

***R v Edwards* [2019] NSWDC 825 (13 November 2019) – New South Wales District Court**

‘Aboriginal and Torres Strait Islander people’ – ‘Breach of bond’ – ‘Domestic violence offences’ – ‘Guilty pleas’ – ‘Intimidation’ – ‘People affected by substance misuse’ – ‘People with mental illness’ – ‘Physical violence and harm’ – ‘Threats to kill’

Charges: Breach of s12 bond by reason of offences of common assault, intimidation, and use of a carriage service to threaten to kill

Case type: Breach hearing and sentence

Facts: The male offender was called up in respect of alleged breaches of a s 12 Crimes (Sentencing Procedure) Act bond that was imposed by Norrish QC DCJ in 2017 in relation to an offence contrary to s 25A Drug (Misuse and Trafficking) Act 1985 ([1]). The offences that constituted the breaches involved elements of domestic violence, and included offences of common assault, intimidation, and use of a carriage service to threaten to kill, to which the offender pleaded guilty ([4]). Material presented to the Court included an apology letter from the offender and a report from a psychiatrist working with the Aboriginal Legal Service ([3]).

Issue: The issue for the Court was whether the breaches were proven and, if so, the appropriate sentence for the offender.

Held: The offences constituting the breach were the offender’s first domestic violence offences but were considered to be serious matters. Norrish QC DCJ noted that the offender’s mental health significantly deteriorated since 2017: he had been diagnosed with post-traumatic stress disorder, a form of schizophrenia or schizoid condition and a polysubstance abuse disorder ([3]). The offender was un-medicated at the time of the offending and exhibited a motivation to address his drug use and a willingness to comply with the requirements of supervision. While the offender’s deteriorating mental condition did not provide a basis for excusing the breaches, it assisted his Honour in determining the non-parole period. He was assessed as being a medium to high risk of reoffending ([10]). Consequently, the Court found the breaches to be proven, revoked the s 12 bond and fixed a term of imprisonment of 1 year 9 months, with a non-parole period of 6 months.