

N.B. Copyright in this transcript is the property of the Crown. If this transcript is copied without the authority of the Attorney-General of the Northern Territory, proceedings for infringement will be taken.

---

THE SUPREME COURT OF  
THE NORTHERN TERRITORY

SCC 20836065

THE QUEEN

and

VICTOR JOSEPH DUNN

(Sentence)

OLSSON AJ

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON FRIDAY 16 OCTOBER 2009

Transcribed by:  
Merrill Legal Solutions

HIS HONOUR: Victor Joseph Dunn, you have by your pleas of guilty admitted committing five separate offences. First, you admit that on 22 December 2008 at Palmerston you unlawfully entered a building, namely, 7 Broadarrow Circuit, Woodroffe with intent to commit an offence therein, the unlawful entry having involved the circumstances of aggravation that the offence intended to be committed was a crime, namely, unlawfully causing serious harm to Tiffany Rose Paterson, that the building was a dwelling house and that the unlawful entry occurred at night-time. Second, you admit that on the same occasion you unlawfully assaulted Tiffany Rose Paterson, the unlawful assault having involved the circumstances of aggravation that she suffered harm, she is a female and you are a male and that she was threatened with an offensive weapon, namely, a bar stool. Third, you admit that on the same occasions, you unlawfully damaged property, namely, a canvas painting valued at \$18,000 being the property of Tiffany Rose Paterson. Fourth, you admit that on the same occasion you unlawfully assaulted Christine Christopherson, the assault having involved the circumstances of aggravation that she is a female and you are a male and that she was threatened with an offensive weapon, namely, a kitchen knife. Finally, you admit that on the same occasion within intent to cause serious harm you caused harm to Tiffany Rose Paterson.

You should appreciate that the first offence carries a maximum penalty of imprisonment for twenty years, the second and fourth each carry a maximum penalty of imprisonment for five years, the third carries a maximum penalty of imprisonment for seven years and the fifth carries a maximum penalty of imprisonment for life.

Convictions will be recorded against you in respect of each of the offences to which you have pleaded.

The facts relating to the commission of the various offences are not in dispute. It is important that I initially record the key details of the history of your relationship with the victims of your offences prior to the events of 22 December 2008 because those offences need to be understood and assessed in the context of what had preceded them.

You are presently about 35 years of age and Ms Paterson is 33 years of age. The two of you were in a domestic relationship for a period of some 12 years prior to January 2008 when the two of you separated. There were two children of that relationship, a daughter, Tia, who is now about 10 years old and Billy, who is now about 6 years old. Whilst the children were of pre-school age, you were their primary carer because your wife was in full-time employment in what I understand to be a responsible government position. You became very close to the children during that period.

At some time after they began to attend school, you commenced to drink and would take off with your friends for that purpose, particularly on the weekends. You ultimately became alcohol-dependent and also commenced to use cannabis and ecstasy tablets.

I should here mention that you come from a large, well-known and highly respected family, both of your parents being from the so-called Stolen Generation. You were born and grew up on Melville Island except for some time spent at St John's College. Your father died when you were very young and the family was bought up by your mother who is a deeply religious and highly respected member of the community and a well-known painter. The family is plainly a law abiding, non-drinking and hard working group. You grew up in a loving and caring environment as, for that matter, did Ms Paterson. It is said that the relationship between you and Ms Paterson was your first and only serious relationship and that it was initially a happy one.

You were well-known as a good football player and participated in a number of premierships with the St Marys team and also played in representative teams as well as in what I understand to be a semi-professional capacity interstate. You were described as a fair player who did not get into fights. Your former coach described you as a gentle giant, referring to your solid and powerful build, who is compassionate, caring and disciplined. It is plain that as time went by, you fell into bad company and this gave rise to your downfall due to drinking and other substance abuse. It seems to have been a major causative factor in the breakdown of your relationship with Ms Paterson.

As your counsel put it, after that breakdown you were quite unable to accept that your partnership with Ms Paterson was at an end and that realistically it was never going to be resumed. Following the separation, arrangements were made for you to have access to the two children.

