

## ***R v Teer* [2019] ACTSC 334 (29 November 2019) – Australian Capital Territory Supreme Court**

‘Good behaviour bond’ – ‘Sentencing’ – ‘Sexual and reproductive abuse’ – ‘Strangulation’

Charges: Act of indecency x 1; Assault occasioning bodily harm x 1

Case type: Sentencing

Facts: The offender attempted to strangle the victim when she refused to engage in sexual activity, pushing the victim face-down against a pillow. After releasing the victim and letting her partially roll-over, the offender grabbed the victim’s throat and restricted her breathing for 5 to 10 seconds while threatening if she continued making noise. There was medical evidence of petechial bruising.

Issue: Sentence to be imposed.

Decision and reasoning: Loukas-Karlsson J discounted the penalty for each charge by 5% as the offender entered guilty pleas one week before a re-trial for the offences. His Honour only reduced the sentences by 5% rather than the usual 10% because the offender demonstrated a lack of remorse and tried to justify his actions. It was also noted at [60] that ‘it must be recognised by the Court that the offences committed against the victim had a serious and significant impact upon her. Both the short and the long-term consequences of being the victim of these offences must be acknowledged’.

‘In respect to the offence of an act of indecency...the offender [was] sentenced to a good behaviour order with the core conditions requiring him to sign an undertaking to comply with good behaviour obligations’ for a period of 20 months reduced to 19 months on account of the guilty plea. ‘In respect of the offence of assault occasioning actual bodily harm...the offender [was] sentenced to a good behaviour bond’ with the same core conditions for a period of 32 months reduced to 30 months on account of the 5% reduction for entering guilty pleas. [64]