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THE SUPREME COURT OF  
THE NORTHERN TERRITORY

SCC 22319908

THE KING

and

JASMINE ROBBO

(Sentence)

KELLY J

TRANSCRIPT OF PROCEEDINGS

AT DARWIN ON THURSDAY 14 NOVEMBER 2024

Transcribed by:  
EPIQ

HER HONOUR: Jasmine Robbo, you have pleaded guilty to one charge of unlawfully causing serious harm to AB. The maximum penalty for that is imprisonment for 14 years.

I am going to talk about what happened now.

You are 27 years old and you normally live in Katherine and Yarralin. The victim, AB, is your cousin. At the time of the offending, she was 32 years old and she has three children.

On Friday 23 June 2023, you went to a family birthday party at the Katherine River Low Level Reserve, a park there. It is a public park and there were recreational facilities there. A lot of family members went to the party, including a large number of children. You and the victim, AB, and the other adults were all drinking and, apparently, you all became intoxicated.

At about 6 o'clock that evening, you and AB started arguing over a jealousy matter, and you had a fist fight. And you were also grabbing each other's hair and wrestling, but then family members separated you. But then what happened is you picked up a butter knife. That is a knife, like a knife and fork that you use for eating.

The knife was on the table, you picked up the knife and you came back to the victim. You hit the victim in the side with that knife and you caused a laceration in her lower ribcage. Then you held the victim by the hair and you made a further attempt to stab her, but you missed.

But then you stabbed her in the base of the neck, which deeply penetrated her neck towards the spine. Family members pulled you away and made you stop attacking AB. She slumped down into a sitting position, and police and ambulance were called. You threw the knife away near the fence line, and police arrested you at 6:30 pm that day.

The victim was treated at the scene by St John Ambulance paramedics, then she was taken to Katherine District Hospital for emergency treatment. She had damage to her spinal cord. She was intubated, they put tubes down her throat, at Katherine District Hospital and transferred to Royal Darwin Hospital for emergency surgery.

As a result of you stabbing her in the neck, the victim's spinal cord was severed at C5. That is around the top of her spinal cord, with what is called associated subarachnoid haemorrhage. That is in the brain. The victim underwent surgery to reduce the pressure on the spine.

And during surgery, it was found that the wound was leaking cerebral spinal fluid, so it is from the head and the spinal cord, and she had other complications because her spinal cord had been cut by the knife. And there was a hair in the spinal cord cut, and that caused contamination.

She underwent fusion, that is, they removed the damaged disc in her spine to relieve pressure and fused the bones in her spinal cord up the top, but to no avail. She was transferred from Royal Adelaide Hospital, where she had the surgery and transferred back to Darwin on 20 July in order to be with family.

She was on a ventilator for a long time. She could not get off the ventilator until 21 August. She suffered a number of infections while she was in hospital and also a deep vein thrombosis. She is now a quadriplegic. She is going to have to be in a motorised wheelchair for life and she is going to need assistance getting in and out of the wheelchair. She is going to need 24-hour treatment and care for the rest of her life.

Not, unnaturally, she is now suffering from low mood and anxiety as a result of her injuries, her long-term prospects and being separated from her children. What you did, you did in anger, uncontrolled, while you were intoxicated, but it has had the most devastating effect on this woman's life.

I am going to talk a bit about you now.

You have no prior convictions of any kind, and I accept that you are a person of previously good character.

Your lawyer has given me some information about your background. You are now 28. You were born in Alice Springs and grew up in Kalkarindji and Katherine. You have also lived in Yarralin and Lajamanu. Your family is from Kalkarindji originally, but most of your family live in Katherine now. You speak Gurindji and English.

You had a very deprived childhood. You were placed with various family members. You suffered from lack of supervision, deprivation and there was alcohol abuse and violence in the family.

You went to various schools. You went to Clyde Fenton in Katherine, MacFarlane, Katherine High School, Kalkarindji School, Yarralin School and Lajamanu, so quite a disrupted education.

