



# AUSTRALIAN ADVOCACY INSTITUTE

## PLEA IN MITIGATION MS LUCIA GONZALES

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Revised: Professor The Hon. George Hampel AM QC

## **BRIEF TO COUNSEL FOR MS LUCIA GONZALES**

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Counsel is briefed to appear and present a plea for Ms Gonzales. She is a 23 year old single woman, currently unemployed. She has had some training as a hairdresser and receptionist. She worked at one job for two years until age 18. Since then her work record has been sporadic.

Ms Gonzales will plead guilty in the Magistrates Court to burglary and assault occasioning bodily harm. The police summary indicates that Ms Gonzales broke into a house and stole a quantity of jewellery, valued at approximately \$3000. As she was walking out, the occupant, a woman aged about 60 years, arrived home and confronted her. She punched the woman in the face, breaking her nose, and escaped.

Ms Gonzales instructs that she did not intend to punch the woman, but just to push her out of the way.

Ms Gonzales has a long history of drug abuse and at the time of this offence was on Rohypnol. She states that she was in a depressed state at the time of the offence. She states that she was in a depressed state at the time and needed money to pay substantial medical bills.

By way of background, we understand that Ms Gonzales was adopted as a child by Mr and Mrs George Gonzales. This couple separated when Ms Gonzales was aged six and subsequently divorced. After this she was raised by her adoptive mother and saw her adoptive father on weekend contact. She instructs that there was much difficulty and drama surrounding the contact visits because of unresolved difficulties between her adoptive parents. She apparently also witnessed physical violence that her father caused to her mother. Her adoptive father remarried when she was 10. She did not get on with her stepmother and she dates this as being the beginning of her difficulties. There was ongoing distress between herself and her stepmother. She also advises that her stepmother had had some psychiatric treatment.

Ms Gonzales has been in several long-term relationships with young men. Two of these, she states, have been physically abusive to her.

One year ago she was in a severe car accident. She was hospitalised for three and a half weeks. She continues to have pain in her nose and is expecting to have plastic surgery.

She has made several suicide attempts and has some past psychological treatment which was rather brief. We have had her examined by Dr Berne and his report is attached. Ms Gonzales was addicted to heroin for four years from age 18 to 21.

She previously served two six-month jail sentences, when she was 19 and 21. Both periods in custody were for burglaries she committed to support her drug habit.

Ms Gonzales has recently searched for her biological father, Mr Rodriguez. He has been in touch with her for the last 10 days. He is very supportive and eager to play a more active role in his daughter's life. He will come to court. He has offered to repay the \$3000 over the next 12 months. Over the last few years she also was in touch with her biological mother, Mrs Alice White. Her relationship with her has been somewhat stormy and she has also been depressed about Mrs White's lack of response to her many letters.

**Dr Jules Berne**  
**Clinical & Forensic Psychologist**

**Psy. D New York**  
**MA (Clinical Psychology) - London**  
**Ass. Dip. Behavioural Sciences,**

### **REPORT RE MS LUCIA GONZALES**

At your request, I saw and tested Ms Gonzales on two occasions last week, once in the presence of her father .

Ms Gonzales is suffering from long standing and serious depression. The symptoms of this include chronic poor self-esteem, depressed mood, repeated suicidal ideas, difficulty with sleep and appetite and feelings of hopelessness about the future. In addition, she shows a clear disturbance in judgment, difficulty in establishing satisfying relationships with other people and considerable immaturity.

This woman also has a four year history of heroin abuse and is currently using marijuana and alcohol excessively. In all likelihood, she is addicted to one or both of these substances. It is noteworthy that these offences occurred whilst she was taking Rohypnol.

Ms Gonzales requires consistent and ongoing psychiatric treatment. This can be arranged through her local doctor. If Ms Gonzales cannot be weaned away from the abuse of alcohol and marijuana through the treatment outlined above, on an out-patient basis, she may need a period of in-patient treatment in a drug and alcohol facility.

It is likely that her current drug abuse represents her own meagre attempts at medicating herself for her longstanding depression.

The overall prognosis for Ms Gonzales is guardedly optimistic. She expresses some remorse and guilt about her recent behaviour and in looking back at the last few years, she is clearly aware of the difficulty she has caused herself and her parents. She has apparently been able to stay off heroin since her release from prison last year. If this is correct it shows great determination.

It is noteworthy that she did not have any difficulty with the law prior to her involvement with drugs.

At present her relationship with her biological father is very new, but promising. It is useful that he is so supportive of her and clearly he has both emotional and financial resources which he is eager and willing to make available to his daughter.

Yours sincerely

**DR JULES BERNE**