

***Walker v The Queen* [2006] NSWCCA 347 (1 November 2006) – New South Wales Court of Criminal Appeal**

‘Attempted wounding with intent to cause grievous bodily harm’ – ‘Distress at the breakdown of a relationship is no excuse for violence’ – ‘Objective seriousness’ – ‘People with mental illness’ – ‘Physical violence and harm’ – ‘Sentencing’

Charge/s: Attempted wounding with intent to cause grievous bodily harm.

Appeal Type: Appeal against sentence.

Facts: The offence arose out of the breakdown of the fifteen year marriage between the applicant and the victim. The victim told the applicant that she was seeing another man and that their marriage was over. Some days later, the applicant beat the victim and attacked her with a 32 cm long kitchen knife. The applicant was sentenced to a head sentence of three years with a non-parole period of eighteen months.

Issue/s: Whether the sentence was manifestly excessive.

Decision and Reasoning: The appeal was dismissed. The sentencing judge correctly characterised the objective criminality of the offending as very serious. The sentencing judge emphasised, as many on the bench had done so previously, that however sad and distressing a matrimonial breakdown might be, violence of any kind is not to be accepted as a more or less natural incident of such a breakdown (See [7]). The sentencing judge further gave appropriate weight to the relevant subjective matters (See [8]-[9]).