

Unlawful Wounding Offences

s 301 *Criminal Code* – excluding ‘glassing’ offences

From 1 January 2014

Transitional Sentencing Provisions: This table is divided into thirds based on the three relevant periods of Sentencing Provisions:

- Post-transitional provisions period
- Transitional provisions period
- Pre-transitional provisions period

These periods are separated by a row which shows when the transitional provisions were enacted, and another showing when they were repealed.

Glossary:

agg	aggravated
att	attempted
AOBH	assault occasioning bodily harm
burg	burglary
conc	concurrent
cum	cumulative
ct	count
dep lib	deprivation of liberty
EFP	eligible for parole
GBH	grievous bodily harm
imp	imprisonment
indec	indecent
ISO	intensive supervision order
PG	plead guilty
SIO	suspended imprisonment order
sex pen	sexual penetration without consent
susp	suspended
TES	total effective sentence

No.	Case	Antecedents	Summary/Facts	Sentence	Appeal
8.	<p><i>Bradbury v The State of Western Australia</i></p> <p>[2020] WASCA 214</p> <p>Delivered 18/12/2020</p>	<p>35 yrs at time offending. 37 yrs at time sentencing.</p> <p>Convicted after PG.</p> <p>Significant criminal history; convictions for threats to kill; agg AOBH; being armed to cause fear and armed robbery.</p> <p>Offending committed within six wks from release from prison for other violent offending.</p> <p>Very significant difficult background; traumatic childhood; experienced sexual abuse; murder of his aunt at aged 12 yrs and suicide of an uncle aged 17 yrs.</p> <p>Supportive parents.</p> <p>Suffered chronic depression number of yrs.</p> <p>History of illicit drug use; cannabis, alcohol and methyl since aged 13 yrs.</p>	<p>Cts 1 & 2: Dep lib. Ct 3: Unlawful wounding. Ct 5: Agg armed robbery.</p> <p>The victim Hewitt acquired a car. One of Bradbury's friends was driving the vehicle when he was stopped by police because it was stolen. Bradbury and the co-offender, Lindsay, thought Hewitt should pay some form of compensation as a result of the police having detained Bradbury's friend.</p> <p>A couple of months later, on Bradbury's direction, Lindsay contacted Hewitt and arranged for him to urgently attend the address, where he and Bradbury were waiting. Hewitt, accompanied by the victim Pinker, arrived at the premises.</p> <p>Hewitt was seated when Bradbury entered the room and punched him in the face. Bradbury locked the back door and Lindsay sat next to Hewitt to ensure he did not try to leave.</p> <p>Hewitt was then subjected to an interrogation by Bradbury and Lindsay's partner. The interrogation was recorded on a mobile phone and included abuse and threats.</p> <p>After a protracted interrogation Bradbury stabbed Hewitt three times in the knee with a hunting knife.</p>	<p>Ct 1: 14 mths imp (cum). Ct 2: 12 mths imp (conc). Ct 3: 18 mths imp (cum). Ct 5: 4 yrs imp (cum).</p> <p>TES 6 yrs 8 mths imp.</p> <p>EFP.</p> <p>The sentencing judge found the appellant and the co-offenders conduct was premeditated; the fact that there would be a confrontation with the victim was 'pre-planned and successfully engineered'; there were two victims; they were threatened; their detention was protracted and a weapon was used.</p> <p>Previous attempts by appellant at rehabilitation; recent attempts made to engage in counselling; sought support and religious instruction while in prison; motivated to change his life; letters of apology written to the victim Hewitt and to the court pleading for a</p>	<p>Dismissed.</p> <p>Appeal concerned error in finding remorse not established and failure to find conditions of incarceration not mitigating.</p> <p>At [58] In our opinion, the appellant's description in his letter to the court and in his letter to Mr Hewitt of his offending against Mr Hewitt as a 'fight' was of significance. The description of his offending as a 'fight' indicated that the appellant minimised the seriousness of his criminal behaviour towards Mr Hewitt and, also, minimised his responsibility for it. ... The appellant initiated the violence. Later, the appellant escalated the violence by stabbing Mr Hewitt with the knife. The appellant also punched, threatened, made demands upon and detained Mr Hewitt. [His] overall offending was violent and protracted. ...</p>