On 5 September 2008, you went to the premises at Woodroffe early in the morning to drop your children off following a period of access. It became apparent to you at that time that Ms Paterson had formed a relationship with another man, a situation with which you could not come to terms. You became aggressive towards and assaulted her in various respects and commenced to choke her. She sustained a variety of injuries. The police were called and at 2.15 pm the same day, a domestic violence restraining order was served upon you. Amongst other things, you were ordered not to approach or directly contact Ms Paterson by any means. You almost immediately breached that order by attempting to telephone her the same evening numerous times.

At about 7 am the following morning, you went to where Ms Paterson was living, forced entry into the premises in breach of the restraining order and proceed to successively assault both her and her sister, Jolene. Once again, you attempted to choke Ms Paterson. When her sister sought to intervene, you pulled her away from the bed by the hair and chased her into the kitchen. Having done so, you felled Ms Paterson by punching her with your closed fist to her right eye area and threw her phone at her, striking her with it in the head. You then sat on top of her and started choking her again. You desisted when distracted by Jolene, whereupon Ms Paterson broke free. You followed Jolene out of the room and punched her on the right side of her face causing

her to fall onto the floor. You subsequently left the premises in an unknown vehicle. As a consequence of all of that behaviour, both Ms Paterson and Jolene sustained a variety of injuries.

On the afternoon of the same day, you telephoned Ms Paterson numerous times in further breach of the order against you. On one such occasion, the police were actually present and answered the phone. You continued to attempt to telephone Ms Paterson until the point was reached at which you were arrested at about 1.20 am on Sunday 7 September 2008. At that time, you were observed to be obviously intoxicated.

That sequence of events led to your appearance in the magistrates court on a number of charges on 30 September 2008 at which time you were given an aggregate sentence of nine months and fourteen days imprisonment conditionally suspended after serving three months and fourteen days from 7 September 2008. You were required on your release to attend a residential alcohol treatment program.

On 14 October 2008 while serving that sentence you were served with a second domestic violence restraining order. I note that in the course of her sentencing remarks, the sentencing Magistrate said on the basis of the submissions made to her that she accepted that you were shocked about your behaviour and were remorseful and that you desired to address your substance use and abuse issues.

While serving the aggregate sentence imposed on you, you and other prisoners were taken out of the prison on 27 November 2008 to participate in a work project which involved amongst other things collecting rubbish along Dick Ward Drive at Coconut Grove. Whilst left unsupervised for about ten minutes or so and in breach of the domestic violence restraining order then in force, you used a public payphone to dial Ms Paterson's work number three times without the knowledge of the supervising prison officer. On the first occasion, you said 'I'm going to kill the cunt' and I take that to be a reference to the person with whom Ms Paterson had formed a new relationship.

On Friday 19 December 2008, you were released from prison on the basis that you were to immediately commence a FORWAARD residential substance abuse treatment program. It is said that at the time, you were in a state of mental turmoil. You had for the first time experienced the prison environment and you had been unable to see your children. You had not had any access to counselling or other professional assistance and your former partner had entered into another relationship. It was said that you saw your world falling apart.

Having been taken to the FORWAARD residential facility, you were in an obvious state of emotional instability and immediately asked to be released for the weekend because you wished to see the children. That request was declined but staff took you to the Casuarina shops in an endeavour, as I understand it, to calm you down. Whilst there, you absconded in breach of your suspension conditions and commenced drinking and also resorted to the

use of ecstasy tablets. Members of your family attempted to get the situation back under control and negotiated an arrangement for you to have supervised access at a family barbeque on the Sunday. However, this did not come to pass because in the early hours of the morning of Sunday 21 December, you made a series of telephone calls and sent threatening SMS messages to Ms Paterson in breach of the then current restraining order.

Late in the afternoon of the same day, you attended at a house at Moulden where Ms Paterson was visiting her aunt. You called out, requesting to see your children. The police were contacted. You told a resident that you wanted to see Ms Paterson and the children but you were informed that this would not be possible. You then left. Ms Paterson and her mother stayed with friends overnight because they were frightened to return home. Your family arranged for you to be re-admitted to FORWAARD early on the Monday morning and also commenced negotiations to lead to an arrangement for you to see the children on Christmas Day. After attending an Alcoholics Anonymous meeting the same evening, you took some ecstasy tablets and absconded from the FORWAARD facility. By that time Ms Paterson, her mother and the children had returned to their home at Woodroffe.

