

***Twerd v Holmes* [2010] ACTSC 55 (25 June 2010) – Australian Capital Territory Supreme Court**

‘Emotional and psychological abuse’ – ‘Manifestly excessive’ – ‘Unlawful confinement’

Charge/s: Unlawful confinement.

Appeal type: Appeal against sentence.

Facts: The appellant unlawfully confined his former partner by forcing her into a taxi and compelling her to travel with him, against her will. He then took her to another person’s house where she was prevented from answering her phone. She was held captive for approximately 2 hours. The magistrate imposed a sentence of 20 months imprisonment, with a non-parole period of 15 months.

Issue/s: One of the issues was that the sentence was manifestly excessive.

Decision and Reasoning: The appeal was dismissed. The sentence could not be said to be manifestly excessive. This was a very serious offence. Its seriousness was not diminished by the fact that it occurred within the context of a relationship breakdown, that it was not carried out for financial gain, and that it was committed in the presence of third parties. Further, the appellant had a long criminal history (See [3]-[4]).