

***R v Murray* [2014] QCA 160 (18 July 2014) – Queensland Court of Appeal**

‘Aboriginal and Torres Strait Islander people’ – ‘Community protection’ – ‘Damaging property’ – ‘Deterrence’ – ‘Grievous bodily harm’ – ‘Mitigating factors’ – ‘Physical violence and harm’ – ‘Recidivism’ – ‘Sentencing’ – ‘Victim’ – ‘Weapons’

Charge/s: Grievous bodily harm.

Appeal Type: Application for an extension of time to appeal against conviction.

Facts: The applicant, an aboriginal man with a dysfunctional background, pleaded guilty to the grievous bodily harm of his girlfriend. It is unclear whether at the time of the offence, there was a current or lapsed protection order against the applicant in favour of the victim. He ripped off a door handle with which he struck her on the head, then punched her and struck her with a frying pan, causing severe injuries.

Issue/s: Whether an extension of time should be granted on the basis that the applicant only pleaded guilty due to the strong urging of his lawyers, and that he was denied the right to present his defence.

Decision and Reasoning: The application was refused - the applicant was an adult, of sound mind who understood the charge and entered a guilty plea after obtaining legal advice. An application for leave to appeal against sentence was also refused. McMurdo P (Fraser JA and Morrison JA agreeing) held that notwithstanding that he told the complainant to go to hospital, he had failed to demonstrate compassion or insight into the injury that he had caused. He had a substantial history of domestic violence and this recidivism made the protection of future intimate partners important. This was a serious example of grievous bodily harm in the context of domestic violence. General deterrence and denunciation were key considerations. McMurdo P described his girlfriend as a ‘reluctant complainant’. However, this was not a mitigating factor. The only mitigating factors were his guilty plea and dysfunctional background.