

Patrick James Johnson, you have been found guilty by jury verdict of two counts of ill-treating a child. You were found not guilty of two separate counts of assault relating to two other children, who were your biological children. The victims of the ill-treatment charges were your stepsons. In respect to the first child, whom I shall refer to as "D", the ill-treatment occurred between September 2016 and February 2022, during which time D was aged between 8 and 14. The second count of ill-treatment involved the child "T". That course of ill-treatment occurred between September 2016 and June 2022 when T was aged between 6 and 12 years. You formed a relationship with D and T's mother, "AH", in early 2015. The relationship lasted for about seven years. There were two children born to the relationship. "L" was born in 2016, and "C" was born in 2017. You separated from AH in July 2022.

In prosecuting the two counts of ill-treating a child, the State particularised a number of instances of ill-treatment.

In respect to D, they were:

- 1 Pouring petrol over his body, holding a lighter and threatening to set him alight
- 2 Striking him to the bottom with a metal bar on a particular occasion when he was aged around 11 or 12 years
- 3 Strangling and/or choking him by placing your hands around his throat and squeezing with a substance on your hands that caused a rash
- 4 Strangling and/or choking him by placing your hand or hands around his throat and squeezing until he was rendered unconscious
- 5 Repeatedly strangling and/or choking him (excluding the specific occasions already outlined)
- 6 Stabbing his hand with a fork two to three times for failing to eat his dinner fast enough
- 7 Punching him to the head
- 8 Standing on his feet, resulting in bruising
- 9 Repeatedly striking him to the head and/or bottom with a metal bar
- 10 Striking him to the head with your hand
- 11 Repeatedly grabbing or pulling his ear
- 12 Repeatedly forcing him to drink a mixture of vinegar, lemon and chilli as a "punishment"

- 13 Repeatedly putting chilli on a cotton bud and inserting it up his nose as a "punishment"
- 14 Repeatedly forcing him to eat chillies or chilli powder as a "punishment"
- 15 Threatening to shoot him
- 16 Making threats to kill him and other family members
- 17 Forcing him to physically fight with [T]
- 18 Striking him to the head with a phone case

In respect to T, the particulars were:

- 1 Pouring petrol over his body, holding a lighter and threatening to set him alight
- 2 Placing your hand or hands around his throat and squeezing and then throwing him to the floor
- 3 Striking him with a metal bar to the bottom approximately ten times in order to "test" the metal bar out, resulting in bruising
- 4 Strangling and/or choking g him by placing your hand or hands around his throat and squeezing until he was rendered unconscious
- 5 Striking him to the head with a phone case
- 6 Requiring him to dig a hole in the backyard of a property and telling him he was digging his own grave
- 7 Striking him to the head with a sword in a sheath, causing a wound
- 8 Striking him to the head with your hand
- 9 Stabbing him to the hand with a fork
- 10 Stabbing him to the hand with a pen
- 11 Repeatedly striking him to the head and/or bottom with a metal bar
- 12 Repeatedly strangling and/or choking him
- 13 Repeatedly forcing him to drink a mixture of vinegar, lemon and chilli as a "punishment"
- 14 Repeatedly putting chilli on a cotton bud and inserting it up his nose as a "punishment"

- 15 Repeatedly forcing him to eat chillies or chilli powder as a "punishment"
- 16 Making threats to kill him and other family members
- 17 Repeatedly grabbing or pulling his ear
- 18 Forcing him to physically fight with [D]
- 19 Punishing him for wetting the bed by striking him with the metal bar

Ultimately, the determination of the factual basis of sentence is a matter for me. However, I think there are some necessary implications that flow from the jury's verdict and that is, in substance, the jury must have accepted the accuracy and honesty of the account given by D and the account given by T. The two children had seen some of the violence inflicted upon each other, but not all of it. Their mother, AH, had also seen some of the violence. To that extent, there was some corroboration for the respective complainant's account, but in essence, the jury would have to have accepted each child's evidence. I also accept the respective accounts given by D and T. In my view, each child gave compelling evidence as to the serious violence and harm you perpetrated upon them whilst they were living with you. I am satisfied beyond reasonable doubt of all the particulars of ill-treatment that were alleged in respect to both D and T.

The violence seems to have started shortly after the birth of your first biological child and had its origin in your unfounded resentment of D and T, and your desire to punish them and treat them cruelly, whilst treating your biological children in a more favourable fashion.