Your younger sister is deaf and mute, and you had a role caring for her as you were growing up. You have three children, aged 12, 5 and 2, and you were only 16 years old when you had your first child. I am told the two younger children live with their father's family at Yarralin.

You were in a relationship with the father from about 2017/18 to around about 2022, but there was significant domestic violence, and you left. Your partner was an alcoholic, and during the term of that relationship, you started drinking, and you now have problems with alcohol addiction as well.

When you were growing up, as I said, you had a deprived upbringing, characterised by family placements, lack of supervision, deprivation, alcohol abuse

and violence. And your lawyer has detailed, in written submissions, quite a few matters that came from Territory Families, where there were notifications while you were growing up.

I accept that the considerations of a case we call *The Queen v Bugmy* apply in your case. You have also been the victim of violence and violence became normal as you were growing up. So it would not be fair to judge your blameworthiness for this offence the same way that you would somebody who had not had your deprived upbringing. So I accept that you are not as much to blame for what you did as someone who had had a less deprived upbringing.

I read a psychological report. You have been diagnosed with complex post-traumatic stress disorder because of your traumatic childhood. And again, that has indirectly contributed to your offending, because the psychologist said that, as a result of your complex post-traumatic stress disorder, you were at an elevated risk of developing alcohol abuse and emotional dysregulation, meaning difficulty in controlling your emotions and impulsivity, difficulty in controlling your impulses.

So you were at a higher risk of developing those things, which you clearly have developed, because of your complex post-traumatic stress disorder. So that again reduces your blameworthiness to a certain extent and means that I place less weight on general deterrence, and I will come to that.

It is a very, very serious offence, in light of the catastrophic injuries that you caused to the victim, and made worse by the fact that you used that weapon, a knife. It was committed in public, witnessed by other people. You did not just stab the victim once; you stabbed or attempted to stab her a number of times, and you had to be restrained by family members. You did not show concern for the victim at the time, you did not help her and, as I say, the injuries are catastrophic.

There is way too much violence in our community, particularly, sadly, in Indigenous communities, often between family members. I do have to send a strong message that the court strongly disapproves of this kind of violent offending. I have to impose a sentence that will discourage you and other people from committing this kind of offence.

But, as I said, I do not place as much weight on that because, firstly, you have not got any prior convictions at all, and secondly, because your complex post-traumatic stress disorder means that you are not a suitable vehicle, if you put it that way, for general deterrence, or not as much.

You have pleaded guilty, and I can give you a reduced sentence for that. I also accept that you are extremely remorseful, as you would be, having inflicted that damage on your cousin. I am going to sentence you now.

If it were not for your guilty plea, I would have considered an appropriate sentence to be in the range of 6 years and 9 months. Reducing that by a little bit

more than 25 percent for your guilty plea and remorse, you will be convicted and sentenced to a term of imprisonment for 5 years, beginning on 23 June 2023.

I am going to direct that your sentence be suspended after you have served 18 months in prison, on the following conditions. Firstly, I fix an operational period of 3 and a half years.

That means for the next 3 and a half years after you are released, you must not commit another offence punishable by imprisonment. If you do, you can be brought back before the court and made to serve that 3 and a half years. Given your past history, I do not expect to see you back before the court.

- 1) For that 3 and a half years, you are to be under the supervision of a Probation and Parole officer and you must obey all reasonable directions of a Probation and Parole officer.
- 2) You must not visit or frequent any place that is directed by a Probation and Parole officer.
- 3) You are to participate in assessment, counselling and treatment as directed by the Probation and Parole officer, with this proviso: if you get a job, it is not to interfere with your employment.

This is the important one:

- 4) You must not purchase, possess or consume alcohol and you must submit to testing as directed by a Probation and Parole officer or a police officer.
- 5) If found suitable and if directed to do so, you must attend a residential rehabilitation course or program and not do anything to get yourself discharged from that program. That is if you are directed to do so by a Probation and Parole officer. It will be up to them.

Is there anything further?

MR BACH: No. Thank you, your Honour.

MS EVERITT: Not from the Crown.

HER HONOUR: All right. Thank you.

We will adjourn. Thank you.

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