			<p>During the offending Bradbury threatened both victims and told them if they wished to leave they would have to promise to pay \$5,000, being compensation for Bradbury’s friend. He told the victims if they did not promise to pay the money Hewitt would be put in the boot of a car and taken to the bush. Hewitt promised to pay the money over a period of time from his Centrelink payments.</p> <p>Bradbury, assisted by Lindsay, then cut off some of Hewitt’s pubic hair and threatened to frame him with the rape of a little girl if he did not pay the \$5,000.</p> <p>Bradbury also told the victims to give him everything they had. They handed over \$150 cash, a gold watch and some cannabis. Not satisfied with this he then told Pinker to go home and return with any valuable items, otherwise he would ‘open Hewitt up’. Out of fear, Pinker when home and returned with a number of items.</p> <p>While Pinker was away Bradbury continued to assault Hewitt by punching him. He was detained for between 40 minutes and two hrs.</p> <p>Hewitt’s injuries required medical treatment, the most serious was the injury to his knee which required sutures and fractured nasal bones.</p>	<p>further opportunity.</p> <p>The sentencing judge found the appellant posed a significant risk to public safety and he was not satisfied the appellant had established genuine remorse on the balance of probabilities.</p>	<p>At [59]-[60] It is also significant that ... the appellant said he was sorry that Mr Hewitt ‘got hurt’. Those statements did not involve a direct acceptance of responsibility. [He] did not expressly acknowledge that he had deliberately hurt Mr Hewitt. ... Although the letters must, of course, be read and considered as a whole, both of the appellant’s letters focus on the impact of the appellant’s offending on himself and his family.</p> <p>At [65] ... his expression of responsibility for his offending and of apology for the impact that his offending has had on Mr Hewitt appears to reflect a shallow emotional response rather than true remorse.</p> <p>At [68] We are satisfied that the sentencing judge was entitled, in all the circumstances, to fail to be satisfied, on the balance of probabilities, that the appellant was genuinely</p>
--	--	--	---	---	--

					<p>remorseful. ...</p> <p>At [77] ... it was apparent that the appellant's time in custody had been more onerous and would continue to be more onerous for the reasons explained ... However, it does not appear that the appellant was at risk in prison because of any cooperation with law enforcement authorities.</p> <p>At [84] We are satisfied that ... the sentencing judge took into account, as a mitigating factor, the present and future conditions of the appellant's incarceration and that his Honour recognised that factor by reducing the sentence he would otherwise have imposed.</p>
7.	<p><i>Eravelly v The State of Western Australia</i></p> <p>[2018] WASCA 139</p> <p>Delivered</p>	<p>Convicted after trial.</p> <p>No prior criminal history in Australia; prior criminal convictions in USA for voyeurism and battery.</p> <p>Raised stable, hardworking and respected family.</p>	<p>Ct 1: Burglary. Ct 2: Dep lib. Ct 3: Unlawful wounding. Cts 4 & 8: Agg sex pen.</p> <p>Eravelly was a stranger to the victim.</p> <p>In the early hours of the morning Eravelly</p>	<p>Ct 1: 3 yrs imp (cum). Ct 2: 18 mths imp (conc). Ct 3: 1 yrs imp (conc). Ct 4: 4 yrs imp (cum). Cts 5-7: 5 yrs imp (conc). Ct 8: 6 yrs imp.</p> <p>TES 13 yrs imp.</p>	<p>Dismissed.</p> <p>Appeal concerned totality principle.</p> <p>At [96] ... the appellant subjected the complainant to a sustained, humiliating</p>