I am also satisfied that unlike many cases involving ill-treatment of children, the catalyst for these crimes was not a lack of parenting skills, or an inability to deal with difficult children, or the stress of trying to manage children in circumstances where you were without support and ill-equipped to deal with specific challenges. Rather, I find that this was wilful conduct directed at causing harm and hurt to the children under the guise of punishing them. For whatever reason, it seems you developed a deep-seated malice towards D and T, and you displayed that persistently over an extended period of time.

Both children said that initially when they met you, you were pleasant to them, but within a short time, coinciding with the birth of L, you started to treat them differently and harshly. You would make both children undertake a significant number of chores such as doing the dishes, folding the laundry, cleaning their rooms and attending to outside tasks. Both children gave evidence that if they refused to do the chores, or if they completed the chores too slowly, they would be punished. The extremity of the punishment was such that it could only be described as gratuitous violence on occasion. It involved, amongst other things, striking them with a metal bar, forcing them to consume "punishment drinks", strangling them to the point of unconsciousness, punching them, putting chilli up their noses and on one occasion, pouring petrol over them and threatening to set them alight.

In respect to this last incident, D gave evidence of an occasion where you believed that he or T had taken a book that you had recently purchased relevant to a video game. You responded to your concern by making both D and T get naked and get into the bathtub. You then poured petrol or some sort of lighter fluid over the two of them whilst they sat in the bath. You then threatened to set them on fire. You stood in the bathroom flicking a cigarette lighter and the

boys observed a flame. They were scared. Their mother came into the bathroom and fought with you and removed the lighter from you. You then went and fetched another lighter and returned to the bathroom, presumably intending to either further threaten, or cause actual harm to the boys. By this point however, their mother had placed the boys into the shower and washed the fuel from them. D was left with chemical burns on his body from the fuel which necessitated him receiving medical treatment. T also gave evidence of this incident having occurred. Their accounts were similar and reflected the fear they felt during this incident.

D also described many acts of strangulation. He said that you would grab him by the neck, sometimes using one hand and sometimes using two, and you would lift him off a chair or into the air, and squeeze his neck to the point where he could not breathe. He said that the acts of strangulation usually lasted for about 10 seconds and there were two or three occasions in which he lost consciousness. D described that you did this to him on more than 10 occasions and he said that it felt like it happened weekly. He described one occasion where you had something on your hands and his neck came out in a nasty rash. T also described you strangling him on several occasions. He said that you would grab him with two hands and lift him up. You would squeeze so hard that he would black out and fall to the floor. You would then yell at him until he got up. He said the strangulation started when he was around eight and continued until he was about 11. He thought that it had happened more than 10 times. He said that he was often left with marks on his neck from the acts of strangulation. He said that you often just "did it for fun".

Both boys also described that you regularly used a metal bar to strike them if they had not performed a task to your liking, or you felt that they had done something else wrong. The metal bar had been made by you at work. When you brought it home, you told the boys that you were going to use it to punish them. You "tested" the effectiveness of it by striking T with it multiple times, leaving heavy bruising. It was kept on a side table in the kitchen or dining area of the home. Both D and T described that you would strike them on the bottom or the top of the back of the legs. The force of the impact was such that it would often leave the boys with significant bruises. T said that he recalled being struck with the metal bar on at least ten separate occasions. He said that sometimes he would be hit more than once a day.

Both boys also described that you would force them to eat horrible food. They said that their mother was not allowed to cook for them, although she did cook more palatable food for your biological sons. Both boys said that you would often make their food very spicy and they did not like to eat it, but you would force them too. If they did not eat it, you would pull them from their chairs and you would use the metal bar to strike them. You would force the boys to eat large portions of food which sometimes lead to them vomiting. They would then have to clean up their vomit and then they would be further punished for vomiting. They would be hit by you, either by your hand or using the metal bar. Because you served the children large portions of very spicy food, the boys would have trouble eating it and would be slow. If they were too slow, you would stab them in the back of the hand with a fork and tell them to hurry up and finish their meal. D described that you would "plunge the fork" into his hand and it was very painful. D described that this happened to him more than five times but less than 10 times. T also recalled an occasion when you had stabbed him with a pen to the back of his hand.

Both boys described being hit in the head with a phone case by you. They said you would hit them with such force that it would leave an "egg" on their head. D and T also recall being punched by you to the head, or struck with your hand to the head, also leaving them with lumps

which they described as "eggs" on their heads. The boys said this was a regular occurrence, sometimes happening daily.

