

## ***R v DQ* [2020] ACTSC 352 (18 December 2020) – Australian Capital Territory Supreme Court**

‘Attempted murder’ – ‘Family law proceedings’ – ‘Female perpetrator’ – ‘Initial charge of damaging property by fire with intent to endanger life’ – ‘People with mental illness’ – ‘Sentencing’ – ‘Separation’

Charges: Attempted murder x 2.

Proceedings: Sentencing.

Facts: The case concerned the sentencing for the offender’s attempted murder-suicide of herself and her 2 children by setting the house on fire.

Issues: Sentence to be imposed.

Decision and reasoning: A total head sentence of 9 years and 5 months was imposed, with a non-parole period of 6 years and 4 months. This reflected the guilty plea and a degree of cumulation for 2 separate victims with a single set of acts.

The offending was above the mid-range of objective seriousness for attempted murder. It involved the offender’s children in “the most extreme breach of her parental obligations,” and exploitation of her parental authority to achieve the children’s compliance. There was a degree of premeditation. It was a persistent and serious attempt that, but for a neighbour and the fire brigade’s actions, would have been successful ([23]-[28]).

Further, the offending occurred in the context of a long and acrimonious breakdown of the offender’s relationship with her ex-husband and associated Family Court proceedings relating to division of property and custody of the children, which affected her mental health. The offender was diagnosed with a major depressive disorder which was given some weight as it was long-standing and had the potential to distort her thinking to an extent. It was not accepted that the evidence established a diagnosis of post-traumatic stress disorder or chronic adjustment disorder. She had no criminal history, and was at low risk of re-offending. However, the sentence also needed to reflect accountability, denunciation, and just punishment ([29]-[56]).