	10/08/2018	<p>Held in high regard by family and friends.</p> <p>Good employment history; successful career as international airline pilot.</p> <p>Married three times; suffered loss of second wife due to illness; third wife remains supportive; two children.</p>	<p>broke into the victim's unit whilst she was sleeping. Once inside he threatened to cut her with a knife, tied her hands behind her back, blindfolded her and sexually penetrated her vagina, anus and mouth with his penis.</p> <p>The victim sustained cuts and abrasions, including a 2cm long laceration to her wrist that required suturing.</p> <p>Eravelly was identified many years later through an international DNA database.</p>	<p>The trial judge found while the offending was not in the worst category, it was very serious; it was premediated; he arrived with a knife, a torch, a stocking to conceal his identify and a rope to bind his victim.</p> <p>The trial judge found the appellant was in denial and without remorse, with no insight into his offending or victim empathy.</p> <p>Average risk of reoffending.</p> <p>Accepted the appellant's experience in prison would be more isolating and difficult than usual as a foreign national.</p>	<p>and degrading series of sexual assaults. The attack was premediated. It involved the appellant violating the sanctity of both the complainant's home and her body. The attack engendered great fear into the complainant. The appellant broke into her unit at night and took advantage of the complainant's vulnerability by attacking her while she was alone in the unit, asleep in her bed. ... This very serious sustained series of sexual assaults demanded a very significant term of immediate imp.</p> <p>At [99] ... the TES bears a proper relationship to the overall criminality involved in all the offences, viewed in their entirety and having regard to the circumstances of the case, ...</p>
6.	<p><i>Reynolds v The State of Western Australia</i></p> <p>[2017] WASCA 214</p>	<p>38 yrs at time sentencing.</p> <p>Convicted after PG (20% discount) (ct 1).</p> <p>Convicted after trial (cts 2-3).</p>	<p>Ct 1: Receiving. Ct 2: GBH. Ct 3: Unlawful wounding.</p> <p><u>Ct 1</u> Police executed a search warrant at</p>	<p>Ct 1: 9 mths imp (cum). Ct 2: 5 yrs imp (cum). Ct 3: 12 mths imp (conc).</p> <p>TES 5 yrs 9 mths imp.</p>	<p>Dismissed.</p> <p>Appeal concerned totality principle and length of sentence.</p>

<p>Delivered 24/11/2017</p>	<p>Extensive criminal history; offending across four States; no significant gaps since age of 18 yrs.</p> <p>On bail for ct 1 at time of committed offences subject of cts 2 and 3.</p> <p>Abandoned by both parents at a young age; childhood dogged by lack of opportunity and homelessness.</p> <p>Sporadic history of employment as a mechanic.</p> <p>15 yr relationship; two children 13 and 8 yrs; 2015-2016 partner suffered cognitive deficits from brain aneurism.</p> <p>Insular and isolated family life; no friends or support within the community.</p> <p>Some mental health issues; illicit drug use from 12 yrs; fluctuated in and out of daily drug use since; time spent on methadone program for heroin addiction.</p>	<p>Reynolds' home and located various items, valued at about \$12,800, recently stolen from a home burglary.</p> <p><u>Cts 2 & 3</u> Mr B's home was burgled and some of his CDs were stolen. He believed the CDs were at Reynold's home. Mr B, accompanied by Mr T, decided to go to Reynolds home to retrieve them.</p> <p>Mr B and Mr T went to a locked gate at the rear of Reynolds' property. His partner appeared and they asked for the return of the CDs. Mr B was told to go away.</p> <p>Reynolds came into the backyard and exchanged angry words with the two men, before going back into his unit and asking his partner to call police.</p> <p>Reynolds was already carrying a pocketknife but he armed himself with another and went back outside. As Mr B was looking through a hole in the gate Reynolds stabbed him in the eye with one of the knives (ct 2).</p> <p>As both victims walked away Reynolds jumped the fence and came towards Mr T, stabbing him twice in the back (ct 3).</p> <p>As a result of the attack Mr B was blinded in one eye. Mr T's two wounds were able to be sutured and glued.</p>	<p>EFP.</p> <p>The sentencing judge found the overall offending on cts 2 and 3 in the upper range of seriousness by use of a knife and there were two victims. The offences were unprovoked and did not occur in self-defence or defence of his household.</p> <p>Limited capacity for empathy; little remorse; justified his actions.</p>	<p>At [36] ... the offence of unlawfully doing GBH committed by the appellant was at the upper end of seriousness. The victim suffered the permanent loss of sight in his right eye. The consequences of this injury to the victim have been serious and profound. ... The use of a weapon is ... an aggravating factor. ... the offence was unprovoked. [Mr B] did not enter or attempt to enter the appellant's premises and posed no threat to the appellant or the appellant's family.</p> <p>At [39] The appellant's overall offending was very serious. Not only did he stab [Mr B] but he also stabbed [Mr T]. Although the injuries that [Mr T] suffered were not as serious as those suffered by [Mr B], the potential for serious injury is obvious. The receiving charge the subject of ct 1 was a serious example of its type.</p> <p>At [40] ... It was well open</p>
---------------------------------	--	--	--	--

