

## ***R v Vincent* [2018] ACTSC 347 (12 December 2018) – Australian Capital Territory Supreme Court**

‘Children’ – ‘Damaging property’ – ‘Domestic violence’ – ‘Factors affecting risk’ – ‘People with children’ – ‘Physical violence and harm’ – ‘Vulnerable people’

Charges: Assault occasioning actual bodily harm x 1; Minor property damage x 2

Facts: The offender was in a relationship with the complainant for 12 years. They had a child, aged seven at trial. The relationship ended late 2017. The offender visited the complainant’s home to visit children. He entered the house, damaged property, and assaulted the complainant with a baton by hitting her on the arms and on the back of the head.

Issues: Sentencing

Decision and Reasoning: The offender pleaded guilty and was sentenced to 12 months’ imprisonment for assault occasioning actual bodily harm, one month’s imprisonment for the first count of damaging property, and one month’s imprisonment for the second count of damaging property. The sentences were to be served concurrently. The term of imprisonment for the offence of assault was suspended on the condition that the offender enter a Good Behaviour Order for 18 months.

The offender had a significant criminal record, which included a contravention of a protection order against the complainant for which he already served a period of time in custody. He grew up in difficult circumstances – his mother had a drug addiction and did not adequately support him. The offender also had a long-standing history with drugs and alcohol which was exacerbated by his separation with the complainant. Whilst in custody, he completed a drug and alcohol awareness program and commenced an anger management course. His Honour noted that domestic violence is an ‘appalling crime’ and ‘offends the most basic norms of society’ ([11]). There were positive signs of rehabilitation, such as the fact that the offender was in a stable relationship, had ongoing accommodation and employment, and was a valuable member at his workplace. The complainant had sent an email to the offender saying she had ‘moved on’ and wanted the offender to attend their child’s graduation. His Honour stated: ‘Expressions of reconciliation by victims of domestic violence are often a regrettable reflection of the dominance of the abuser. However, in this case, primarily because the offender is in a new relationship, I am prepared to accept the sincerity of the victim’s request.’