***R v Jones* [2015] QCA 161 (1 September 2015) – Queensland Court of Appeal**

'Evidence' – 'Expert testimony' – 'Killing for preservation in an abusive relationship' – 'Murder' – 'Physical violence and harm' – 'Relationship evidence'

Charge/s: Murder.

Appeal Type: Appeal against conviction.

Facts: The appellant was convicted for the murder of his mother. It is unclear whether at the time of the offence, there was a current or lapsed protection order against the appellant in favour of the victim or other parties. The issues at trial related substantially to self-defence and provocation. Evidence of the history of the relationship was admitted in the context of the defence under s 304B of the *Queensland Criminal Code* of killing in an abusive domestic relationship (See further at [3]-[13]).

Issue/s: Whether the trial judge erred by not admitting expert psychiatric evidence.

Decision and Reasoning: The appeal was dismissed. North J (with whom Holmes JA and Henry J agreed) held firstly that this evidence was not admissible under s 132B of the *Evidence Act 1977*. It was not relationship evidence. The Court also held that the matters that the psychiatrist spoke of were not complex in a scientific sense, and the jury, properly instructed, were able to understand them without needing to hear the expert evidence itself. The psychiatrist did not identify that the appellant was suffering from any recognised psychiatric illness. Rather, he only spoke generally that the appellant had developed coping strategies in response to his mother's violent and difficult behaviour. The jury, in applying common sense, would have been able to reach this conclusion themselves. North J, comparing the 'battered wife defence', noted that there is no 'battered child defence' in law. That is, there is no defence where, 'insults and abuse may be relied upon by a child by way of excuse for a fatal attack upon an abusive parent' (See at [19]).