Another form of abuse that you engaged in was to stand on D's feet when he did not have shoes on. You would press your weight into his feet leaving his feet bruised. Again, D described that this was done for punishment, and you would stand on his feet until they hurt.

Both boys said you would regularly force them to drink what you called "punishment drinks". These drinks would be made up of vinegar, chilli, cayenne powder and other ingredients like lemon juice. You would force both D and T to drink these punishment drinks. The drinks tasted foul and would burn the boys' mouths as they drank them. Sometimes it would cause the children to vomit, and you would then force them to clean up their vomit. If they did not clean it up quickly enough or to your satisfaction, you would punish them further. T recalled having to drink such drinks on at least 10 occasions.

Both boys also described that you would force chilli powder or cayenne powder up their noses, or you would force feed them chilli from a spoon. You would place the chilli on the end of a cotton bud and then force the cotton bud up their nose. You would force them to hold their breath and sniff the substance. Sometimes you would put cotton wool up their noses so they could not blow the chilli out, and you would force them to leave the cotton bud with the chilli powder on it, up their nose, for up to half an hour. The boys described this as happening on multiple occasions, probably more than 10 times. It would cause their noses and eyes to become irritated and burn. Both boys described it as an exceptionally unpleasant experience.

Both boys said another common form of punishment was that you would grab them by the ears and twist. On occasions, you would twist their ears so hard it would cause a wound. D recalled that he was grabbed by the ears five times or less. He said that it hurt. He also said that he was hit around the head by you on several occasions probably less than 10 times.

There was also an occasion when you hit T over the head with some form of sheathed machete knife. It cut T across the head. T recalled feeling a sharp pain and seeing the hair come from his head. He had to go to the hospital because there was a lump, and a cut on his head.

Both boys said that you would also make them fight each other. The boys did not want to fight but you would insist, and you would make them fight with a level of ferocity that led to them hurting each other. They would be left with bruises. If they refused to fight, you would strike them with the metal bar.

You would also regularly threaten D and T. On one occasion, you threatened to shoot D. You had access to firearms. D recalled an occasion when you took him hunting and it was during that outing that you threatened to shoot him.

T described an occasion when you made him dig a hole and threatened to bury him in it. He said that you were accusing him of having done something he had not done. You kept telling him that if he did not own up to it, you would put him in the hole and bury him. T owned up to it even though he had not done it. When he owned up to it, you took him into the house and hit him twice with the metal bar.

T was traumatised by a tragic incident that had occurred at his primary school. It led to him wetting the bed. You would punish T for wetting the bed. You would make him strip his sheets

and then humiliate him by forcing him to take the sheets out into the front driveway and wash them. You would then make him have a cold shower because he had wet the bed. You would strike him with the metal bar when he wet the bed.

You demanded the boys silence by telling them that if they ever told their biological father, who they would see every second weekend, about what was occurring, you would beat him up or kill him. You also threatened to kill the boys' grandparents if they said anything. Given their young ages and vulnerability, the boys believed you and kept their silence. Neither D nor T told anyone about what you were doing to them for a very long time. They were scared that they would be removed from the family home or other members of their family would be harmed if they told anyone. The boys would lie to their father about how they had received injuries that he observed on them.

Your behaviour towards D and T was vile and reprehensible. There was no evidence on the trial to suggest that the behaviour of D and T was difficult or challenging in any significant way. Your conduct, whilst seemingly rationalised by you as a form of punishment, could not reasonably be described as punishment. It was gratuitous violence inflicted upon young and vulnerable children because it seems, for reasons which are far from understandable, you resented their existence. The extent, nature and frequency of the violence that you inflicted upon D and T was such that you must have intended to cause unnecessary suffering and injury to the health of D and T. I find that this is a case of the wilful infliction of harm upon two young children. I reject any suggestion that any harm occasioned was a consequence of your recklessness.

Your ill-treatment of D and T went on for a long time – nearly six years. For much of that time, you worked a seven days on, seven days off roster. When you were at home, the violence must have felt constant and extreme. Each act of violence compounded the trauma of the earlier violence. Your conduct involved a serious breach of trust given you were the stepfather of D and T. D and T were particularly vulnerable children, not just because of their ages, but because they each suffered from other conditions. D suffers with ADHD. That diagnosis was made when he was about six. T suffers from complex post-traumatic stress disorder flowing from the incident he witnessed at his primary school.

