

***R v Hudson* [2019] ACTSC 110 (2 May 2019) – Australian Capital Territory Supreme Court**

‘Blackmail’ – ‘Following, harassing and monitoring’ – ‘Intimidation’ – ‘Women’

Charges: Using carriage service to harass x 2; Demand accompanied by threat to endanger x 1; Threaten to inflict grievous bodily harm x 1; Blackmail x 1; Arson x 1; Recklessly inflicting actual bodily harm x 1; Possession of a prohibited item (as a detainee) x 2; Obstructing a public official x 1; Possessing an offensive weapon with intent x 1.

Proceeding type: Sentencing and application for reparation order.

Facts: The accused had been in a relationship with the female victim for three years, with their relationship ending three months before the offence was committed. After the relationship ended, the accused became a member of a motorcycle gang and the female victim commenced a relationship with her current partner. Upon learning of the victims’ relationship, the offender harassed and threatened his ex-partner (via text message and Facebook). He also threatened and blackmailed her new partner, demanding \$5000 for ‘whoring out [his] missus’ [26].

The appellant was arrested for these offences. While in custody, the offender started a fire in his cell and possessed dangerous items out of fear he was at risk from members of rival motorcycle gangs. The offender then injured an officer while being restrained.

Issues: What are the appropriate sentences given the circumstances?

Decision and reasoning: Murrell CJ provided that ‘sentences must deliver appropriate punishment, and speak to the purposes of accountability, denunciation, and recognition of harm’ [81]. In reaching his decision, Murrell CJ consequently considered the high objective seriousness of the accused’s harassment of his ex-partner; the accused’s extensive criminal history; good behaviour during previous periods of imprisonment; his dysfunctional upbringing; and the fact that the accused had allegedly not been receiving proper treatment for his post-traumatic stress disorder.

The accused was sentenced to four years and two months imprisonment with a non-parole period of 33 months.

In sentencing the offender, Murrell J noted:

43. The family violence offences and associated offences bear the hallmarks of many serious family violence matters. At the time of the offences, the offender remained angry and distraught over the breakup of his relationship with Ms Lees. He was jealous, felt a sense of entitlement in relation to Ms Lees, and wanted to control her new relationship. He behaved in a volatile and irrational manner, elevating the danger and threat of danger perceived by the victims. In addition, the offender called his Nomads associates in aid, which would have considerably enhanced the fear felt by the victims.