

Hayley James, you pleaded guilty to two counts of assault. You were found guilty by a jury of a further seven counts of assault and one count of strangulation. Two of the assault verdicts were returned as an alternative verdict to the charge of strangulation. It is my responsibility to determine the factual basis on which you are to be sentenced. Facts adverse to you must be proved by the prosecution beyond reasonable doubt.

The crimes for which you are to be sentenced were committed overnight on 14 January 2024 against Ella Meredith. For all but one of the crimes you were jointly charged with Ashley Cashion. One of the assaults to which you pleaded guilty was committed by you and Mr Cashion together. The other assault to which you pleaded guilty was committed by you. All of the remaining assaults, and the strangulation, of which you were found guilty were committed by Mr Cashion. You were criminally responsible for his acts because they were committed in the prosecution of a common purpose. The jury was satisfied that these crimes were a likely result of the carrying out of an arrangement made between you and Mr Cashion that you would go to his house that night and assault Ms Meredith.

Some background is necessary. For about a year until early 2020 you were in a relationship with Ashley Cashion. You already had a son and you and Mr Cashion had one daughter together conceived very early in the relationship. Your relationship with Mr Cashion ended about three months before your daughter was born in April 2020. During your relationship Mr Cashion was violent, threatening, abusive and controlling. Even after your relationship ended, his violence and abuse continued. Family violence orders were made to protect you but he breached them. Eventually, you went to Victoria to live. Nevertheless, you continued to facilitate contact between Mr Cashion and your daughter.

In about early 2023, well after Mr Cashion's relationship with you ceased, he commenced a relationship with Ms Meredith. He was 29 and she was 19. They began living together at his mother's home in Waverley where he slept in a caravan in the yard. Their relationship broke up shortly before 13 January 2024, but on that day he had invited her to the home to spend time with your daughter with whom she had grown close during her visits. You and she were visiting from Victoria at the time. Your daughter was staying overnight with Mr Cashion and his mother at his house while you stayed elsewhere. During the course of the evening you received a text message from Mr Cashion asking whether you would "bash" Ms Meredith for him. You quickly agreed. In the same message you asked whether he had any Buprenorphine strips. Not long afterwards you sent another message offering to bring one of your female friends to help with the assault. Over the next few hours there were further exchanges between you and Mr Cashion until, in the early hours of the following morning, he told you that Ms Meredith was with him at the Waverley house. In your first message you had asked why Mr Cashion wanted this, but as far as the evidence reveals, you had no means of knowing what his reason was until he said in a message that she had been with another man.

You knew that he was a violent and abusive man, including towards you. According to your evidence you had gone to Victoria to escape him. Why, in those circumstances, you would agree to assault someone at his request is baffling to say the least. There was some suggestion in the evidence that you harboured some ongoing antipathy towards Ms Meredith for having, on an earlier occasion, helped Mr Cashion keep your daughter back from you for some days following a contact visit. However it makes no sense that you would blame her and not Mr Cashion for

this. It was suggested that you remained fearful of him and apprehended that unless you complied he may keep your daughter from you again. However you expressed no reluctance at all to his request for violence. To the contrary, you quickly and readily agreed, pressed him to let you know what was happening and immediately went to his house on your own in a ride share when he told you that Ms Meredith was there.

It is also clear from the text messages that you knew that Mr Cashion had already assaulted her by punching her and was keeping her at his house. Immediately on your arrival you confronted Ms Meredith and began to assault her. You, with your legs, tripped or knocked her to the ground in the area outside Mr Cashion's caravan and, while she was on the ground, you punched her to the left side of her head several times. While you were doing this, Mr Cashion sprayed her face with capsicum spray. You did not know he was going to do this but you were criminally responsible for it. Also, while she was on the ground, you struck Ms Meredith with one particular hard blow to the side of her head near her ear. It is the subject of count 5 on the indictment. It was asserted by the State that you stomped on her head. In her evidence, she could not say whether that was so. She described it as being struck on the side of the head. She said she felt pressure but did not identify the cause, although she later told a doctor at the hospital that you had stomped on her. I am not satisfied beyond reasonable doubt that you stomped on her but the blow you struck was hard enough to cause pain and loss of hearing in her left ear. The later medical examination was consistent with her complaint that she couldn't hear. There had been internal bleeding to her eardrum, and both the outer and inner ear were swollen and bruised. You stopped this assault when Mr Cashion said to stop. You then went inside the caravan.

Regrettably, over the next couple of hours, Ms Meredith was subjected to more violence and abuse. As I have said you did not actually commit any of the subsequent crimes. She was summoned by Mr Cashion into the caravan. He scrolled through her phone, looking at her messages and social media. As he saw things he did not like, he repeatedly slapped her face. Three counts of assault are constituted by those acts. On one occasion he grabbed her throat and pushed her back onto the bed. That was another assault. I am satisfied beyond reasonable doubt that, on three separate occasions, he grabbed her around her throat with both hands and applied pressure such that she was unable to, or had difficulty, breathing. On two occasions her visual and audible distress was such that you intervened and told him to stop, and he did so. On one such occasion you got up and moved towards him as if to intervene. Your acquittal on two counts of strangulation is consistent with the jury finding you guilty of assault, but not strangulation, on those two occasions. In the course of the evening, Mr Cashion left for some reason on his motor bike. He was away for only a few minutes, but before he left he said to you to not let her leave. There was some dispute about whether you told her, when Mr Cashion was not there, to not say anything. It makes no difference. You did nothing to physically restrain her. Her fear of Mr Cashion led her to not attempt to leave. I am satisfied your continued presence conveyed to her that it was your intention that she was not free to leave. However, I am not satisfied that you intentionally deprived her of her liberty. She was deprived of her liberty and, in all the circumstances, this was a probable consequence of the carrying out of your original common purpose and thus you are responsible for that as well.