The risk to D and T was amplified by their mother's inability to adequately protect them. Their mother had some medical conditions which necessitated her being absent from the home on occasions, but more significantly there was evidence on the trial to suggest that she also was the victim of your control and violence. Whilst the evidence does not allow me to make detailed findings as to the extent of that, it is apparent that D and T's mother felt unable or unwilling to intervene and protect D and T to the extent that one would expect, even though she was aware of much of what was happening. Her lack of protection enhanced the vulnerability of D and T and must have left them feeling hopeless, trapped and without support. From their perspective, it must have felt as though there was no one to save them from your persistent violence and cruelty. They believed the threats you had made about other family members, and their mother was, for whatever reason, not able or willing to intervene much of the time. They had no one to help them and were left to cope as best they could.

The victim impact statements I have received from D and T speak to the great harm that you have caused to each child. You occasioned significant physical harm to each child but more significantly, you inflicted great psychological torment upon them. D describes the enormity of constantly feeling scared whilst living with you. He felt helpless because he could not

protect his brother. He was constantly worried that if he said anything, other members of the family would be harmed. He felt compelled to hide or lie about his injuries. Even now, he still feels anxious and concerned that he will see you. He feels that he has been deprived of the innocence of his childhood. He makes the poignant point that no child should ever be treated like this and be forced to live in fear.

T provides similar insights. He describes his time living with you as being a period of "constant pain". He was always sad and afraid. He also talks about the fear he felt that if he disclosed anything, other members of the family would be harmed. It was an overwhelming burden for a young child to bear. T still experiences nightmares. His sleep is disturbed; he is anxious. Both boys speak of the difficulties associated with having to give evidence in Court.

As to your personal circumstances, you will be 39 in August this year. You have no prior criminal history for matters of violence. There are some prior convictions for driving offences, including breaches of the *Road Safety Alcohol and Drugs Act* and an offence of evade police. You are a boiler maker welder by trade. You have a strong industrial history, having been employed in the mining industry for many years. Prior to your incarceration, you were operating your own successful welding business. You grew up in a supportive family. You were not exposed to family violence, nor was there any alcohol or drug misuse within the family home. You had a good relationship with both parents. Your father passed away in 2014, but you continue to maintain a positive and supportive relationship with your mother. You are in good health. You have no substance abuse issues, nor any mental health concerns. You have two children born to the relationship with AH. For obvious reasons, you now have no contact with those children. I am told you miss them. You are hopeful that upon your ultimate release, you will be able to resume some form of relationship with them, but you acknowledge there are likely to be difficulties associated with that. You continue to maintain the support of your mother. She has a number of health issues, and you are concerned that you are unable to provide her with support. Upon your release, it is your intention to return to live with her. Given your qualifications and solid work history, it is likely that you will be able to obtain employment quickly upon your release.

I obtained a pre-sentence report in respect to you, as initially you were without representation at the sentencing hearing. The report indicates that you present with a low level of criminogenic risk and need.

The ill-treatment you perpetrated upon D and T involved a sustained and heartless course of conduct. The consequences of your violence must have been obvious. D and T were physically harmed and had injuries, but also, I have no doubt, would have been exhibiting considerable distress. There was plenty of opportunity for you to reflect upon what you were doing and desist. You did not. The ill-treatment only ended when your relationship with their mother ended.

Each count of ill-treatment involved repeated acts of brutality and cruelty. There is no justification for your conduct. Your conduct deprived D and T of the safe, loving and protective childhood they were entitled to expect. Your moral culpability is very high. You chose to use often extreme forms of violence as a means of segregating, harming and humiliating your stepchildren. Your conduct must be strongly condemned.

You have not demonstrated any remorse, nor shown any insight into the gravity of your behaviour, or the significant harm you have caused to both D and T. You are not entitled to the

benefit that would have flowed from a plea of guilty. In a matter of this nature, sentencing goals of punishment, condemnation and deterrence must be given prominence. The Court has a protective role to play in respect to child victims and the primary way in which that can be achieved is by the imposition of significant penalties that mark the gravity of the conduct and, in this case, reflects the separate harm that you have caused to each of your victims.

In my assessment, a lengthy term of imprisonment is required. I make the following orders. You are convicted of two counts of ill-treatment of a child. I impose one sentence. You are sentenced to imprisonment for a period of 6 ½ years, commencing 18 February 2026. I order that you not be eligible for parole until you have served four years of that sentence.