					to her Honour to impose some additional punishment for [ct 1], bearing in mind that it was committed some time before cts 2 and 3. ... it is aggravating that cts 2 and 3 were committed while the appellant was on bail for ct 1.
5.	<p><i>The State of Western Australia v Smith</i></p> <p>[2016] WASCA 153</p> <p>Delivered 31/08/2016</p>	<p>25 yrs at time offending. 26 yrs at time sentencing.</p> <p>Convicted after early PG (25% discount).</p> <p>Significant and lengthy prior criminal history, including convictions for breaching VRO, agg common assault and being armed in public in a way that may cause fear.</p> <p>History of domestic violence towards his partners.</p> <p>Emotional trauma associated with the death of his father.</p> <p>History of methyl use; affected by drugs at time offending.</p> <p>Offending occurred while appellant was subject to an SIO of 10 months imp, susp 12 mths.</p>	<p><u>Indictment</u></p> <p>Ct 1: Agg unlawful wounding. Ct 2: Agg GBH. Ct 3: Att steal motor vehicle. Ct 4: Assault public officer. Ct 5: Obstructing public officer.</p> <p><u>s.32 notice</u></p> <p>Ch 1: Trespass. Ch 2: Steal motor vehicle. Ch 3: Cruelty to an animal.</p> <p><u>Ct 1</u></p> <p>Smith and the victim were in a domestic relationship. They were at home using drugs and Smith left the house armed with a hammer and in an agitated state. He returned with the hammer and argued with the victim. He threatened to hit her with the hammer. The victim turned her back to Smith and he violently hit her head with the hammer, exposing her skull.</p> <p><u>Ct 2</u></p> <p>Smith struck the victim again as she tried to</p>	<p><u>Indictment</u></p> <p>Ct 1: 6 mths imp (conc). Ct 2: 18 mths imp. Ct 3: 3 mths imp (conc). Ct 4: 6 mths imp (cum). Ct 5: 3 mths imp (conc).</p> <p><u>s.32 notice</u></p> <p>Ch 1: \$500 fine. Ch 2: 3 mths imp (conc). Ch 3: 2 mths imp (cum).</p> <p><u>SIO</u></p> <p>Ordered to serve 6 mths of 10 mths SIO (conc).</p> <p>TES 2 yrs 2 mths imp.</p> <p>EFP.</p> <p>The sentencing judge noted the offences reflected an escalation in his offending behaviour, but that Smith had not</p>	<p>Allowed.</p> <p>Appeal concerned length of sentence for cts 1 and 2 and totality.</p> <p>Re-sentenced to:</p> <p>Ct 1 (ind): 2 yrs imp (conc). Ct 2 (ind): 3 yrs 6 mths imp.</p> <p>Sentences for ct 4 (ind) and ch 3 (s32 notice) and 6 mths imp for SIO cum upon each other and cum upon new sentence for ct 2 (ind). All other sentences conc.</p> <p>TES 4 yrs 8 mths imp. EFP.</p> <p>At [30] The respondent had a history of domestic violence towards his partners, and this</p>

			<p>flee, hitting and fracturing her hand.</p> <p><u>Ct 3</u> Police found Smith walking down the street. As the officer got out of his patrol car and approached Smith, Smith ran to the other side of the car, got into the driver's seat and attempted to drive away.</p> <p><u>Cts 4-5 and ch3</u> The officer tried to stop Smith and was struck on the arm by the car's door. They wrestled for control of the car. Smith pulled out a knife and the officer attempted to knock it from his hand. The officer then attempted to taser Smith.</p> <p>A police dog grabbed Smith by his leg and pulled him from the car. Smith struck the dog on the head with the hammer and hit the officer's arm with the hammer. He attempted to hit the dog again, but the officer tasered him and he fell to the ground. Continuing to fight the officer, still armed with the hammer, he was tasered a third time. The officer kicked the hammer from Smith's hand and restrained him until assistance arrived.</p>	<p>been before the courts from 2005-2010.</p> <p>Remorseful; claimed no recollection of actions due to drug intoxication.</p> <p>Psychological report indicated developing insight into his behaviour and reasons for it.</p> <p>High risk of re-offending if illicit drug use continues.</p>	<p>underscored the importance of personal deterrence as a sentencing factor.</p> <p>At [39] ... the respondent's offending was serious... The respondent armed himself with a ... weapon capable of inflicting serious harm, and his attacked upon the victim was unprovoked... The respondent's conduct in striking the victim ... had the potential to cause her extremely serious injury. He was physically stronger and more powerful than her.</p> <p>At [95] ... it was significant that the injury in fact sustained [for ct 2] was a defensive wound caused by an attempt to strike the victim with a hammer, in circumstances where the respondent had just struck her with the hammer to the back of her head. The use of the hammer in that manner was likely to permanently injure or even kill the victim. The level of violence employed against</p>
--	--	--	---	---	--