At about 10.20 pm, you broke into the premises there and without permission entered the house and ran into Ms Christopherson's bedroom. You there located Ms Paterson sitting on a bed on which your son, Billy, was asleep at the time. You pulled her off the bed with force and whilst holding her hair with your left hand, punched her in the face with a closed right fist a number of times. This activity caused Billy to wake up and witness what followed. Ms Christopherson reached for the telephone in the lounge room but you snatched it out of her hand and threw it away as you exited the bedroom. You said 'I'm going to kill her. She put me in goal'. You then entered the kitchen area where you picked up a 30 centimetre carving knife from one of the kitchen drawers and also took the keys to Ms Paterson's Toyota Camry vehicle from a hook on the wall. You again punched Ms Paterson who was then in the lounge room, striking her once more in the face with a closed fist. You continued to punch and choke her with your left hand whilst holding the knife in your right hand. You then dragged her by the hair and by the arm along the floor and kicked her to the upper body on numerous occasions. In particular, you commenced kicking her to the face and the head area whilst her head was up against the skirting board. You were talking at her and kicking her at the pause of each sentence. Eventually the blows rendered her unconscious. Ms Christopherson grabbed a large painting off the wall and tried to use it as a shield to protect her daughter. However, you slashed the canvas painting with the knife causing a large hole. The value of the painting that was so mutilated is of the order of \$18,000. At that point, you were distracted by constant loud screams from Ms Christopherson who had also picked up a bar stool and tried to wedge it between you and Ms Paterson. You diverted your attention at that point to Ms Christopherson and approached her, wielding the knife. You also picked up another bar stool and used it to force her to back off. Having done so, you threw the bar stool at Ms Paterson whilst she was still lying on the floor. Ms Christopherson retreated further into the lounge room area fearing that

she was going to be stabbed following which you continued to kick and punch Ms Paterson to the head. You then knelt over Ms Paterson, wrapped your left hand around her neck and began choking her with force. This caused her to gasp for air. At that point, you lifted Ms Paterson's head from the ground by her hair and, with a sawing motion, cut at her face with the knife. This resulted in numerous deep facial lacerations to which I will later refer in more detail. You then dropped her head back onto the floor.

You thereafter grabbed Billy's arm, took him from the house and loaded him in Ms Paterson's Toyota Camry. Having done so, you drove that vehicle away from the premises to a location in Berrimah where you left the vehicle and your son with another family member.

At about 9.30 pm on Tuesday 23 December, you were located by police and arrested. You later appeared in the magistrates court in relation to your conduct breaching the suspended sentence that had been imposed on you and also in relation to two breaches of the restraining order that had been made against you as well as the unlawful use of Ms Paterson's motor vehicle. In the event, you were required to serve a total effective period of four months and twenty-days imprisonment commencing on 23 December 2008. That sentence expired on 13 May 2009 as from which date you have been in custody in relation to the matters now before me. It follows that any sentences imposed by me will run from that date.

As a result of your attack on her, Ms Paterson sustained multiple injuries. In brief, these were extensive bruising over the upper part of her body, a 3-4 centimetre laceration of her left cheek, a 5 centimetre laceration to her right cheek penetrating in the mouth and completely severing one facial muscle and partially severing another, a blowout fracture of the lamina papyracea bone in the right eye socket, bruising to the right eye, a 1.5 centimetre laceration beside the right eye, a 2 centimetres laceration next to the right eye, a 2 centimetre laceration to the forehead, a 6 centimetre laceration to the rear of her head requiring 13 staples and a chipped right front tooth. The treating surgeon states that if Ms Paterson's injuries had been left untreated, it is likely that she would have died due to the large amount of rapid blood loss which was initially uncontrolled. A major transfusion pack had to be called for and more than 1.5 litres of fluid was lost. The doctor also indicates that if left untreated, the facial injuries would have resulted in permanent disability due to loss of function of the eye, nose and face.

I do not have details of any injuries that may have been sustained by Ms Christopherson as a consequence of your assault upon her.

