***R v Collins* [2005] QCA 172 (27 May 2005) – Queensland Court of Appeal**

'Breach of domestic violence order' – 'Deterrence' – 'Grievous bodily harm' – 'Physical violence and harm' – 'Sentencing'

Charge/s: Grievous bodily harm.

Appeal type: Application for leave to appeal against sentence and appeal against conviction.

Facts: The applicant was convicted by a jury for the grievous bodily harm of his then partner. The applicant beat his then partner so severely that she suffered a 'life-threatening subdural haematoma' (See further at [2]). He was severely intoxicated at the time of the offence. The offence was committed in breach of a domestic violence order. The appellant also pleaded guilty to several other violent offences. These offences demonstrated a history of domestic violence committed against his then partner. He was sentenced to four years' imprisonment, suspended after two years with an operational period of five years. This sentence for grievous bodily harm was 'intended to reflect the applicant's criminality for all the offences to which he had pleaded guilty' (See at [27]).

Issue/s:

1. Whether the guilty verdict was unreasonable.
2. Whether the sentence was manifestly excessive.

Decision and reasoning:

1. The appeal against conviction was dismissed – see at [21]-[25].
   Leave to appeal was refused. The applicant did not take his partner to hospital for treatment until one day after the injuries were sustained, which showed a complete disregard for her welfare. The fact that the offence was committed in breach of a domestic violence order was described as a 'matter of concern' (see at [31]). The applicant showed no remorse for the life-threatening injuries he inflicted on his partner, who is the mother of at least one of his children. Even though he had no memory of inflicting the injuries as a result of his intoxication, the Court stated that with 'sober hindsight' he ought to have been shocked at the injuries he caused (See at [31]). Deterrence was an important factor for the safety of the complainant as well as the interests of the community. The Court held at [37] that the applicant's small prospects of rehabilitation were not such as to warrant a more lenient approach. The sentence for grievous bodily harm, when considered in isolation was not excessive. Therefore, considering the fact that it was a sentence intended to take into account all of the offending behaviour, it was actually at the lower end of the range of appropriate sentences.