

***R v French* [2020] NSWDC 767 (17 December 2020) – New South Wales District Court**

‘Animal abuse’ – ‘Controlling, jealous, obsessive behaviours by the perpetrator’ – ‘People affected by substance misuse’ – ‘Sentencing’ – ‘Stalking’ – ‘Step-children’

Charges: Animal cruelty x 1; Detain for advantage x 1; Intimidation x 1; Common assault x 1; Aggravated break and enter and commit serious indictable offence (and two related offences of stalking/intimidation and maliciously damaging property) x 1.

Proceedings: Sentencing.

Facts: The male offender and the female victim (who had two children) had been in an on-off relationship for 12 months. The offender killed the victim’s cat in a planned way (animal cruelty). Two weeks later, the offender, while affected by drugs and alcohol, forcibly took the victim from a neighbour’s home and detained her for 1-2 minutes (detain for advantage). Later, the offender’s behaviour caused the victim to hide in the toilet and wardrobe of her home (intimidation), and when the offender started punching a wall, another person present who tried to stop him and the offender struck the bystander on the head (common assault). The victim told the offender that the relationship was over, and to move out. One month later, the offender damaged his sister’s car while she was at the victim’s house, and later sent persistent calls/texts to the victim (malicious damage and stalk/intimidate). That same evening, the offender broke into the victim’s house and intimidated her and her children (aggravated break and enter). Sentence and reasoning: A non-parole period of 2 years, with a balance term of 15 months.

The animal cruelty offence was just below the mid-range of objective seriousness ([14]).

The objective seriousness of the other offences ranged from the lower-end to just below mid-range. Relevant factors included repeated attempts to control and intimidate the victim (a form of domestic violence) ([16]-[32]). The offender’s subjective circumstances were given some weight (including his family history, mental health issues, and drug and alcohol misuse at [35]-[50]), but did not result in any marked reduced need for both general and specific deterrence ([57]). Priestley SC DCJ took into account the totality principle ([51]-[53]), and special circumstances due to the need for rehabilitation with drug/alcohol issues and counselling ([54]).