					<p>the victim was high. The infliction of the injury formed part of a sustained attack against the victim which ceased only after she was able to take refuge at the neighbour's premises. The victim had not provoked the attack, and posed no threat to the respondent.</p> <p>At [100] The respondent acknowledged that he had perpetrated domestic violence on a regular basis.</p> <p>At [104] Any AOBH to a police officer performing his or her important community function is a serious matter. That is particularly so where weapons are involved. The respondent produced a knife, which he did not have the opportunity of using, and employed a claw hammer to inflict bodily injury...</p>
4.	<i>Hunter-Aragu v The State of Western Australia</i>	<p>20 yrs at time offending.</p> <p>Convicted after PG (15% discount).</p> <p>Irrelevant prior criminal history.</p>	<p>Ct 1: Criminal damage.</p> <p>Ct 2: Unlawful wounding.</p> <p>Ct 3: Agg robbery.</p> <p>Ct 4: GBH.</p>	<p>Ct 1: 6 mths imp (conc).</p> <p>Ct 2: 6 mths imp.</p> <p>Ct 3: 2 yrs 6 mths imp (cum).</p> <p>Ct 4: 4 yrs 3 mths imp</p>	<p>Dismissed.</p> <p>At [55] ...the offence of unlawfully doing GBH against Mr Gabriel was</p>

	<p>[2015] WASCA 80</p> <p>Delivered 29/04/2015</p>	<p>Supportive family.</p>	<p>Hunter-Aragu behaved aggressively outside a nightclub. He demanded money and mobile phones from other people.</p> <p>Hunter-Aragu became involved in a physical altercation with Lyle. Lyle went to a taxi and sat in the front passenger seat. Hunter-Aragu threw a rock at the taxi, smashing the window (ct 1) and wounding Lyle's arm (ct 2).</p> <p>Hunter-Aragu then sought to confront Gabriel. Not wanting a confrontation Gabriel raised his hands and backed away. Hunter-Aragu pursued him. When he fell to the ground Hunter-Aragu kicked him in the chest and stomped on his head, rendering him unconscious and causing a serious brain injury. Hunter-Aragu dragged Gabriel about 15 metres, robbed him of his mobile phone and \$100 cash and abandoned him. Gabriel was found a few hours later, still unconscious.</p> <p>Offending caused devastating adverse consequences for Gabriel, including problems walking, talking and poor vision and balance.</p>	<p>(cum).</p> <p>TES 7 yrs 3 mths imp.</p> <p>EFP.</p> <p>It was an extremely serious example of gratuitous violence.</p> <p>Serious permanent consequences for Gabriel; impacted seriously on Gabriel's partner.</p> <p>Remorse; motivated to rehabilitate.</p>	<p>extremely serious...the offence of robbery against Mr Gabriel was serious... the individual sentence for robbery was high but nevertheless within the appropriate sentencing range.</p>
<p>3.</p>	<p><i>The State of Western Australia v Walley</i></p> <p>[2014] WASCA 85</p>	<p>31 yrs at time offending.</p> <p>Convicted after early PG.</p> <p>Prior criminal history; including manslaughter.</p>	<p>Ct 1: Agg armed robbery. Ct 2: Unlawful wounding.</p> <p>Walley attended a liquor store with her 14 year-old daughter and another adult female. She was armed with a knife with a 10 cm long blade. Brandishing the knife she</p>	<p>Ct 1: 2 yrs 6 mths imp. Ct 2: 12 mths imp (conc).</p> <p>TES 2 yrs 6 mths imp.</p> <p>EFP.</p>	<p>Allowed.</p> <p>Re-sentenced to 4 yrs imp Ct 1.</p> <p>Respondent conceded appeal should be upheld.</p>

