcohol, cannabis and methyl amphetamine. Your mental health difficulties have culminated in several attempts at self-harm and suicide. You have had multiple engagements with various mental health services. Particularly relevant to this crime, on 11 January 2025, you were admitted to the Northwest Regional Hospital following a suicide attempt. You were held under a detainment order for several hours whilst clinicians waited for you to become sufficiently alert

to participate in a psychiatric assessment. Ultimately, you were discharged following that assessment.

I have received a forensic psychological assessment authored by Dr Georgina O'Donnell. In it, she notes that there have often been difficulties in assessing your mental health conditions due to your heavy substance abuse. Nevertheless, she concludes it is evident from your medical history that you have a long-standing diagnosis of complex Post-Traumatic Stress Disorder resulting from childhood abuse, coupled with a long standing history of polysubstance abuse. She notes an inherent part of your condition and presentation is *"impairment in his social abilities to interact with others in stressful situations. Key features of his mental health conditions are emotional dysregulation and irritability."*

Dr O'Donnell opines there is a causal link between your Post Traumatic Stress Disorder and the commission of this crime but also observes that your substance abuse played a role in your behaviour. In my view, the need to moderate general deterrence is slight. I accept, however, that your mental health issues would make incarceration particularly challenging for you, and there is a significant risk that your mental health would deteriorate further in prison.

Since the commission of this crime, you have engaged with the Circular Head Aboriginal Community. You are working with an indigenous support worker who is encouraging you to continue to address your mental health needs and curtail your illicit drug use. It is important that you follow those recommendations.

I take into account your plea of guilty. It was entered at an early stage, on your second appearance in the Magistrates Court. It is indicative of an acceptance of responsibility and importantly, has alleviated the complainant from the need to give evidence.

Whilst your actions did not ultimately result in you avoiding responsibility for the assault charge, in many ways, that matters not. The sinister aspect of this crime is the intent you had. You were prepared to threaten Mr Talbot-Smith and cause him fear and apprehension in an endeavour to avoid responsibility for what you knew you had done. You and others who may be minded to attempt to thwart justice in such a way, need to understand that such conduct will not be tolerated. General deterrence is an important sentencing consideration.

Any attempt to pervert justice is serious because it strikes at the integrity of the justice system. In my view, a period of imprisonment must be imposed to acknowledge the seriousness of your conduct, but given your personal circumstances, your early plea of guilty and the fact that you are now engaged with a support network; I am satisfied it is appropriate that I suspend the whole of the period of imprisonment I intend to impose. I will also be imposing a Community Correction order to provide you with some ongoing assistance. It is important that you appreciate that if you fail to comply with the conditions of the Community Correction order, you can be brought back to this Court.

I make the following orders. You are convicted of the crime of perverting justice and sentenced to imprisonment for a period of six months. That sentence of imprisonment is wholly suspended for a period of 18 months from today on condition that during that time, you commit no offence punishable by imprisonment. I explain to you that if you do commit any offence punishable by imprisonment, and I emphasise the word "any", during that period, you can be brought back to this Court and an application made that you serve the period of imprisonment.

The law is that a judge must activate that period of imprisonment and make you serve it unless it is unjust to do so.

I impose a Community Correction order with supervision, for an operational period of 12 months. The statutory core conditions of a Community Correction order are imposed. Those conditions will be set out in a document that will be provided to you. I also impose the following special conditions:

- You must during the operational period of the order submit to the supervision of a probation officer as required by a probation officer.
- You must comply with directions regarding referrals to and compliance with alcohol and drug services.
- You must undergo assessment and treatment for alcohol or drug dependency if directed to do so by a probation officer.
- You must for the duration of the operational period of the order submit to medical, psychological or psychiatric assessment or treatment or counselling if directed to do so by a probation officer.
- You must, if directed to do so by a probation officer, attend, participate in and complete the EQUIPS Addiction Programme.
- You must, if directed to do so by a probation officer, attend, participate in and complete the EQUIPS Aggression Programme.