

***R v KN* [2018] ACTSC 111 (26 February 2018) – Australian Capital Territory Supreme Court**

‘Perpetrator interventions’ – ‘Physical violence and harm’ – ‘Sentence’ – ‘Strangulation’

Charges: Assault occasioning actual bodily harm x 1; Intentionally and unlawfully choking a person so as to render that person insensible or unconscious x 1.

Case type: Sentence.

Facts: The defendant headbutted his wife, causing her to become unconscious. He tightly wrapped a piece of rope around her neck, causing her to again become unconscious. She had lost control of her bodily functions and urinated ([1]). The incident occurred in 2013. The complainant was unwilling to provide a statement previously, because she wanted to continue in her relationship with the defendant ([4]).

The defendant pleaded guilty to the charges ([5]).

Issues: Sentence to be imposed.

Decision and Reasoning: The defendant was sentenced to 2 years and 9 months’ imprisonment, wholly suspended ([17]). Mitigating factors included the defendant’s: pleas of guilty; limited criminal history; childhood trauma; mental health issues; and engagement in psychological services ([11]). Burns J considered that the defendant had very good prospects for rehabilitation ([16]).