

## ***R v Halacoglu* [2019] NSWDC 384 (7 May 2019) – New South Wales District Court**

‘Good character’ – ‘People from culturally and linguistically diverse backgrounds’ – ‘Sentence’

Charges: 1 x use of a carriage service to menace

Case type: Sentencing

Facts: The offender pleaded guilty to one count of using a carriage service to menace. The offender moved to Australia in 2010 on a student visa sponsored by the victim, with whom he was in a relationship. They lived together, with the victim's 2 children from a previous relationship. ‘Troubles’ in their relationship emerged, and the victim entered into another relationship in the beginning of 2016. A few months later, the parties exchanged a series of text messages. The offender sent a text in Turkish, saying ‘If I’m not going to live, you are not going to live either’. The victim reported feeling threatened by the offender. Although he admitted to using those words, he claimed that they had a different meaning.

Issue: The issue for the Court was to determine the appropriate sentence for the offence.

Held: The offence was at the very low end of the scale of objective seriousness. The offender had no previous convictions ([5]). Given the fact that he was on bail with strict conditions and had the matter ‘hanging over his head for almost 3 years without any offending’, Williams SC DCJ dismissed the charges under s 19B of the Crimes Act 1914 (Cth) ([7]).