

## ***R v Latu (No 3)* [2019] NSWSC 951 (26 July 2019) – New South Wales Supreme Court**

‘Physical violence and harm’ – ‘Protection order’ – ‘Sentence’

Charges: 1 x murder; 1 x breach of ADVO

Case type: Sentence

Facts: The victim was murdered by the offender, caused by multiple blows to her head. At the time of the murder, the offender and victim were living together in an intimate domestic relationship. The offender had a tendency to be violent towards his partners by using physical force to their ‘head region’ ([11]). He was subjected to an ADVO, which prohibited him from assaulting or intimidating the victim. Despite the ADVO, the offender continued to be violent towards the victim. The offender called 000, and performed CPR as instructed by the operator. It was argued that this demonstrated a lack of intention to kill ([52]).

Issue: The issue for the Court was to determine the appropriate sentence for the offence.

Held: In assessing the objective seriousness of the offence, the offender’s intention at the time of the offence was relevant ([50]). Although his Honour could not find that the offender intended to kill the victim beyond reasonable doubt, he accepted the Crown’s submission that he must have known that this was ‘a harder and more comprehensive attack’ ([57]-[58]). His Honour also rejected the submission that the attack was a ‘crime of passion’ without premeditation, as it was not an isolated incident, but rather another violent beating, ‘inflicted as part of a sickeningly repeated pattern of physical subjugation’ ([60]-[61]). The absence of specific planning was not a mitigating factor in this instance, given the long history of intentional and disfiguring attacks on the victim and threats to ‘cave her head in’ ([62]).

Lonergan J also took into account the fact that the offence was committed in the victim’s home where she was entitled to feel safe. It was also committed in breach of an ADVO – a matter of serious aggravation ([63]-[65]). The offending was ‘very serious’, given the number of individual injuries, the victim’s powerlessness, and the callousness of the manner in which her head injuries were inflicted ([66]-[67]). Specific deterrence, community protection and retribution were important sentencing factors, as the offender had a history of criminal offending and had inflicted beatings on the victim prior to her death ([68]-[71]). The offender’s subjective circumstances are also discussed at [72]-[92]. The offender continued to deny the offending and ‘victim blame’, showed no remorse for or recognition of what he did, and told lies about the incident on the night of the offending and in his police interview ([86]-[88]). Lonergan J sentenced the offender to 28 years’ imprisonment with a non-parole period of 21 years.