Throughout all of this prolonged series of events in the caravan, you sat impassively on the bed, spending long periods apparently scrolling through your phone. Apart from your compliance with Mr Cashion's request to stop your original assault, and your intervention when the strangulation had gone too far, you did nothing to communicate that you had withdrawn from the common purpose to assault Ms Meredith. The acts to which I have referred were clearly insufficient. Later in the morning Mr Cashion took Ms Meredith out in a car. They were gone

for some time. You were still in the caravan when they returned but left soon afterwards. Mr Cashion eventually allowed Ms Meredith to leave.

You have no prior convictions for violence. You were 26 at the time of these crimes. You are now 29. At the time of these crimes you were addicted to illicit drugs, particularly methylamphetamine. You had been using since you were 14, partly as a response to childhood sexual abuse. You and Mr Cashion both used methylamphetamine during the course of that night. Since then you have taken steps to address your drug use. You attended a detox unit and then a program for treatment and support regarding substance abuse and you have been abstinent since September 2025. You live in Victoria in leased community housing with your children who are 6 and 8. Your mother also lives with you, but if you are required to serve a term of imprisonment it is likely that your housing will be lost, and the status of your children is uncertain. You have been working with the child safety authorities and your wish to continue to care for your children is a strong motivating factor. You have held employment of various types and you have a responsible job available if you are able to take it up. Your prospective employer has spoken highly of your application and your efforts to turn your life around. Imposition of a community based sentence in Tasmania, including home detention, would require dislocation of yours and your children's new life in Victoria and return to the bad influences which, for you, exist in this State. For those reasons, home detention and a community correction order are not practicable alternative sentences.

You are not entitled to the mitigation a plea of guilty would have attracted, except for your plea of guilty to two counts. Even then, it was at a very late stage and did nothing to save the complainant from the further trauma of having to give evidence at trial. At least her account of Mr Cashion's actions was not challenged.

Perhaps the most difficult aspect of the sentencing arises from the dynamic of the relationship between you and Mr Cashion. The evidence before me satisfied me that he was abusive and controlling of you. You had reason to be fearful of him. His prior convictions indicate that even in the days immediately prior to these events he was breaching a family violence order made to protect you, including by shocking threats and abuse only two days earlier. And yet, on the face of it, you agreed without hesitating to his approach and request to inflict violence on Ms Meredith and thus expose her to the type of conduct of which you were also a victim. I accept that the response to family violence is often complex. Family violence offences are not uncommonly accompanied by support of a perpetrator by a victim. That is so for a range of possible factors including fear, avoidance of conflict or ongoing emotional control, or, on the other side of the coin, lingering loyalty or affection or for the sake of a relationship with children. Sometimes those motivations are misguided but persist nevertheless.

I have found it helpful to divide your offending into two categories. The first category is the two assaults for which you admit you are directly responsible. You admit your responsibility for those. I am compelled to the conclusion that Mr Cashion, for reasons that are to an objective observer difficult to identify or understand, was somehow continuing to exert some emotional pressure or control over you. You had little reason to have personal animosity to Ms Meredith. Perhaps this was affected by disordered thinking from your illicit drug use. If I were only dealing with those two counts, I would not impose a sentence of imprisonment which is to be immediately served. You had no history of violence and there has been no subsequent offending. Whilst the assaults were serious, Ms Meredith largely recovered from her physical injuries. Her ear required no further treatment but the pain and hearing loss lasted for some time and was somewhat disabling for her. There has of course been a significant psychological impact as her

victim impact statement makes very clear. That principally, although not exclusively, arises from Mr Cashion's crimes. You are not to be sentenced as if you were him. I am required to take into account that your daughter was at the house. She was inside the house but she was asleep. At her age and at that time there was no chance that she would be exposed to your crimes or damaged by them.

The question then becomes whether the crimes for which you were found guilty requires a different outcome. I have decided to take a merciful approach and concluded that it does not. What Mr Cashion did was something, to any reasonable observer with knowledge of all of the circumstances, which may well have happened as a result of the original assaults you agreed to. Thus you are criminally responsible for it. However, despite the obvious wrongfulness of your conduct by remaining passively present and doing little, if anything to help Ms Meredith, Mr Cashion's criminal culpability far exceeds yours. Although you did not withdraw from the common purpose, other than by your mere presence you did not encourage or assist him in his crimes. If past experience was anything to go by, you had reason to fear that he may turn on you. He had used methyldamphetamine and had been consuming alcohol.

A substantial term of imprisonment is required to mark the seriousness of, and condemn, your crimes. However I have decided to wholly suspend the term. That order is primarily made to facilitate your continuing rehabilitation. However, you should clearly understand that if you commit any offence of any seriousness of whatever nature while subject to the suspended sentence, you will be required to serve the term unless that is unjust. I am not satisfied that yours are family violence offences. You committed crimes, and were party to Mr Cashion's crimes, but they were not committed by you against your spouse or partner.

Hayley James, you are convicted on the indictment, counts 6, 8, 9, 10, 11 and 12. On counts 7 and 13 you are convicted on the alternative charge of assault. I impose one sentence. You are sentenced to a term of imprisonment 18 months, wholly suspended for two years from today. It is a condition of that order that while it is in force you commit no offence punishable by imprisonment. If you breach that condition you will be required to serve all of the suspended term unless that is unjust.