**ANONYMISED AND ADAPTED FOR EDUCATIONAL PURPOSES**

IN THE COUNTY COURT OF VICTORIA

AT MELBOURNE

Court Ref: CR-ZZ-XTCS

# THE DIRECTOR OF PUBLIC PROSECUTIONS

**v. HARRISON COOKSON**

**DEFENCE OUTLINE OF SUBMISSIONS**

|  |  |
| --- | --- |
| Date of document: | T: 03 |
| Filed on behalf of: The accused | F: 03 |
| Prepared by: | E: |
| Just Lawyers | Solicitors code: |
| 140 William Street |  |
| MELBOURNE VIC 3000 | |
|  | |

**BRIEF PERSONAL CIRCUMSTANCES**

1. Aged 26 years old;
2. Born in Victoria. The eldest in a sibship of three;
3. Educated to year 8 level, having left school after bullying and struggles with learning disorders;
4. Held various jobs at intermittent times in his life and is currently subcontracting installing insulation;
5. Has a long-term partner and two children;

His partner has autism spectrum disorder and is relatively low functioning;

1. Both accused and partner require ongoing support to care for the children, partner would be unable to care for the children without his support.
2. Volunteer with the SES .
3. Severe learning disorder;1
4. Attention deficit disorder;2
5. Social anxiety disorder;3
6. Obsessive compulsive disorder;4
7. Motor tic disorder; and5
8. Post-traumatic stress disorder.6

# CIRCUMSTANCES OF OFFENDING

1. Was pressured by the co-accused;7
2. Asked co-accused to rip up the statutory declaration and not go through with it; and8
3. Did not fully appreciate the full gravity of perjury or the offending.9

# MITIGATION

1. Made full admissions when interviewed;
2. Early Plea of Guilty;
3. Application of *Verdins* principles – causal connection between psychological conditions and offending;10
4. Custodial environment likely to exacerbate present psychological conditions;11
5. No prior criminal history; nothing subsequent and nothing pending.

1 Psychological report page 7.

2 Psychological report page 8.

3 Psychological report page 8.

4 Psychological report page 8.

5 Psychological report page 8.

6 Psychological report page 9.

7 Record of Interview (question 221) page 26–28.

1. Record of Interview (question 26) page 26.
2. Psychological report page 7.
3. Psychological report page 9.
4. Psychological report page 9.
5. In the ordinary course, it is conceded that general deterrence is a significant sentencing factor and that a term of imprisonment is a likely outcome. However, should the court accept the matters raised in the psychologist’s report and in particular the causal connection between the psychological conditions and the offending, general deterrence is sensibly moderated. In the circumstances, it is submitted that a community based disposition, which gives effect to the recommendations of ought to be imposed.

Solicitor for the Accused