Both Ms Paterson and her mother have prepared and submitted detailed victim impact statements to me. I have also had the benefit of photographs taken of the injuries sustained by Ms Paterson, both immediately after the events of 22 December and also again very recently. One cannot but be moved by the contents of the victim impact statements in particular. They dramatically indicate the devastating effects of the offences to which you have pleaded. I have no difficulty in accepting that your conduct has given rise to

serious, ongoing emotional responses in both of your victims and a quite understandable apprehension of further possible violence when you are ultimately released. It seems clear that they and your children will feel constrained to move from their long-established home in Darwin to some other distant location with a consequent severe disruption of their lives. Whether their fears and emotional responses are entirely well-founded is beside the point. To them, they are obviously very real. In any event, at the present time they are still attempting to come to terms with the emotional impact of what you have done including problems arising from appropriately responding to the children.

What occurred on the night of 22 December 2008 must have been an absolutely horrendous experience for both Ms Paterson and her mother as well as the children. Quite apart from the emotional scars that they each still bear, Ms Paterson who is an otherwise young, attractive woman will need to live with the ongoing legacy of permanent scarring to her face. Whilst it may be argued that objectively, this is not now as grossly disfiguring as it was originally, she quite reasonably is acutely aware of the quite obvious scarring that does remain visible. Moreover, such scarring is far from insubstantial and obviously constitutes a permanent, constant reminder to her of the events of that dreadful night.

It must further be said that although Ms Christopherson personally did not suffer any serious physical injuries, nevertheless the emotional impact on her has also been substantial. She was directly involved in and observed the truly frightening attack on Ms Paterson that night and it is obvious that it appeared to her that at one stage her daughter was dying as a result of her injuries. Given the medical evidence, such a perception was obviously by no means ill-founded. Moreover, she rightly feared for her own physical well-being to the extent that she was directly threatened or actually assaulted. Ms Christopherson is still extremely fearful for the safety and well-being of herself, her daughter and the children. She says that such has been her emotional state that she has not been able to pursue her internationally-recognised skill as an artist and has been greatly distressed by the adverse impact that your conduct has had on the whole family.

I now turn to your personal circumstances to the extent that I have not already dealt with them.

There can be no doubt that prior to the events leading up to your separation from Ms Paterson, you had been a well-liked and respected member of what was a close-knit, happy family. You were, as I have indicated, a well-known, successful and respected sportsman. There is no doubt that the separation was the direct consequence of your developing addiction to and dependence on alcohol and ultimately other forms of substance abuse as well. To date, you have simply been unable to control and overcome those addictions.

Although I am told that a recent psychiatric review of your situation has failed to reveal the existence of any positive diagnosed psychiatric condition, it

is abundantly apparent that you have been unable to come to terms with your domestic situation and, as my recitation of your recent history readily indicates, you have also not been able to control your frustrations and, seemingly, your escalating emotional problems. In at least a lay sense, you seem to have become fixated on the domestic scenario that resulted from your own activities and conduct, without being to realistically assess the reality of it, much less to accept the legal situation in which you have found yourself by virtue of the domestic violence restraining orders made against you and the conditions of suspension of the sentences of imprisonment that were imposed in the magistrates court. It is said that on one occasion, you attempted to commit suicide.

Your counsel submits that you are very remorseful for your actions and greatly regret their impact on both your immediate and wider family. You have expressed horror at the photographs of the injuries inflicted on your former partner and say that you feel 'terrible' for what you did and in respect of the shame that you have caused your still supportive family. You have expressed a desire for appropriate professional assistance and acceptance of the fact that you must be appropriately punished for what you have done.

That said, I must confess to some degree of scepticism at what is said to be your present attitude and state of mind. Quite apart from the fact that it is said that no remorse for your conduct was expressed to your victims prior to your appearance in Court, the fact is that what is now being said to me is in substance exactly what was said to the sentencing Magistrate in September last. I frankly remain somewhat unconvinced if you have even now come to a full realisation of the enormity of what you have done and at this time are adequately motivated to overcome your emotional and substance dependency problems. Your recent actions speak eloquently for themselves and I consider that the apprehensions of your victims are presently well-founded.

At this stage, the prospects of your rehabilitation seem to me to be relatively poor. Whether over time with maturity that will change is impossible to discern. In truth, virtually all that can be said in mitigation is that you have readily admitted your guilt, have entered timely pleas to the charges now under consideration and have cooperated in the expeditious disposal of them. I accept that because of your conduct whilst working out of the prison, you may be required to serve at least the initial portion of any sentence that is imposed on you within a somewhat restricted regime and you have already spent a considerable period in the restricted regime of the remand section of the prison.

