

## ***R v Hughes* [2012] QCA 208 (14 August 2012) – Queensland Court of Appeal**

‘Evidence’ – ‘Hearsay evidence’ – ‘Murder’ – ‘Physical violence and harm’ – ‘Relationship evidence’

Charge/s: Murder.

Appeal Type: Appeal against conviction.

Facts: The appellant was convicted by a jury of murdering her de facto partner. There was a history of domestic violence between the appellant and the deceased and multiple domestic violence orders were taken out against each other on separate occasions. (See further at [5]-[49]).

Issue/s: Whether the primary judge erred by admitting evidence of statements made by the deceased to various witnesses that he suspected the appellant had drugged him and whether the verdict was unreasonable having regard to the evidence.

Decision and Reasoning: Both grounds of appeal were dismissed. The appellant submitted that the statements made by the deceased were not admissible because no relevant inference could be drawn from them, so they were hearsay statements and therefore inadmissible. This submission was rejected – the Court held that unlike in *R v Lester* [2008] QCA 354, the statements were not ‘reports of statements made to (the deceased) by others’. Instead, they were statements about the deceased’s own physical sensations after falling asleep in an unusual manner, and came after an episode of domestic violence between the appellant and the deceased. Such evidence was relevant to the ‘deceased’s relationship with the appellant, their mutual dealings and their attitudes for each other’, and to whether the appellant drugged the deceased (See at [64]). As such, it was admissible under section 93B of the *Evidence Act 1977* as an exception to the hearsay rule. The other ground of appeal that the verdict was unreasonable having regard to the evidence was also dismissed.