	<p>Delivered 23/04/2014</p>	<p>Exposed to violence in early childhood and during relationships with male sexual partners.</p> <p>Left school age 12 yrs.</p> <p>Mother of 5 children; do not reside with her.</p> <p>Engaged in substance abuse and criminal behaviour in teenage yrs.</p> <p>Consumed methyl for some time.</p> <p>14 yr old daughter PG to agg robb; sentenced to 6 months YCBO.</p> <p>Charge against adult co-offender did not proceed because of identification issues.</p>	<p>approached an employee and threatened him with the knife.</p> <p>The employee backed away so Walley walked behind the service counter and picked up a bottle of bourbon and dropped it, causing it to smash.</p> <p>Walley picked up another bottle and was confronted by an employee who challenged her. Walley lunged at the employee with the knife, striking him underneath the shoulder blade. This caused a 1 cm deep penetration wound. He later attended hospital and the wound was sutured.</p> <p>After this incident the two employees retreated. Walley took more bottles of alcohol and placed them on the service counter. She then picked up several bottles and threw them at one of the employees. While she was taking the bottles and throwing them, the adult female companion and her 14 year-old daughter entered the store, took the bottles of alcohol and ran.</p>	<p>Vague recollection of the offence due to intoxication.</p> <p>Remorseful although limited understanding of impact to victim.</p> <p>Moderate to high risk of re-offending in a violent manner.</p> <p>Admitted in PSR that she formed a plan with the others while drinking to commit the offence to obtain more alcohol.</p>	<p>At [16] The sentencing judge's statement that the respondent did not have a history of serious violence is surprising in view of the conviction of manslaughter I which she used a knife and fatally stabbed her partner in a drunken argument.</p> <p>At [16] This was a serious case of aggravated armed robbery. The offending was not spontaneous and she armed herself with and was willing to use a knife.</p> <p>At [19] The sentence imposed for the robbery charge was manifestly inadequate and this had the result that the total sentence was manifestly inadequate.</p>
<p>2.</p>	<p><i>Blurton v The State of Western Australia</i></p> <p>[2014] WASCA 61</p> <p>Delivered 21/03/2014</p>	<p>26 yrs at time offending. 27 yrs at time sentencing.</p> <p>Convicted after late PG (PG Cts 1 & 2 in full satisfaction of indictment).</p> <p>Recent violent criminal history; including armed robbery, deprivation of liberty, common assault &</p>	<p>Ct 1: AOBH. Ct 2: Acts with intent to cause bodily harm. Ct 3: Unlawful wounding. Ct 4: Criminal damage.</p> <p>Blurton was at a family party. Late in the evening he had an argument with his partner and as a result, he left. Drunk and angry he walked onto the road and remained there, posing a hazard to himself.</p>	<p>Ct 1: 12 mths imp. Ct 2: 2 yrs 6 mths imp.</p> <p>TES 3 yrs 6 mths imp.</p> <p>EFP.</p> <p>Little victim empathy.</p> <p>Voluntarily handed</p>	<p>Dismissed.</p> <p>At [38] ... As his Honour rightly said, the offences were unprompted and unprovoked by the victims. The appellant assaulted both men out of anger brought on by self-</p>

		<p>unlawful damage.</p> <p>Father of five young children.</p> <p>Not of good character.</p> <p>Intoxicated and angry on the night of the offence.</p>	<p>The two victims, both off-duty police officers, were passengers in a motor vehicle. Blurton stood in front of their vehicle on the roadway causing the driver to slow down and drive around him. As she did and without reason, Blurton struck the vehicle several times with his fist. The driver stopped the car.</p> <p>One of the victims got out of the car and approached Blurton. Blurton swung a number of punches at him, which missed, but eventually the victim was struck to the left side of the jaw with a clenched fist. At this point, others who had been at the party, including two co-offenders, joined in the attack. The victim was knocked to the ground, kicked and punched by various people.</p> <p>The second victim got out of the car to assist. He made known to the victim that he was a police officer. Blurton approached the second victim and punched him in the face. Others also attacked him. The victim ended up on the ground, struggling with the co-offenders. As a result he sustained a laceration to his lip.</p> <p>The first victim then came to the second victim's aid and pushed his attacker's away. The two men retreated towards their vehicle. As the first victim was retreating, Blurton and the co-offenders continued to attempt to strike him. Bottles were thrown, one hitting</p>	<p>himself into Police.</p> <p>Appellant and co-offender assisted police in the prosecution of third co-offender.</p> <p>In VROI admitted to fighting with victims but denied using anything as a weapon.</p> <p>Sentencing judge found was principal offender.</p>	<p>induced intoxication, a factor which affords no mitigation.</p>
--	--	---	---	---	--