It must also be accepted that prior to your offending in September last, you had a very limited and largely irrelevant antecedent record.

Having said this, this Court has in recent times repeatedly drawn attention to and condemned the regrettably prevalent acts of wanton violence exhibited by some men towards women who are in no position to defend themselves against attacks by much stronger males, particularly where these occur in the domestic environment and/or have been associated with substance abuse. It

is stating the obvious to say that assaults of this type specifically, which involve the use of potentially lethal offensive weapons, have a high potential to give rise to terrible, if not fatal, injuries. Moreover, the incidence of aggravated unlawful entry with intent is also high and necessarily engenders great fear and apprehension in the community when it does occur.

The maximum penalties stipulated by the legislature in respect of conduct of those types clearly reflect the inherent seriousness of the offences in question. It follows that the factor of general deterrence must be a major consideration in arriving at appropriate sentences in relation to them. Further, bearing in mind the continuing nature of your recent offending, your flagrant disregard of orders made against you and the fact that the present offences were committed immediately after your release from gaol, the factor of personal deterrence is also of great importance.

Of course, you are not to be again penalised for offences already dealt with elsewhere. However, the existence of the continuing course of conduct as I have outlined it necessarily militates against the allowance of leniency to you. It also does not constitute a good indicator as to your potential for short-term rehabilitation. Moreover, the abhorrent and cowardly nature of your actions on the night in question necessarily mandates that the factor of denunciation must be given due recognition. Conduct of that type cannot and will not be tolerated.

Given the circumstances as I have described them, I regard each of the offences to which you have pleaded as being towards the top end of the range of relative seriousness. They were all part of a deliberate and, in my view, premeditated course of conduct, save that the slashing of the valuable painting occurred in the course of an act of defence against your attacks.

You undoubtedly went to the house with the deliberate intent to cause harm to your former partner and you were in no mood to brook interference by anyone in attempting to execute that intent. The attack on your former partner was as brutal as it was intentional and but for the prompt medical assistance that was forthcoming, the result could well have been fatal. As it is, she is left with significant physical and emotional scarring, as I have mentioned. As I have indicated, I see little sign of genuine remorse on your part.

Whilst accepting that it is inevitable that substantial custodial sentences must be imposed on you, your counsel has asked that I do not impose a crushing and aggregate sentence. I accept that in formulating a proper sentencing approach, it is necessary to pay due regard to the totality principle and I propose to do that.

As to the first count of aggravated unlawful entry with intent, I take as my commencement point a sentence of imprisonment for eight years. In recognition of your plea I propose to discount that sentence by 25 percent to imprisonment for six years. As to the second count, that is, of aggravated unlawful assault, I take as my commencement point a sentence of imprisonment for one year which I also discount by 25 percent to

imprisonment for nine months. As to the third count of unlawful damage, I take as my commencement point imprisonment for two years in recognition of the deliberate destruction of a valuable original painting. That will also be reduced by 25 percent to imprisonment for one year and six months. As to the fourth count of aggravated unlawful assault, I impose a similar net sentence as in the case of the second count, namely, net imprisonment for nine months. As to the final count of causing harm with intent to cause serious harm, I take as my commencement point a sentence of imprisonment for twelve years which I also reduce by 25 percent to an effective sentence of imprisonment for nine years.

I order that the sentence in respect of count 1 be cumulative upon the sentence in respect of count 5 as to a period of four years and that the aggregate of those sentences run from 13 May 2009. The sentences in respect of the two counts of aggravated unlawful assault will be concurrent with each other and also concurrent with the sentence in respect of the first count. The sentence in respect of the third count will be cumulative upon the aggregate sentence for the first and fifth counts as to a period of six months but otherwise be concurrent with that aggregate sentence. In the result, there will be an aggregate total net sentence of imprisonment in respect of all offences for thirteen years and six months to run from 13 May 2009.

Bearing in mind your flagrant and continuing breaches of Court orders and because I am by no means convinced that rehabilitation is likely to be achievable in the short term, I fix a non-parole period of eight years and six months also to run from the same date.

---