			<p>him on the back of the head. Blurton, now armed with a wooden picket struck him on the forehead with such force as to snap the picket in two. Both victims managed to get into their vehicle.</p> <p>Objects continued to be thrown at the car. Including a bottle which smashed a window, hitting victim 1 on the jaw and showering him with glass. At the time the victim's wives and a 10 year-old child were in the car.</p> <p>The first victim suffered a laceration to his forehead. The second victim required stitches inside his mouth.</p>		
1.	<p><i>Moir v The State of Western Australia</i></p> <p>[2014] WASCA 25</p> <p>Delivered 04/02/2014</p>	<p>32 yrs at time sentencing.</p> <p>Convicted after PG.</p> <p>Criminal record including burglary, dishonesty, traffic offences and breaching court orders.</p> <p>Suffered significant trauma as a child and adult; history of severe sexual abuse and domestic violence.</p> <p>Abused alcohol for many years.</p> <p>Diagnosed with ADHD; some characteristics of post-traumatic stress disorder; personality disorder with emotionally unstable paranoid and antisocial features.</p>	<p><u>Indictment</u> Ct 1: Unlawful wounding. Ct 2: Stealing.</p> <p><u>s32 notice</u> Ct 1: Assault public officer. Ct 2: Trespass. Ct 3: Obstruct public officer.</p> <p><u>Breach</u> Breach of ISO - agg unlawful wounding. (By re-offending and non-compliance).</p> <p><u>Breach</u> Moir was drinking at a nightclub when she encountered the victim and his partner. During a conversation with them, she threw the contents of her glass over the victim's partner. Either the victim or his partner then threw the contents of their drink at Moir. She</p>	<p><u>Indictment</u> Ct 1: 16 mths imp (cum). Ct 2: 6 mths imp.</p> <p><u>s32 notice</u> Ct 1: 6 mths imp (cum). Ct 2: 3 mths imp. Ct 3: 3 mths imp.</p> <p><u>Breach</u> 9 mths imp (cum). TES 2 yrs 7 mths imp.</p> <p>EFP.</p> <p>Appellant told sentencing judge she intended to re-engage in rehabilitation programs.</p>	<p>Dismissed – on papers.</p> <p>At [24] When viewed as a whole, the appellant's offending was unquestionably serious. On two separate occasions she, without any justification, unlawfully wounded her victims.</p>

		<p>Claimed that the offences on Indictment and s32 were whilst she was adversely affected by the effects of her medication.</p> <p>At time of committing these offences was subject to an 18 mth ISO imposed for agg unlawful wounding.</p>	<p>reacted by throwing the rest of the contents of her glass at the victim and, in doing so, the glass she was holding left her hand and struck the victim above his eye with such force that the glass broke and inflicted a 5 cm cut to the victim's forehead.</p> <p><u>Indictment and s32 notice</u> The victim and her 10 year-old son were at their community library. Moir, who was intoxicated, was seated a couple of seats away from them. Without warning Moir struck the victim to the left side of her face with a partially filled bottle of whisky, which broke on contact. The victim suffered a 10cm cut to her eyebrow and damage to the retina of her eye. Moir then fled after stealing a purse from the victim's handbag.</p> <p>Moir then went to and entered an acquaintance's address without his consent. The victim returned home and made several requests for her to leave however his requests were ignored. The police were contacted. Instead of leaving, Moir took a bath and then hid under the victim's bed. She refused all requests by police to leave. Eventually she climbed out a window, stood in the garden and pleaded with the victim to allow her to stay. She resisted police attempts to arrest her and kicked a police officer in the face and leg.</p>	<p>Both unlawful wounding offences were unprovoked, unexpected and unjustified.</p>	
<p><i>Transitional provisions repealed (14/01/2009)</i></p>					

<i>Transitional provisions enacted (31/08/2003)</i>					
<i>Maximum penalty increased from 3 yrs to 5 yr imp (20/01/1995)</i>					

Office of the Director of Public Prosecutions